

# **TITLE 8 - ZONING & DEVELOPMENT CODE**

## **Articles:**

### **ARTICLE 1 - ZONING DISTRICTS, OVERLAY, AND COMBINING DISTRICTS**

## **Chapters:**

### **CHAPTER 8.04 - ZONING GENERAL PROVISIONS**

## **Sections:**

#### **8.04.010 - Adoption of Zoning Plan.**

There is hereby adopted a Zoning Ordinance which is a precise section of the Land Use Plan Unit of the Master Plan of the County of San Mateo, State of California, and which ordinance constitutes a Zoning Ordinance under the provisions of Section 65800, et seq., of the Government Code of the State of California.

#### **8.04.020 – Purpose.**

This Zoning Ordinance is adopted to promote and protect the public health, safety, peace, morals, comfort, convenience, and general welfare, and for the accomplishment thereof is adopted for the following more particularly specified purposes:

- (a) To guide, control, and regulate the future growth and development of San Mateo County.
- (b) To protect the character and the social and economic stability of agricultural, residential, commercial, industrial, and other private and public areas within the County, and to assure the orderly and beneficial development of such areas.
- (c) To obviate the menace to the public safety resulting from the locating of buildings, and the use thereof, and the use of land, adjacent to streets and highways which are a part of the Streets and Highway Plan Unit of the Master Plan of the County, or which are important thoroughfares, in such manner as to cause interference with existing or prospective traffic movements on said streets and highways.
- (d) To provide adequate light, air, privacy, and convenience of access to property; and to secure safety from fire, inundation, and other danger.
- (e) To prevent overcrowding the land and prevent undue congestion of population.

#### **8.04.030 - Definitions.**

For the purpose of this Part, certain terms used herein are defined as follows:

All words used in the present tense shall include the future tenses; all words in the plural number shall include the singular, and all words in the singular number shall include the plural number unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot," the word "building" includes the word "structure," and the word "shall" is mandatory and not directory. The word "county" as used herein shall mean the County of San Mateo, State of California; the words "Board of Supervisors" shall mean the Board of Supervisors of the County of San Mateo, State of California; the words "Planning Commission" shall mean the County Planning Commission

of San Mateo County, State of California; and the words "County Boundary" shall mean the boundary of the County of San Mateo, State of California, or the boundary of any incorporated municipality within said County.

#### 1. ADULT BOOKSTORES, ADULT MOVIE HOUSES, AND ADULT CABARETS.

- (a) Adult bookstore: A building or portion thereof used by an establishment having as a substantial or significant portion of its stock-in-trade for sale to the public books, magazines or other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or anatomical areas.
- (b) Adult movie house: A building or portion thereof, or area, whether open or enclosed, regularly used for the presentation of motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons or customers.
- (c) Adult cabarets: A building or portion thereof, or area, regularly used for the presentation or exhibition or featuring of topless or bottomless dancers, strippers, or any entertainers regularly displaying specified anatomical areas for observation by patrons or customers.
- (d) Specified sexual activities:
  - (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human masturbation, sexual intercourse, sodomy or bestiality; or
  - (3) Fondling or other erotic handling of human genitals, pubic region, buttock or female breast.
- (e) Specified anatomical areas:
  - (1) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
  - (2) Human male genitals in a discernibly turgid state.

(Prior Code § 6102.1.5; Ord 2813 – 12/07/82)

#### 2. ADVERTISING STRUCTURE.

A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting, or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

"Advertising structure" does not include:

- (a) Official notices issued by any court or public body or officers;
- (b) Notices posted by any public office, in performance of a public duty or by any person in giving legal notice;
- (c) Directional, warning or information structures required by or authorized by law or by Federal, County, or State authority.

#### 3. AGRICULTURE.

The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying, or animal husbandry.

#### 4. AIRPORT.

Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights of way together with all airport buildings and facilities located thereon.

5. ALLEY.

A passage or way open to public travel affording generally pedestrian and/or vehicular access to abutting lots and not intended for general traffic circulation.

6. ALTER.

To make any change in any of the supporting members of a building or structure such as bearing walls, columns, beams, or girders, or to make any change or addition for which a building permit is required.

7. ANIMAL FANCIERS.

A person, business or entity who keeps at least five (5) dogs, or five (5) cats, or any combination of dogs and cats which totals five (5), not to exceed ten (10) dogs, or ten (10) cats, or any combination of dogs and cats which totals ten (10) per one-family dwelling unit.

(Prior Code § 6102.6.3; Ord 3446 – 12/15/1992)

8. APARTMENT.

A room, or suite of two or more rooms, which is designed for, intended for, or occupied by one family for living or sleeping purposes and doing its cooking therein.

9. APARTMENT COURT.

See Dwelling Group.

10.. APARTMENT HOUSE.

See also "Dwelling-Multiple." Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building. This includes flats and apartments.

11. AUTOMOBILE WRECKING YARDS.

See Junk Yard.

12. AUTOMOBILE COURT.

Dwellings or dwelling units occupying a building site integrally owned and used to furnish transient living accommodations - primarily for use of automobile travelers.

13. AUTOMOBILE TRAILER PARK.

Land where space is used, rented or offered for rent to owners or users of trailer coaches.

14. AUTO WRECKING ESTABLISHMENTS.

Premises which are so covered or enclosed that, in either case, they are not open to ordinary view and which are used for the same purposes as Automobile Wrecking Yards.

15. BAR.

Any building or structure, or any portion of a building or structure, or any premises or place where alcoholic beverages are sold, given, delivered, or consumed, or permitted to be sold, given, delivered, or consumed in compliance with the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code.

(Prior Code § 6102.13.1; Ord 2813 – 06/08/1982)

16. BASEMENT.

A story partly underground and having at least one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes, or if

used for dwelling purposes by other than a janitor or domestic servants employed in the same building including the family of the same.

17.. BED AND BREAKFAST INN

(definition for areas outside Coastal Zone only). The short term (less than 30 days) rental of not more than five (5) guest rooms and/or the providing of table board for guests, in a dwelling or otherwise, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district. When provided in a dwelling in a residential district, the bed and breakfast use shall be incidental to that of its occupancy as a dwelling of the character permitted in the respective district and shall not alter the character of the premises in respect to their use as a dwelling. See Chapter 8.324.

(Prior Code § 6102.14.1; Ord 4225 – 07/27/2004)

18. BILLBOARD.

Same as Advertising Structure.

19. BLOCK.

That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets, and railroad right-of-way, unsubdivided acreage, water course, or body of water.

20. BOARDING HOUSE.

A building or portion thereof other than a hotel or restaurant in which more than five (5) persons are furnished meals for a consideration.

21. BUILDING.

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal, or chattel. When any portion thereof is completely separated from every other portion thereof by masonry division or fire wall without any window, door, or other opening therein which wall extends from the ground to the upper surface of the roofing at every point, then each such portion shall be deemed to be a separate building.

22. BUILDING - ACCESSORY.

A detached subordinate building, the use of which is appropriate, subordinate, and customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot with the main building or use.

23. BUILDING - MAIN.

A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

24. BUILDING SITE.

The ground area of a building or buildings together with all open spaces required by this Part and which site abuts upon a public or private street.

25. BUNGALOW COURTS.

Grouped dwelling or dwelling units and their accessory buildings occupying an integrally owned building site and used for non-transient living accommodations.

26. BUSINESS OR COMMERCE.

The purchase, sale, or other transaction involving the handling or disposition (other than assembly manufacture, reduction, or destruction) of any article, substance, commodity or service for profit or livelihood including, in addition,

office buildings, offices, garages, laundries, lumber yards, outdoor advertising signs, and outdoor advertising structures, recreational and amusement enterprises conducted for profit, but not including junk yards as defined in this Part.

27. CAMP GROUNDS OR AUTOMOBILE CAMPS.

Integrally owned premises where any persons camp or live in any manner other than in a building of frame or more lasting type of construction and set upon fixed foundations, excepting automobile trailer parks as defined herein and excepting further the occasional and temporary use by a single camping party.

28. CARD ROOM.

Any building or structure, or any portion of a building or structure, or any premise or place where the lawful playing of cards is permitted, regardless of whether the tables, chairs, and other furniture and fixtures are temporary or permanent, or whether such premises are at times used for other purposes.

(Prior Code § 6102.24.1; Ord 2792 – 06/08/1982)

29. CATTERIES.

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at catteries include, but are not limited to, grooming, training, and sales of animals and supplies.

(Prior Code § 6102.24.2; Ord 3446 – 12/15/1992)

30. CLUB.

Any building or structure, or any portion of a building or structure, or any premises or place, occupied by a group of associated persons or an organization organized for social, charitable, service, fraternal, professional, or trade purposes.

(Prior Code § 6102.25; Ord 1792 – 06/08/1982)

31. COUNTRY INN.

A visitor-serving facility in a rural area, not exceeding two stories in height.

(Prior Code § 6102.25.1; Ord 2703 – 12/16/1980)

32. COURT.

An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

33. DISTRICT.

- (a) A portion of the unincorporated territory of the County within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited, or within which building heights are restricted, or certain yards and other open spaces are required, or within which certain lot areas are established, or within which a combination of such aforesaid regulations are applied, all as set forth and specified in this Part.
- (b) A portion of the unincorporated territory of the County within which are applied certain regulations designated as combining regulations as set forth in this Part.

34. DWELLING.

A building or a portion thereof used or designed and intended to be used for human habitation, including sleeping purposes.

35. DWELLING, ONE-FAMILY (SINGLE-FAMILY RESIDENCE).

(a) A building containing exclusively a single dwelling unit and built to the specifications of the Uniform Building Code (UBC) or a mobile home containing exclusively a single dwelling unit, built to the Federal Department of Housing and Urban Development (HUD) Construction Standards, on a permanent foundation system, pursuant to Section 18551 of the Health and Safety Code.

(b) All One-Family Dwellings:

1. Shall have a minimum width of 18 feet as measured by the narrowest elevation;
2. Shall not have siding which is highly reflective;
3. Shall not have finished roofing material which is highly reflective except for the employment of solar energy devices;
4. Where perimeter foundations are not installed, screening of the under-floor area shall be provided to conceal plumbing, conduit and under-floor insulation materials. Where the floor level is less than or equal to three feet above grade, screening shall extend to the ground, taking into consideration building code requirements.
5. Shall not have screening material which is highly reflective or incompatible with siding material.

(Prior Code § 6102.29; Ord 2736 – 06/23/1981)

36. DWELLING, TWO-FAMILY.

A building containing exclusively two dwelling units.

37. DWELLING, MULTIPLE.

A building or portion thereof containing three or more dwelling units, including apartment houses, apartment hotels and flats, but not including tourist courts.

38. DWELLING GROUP.

A group of two or more detached or semidetached one-family, two-family, or multiple dwellings occupying a parcel of land in one ownership or management and having any yard or court in common, including house courts, bungalow courts, apartment courts and the like, but not including tourist courts.

39. DWELLING UNIT.

A room or suite of two or more rooms which is designed for, intended for, or is occupied by, one family doing its own cooking therein and having only one kitchen.

40. ELECTRONIC AMUSEMENT DEVICES.

Any electronic machine, device, contrivance or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disk, slug, or key into any slot, receptible, crevice or other opening, or by the payment of any fee or fees, for its use as a game or contest of any description, or which may be used for any such game or contest, and the use or possession of which is not prohibited by any laws of the State of California.

(Prior Code § 6102.33.5; Ord 2796 – 09/07/1982)

41. FAMILY.

One or more persons occupying a premises and living as a single non-profit housekeeping unit as distinguished from persons occupying a hotel, club, fraternity, or sorority house. A family shall be deemed to include necessary servants.

42. FLOOR AREA OF DWELLING UNIT.

The area included within the walls enclosing each dwelling unit. The floor area shall be measured from the inside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, but shall not include unenclosed porches or balconies.

(Prior Code § 6102.34.5; Ord 2875 – 01/24/1984)

43. FREEWAY.

A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right of easement of access and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

44. FRONT WALL.

The wall of the building or other structure nearest the street upon which the building faces but excluding certain architectural features as specified in Chapter 8.340 of Title 8.

45. GARAGE, PRIVATE.

An accessory building or portion of a main building designed for the storage of self-propelled passenger vehicles, provided that the storage space does not exceed that necessary for:

- (a) In any "R-1" District: four (4) passenger automobiles for each dwelling.
- (b) In any "R-2" District: three (3) passenger automobiles for each lot and, in addition, two (2) passenger automobiles for each dwelling unit on such lot.

(Prior Code § 6102.37(b); Ord 1456 – 05/23/1961)

46. GARAGE, PUBLIC.

Any building or premises, except those herein defined as a private or storage garage, used for the storage and care, or either thereof, of self-propelled vehicles or where such vehicles are equipped for operation or repair or kept for remuneration, hire, or sale.

47. GARBAGE.

All animal and vegetable refuse or residue from kitchens, canneries, bakeries, restaurants, lunch stands, meat, fish, fruit or vegetable markets, and other food handling places, and all household waste or residue that shall result from the preparation or care for, or treatment of, foodstuffs intended to be used as food, or shall have resulted from the preparation or handling of food for human consumption or any decayed and unsound meat, fish, fruit and vegetables.

48. GARBAGE, COMMERCIAL.

Any garbage other than garbage produced upon the premises upon which hogs are kept.

49. GRADE.

- (a) For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
- (b) For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.

- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings.
- (d) All walls approximately parallel to and not more than five (5) feet from the street line shall be considered as adjoining the street.
- (e) Where no sidewalks exist, the elevation of the curb shall be substituted for sidewalk elevation in (a) and (b) above; where no curbs or sidewalks exist, the elevation of the crown of the road shall be substituted for sidewalk elevation in (a) and (b) above.

50. GUEST HOUSE.

Detached living quarters of a permanent type of construction and without kitchens or sleeping facilities.

51. GUEST ROOM.

A room which is intended, arranged, or designed to be occupied or which is occupied by one or more guests, but not including dormitories for sleeping purposes.

52. HEIGHT OF BUILDING.

The vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

53. HOG RANCH, COMMERCIAL.

Any premises where more than forty (40) head of swine are maintained, raised, fed or fattened, or where two or more head of swine are maintained, raised, fed and fattened upon commercial garbage.

54. HOME OCCUPATION.

Customary, incidental home occupations conducted within a dwelling, provided that no retail business of any sort is involved; no stock in trade is kept, or commodity sold, except for the sale of commodities made on the premises; no person not a resident of the premises is employed; and an area not larger than one-fourth (1/4) of the floor area of the ground floor of the dwelling is devoted to such home occupation; provided, however, that such home occupation shall not require internal or external alterations, or involve construction features, or use of equipment not customary in dwellings; that the entrance to the space devoted to such occupation be from within the building and that no display pertaining to such occupation be visible from the street; and

Provided, further, that only one sign or name plate, not exceeding two (2) square feet in area and containing the name and occupation only, shall be permitted in connection with each such home occupation, which sign or name plate shall be attached flat to the dwelling and shall not be illuminated.

55. HOUSE, BOARDING OR ROOMING.

A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.

56. HOUSE COURT.

A group of two (2) or more dwellings on the same premises, whether detached or in connected rows, having a separate outside entrance on the ground floor level for each family unit of such group.

57. HOUSEHOLD, LOW INCOME.

A household with an income, adjusted for household size, which does not exceed 80% of the median household income as defined by the United States Department of Housing and Urban Development for all households in the San Francisco-Oakland Standard Metropolitan Statistical Area (SMSA).

(Prior Code § 6102.48.4; Ord 2867 – 12/20/1983)

58. HOUSEHOLD, MODERATE INCOME.



A household with an income, adjusted for household size, which does not exceed 120% of the median household income as defined by the United States Department of Housing and Urban Development for all households in the San Francisco-Oakland Standard Metropolitan Statistical Area (SMSA).

(Prior Code § 6102.48.5 Ord 2867 – 12/20/1983)

59. HOUSING, AFFORDABLE.

Housing with a contract rent or price which is affordable by low and moderate income households.

(Prior Code § 6102.48.6; Ord 2867 – 12/20/1983)

60. HOUSING FOR THE DISABLED.

Housing which accommodates persons who are disabled.

(Prior Code § 6102.48.7; Ord 2867 – 12/20/1983)

61. HOUSING FOR THE ELDERLY.

Housing which exclusively accommodates persons 62 years of age or older.

(Prior Code § 6102.48.8; Ord 2867 – 12/20/1983)

62. HOUSING, RENTAL.

Any unit in any real property, including the land appurtenance thereto, rented or available for rent for residential use or occupancy.

(Prior Code § 6102.48.9; Ord 2867 – 12/20/1983)

63. HOTEL.

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

64. HYDROMODIFICATION.

Hydromodification is broadly defined as altering the hydrologic characteristics of water bodies to cause degradation of water resources. However, for the purpose of administering LCP policy, hydromodification shall mean any condition which, as a consequence of new impervious surface development and the construction of storm drainage systems, rainwater can no longer infiltrate into the soil and flows off-site in greater volume and erosive velocity than occurred under pre-project conditions to cause natural creeks or earthen channels to erode excessively, enlarge or otherwise change their configuration. The effects of this additional erosion, i.e., hydromodification, can include degradation of stream habitat, loss of water quality and property damage.

(Prior Code § 6102.49.05; Ord 4570 – 05/24/2011)

65. INSTITUTIONAL USE.

Any school, hospital or public works facility.

(Prior Code § 6102.49.1; Ord 2703 – 12/16/1980)

66. JUNK YARD.

Premises on which more than two hundred (200) square feet of the area thereof is used for the storage of junk, including scrap metal or other scrap material.

67. KEEPING OF PETS.

The raising or maintaining of domestic animals, including birds, that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses and livestock, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4) are kept per one-family dwelling unit; and (b) no more than twelve (12) of any other domestic animal, including birds, is kept per one-family dwelling unit. The number of fish, reptiles, birds and other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

The number of domestic poultry is subject to Chapter 8.380 of the San Mateo County Development Code.

(Prior Code § 6102.50.1; Ord 3446 – 12/15/1992)

(Prior Code § 6102.50.1; Ord 4509 – 07/27/2010)

#### 68. KENNELS.

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at kennels include, but are not limited to, grooming, training, and sales of animals and supplies.

(Prior Code § 6102.50.2; Ord 3446 – 12/15/1992)

#### 69. KITCHEN.

Any room used, or intended, or designed to be used for cooking and preparing food.

#### 70. LARGE COLLECTION FACILITIES FOR RECYCLABLE MATERIALS.

A large collection facility may occupy an area of more than 500 square feet, and accepts recyclable materials in large quantities for storage and shipment. These facilities may include permanent structures.

(Prior Code § 6102.51.1; Ord 3131 – 12/15/1987)

#### 71. LIMITED KEEPING OF PETS.

The raising or maintaining of domestic birds or animals, excluding exotic animals, horses and livestock, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4); and (b) no more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit, or per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

The number of domestic poultry is subject to Chapter 8.380 off the San Mateo County Development Code.

(Prior Code § 6102.51.2; Ord 3446 – 12/15/1992)

(Prior Code § 6102.51.2; Ord 4509 – 07/27/2010)

#### 72. LIVESTOCK.

Domestic animals, excluding dogs and cats, that are customarily kept for productive home use or for profit, including, but not limited to, cows, sheep, pigs, or goats.

(Prior Code § 6102.51.3; Ord 3446 – 12/15/1992)

#### 73. LOADING SPACE.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

74. LOT.

A parcel of land occupied or to be occupied by a use, building, or unit group of buildings and accessory buildings and uses together with such yards, open spaces, lot width, and lot area as are required by this Part and fronting upon a street or a private easement determined by the Commission to be adequate for purposes of access.

75. LOT OF RECORD.

Land held in separate ownership as shown on the records of the County Recorder (at the time of the passage of the ordinance establishing the zoning district in which the lot is located).

76. LOT, CORNER.

A lot not greater than one hundred (100) feet in width and located at the junction of two (2) or more intersecting streets.

77. LOT, CORNER, REVERSED.

A corner lot which rears upon the side of another lot whether across an alley or not.

78. LOT DEPTH.

The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

79. LOT LINES.

The lines bounding a lot as defined herein.

80. LOT LINE, FRONT.

In the case of an interior lot, a line separating the lot from the street and, in the case of a corner lot, a line separating the narrowest lot frontage of the lot from the street.

81. LOT LINE, REAR.

Ordinarily, that line of a lot which is generally opposite and most distant from the front line of said lot. In the case of a triangular or gore shaped lot, a line ten (10) feet in length within the lot parallel to and at the maximum distance from the front line of the lot. In cases in which these definitions are not applicable, the Zoning Administrator shall designate the rear lot line.

82. LOT LINE, SIDE.

Any lot boundary not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

83. LOT WIDTH.

The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

84. MEETING HALL.

Any building or structure, or any portion of a building or structure, or any premises or place where people are permitted to congregate or meet for social, service, fraternal, recreational, professional or trade purposes, regardless of whether or not such premises are used for any other additional purposes.

(Prior Code § 6102.62.5; Ord 2792 – 06/08/1982)

85. MOTEL-MOTOR COURT.

Same as Tourist Court.

86. NON-CHARTERED FINANCIAL INSTITUTION.

A Non-Chartered Financial Institution is defined as a use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term non-chartered financial institution.

(Prior Code § 6102.63.1; Ord 4621 – 06/26/2012)

87. NON-CONFORMING.

A building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time the regulations with which it does not conform became effective.

88. NUISANCE.

Anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay streams, canal, or basin, or any public park, square, street, or highway.

(Prior Code § 6102.64.3; Ord 2792 – 06/08/1982)

89. OPERATOR OF BAR, CARD ROOM, CLUB, MEETING HALL.

Any person who shall as owner, lessee, employee, agent, or otherwise, operate, keep, maintain, permit or allow to be operated or maintained any bar, card room, club or meeting hall in or upon any building or structure or any portion of a building or structure, or any premises or place.

(Prior Code § 6102.64.5; Ord 2792 – 06/08/1982)

90. ORDINARY HIGH WATER LEVEL.

A line on a creek or river bank that reflects the normal high water mark experienced over time. The Ordinary High Water Level is usually about 3-4 feet above the normal base water flow. The ordinary high water mark must be identified by a licensed surveyor (or engineer, geologist, or landscape architect), consistent with the Army Corps of Engineers standards, and approved by the Director of Planning and Building or their designee. This definition does not apply within the Coastal Zone, until and unless adopted as part of a Local Coastal Program Amendment.

(Prior Code § 6102.64.6; Ord 4632 – 09/11/2012)

91. OUTDOOR ADVERTISING.

Any card, cloth, paper, metal, wooden, plastic, or painted sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure, advertising, or thing, either privately or publicly owned; provided, however, that "outdoor advertising" does not include:

- (a) Official notices issued by any court or public body or officer;
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice;

- (c) Directional, warning or information signs or structure required by or authorized by law or by Federal, State or County authority;
- (d) The tree, wall, bush, rock, fence, building, structure, or thing upon which the sign is placed, other than an advertising structure as defined herein.

92. PARKING SPACE.

Automobile - Space within a building or a private or public parking area, exclusive of driveways, ramps, columns, office and work areas, for the parking of one (1) automobile.

93. PARCEL OF LAND.

A contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person.

94. PET SALES AND/OR GROOMING ESTABLISHMENTS.

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

(Prior Code § 6102.67.1; Ord 3446 – 12/15/1992)

95. PERSON.

Any individual, firm, co-partnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this, and any other county, county and city, municipality, district, or other political subdivision or any other group or combination acting as a unit.

96. PROCESSING FACILITIES FOR RECYCLABLE MATERIALS.

A processing facility is a building or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for shipment by means such as baling, briquetting, crushing, grinding, sorting, shredding or remanufacturing.

(Prior Code § 6102.68.1; Ord 3131 – 12/15/1987)

97. POULTRY.

Domestic fowl customarily kept for productive home use or for profit including, but not limited to, chickens, roosters, turkeys, ducks, or geese.

(Prior Code § 6102.68.2; Ord 3446 – 12/15/1992)

(Prior Code § 6102.68.2; Ord. 3131 – 12/15/1987)

98. PUBLIC FACILITIES.

Public facilities include facilities and grounds owned or operated by park and recreation districts, schools, fire departments, churches, municipal institutions, and community organizations including clubs, lodges and similar uses.

99. QUARRY.

Premises from which rock, sand, gravel, stone, earth other than topsoil, or mineral is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future. Provided, however, that not to exceed 100 cubic yards of material may be removed from any one building site, after a permit has been secured from the County Building Inspector for the construction of a permanent structure on the same site, without said operation being construed to be a quarry and coming within the provisions of this Part.

#### 100. RECYCLABLE MATERIAL.

Recyclable material is reusable material including but not limited to metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials.

(Prior Code § 6102.69.1; Ord 3131 – 12/15/1987)

#### 101. RESIDENTIAL DAY CARE FACILITIES FOR CHILDREN (FAMILY DAY CARE HOMES).

Licensed facilities in a building containing a dwelling unit(s) in which non-medical care, protection, and supervision of children are regularly provided in the provider's own residence for a period of less than 24 hours a day while parents or guardians are away. Includes small family day care homes (1-6 children) and large family day care homes (7-12 children).

(Prior Code § 6102.69.2; Ord 3131 – 12/15/1987)

(Prior Code § 6102.69.2; Ord 3684 – 11/14/1995)

(Prior Code § 6102.69.2; Ord 3684 – 11/14/1995)

#### 102. REVERSE VENDING MACHINES FOR RECYCLABLE CONTAINERS.

Reverse vending machines are automated mechanical devices which accept one or more types of empty beverage containers and issue a cash refund or redeemable coupons.

#### 103. SIGN.

Any card, cloth, paper, metal, painted, plastic, or wooden sign of any character placed for outdoor advertising purposes, on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned, other than an advertising structure. "Sign" does not include:

- (a) Official notices issued by any court or public body or officer;
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice;
- (c) Directional, warning or information signs or structures required by or authorized by law or by Federal, State or County authority.

#### 104. SIGN, AREA.

Area of sign shall be computed by multiplying the maximum height of sign by the maximum length. Exceptions to this provision may be granted by the Planning Commission when unusual hardship would result from its strict application.

#### 105. SKYLINE AREA.

The Skyline Area is that portion of the unincorporated area of San Mateo County lying west of the easterly boundary of the Skyline Scenic Corridor and east of the Coastal Zone boundary as established by the Coastal Act of 1976, south of State Highway 92 and north of the Santa Cruz and Santa Clara County lines, and also the portion of the unincorporated area of the County lying east of Skyline Boulevard and south of the southerly limits of the Town of Portola Valley but excluding lands in the vicinity of the Vista Verde and Los Trancos Woods subdivisions which were zoned for residential use on June 1, 1983. A map of the Skyline Area is on file in the Planning Department and with the Clerk of the Board of Supervisors.

(Prior Code § 6102.71.1; Ord 2831 – 06/14/1983)

#### 106. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS.

A small collection facility occupies an area of not more than 500 square feet, is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary.

(Prior Code § 6102.71.2; Ord 3131 – 12/15/1987)

107. SMALL LIVESTOCK FARMING.

The raising and/or keeping of more than twelve (12) chicken hens or twelve (12) pigeons or pheasants or twelve (12) similar fowl and/or twelve (12) rabbits, chinchillas, hamsters, guinea pigs, or twelve (12) similar animals or any roosters, quacking ducks, geese, guinea fowls, peafowl, goats, sheep or similar livestock; or the raising and/ or keeping for commercial purposes any cats; provided that the term “small livestock farming” as used in this Part shall not include commercial kennels, hog farming, dairying or the raising and/or keeping of horses, mules, or similar livestock as determined by the Planning Commission.

108. STORY.

A space in a building between the surface of any floor including a basement floor and the surface of the floor or roof next above but not including any attic or under floor space.

109. STREET.

A public or private right of way dedicated or conveyed as such or condemned or otherwise acquired for use as such, other than an alley, which affords the principal means of access to abutting property.

110. STAND.

Means a structure for the display and sale of products with no space for customers within the structure itself.

111. STRUCTURE.

Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including a tent or vehicle.

112. STRUCTURAL ALTERATIONS.

Any change which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams, or girders.

113. TOP OF SIDE SLOPE.

The first major transitional change in the slope of the incline from the ordinary high water level of a water body to the surrounding terrain. In a case where there is a step-like feature at the top of side slope, the landward edge of the topmost riser shall be taken to be the top of side slope. The top of side slope must be delineated by a licensed surveyor (or engineer, architect, or landscape architect) and approved by the Director of Planning and Building or their designee. In cases where the top of side slope is difficult to determine or does not exist, then a distance of 5 feet from the ordinary high water level shall be considered the top of slope. This definition does not apply within the Coastal Zone, until and unless adopted as part of a Local Coastal Program Amendment.

(Prior Code § 6102.78; Ord 4632 – 09/11/2012)

(Prior Code § 6102.78.1; Ord 4632 – 09/11/2012)

114. TOP SOIL.

The immediate surface area of land, consisting either of topsoil or subsoil.

115. TOP SOIL SITE.

Premises from which any topsoil is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future.

Provided, however, that not to exceed 25 cubic yards of topsoil may be removed from any one building site after a permit has been secured from the County building inspector for the construction of a permanent structure of the same site without said operation being construed to be topsoil site and coming within the provisions of this Part.

116. TOURIST COURT. (Motel-Motor Court).

A group of attached buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage attached or parking space conveniently located on the lot and which is designed, used, or intended wholly or in part for the accommodation of automobile transients. Tourist Courts include auto courts, motels, and motor lodges.

117. TRAILER.

A vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property including a trailer coach or house trailer.

118. USE.

The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

119. USE, ACCESSORY.

A use incidental and accessory to the principal use of a lot or a building located upon the same lot as the accessory use. Accessory uses include, but are not limited to, the keeping of pets or limited keeping of pets, as applicable.

(Prior Code § 6102.83; Ord 3446 – 12/15/1992)

120. VETERINARY HOSPITALS FOR SMALL ANIMALS.

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

(Prior Code § 6102.83.1; Ord 3446 – 12/15/1992)

121. VETERINARY HOSPITALS FOR LARGE ANIMALS.

Establishments where all types of animals, including horses and livestock, are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

(Prior Code § 6102.83.2; Ord 3446 – 12/15/1992)

122. WORKING DAY(S).

Every day that the Planning and Building Division is open for business.

(Prior Code § 6102.83.3; Ord 4158 – 02/25/2003)

123. YARD.

Any space on a lot other than a court which is open and unobstructed from the ground to the sky except for incidental projections permitted by this Part.

124. YARD, FRONT.

A yard extending across the full width of the lot, the depth of which is measured horizontally from the front lot line to the nearest wall of any main building or structure upon the lot.



125. YARD, REAR.

A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

126. YARD, SIDE.

A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard.

#### **8.04.040 - Nature And Interpretation Of Zoning Ordinance**

- (a) This Zoning Ordinance establishes various districts within the unincorporated territory of said County within some, all or none of which it shall be lawful, and within some, all or none of which it shall be unlawful to erect, construct, alter, or maintain certain buildings or structures or to carry on certain trades or occupations, or to conduct certain uses of land or buildings; within which the height and bulk of buildings shall be limited; within which certain open spaces shall be required about buildings and consisting further, of additional appropriate regulations to be enforced in such district, as set forth herein.
- (b) In their interpretation and application, provisions of this Part shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. It is not intended to impair, or interfere with any private restrictions placed upon property by covenant or deed; provided, however, that where this Part imposes a greater restriction upon the use of buildings, structures, or premises, or upon the heights of buildings or requires larger yards, courts or other open spaces than are imposed or required by such private restrictions, the provisions of this Part shall control.

#### **8.04.050 - Establishment Of Zoning Administrator**

- (a) The Director of Planning is the Zoning Administrator. They may appoint in writing an assistant to act as the Zoning Hearing Officer, who may exercise all of the powers of the Zoning Administrator. The Zoning Administrator may refer any matter directly to the Planning Commission when, in their opinion, such action will be in the public interest.
- (b) DUTIES: The Zoning Administrator shall be empowered to hear and decide the following matters and such other matters as the Board of Supervisors upon advice of the Planning Commission may, from time to time, authorize by resolution.
  - 1. All variances from the strict interpretation of the Zoning Ordinance.
  - 2. Exceptions to off-street parking requirements.
  - 3. All permit renewals except for quarries. Timber harvesting renewals shall be processed as provided for by the Timber Harvesting Ordinance.
  - 4. All use permits where development criteria and processing procedures have been adopted by the Board of Supervisors or the Planning Commission, by ordinance or policy statement, such as permits for grading, auto wrecking, kennels, stables, turkey raising, commercial feed lots, on-premise signs and removal of abandoned, wrecked, dismantled or inoperative vehicles.
  - 5. Annual review of use permits conditions.
  - 6. In the R-1, R-2, R-3, RE, RH, RM and combining districts, an exception to the site development regulations for construction of residential home improvements and minor additions.

Projects where Environmental Impact Reports are required by the Environmental Quality Control Act of 1970 shall not be heard by the Zoning Administrator but shall be referred to the Planning Commission.

- (c) APPLICATIONS: Applications shall be made on standard forms supplied by the Zoning Administrator. They may prescribe the form and scope of all applications and establish filing deadlines subject to any provisions of State statutes or County ordinances or policies.
- (d) FILING FEES: Applications for action by the Zoning Administrator shall be accompanied by the fees set forth in the San Mateo County Ordinance Code as may cover the activities for which application is made.
- (e) FILING OF APPLICATIONS, NOTICES, AND SETTING FOR PUBLIC HEARING: Upon the filing of an application, the Zoning Administrator shall set the matter for public hearing and such hearing shall be within thirty days of the filing of such application. Public notice of said such hearing shall be given in the same manner as for hearings held by the Planning Commission. Hearings shall be held at regular, announced intervals designated by the Zoning Administrator. Hearings shall be held at the County seat unless for good cause shown they should be held elsewhere in the County.
- (f) HEARINGS: At the time and place set for public hearing, the Zoning Administrator shall hear evidence for and against each application, shall make findings as required by law and shall take such action as in their opinion is indicated by such evidence. Applicants shall bear the same burdens of proof as provided for by State statute or County ordinance and policies. The quantum of proof shall be as required by State Statute or County ordinance or policies. Each hearing shall be open to the public. The Zoning Administrator may continue from time to time any hearing held by them.
- (g) FINDINGS: The Zoning Administrator shall make all necessary findings for granting or denying any application as are required by law.
- (h) DECISIONS: A decision may be rendered at the hearing or be taken under advisement. In any event unless continued for further hearing, a decision shall be rendered by the Zoning Administrator within ten days after conclusion of the public hearing. Written notice of the decision shall be mailed to the applicant by first-class mail at the address set forth in the application and to any other person who has filed a written request therefor with the Zoning Administrator.
- (i) RULES OF PROCEDURE: The Zoning Administrator shall operate under the same rules of procedure, insofar as they are applicable, as those adopted by the Planning Commission.
- (j) APPEALS: All decisions of the Zoning Administrator or the Zoning Hearing Officer acting in their stead shall be subject to appeal by the applicant or any interested party to the Planning Commission within 10 working days of the decision. Appeals shall be by written notice on a form provided by the Zoning Administrator. The fee for such appeal shall be the same as for filing an appeal from a decision of the Planning Commission, as set forth in Chapter 8.448 of the Development Code. Appeals from decision of the Planning Commission may be had to the Board of Supervisors in accordance with the provisions of the San Mateo County Ordinance Code.
- (k) INTERPRETATION: In furtherance of this ordinance, the term "Planning Commission" when it appears in the San Mateo County Ordinance Code shall be interpreted to mean "Zoning Administrator" or "Zoning Hearing Officer" where such meaning is appropriate in the context of this ordinance. In no event shall the right to appeal be abrogated by such interpretation.

(Prior Code § 6104; Ord 2185 – 02/06/1973)

(Prior Code § 6104(b)(4); Ord 3064 – 05/06/1986)

(Prior Code § 6104(b)(6); Ord 3690 – 11/21/1995)

(Prior Code § 6104(j); Ord 4158 – 02/25/2003)

## **CHAPTER 8.08 – DISTRICTS**

### **8.08.010 - Designation Of Districts.**

The districts established by this Part are as follows:

#### **DISTRICT:**

R-E	Residential Estates Districts
R-1	One-Family Residential Districts
R-1/CCP	One-Family Residential/Country Club Park
R-2	Two-Family Residential Districts
R-3	Multiple-Family Residential Districts
R-3-A	Affordable Housing Districts
PUD	Planned Unit Development Districts
A-1	Agricultural Districts
A-2	Exclusive Agricultural Districts
A-3	Floricultural Districts
COSC	Community Open Space Conservation Districts
EG	El Granada Districts
P	Parking Districts
H-1	Limited Highway Frontage Districts
O	Office Districts
C-1	Neighborhood Business Districts
C-1/NFO	Neighborhood Business District/North Fair Oaks
C-1/WMP	Neighborhood Business District/West Menlo Park
C-2	General Commercial Districts
C-2/NFO	General Commercial District/North Fair Oaks
CCR	Coastside Commercial Recreation Districts
M-1	Light Industrial Districts
M-1/EDISON/NFO	Light Industrial District/Edison Way/North Fair Oaks
M-1/NFO	Light Industrial District/North Fair Oaks
M-2	Heavy Industrial Districts
W	Waterfront Districts

I/NFO	Institutional/North Fair Oaks
RM	Resource Management Districts
PAD	Planned Agricultural Districts
TPZ	Timberland Preserve Districts
RH	Residential Hillside Districts
RM-CZ	Resource Management-Coastal Zone Districts
TPZ-CZ	Timberland Preserve-Coastal Zone Districts
PC	Planned Colma District

(Prior Code § 6110; Ord. 2704, 12/16/80)

(Prior Code § 6110; Ord. 2862, 12/13/83)

(Prior Code § 6110; Ord. 3602, 09/27/94)

(Prior Code § 6110; Ord. 3918, 07/27/99)

### **8.08.020 - Combining Districts.**

In addition to the foregoing districts, there are hereby established, for combination with the districts set forth in Section 8.08.010 above, certain districts as follows:

**DISTRICT:**

S-1	Residential Density District Number 1
S-2	Residential Density District Number 2
S-3	Residential Density District Number 3
S-4	Residential Density District Number 4
S-5	Residential Density District Number 5
S-6	Residential Density District Number 6
S-7	Residential Density District Number 7
S-8	Residential Density District Number 8
S-9	Residential Density District Number 9
S-10	Residential Density District Number 10
S-11	Residential Density District Number 11
S-12	Residential Density District Number 12
S-13	Residential Density District Number 13
S-17	Residential Density District Number 17
S-50	Residential Density District Number 50 (North Fair Oaks)
S-71	Residential Density District Number 71 (Devonshire)

S-72	Residential Density District Number 72 (West Menlo Park)
S-73	Residential Density District Number 73 (North Fair Oaks)
S-74	Residential Density District Number 74 (Selby Neighborhood - Sequoia Tract)
S-75	Residential Density District Number 75 (Weekend Acres)
S-81	Residential Density District Number 81 (San Mateo Highlands)
S-82	Residential Density District Number 82 (West Menlo Park)
S-83	Residential Density District Number 83 (Los Trancos Woods)
S-90	Residential Density District Number 90 (Menlo Oaks)
S-91	Residential Density District Number 91 (Palomar Park)
S-92	Residential Density District Number 92 (West Menlo Park)
S-93	Residential Density District Number 93 (North Fair Oaks)
S-94	Residential Density District Number 94 (Midcoast)
S-95	Residential Density District Number 95 (Ladera)
S-100	Residential Density District Number 100 (Menlo Oaks)
S-101	Residential Density District Number 101 (Palomar Park)
S-102	Residential Density District Number 102 (Devonshire)
S-104	Residential Density District Number 104 (Ladera)
S-105	Residential Density District Number 105 (Midcoast)
S-106	Residential Density District Number 106 (Ladera)
S-108	Residential Density District Number 108 (Los Trancos Woods)
S-110	Residential Density District Number 110 (Ladera)
AO	Airport Overlay District
CD	Coastal Development Districts
DR	Design Review Districts
GH	Geologic Hazards District
E	Entertainment Overlay District

(Prior Code § 6111; Ord. 1483, 10/10/61)

(Prior Code § 6111; Ord. 2704, 12/16/80)

(Prior Code § 6111; Ord. 2862, 12/13/83)

(Prior Code § 6111; Ord. 3320, 04/29/91)

(Prior Code § 6111; Ord. 3602, 09/27/94)

(Prior Code § 6111; Ord. 3843, 08/04/98)

(Prior Code § 6111; Ord. 3844, 08/04/98)

(Prior Code § 6111; Ord. 3918, 07/27/99)

(Prior Code § 6111; Ord. 3972, 07/11/00)

(Prior Code § 6111; Ord. 3973, 07/11/00)

(Prior Code § 6111; Ord. 3974, 07/11/00)

(Prior Code § 6111; Ord. 3975, 07/11/00)

(Prior Code § 6111; Ord. 3979, 08/08/00)

(Prior Code § 6111; Ord. 3980, 08/08/00)

(Prior Code § 6111; Ord. 4241, 12/07/04)

(Prior Code § 6111; Ord. 4384, 09/11/07)

(Prior Code § 6111; Ord. 4387, 09/11/07)

(Prior Code § 6111; Ord. 4591, 11/15/11)

### **8.08.030 - Establishment Of Districts.**

- (a) The districts listed in Sections 8.08.010 and 8.08.020 of this Chapter are hereby established insofar as their designations, locations, and boundaries are set forth and indicated in Zoning Maps which comprise Section 8.08.060 of this Part. These Zoning Maps show the designation, locations, and boundaries of each adopted district, and the location and depth of certain setback lines.
- (b) An index map to the Zoning Maps constitutes Section 8.08.050 of this Chapter, and all notations, references, data, and other information shown thereon are made a part of this Part.

(Prior Code § 6112; Ord. 2862, 12/13/83)

### **8.08.040 - DISTRICT BOUNDARIES.**

Where uncertainty exists as to the boundaries of any of the aforesaid districts as described as aforesaid or as shown on said sectional district maps, the following rules shall apply:

- (a) Where such boundaries are indicated as following streets and alleys, the centerlines of such streets and alleys shall be construed to be such boundaries.
- (b) Where such boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.
- (c) In unsubdivided property or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown upon said sectional district maps, shall be determined by the use of the scale appearing on such sectional district maps.
- (d) In case further uncertainty exists, the Planning Commission upon written application or upon its own motion shall determine the exact location of such boundaries.

### **8.08.050 - Index Map.**

This section incorporates the Index Map for the series of maps making up the Zoning Maps which delineate the County's Zoning Districts established in Section 8.08.060.

(Prior Code § 6114, Ord. 2862, 12/13/83)

### **8.08.060 - Sectional District Maps.**

A series of Zoning Maps is established by this section which delineate the County's Zoning Districts established by Section 8.08.030 and named in Sections 8.08.010 and 8.08.020. These maps are separately published.

(Prior Code § 6115; Ord. 2862, 12/13/83)

(Prior Code § 6115; Ord. 3845, 08/04/98)

(Prior Code § 6115; Ord. 3899, 04/20/99)

(Prior Code § 6115; Ord. 4156, 02/04/03)

(Prior Code § 6115; Ord. 4242, 12/07/04)

(Prior Code § 6115; Ord. 4252, 02/08/05)

(Prior Code § 6115; Ord. 4282, 11/08/05)

(Prior Code § 6115; Ord. 4296, 03/07/06)

(Prior Code § 6115; Ord. 4344, 11/14/06)

(Prior Code § 6115; Ord. 4347, 11/14/06)

(Prior Code § 6115; Ord. 4358, 01/23/07)

(Prior Code § 6115; Ord. 4385, 09/11/07)

(Prior Code § 6115; Ord. 4386, 09/11/07)

(Prior Code § 6115; Ord. 4395, 10/2/07, CC 11/16/07)

(Prior Code § 6115; Ord. 4407, 02/05/08)

(Prior Code § 6115; Ord. 4481, 10/06/09)

(Prior Code § 6115; Ord. 4497, 04/27/10)

(Prior Code § 6115; Ord. 4529, 11/30/10)

(Prior Code § 6115; Ord. 4543, 03/15/11)

(Prior Code § 6115; Ord. 4562, 05/24/11), CC 08/08/12, effective CZ 09/07/12

(Prior Code § 6115; Ord. 4565, 05/24/11, CC 08/08/12 and effective in CZ 09/07/12

(Prior Code § 6115; Ord. 4569, 05/24/11, CC 08/08/12 and effective in CZ 09/07/12

### **8.08.070 - Effect Of Establishment Of Districts.**

Except as hereinafter otherwise provided:

- (a) No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged nor shall any land, building or structure, or premises be used, designed or intended to be used for any purpose or in any manner other than those included among the uses hereinafter listed as permitted in the district in which such building or structure, land, or premises is located.
- (b) No building or structure shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the district in which such building or structure is located.
- (c) No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged, or rebuilt except in conformity to the lot area, yard, court, and building or structure location regulations hereinafter set forth for the district in which such building or structure is located.
- (d) No yard or other open space provided about any building for the purpose of complying with the provisions of this Part shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- (e) No parking area or garage space provided on a lot for the purpose of complying with provisions of this Part shall be reduced in area or capacity or be considered as providing parking area or garage space, or yard, court, or other open space required for any building or use on any other lot except as hereinafter provided.
- (f) No lot or other premises shall be divided, subdivided or otherwise reduced to result in an area less than the minimum lot area specified by this Part for the district in which such lot is situated. Any division of property made in violation of this provision or in violation of the provisions of San Mateo County Ordinance No. 595 or the Subdivision Map Act shall not be recognized for the purposes of determining lots, parcels or building sites in the application of this Part.

## ***CHAPTER 8.12 – RE, RESIDENTIAL ESTATES***

### **8.12.010 - Regulations for the “R-E” Districts.**

The following regulations shall apply in all “R-E” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.12.020 - Uses Permitted.**

- (a) One-family dwellings.
- (b) Public parks and playgrounds.
- (c) Crop and tree farming and truck gardening.
- (d) Home occupations.
- (e) Accessory buildings and accessory uses, including servants’ quarters and one non-commercial guest house, provided, however, that such accessory buildings shall not be constructed until the main building shall have been constructed.
- (f) Nurseries and greenhouses used only for the propagating and cultivating of plants, provided that no retail sale be allowed.
- (g) (1) Keeping of pets in association with a one-family dwelling.  
(2) Limited keeping of pets in association with a second unit.



(3) On parcels of at least 2,500 sq. ft. in size, and in compliance with the conditions set forth in Chapter 8.380 of the San Mateo County Development Code, the keeping of no more than six (6) of the following domestic poultry: chicken and ducks. Roosters are prohibited.

On parcel sizes exceeding 7,500 sq. ft., and in compliance with the conditions set forth in Chapter 8.380 of the San Mateo County Development Code, the keeping of no more than ten (10) of the following domestic poultry: chickens and ducks. Roosters are prohibited.

(h) (1) Animal Fanciers in association with a one-family dwelling, subject to an animal fanciers' permit issued in accordance with County Ordinance Code, Title 6, Section 6.16.

(2) Catteries in association with a one-family dwelling, subject to a kennel/cattery permit issued in accordance with County Ordinance Code, Title 6, Section 6.20.

i) The following uses subject to securing a use permit in each case:

(1) Schools, libraries, fire stations, churches, and keeping of confined animals.

(2) Golf courses with standard length fairways, and other non-commercial clubs.

(Prior Code § 6151(g); Ord 3422 – 11/10/92)

(Prior Code § 6151(g)(3) Ord 4511 – 07/27/10)

(Prior Code § 6151(h); Ord 3422 – 11/10/92)

(Prior Code § 6151(i); Ord 3791 – 10/21/97)

(Prior Code § 6151(i); Ord 3791 – 10/21/97)

(Prior Code § 6151(i); Ord 4844 – 05/04/21)

(Prior Code § 6151(j); Ord 4075 – 11/06/01)

### **8.12.030 Second Dwelling Units.**

See Chapter 8.392 for provisions to allow second dwelling units to locate in the R-E Zoning District.

(Prior Code § 6152, 6153, 6154; Ord 1483 – 10/10/61)

(Prior Code § 6152; Ord 3038 – 06/18/85)

## **CHAPTER 8.16 – R1, ONE-FAMILY RESIDENTIAL DISTRICTS**

### **8.16.010 – Regulations for “R-1” District.**

The following regulations shall apply in all “R-1” districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.16.020 - Uses Permitted.**

(a) One-family dwellings.

(b) Public parks and public playgrounds.

- (c) Crop and tree farming and truck gardening.
- (d) Home occupations.
- (e) Accessory buildings and accessory uses appurtenant to a residential use, provided, however, that such accessory buildings shall not be constructed until the main building shall have been constructed.
- (f) (1) Keeping of pets in association with a one-family dwelling.  
(2) Limited keeping of pets in association with a second unit.
- (g) (1) Animal Fanciers in association with a one-family dwelling, subject to an animal fanciers' permit issued in accordance with County Ordinance Code, Title 6, Chapter 6.16 .  
(2) Catteries in association with a one-family dwelling, subject to a kennel/cattery permit issued in accordance with County Ordinance Code, Title 6, Chapter 6.20.  
(3) On parcels of at least 2,500 sq. ft. in size, and in compliance with the conditions set forth in Title 8, Chapter 8.380 of the San Mateo County Ordinance Code, the keeping of no more than six (6) of the following domestic poultry: chicken and ducks. Roosters are prohibited.  
  
On parcel sizes exceeding 7,500 sq. ft., and in compliance with the conditions set forth in Title 8, Chapter 8.380 of the San Mateo County Ordinance Code, the keeping of no more than ten (10) of the following domestic poultry: chicken and ducks. Roosters are prohibited.
- (h) Reverse vending machines at public facilities.
- (i) Small collection facilities for recyclable materials at public facilities, subject to obtaining a building permit, provided that there is no additional mechanical processing equipment on site, that collection facilities shall not be located within 50 feet of a residence, nor decrease traffic or pedestrian circulation or the required number of on-site parking spaces for the primary use, and all litter and loose debris shall be removed on a daily basis.
- (j) The following uses subject to securing a use permit in each case:
  1. Churches, schools, libraries and fire stations.
  2. Golf courses with standard length fairways and country clubs.
  3. Non-commercial clubs.
  4. Nurseries and greenhouses used only for the propagating and cultivating of plants, provided that no retail sales shall be allowed. The granting of such use permits shall generally be confined to those areas of the County in which the nurseries and greenhouses are already established, and use permits granted to applicants presently operating such greenhouses and nurseries shall normally cover the proposed future development of all property owned or controlled by the applicant.
  5. A second residential unit on a parcel at least 7,000 sq. ft. in size in the Coastal Zone.
- (k) Keeping of confined animals.
- (m) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 8.368.

(Prior Code § 6161(f); Ord 3423 – 11/10/92)

(Prior Code § 6161(g); Ord 3423 – 11/10/92)

(Prior Code § 6161(g)(3); Ord 4511 – 07/27/10)

(Prior Code § 6161(h): Ord 1427 – 09/27/60)

(Prior Code § 6161(h)(5); Ord 2705 – 12/16/80)

(Prior Code § 6161(h); Ord 3131 – 12/15/87)  
(Prior Code § 6161(i); Ord 3131 – 12/15/87)  
(Prior Code § 6161(h), (i), (j); Ord 3157 – 09/13/88)  
(Prior Code § 6161(i); Ord 3791 – 10/21/97)  
(Prior Code § 6161(i); Ord 3791 – 10/21/97)  
(Prior Code § 6161(i); Ord 4844 – 05/04/21)  
(Prior Code § 6161(l); Ord 4075 – 12/06/01)  
(Prior Code § 6161(m); Ord 4777 , 06/06/2017)

### **8.16.030 - Second Dwelling Units.**

See Chapter 8.392 and 8.392 (Coastal Zone) for provisions to allow second dwelling units to locate in the R-1 Zoning Districts.

(Prior Code § 6162, 6163, 6164; Ord 1483 – 10/10/61)  
(Prior Code § 6162; Ord 2877 – 01/24/84)  
(Prior Code § 6162; Ord 3057 – 03/04/86)

## ***CHAPTER 8.20 – R1-CCP, COUNTRY CLUB PARK***

(Prior Code § 61; Ord 3563 – 04/05/94)

### **8.20.010 - Purpose.**

The purposes of the One-Family Residential/Country Club Park District are to:

1. Provide residential areas intended primarily for the location of one-family dwellings, accessory structures and uses.
2. Protect the health, safety and welfare of residential inhabitants by restricting incompatible land uses.
3. Achieve an appropriate balance of residential and institutional uses to serve the needs of Country Club Park residents.
4. Implement the policies of the San Mateo County General Plan.

### **8.20.020 - Application.**

The following regulations shall apply to all land identified by the San Mateo County General Plan-Land Use Plan Map as Country Club Park, and zoned One-Family Residential/Country Club Park (R-1/CCP).

### **8.20.030 Definitions.**

1. Animal Fanciers

A person, business or entity who keeps at least five (5) dogs, or five (5) cats, or any combination of dogs and cats which totals five (5), not to exceed ten (10) dogs, or ten (10) cats, or any combination of dogs and cats which totals ten (10) per one-family dwelling unit.

2. Catteries

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a cattery include, but are not limited to, grooming, training, and sales of animals and supplies.

3. Cemeteries

Facilities and associated grounds used for the outdoor or indoor burial or interment of human or pet remains that may include columbarium, crematoriums or facilities for conducting funeral services.

4. Club and Organization Meeting Facilities

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social or fraternal clubs or lodges, union halls or philanthropic institutions.

5. Community Centers

Facilities used by local citizens for civic activities, performances, presentations or other purposes.

6. Domestic Help Quarters

Detached accessory buildings which provide sleeping and bathing facilities for persons employed on the premises by the occupants of a main dwelling unit on the same parcel. Domestic help quarters may not include kitchen facilities.

7. Facility Site

A parcel or combination of contiguous parcels used for the same approved institutional facilities.

8. Elementary and Secondary Schools

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

9. Fire Stations

Facilities used for fire fighting services, sometimes including associated paramedic services.

10. Guest Houses (1.06.22)

Detached accessory buildings which provide sleeping and bathing facilities for occasional non-paying guests of the occupants of a main dwelling unit on the same parcel. Guesthouses may not include kitchen facilities.

11. Home Occupations (1.05.10)

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

12. Institutional Facility

All buildings, structures, and areas associated with an approved institutional use located on a parcel or combination of contiguous parcels, entirely or partially within unincorporated San Mateo County. Should an institutional facility discontinue functioning as an institutional use, all of its buildings, structures, and areas shall continue to be deemed an institutional facility for purposes of the density restrictions set forth in Section 8.20.050.1.b. The Planning Commission, after a public hearing held for this purpose, shall have the authority to redesignate an institutional facility to a residential structure upon finding that (1) all buildings and structures

conform to the zoning development standards required of residential structures, and (2) building size and scale are compatible with the residential character of Country Club Park.

13. Institutional Uses

Land uses included in the following use modules: (1) Neighborhood Institutional Facilities (INT-1), (2) Neighborhood Cultural Facilities (INT-2), and (3) Lodging Facilities for Religious Orders (RES-15).

14. Keeping of Livestock or Poultry as a Residential Accessory Use (9.01.50)

The raising or maintaining of domestic animals or fowl that are customarily kept for productive home use or for profit, with associated accessory structures such as barns, coops or pens. The keeping of livestock includes, but is not limited to, cows, sheep, pigs, and goats. Poultry includes, but is not limited to, chickens, turkeys, ducks or geese.

15. Keeping of Pets

The raising or maintaining of domestic animals, including birds, that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than four (4) cats, or any combination of dogs and cats not exceeding a total of four (4) are kept per one-family dwelling unit; and (b) not more than twelve (12) of any other domestic animal, including birds, is kept per one-family dwelling unit. The number of fish, reptiles, birds and other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

16. Kennels

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.

17. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

18. Limited Keeping of Pets (9.01.20)

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

19. Linear Parks and Trails

Linear strips of land established for the purpose of walking, hiking, bicycling, horseback riding and boating, and comprising a natural linear or man-made resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

20. Lodging Facilities for Religious Orders

Buildings where room and board are provided for members of a religious order.

21. Mobilehomes/Manufactured Homes

Transportable structures constructed on a permanent chassis, designed to be used as dwelling units. Each structure may or may not be on a permanent foundation.

22. One-Family Dwellings

Buildings, one per parcel, containing a single-dwelling unit which is intended for use by one household.

23. Other Compatible Uses

Additional land uses may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and sufficiently similar with other permitted land uses in the district.

24. Other Uses

Land uses included in the following use modules: (1) Fire Stations (5.07.20), (2) Neighborhood Solid Waste Recycling Facilities (WMT-1), (3) Parks (REC-2), and (4) Urban Animal Keeping (ANM-3).

25. Parks

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

26. Pool Houses and Cabanas

Detached accessory structures which are not intended for sleeping, but may be used for private dressing, bathing or recreational activities, where bathrooms, if included, are accessible only from the outside. Pool houses and cabanas may not include kitchen facilities.

27. Religious Facilities (5.02.10)

Facilities or meeting places used for worship, religious instruction or associated community and social activities, including churches, synagogues, mosques and temples. Religious facilities include worship areas, classrooms, meeting areas, and a dwelling unit for the principal clergy.

28. Residential Day Care Facilities for Adults/Elderly

Licensed facilities in a building containing a dwelling unit(s) in which non-medical care and supervision are provided on less than a 24-hour basis to adults or elderly adults who may not have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult day care facilities (one to six adults) and large day care facilities (seven to twelve adults).

29. Residential Full-Time Care Facilities for Adults/Elderly

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided to adults or elderly adults who may or may not have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult full-time care facilities (one to six adults) and large adult full-time care facilities (seven to fifteen adults).

30. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided for children who may or may not have special needs or disabilities. Includes small full-time care homes (one to six children) and large full-time care homes (seven to twelve children).

31. Residential Multipurpose Accessory Structures

Detached accessory structures which are not intended for sleeping, but may be used for variety of purposes including, but not limited to, workshops, storage sheds, game rooms and greenhouses, where bathrooms, if included, are accessible only from the outside. Residential multipurpose accessory structures may not include kitchen facilities.

32. Residential Nursing Care Facilities

Licensed facilities in a building containing a dwelling unit(s), which provide 24-hour a day intermittent or continuous skilled nursing supervision and supportive care to inpatients. Residential nursing facilities include, but are not limited to, intermediate care, skilled nursing or congregate living health facilities. Includes small nursing facilities (one to six inpatients) and large nursing facilities (seven to twelve inpatients).

33. Residential Uses

Land uses included in the following use modules: (1) One-Family Dwellings (RES-1), (2) Second Dwelling Units (RES-2), (3) Small Hostelries (RES-10), (4) All community care facilities, Small Facilities Only (RES-11), (5) Residential Accessory Structures (RES-12), and (6) Residential Accessory Uses (RES-13).

34. Second Dwelling Units

Attached or detached rental dwelling units with kitchens, located on the same parcel as a one-family dwelling.

35. Small Hostelries

Facilities that rent five (5) or fewer rooms for the overnight accommodation of paying guests including, but not limited to, rooming houses, boarding houses, tourist homes, country inns, small motels and hotels, and bed and breakfast establishments.

36. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

37. Temporary Living Facilities During Residence Construction

Temporary dwelling units such as mobilehomes without permanent foundations, travel trailers or recreational vehicles, which are: (1) located on a parcel of land during the construction or reconstruction of a permanent dwelling unit on the same parcel, and (2) removed prior to the granting of a Certificate of Occupancy for the permanent residence.

(Prior Code § 6163.3.3.34; Ord 4844 – 05/04/21)

(Prior Code § 6163.3.4.E.1; Ord 4844 – 05/04/21)

(Prior Code § 6163.3.13; Ord 4844 – 05/04/21)

(Prior Code § 6163.3.14; Ord 4075 – 11/06/01)

(Prior Code § 6163.3.29; Ord 4844 – 05/04/21)

**8.20.040 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<p><b>A. <u>ONE-FAMILY DWELLINGS MODULE (RES-1)</u></b></p> <p>1. One-Family Dwellings (1.01.10)</p>	None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
2. Mobilehomes/Manufactured Homes (1.09.10)	None
<b>B. <u>SECOND DWELLING UNITS MODULE (RES-2)</u></b> Second Dwelling Units (1.02.10)	None
<b>C. <u>SMALL HOSTELRIES MODULE (RES-10)</u></b> Small Hostelries (1.07.10)	Use Permit
<b>D. <u>LODGING FACILITIES FOR RELIGIOUS ORDERS MODULE (RES-15)</u></b> Lodging Facilities for Religious Orders (1.04.40)	Use Permit
<b>E. <u>RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-11)</u></b> 1. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12) 2. Residential Day Care Facilities for Adults/Elderly (1.08.21) 3. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22) 4. Residential Nursing Care Facilities (1.08.30)	1-6 None; 7-12 Use Permit  1-6 None; 7-12 Use Permit  1-6 None; 7-15 Use Permit  1-6 None; 7-12 Use Permit
<b>F. <u>RESIDENTIAL ACCESSORY STRUCTURES MODULE (RES-12)</u></b> 1. Domestic Help Quarters (1.06.21) 2. Pool Houses and Cabanas (1.06.11) 3. Guest Houses (1.06.22) 4. Residential Multipurpose Accessory Structures (1.06.12) 5. Temporary Living Facilities During Residence Construction (1.10.10)	None None None None None
<b>G. <u>RESIDENTIAL ACCESSORY USES MODULE (RES-13)</u></b> Home Occupations (1.05.10)	None
<b>H. <u>NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE (WMT-1)</u></b> Small Solid Waste Collection Facilities (4.01.41)	None
<b>I. <u>NEIGHBORHOOD INSTITUTIONAL FACILITIES MODULE (INT-1)</u></b>	



PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<ol style="list-style-type: none"> <li>1. Elementary and Secondary Schools (5.01.10)</li> <li>2. Religious Facilities (5.02.10)</li> <li>3. Club and Organization Meeting Facilities (5.03.60)</li> <li>4. Cemeteries (5.08.10)</li> </ol>	<p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p>
<p><b>J. <u>FIRE STATIONS (INT-8)</u></b></p> <p>Fire Stations (5.07.20)</p>	<p>None</p>
<p><b>K. <u>NEIGHBORHOOD CULTURAL FACILITIES MODULE (INT-2)</u></b></p> <ol style="list-style-type: none"> <li>1. Libraries (5.03.10)</li> <li>2. Community Centers (5.03.50)</li> </ol>	<p>Use Permit</p> <p>Use Permit</p>
<p><b>L. <u>PARKS MODULE (REC-2)</u></b></p> <ol style="list-style-type: none"> <li>1. Parks (7.02.70)</li> <li>2. Linear Parks and Trails (7.02.31)</li> </ol>	<p>Use Permit</p> <p>Use Permit</p>
<p><b>M. <u>KEEPING OF PETS MODULE (ANM-1)</u></b></p> <ol style="list-style-type: none"> <li>1. Keeping of Pets (9.01.10)</li> <li>2. Limited Keeping of Pets (9.01.20)</li> <li>3. Animal Fanciers (9.01.30)</li> </ol>	<p>None</p> <p>None</p> <p>Animal Fanciers Permit</p>
<p><b>N. <u>LOW DENSITY URBAN ANIMAL KEEPING MODULE (ANM-6)</u></b></p> <ol style="list-style-type: none"> <li>1. Keeping of Livestock or Poultry as a Residential Accessory Use</li> <li>2. Keeping of Confined Animals</li> <li>3. Kennels (9.02.10)</li> <li>4. Catteries (9.02.20)</li> </ol>	<p>None</p> <p>Refer to Confined Animal Regulations</p> <p>Kennel/Cattery Permit</p> <p>Kennel/Cattery Permit</p>
<p><b>O. <u>OTHER COMPATIBLE USES MODULE (OCU-1)</u></b></p> <p>Other Compatible Uses (10.01.10)</p>	<p>To be determined by Director of Planning and Building</p>

The procedure and findings required for use permit approval are established in Section 8.280.030 of this Title.

(Prior Code § 6163.4.E.1; Ord 3791 – 10/21/97)

(Prior Code § 6163.4.N.2; Ord 4075 – 11/06/01)

### 8.20.050 - Development Standards.

All new development must conform to the following development standards:

1. Maximum Density. The maximum density of development shall be as follows:
  - a. Residential Uses (as defined in Section 8.20.030)  
2.2 dwelling units per net acre.
  - b. Institutional Uses (as defined in Section 8.20.030)  
Five (5) institutional facilities per 50 acres.
  - c. Other Uses (as defined in Section 8.20.030)  
None.
2. Minimum Building Site Area. The minimum building site area shall be 20,000 sq. ft.
3. Minimum Building Site Width. The minimum building site width shall be an average of seventy five (75) feet.
4. Minimum Building Setbacks. The minimum building setbacks shall be:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
20 feet	10 feet	20 feet

5. Maximum Building Site Coverage Ratio. The maximum building site coverage ratio shall be .25 (25 percent) of the building site area.

The maximum building site coverage ratio shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are eighteen (18) inches or more above the ground.

6. Maximum Building Floor Area. The maximum building floor area shall be:

- a. Residential Uses (as defined in Section 8.20.030)

None.

- b. Institutional Uses (as defined in Section 8.20.030)

The maximum building floor area shall not exceed 30% (30 percent) of the facility site area or a maximum of 12,000 sq. ft.

The maximum building floor area shall include the floor area of all stories of buildings and accessory structures on the facility site.

Maximum building floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable and unfinished (e.g., attics, basements) areas, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls over the area of all decks, porches, and balconies.

- c. Other Uses (as defined in Section 8.20.030)

None.

7. **Maximum Building Height.** The maximum building height shall be:

- a. Residential Uses (as defined in Section 8.20.030)  
36 feet.
- b. Institutional Uses (as defined in Section 8.20.030)  
28 feet.
- c. Other Uses (as defined in Section 8.20.030)  
28 feet.

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

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend eight (8) feet beyond the building height, as required for safety or efficient operation.

8. **Minimum Parking Requirements.** Parking spaces and improvements shall be provided in accordance with parking standards required by Chapter 8.344 of the Development Code, and shall apply to all uses, facilities, and structures on the building site.

9. **Parcel Division and Development Standards. A parcel may not be divided if such division would result in a building site which does not conform with any of the requirements or development standards of this Chapter.8.20.060 Performance Standards.**

All uses, facilities and operations must conform to the following performance standards:

- 1. **Noise.** No use, facility or operation shall create any unusually loud, uncommon noise which would disturb the neighborhood peace.

The maximum noise level permitted, measured at the building site boundary, shall be:

Time of Day	Maximum Noise Level (dBA)		
	30 Minutes In Any Hour	15 Minutes In Any Hour	5 Minutes In Any Hour
7:00 a.m. - 10:00 p.m.	55	60	65
10:00 p.m. - 7:00 a.m.	50	55	60

Short-term construction noise may exceed these standards, providing that all construction activities are limited to weekdays between 7:00 a.m. and 5:00 p.m.

- 2. **Lighting.** All exterior and interior lighting shall be designed and located so that direct light and glare are confined to the premises.
- 3. **On-Site Activities.** All uses, activities and operations shall be conducted entirely on the building site.

## **CHAPTER 8.24 – R2, TWO-FAMILY RESIDENTIAL DISTRICT**

### **8.24.010 Regulations for “R-2” Districts.**

The following regulations shall apply in all “R-2,” districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.24.020 Uses Permitted.**

(a) (1) All uses permitted in “R-1” districts, except catteries. A use permit, as provided in Chapter 8.280 of Title 8, shall be required for any use which requires a use permit in an “R-1” district.

(2) Limited keeping of pets in association with two-family dwellings.

(3) On parcels of at least 2,500 sq. ft. in size, and in compliance with the conditions set forth in Chapter 8.380 of the San Mateo County Development Code, the keeping of no more than six (6) of the following domestic poultry: chickens and ducks. Roosters are prohibited. On parcel sizes exceeding 7,500 sq. ft., and in compliance with the conditions set forth in Chapter 8.380 of the San Mateo County Development Code, the keeping of no more than ten (10) of the following domestic poultry: chickens and ducks. Roosters are prohibited.

(b) One (1) two-family dwelling or two (2) one-family dwellings.

(Prior Code § 6171 (a); Ord 3424 – 11/10/92)

(Prior Code § 6171 (a)(3); Ord 4511 – 07/27/10)

(Prior Code § 6171(c); Ord 3791 – 10/21/97)

(Prior Code § 6171(c); Ord 4844 – 05/04/21)

(Prior Code § 6172, 6173, 6174; Ord 1483 – 10/10/61)

## **CHAPTER 8.28 – R3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

### **8.28.010 - Regulations for “R-3” Districts.**

The following regulations shall apply in all “R-3” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.28.020 - Uses Permitted.**

(a) (1) All uses permitted in “R-1” and “R-2” districts, except catteries. A use permit, as provided in Chapter 8.280 of Title 8, shall be required for any use which requires a use permit in an “R-1” district.

(2) Limited keeping of pets in association with multiple-family dwellings.

(b) Multiple-family dwellings and dwelling groups.

(c) Fraternity, sorority houses, and dormitories.

- (d) The following uses subject to the securing of a use permit in each case as provided in Chapter 8.280 of Title 8:
1. Hospitals, rest homes, sanitariums, clinics.
  2. Philanthropic and charitable institutions.
  3. Automobile courts.
  4. Hotels.
- (f) In the Coastal Zone, Short-Term Rentals, subject to a short-term rental permit issued in accordance with County Zoning Regulations, Chapter 22, Section 6401.3.

(Prior Code § 6181; Ord 1813 – 02/07/67)

(Prior Code § 6181(a); Ord 3425 – 11/10/92)

(Prior Code § 6181(e); Ord 3791 – 10/21/97)

(Prior Code § 6182; Ord 1483 – 10/10/61)

(Prior Code § 6182; Ord 1706 – 06/22/65)

(Prior Code § 6183, 6184; Ord 1483 – 10/10/61)

(Prior Code § 6181(f); Ord 4777 , 06/06/2017)

## ***CHAPTER 8.32 – R3-A, AFFORDABLE HOUSING DISTRICT***

### **8.32.010 Regulations for R3-A Districts.**

The following regulations shall apply in all “R-3-A” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.32.020 Purpose.**

The purpose of the “R-3-A” District is to provide opportunities for low and moderate income households within new residential developments on designated sites.

### **8.32.030 Uses Permitted.**

- (a) A use permit, as provided in Chapter 24 of this Part, shall be required for all uses in “R-3-A” Districts.
- (b) The granting of a use permit as required in Section 8.32.030(a) shall be based on the required finding, in addition to those specified in Chapter 8.280 of Title 8, that the residential development complies with Policies 3.19, 3.28, and 3.29 of the Local Coastal Plan Housing Component.
- (c) Prior to granting a use permit for any parcel, the granting authority shall require the owner of that parcel to submit for approval a development plan for that parcel. The development plan shall show: property lines; streets and parking; building sites and all proposed structures; building elevations; the number, size, location, and method of financing of affordable housing units; landscaping plans, recreation facilities; and the reserved open space.

Development shall be permitted in phases, but future development shall conform to the approved development plan.

(d) The following uses shall be permitted in the "R-3-A" District:

1. One-family dwellings.
2. Multiple-family dwellings.
3. Accessory buildings and accessory uses appurtenant to a residential use; provided, however, that such accessory buildings shall not be constructed until the main building shall have been constructed.
4. Institutional facilities including but not limited to the following:
  - a. Community centers.
  - b. Day care centers.

(Prior Code § 6182, 6183, 6184; Ord 2773 – 04/06/83)

(Prior Code § 6184(d)5; Ord 3791 – 10/21/97)

(Prior Code § 6184(d)5; Ord 4844 – 05/03/21)

## ***CHAPTER 8.34 - PUD, PLANNED UNIT DEVELOPMENT DISTRICT***

### **8.34.010 - Establishment Of "PUD" Districts.**

PUD (Planned Unit Development District) regulations may be enacted and areas subject to PUD District regulations shall be set forth on Zoning Maps. Within each PUD District, specific conditions of the regulation of the use of property shall be specified.

### **8.34.020 - Review And Findings.**

No PUD District shall be enacted for any area unless and until the Planning Commission shall first have:

- (a) Reviewed a precise plan of the subject area and its environs, and found that the proposed zoning of the area would be in harmony with said plan, and would not be in conflict with the County Master Plan, or with any other current land use plan for a sub area of the County previously adopted by the Commission.
- (b) Made the findings after special notice direct to any unincorporated area that the specific PUD District under consideration:
  1. Is a desirable guide for the future growth of the subject area of the County.
  2. Will not be detrimental to the character and the social and economic stability of the subject area and its environs, and will assure the orderly and beneficial development of such areas.

3. Will be in harmony with the zoning in adjoining unincorporated area.
4. Will obviate the menace to the public safety resulting from land uses proposed adjacent to highways in the County, and will not cause undue interference with existing or prospective traffic movements on said highways.
5. Will provide adequate light, air, privacy and convenience of access to the subject property and further, that said property shall not be made subject to unusual or undue risk from fire, inundation, or other dangers.
6. Will not result in overcrowding of the land or undue congestion of population.

### **8.292.030 - Map Texts.**

Each PUD shall be numbered in sequence of adoption, the Zoning Map shall show the PUD designation and number, and the specific text of the entitlement allowed in the PUD shall be included as an amendment to Chapter 8.276, Approved Special Districts (SS) & Planned Unit Development (PUD) Regulations.

(Prior code Sections 6192, 6194 - Repealed by Ordinance No. 1483 - October 10, 1961)

(Prior code Chapter 9, Sections 6190, 6191, 6193, 6195 - Repealed by Ordinance No. 2862 - December 13, 1983)

(Prior code Chapter 9, Sections 6190, 6191, 6192 - Added by Ordinance No. 2862 - December 13, 1983)

## ***CHAPTER 8.36 – A1, AGRICULTURAL DISTRICT***

### **8.36.010 Regulations for “A-1” Districts.**

The following regulations shall apply in all “A-1” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8..

### **8.36.020 Uses Permitted.**

- (a) All uses permitted in “R-1” Districts.
- (b) All agricultural uses ; provided, however, that livestock shall be kept in accordance with the following regulations:
  1. No small livestock shall be housed or concentrated in an enclosure located closer than one hundred (100) feet from any adjoining dwelling.
  2. No livestock, other than small livestock as defined in Section 8.04.030 shall be housed or concentrated in an enclosure located within one thousand (1,000) feet of any “R” District boundary or within one hundred and fifty

(150) feet of any adjoining dwelling; except on the following conditions: On parcels of less than three (3) acres, not more than five (5) such animals per acre shall be kept or maintained. On parcels more than five (5) but less than ten (10) acres, not more than ten (10) animals per acre shall be kept or maintained.

On parcels ten (10) acres or more, not more than twenty (20) such animals per acre shall be kept or maintained. For the raising of sheep or goats, the permissible number of animals per acre shall be multiplied by three (3).

- (c) The sale of the products of any permitted use produced upon the premises. This shall include the erection of a temporary or permanent stand for display or sale of any of such products except livestock.
- (d) Accessory buildings customarily incidental to the permitted use.
- (e) Drilling for oil; oil storage and oil pipeline construction and location subject to all San Mateo County ordinances and regulations governing such uses.
- (f) The following uses, subject to the securing of a use permit in each case:
  - 1. Community auction and sales yards.
  - 2. Commercial feed lots.
  - 3. Riding academies, subject to the provisions of Chapter 8.384, of Title 8 of the San Mateo County Ordinance Code.
  - 4. Commercial stables, subject to the provisions of Chapter 8.384, of Title 8 of the San Mateo County Ordinance Code.
  - 5. The keeping or raising of more than twenty-five (25) turkeys, ducks or geese.
  - 6. Logging and timbering, including the processing of forest products.
  - 7. Dogs:
    - a. Dog breeding.
    - b. Commercial dog kennels.
    - c. Dog training schools.
  - 8. Temporary Trailer parks for seasonal farm labor which are not to be occupied more than six months in any one year. The Planning Commission shall establish standards for such trailer parks and may provide standards of construction or improvements..
  - 9. On parcels of land having not less than 20 acres of land in one ownership which are being used exclusively for agricultural purposes, the Planning Commission may authorize additional single-family dwelling units not to exceed three in number where it appears that such additional residential structures are required for agricultural purposes to which the property is being devoted.

On parcels having not less than five acres of land in one ownership which are being used exclusively for intensive agriculture such as flower growing or nurseries one additional dwelling may be permitted and additional dwelling units may be allowed for each additional 3 acres of land devoted to such use but not more than four dwelling units shall be permitted on any one parcel.
  - 10. Motorcycle parks and related facilities.

(Prior Code § 6201(f); Ord 1355 – 07/28/59)

(Prior Code § 6201(f); Ord 1457 – 05/23/61)



(Prior Code § 6201; Ord 1691 – 03/02/65)

(Prior Code § 6201; Ord 2032 – 03/03/70)

(Prior Code § 6202, 6203,6204; Ord 1483 – 10/10/61)

## ***CHAPTER 8.40 – A2, EXCLUSIVE AGRICULTURE DISTRICTS***

### **8.40.010 Regulations for “A-2” Districts.**

The following regulations shall apply in all “A-2” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8..

### **8.40.020 Uses Permitted.**

- (a) All uses permitted in “R-1” Districts; provided, however, that residences shall be allowed only as accessory uses to permitted agricultural uses, and in the following cases:
  - 1. In the event that a single parcel of land is owned by two or more persons, additional residences shall be allowed for each additional owner upon the securing of a use permit, but such residences for additional owners shall not exceed three in number.
  - 2. Additional residences for persons who are conducting agricultural operations upon the property pursuant to a lease for agricultural purposes may be allowed upon the securing of a use permit in each case.
  - 3. Additional residences for members of the immediate family of the owner or owners may be allowed upon the securing of a use permit in each case.
- (b) All other uses allowed in the “A-1” Districts and subject to the same conditions.
- (c) Temporary Trailer Parks for Seasonal Farm Labor which are not to be occupied more than six months in any one year. The Planning Commission shall establish standards for such trailer parks and may provide standards of construction of improvements, subject to the securing of a use permit in accordance with the provisions of Chapter 8.280 of Title 8.

(Prior Code § 6211(a); Ord 1405 – 06/28/60)

(Prior Code § 6212,6213, 6214; Ord 1483 – 10/10/61)

(Prior Code § 6211; Ord 1691 – 03/02/65)

## ***CHAPTER 8.44 – A3, FLORICULTURAL DISTRICTS***

### **8.44.010 Regulations for “A-3” Districts.**

The following regulations shall apply in all “A-3” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

(Prior Code § 6221; Ord 2139 – 03/28/72)

#### **8.44.020 Uses Permitted.**

- (a) Nurseries and green houses used only for the propagating and cultivating of plants, provided that no retail sales shall be allowed.
- (b) One-family dwellings which are accessory to the uses permitted in paragraph (a) of this section.
- (c) Accessory buildings customarily incidental to the permitted uses including buildings for help employed on the premises.
- (d) Temporary Trailer Parks for Seasonal Farm Labor which are not to be occupied more than six months in any one year. The Planning Commission shall establish standards for such trailer parks and may provide standards of construction of improvements, subject to the securing of a use permit in accordance with the provisions of Chapter 8.280 of Title 8.
- (e) The following uses, subject to the securing of a use permit in each case:
  - 1. Facilities normally related to the processing, packaging, shipping and wholesaling of floricultural products.

Prior Code § 6222, 6224; Ord 1483 – 10/10/61)

#### **8.44.030 Building Site Area Required.**

Each one-family dwelling together with its accessory buildings hereafter erected shall be located on a building site having an area of not less than one (1) acre and an average width of one hundred and fifty (150) feet provided, however, that two (2) dwellings may be constructed on a parcel where the ownership is at least three (3) acres; for each additional three (3) acres of ownership an additional dwelling may be constructed up to a total of four (4) dwelling units.

(Prior Code § 6221,6223; Ord 1691 – 03/02/65)

#### **8.44.040 Yards Required.**

In any A-3 district, all structures shall be located at least 25 feet from the front property line, 10 feet from the side property line, and 20 feet from the rear property line.

(Prior Code § 6222, 6224; Ord 1483 – 10/10/61)

(Prior Code § 6224; Ord 1661 – 07/21/64)

### ***CHAPTER 8.48 – COSC, COMMUNITY OPEN SPACE CONSERVATION DISTRICT***

#### **8.48.010 Regulations For “COSC” District.**

The following regulations shall apply in all “COSC” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

(Prior Code § 6225, 6226, 6227, 6228; Ord 2701 – 12/16/80)

### **8.48.020 Purpose.**

The purpose of the "COSC" District is to protect areas designated for general open space in adopted Community Plans by providing for planned low intensity development which preserves, to the greatest degree possible, the visual and open characteristics of the land.

(Prior Code § 6225, 6226, 6227, 6228; Ord 2701 – 12/16/80)

### **8.48.030 Uses Permitted.**

(a) The following uses shall be permitted in the Community Open Space Conservation District:

1. Agricultural Uses and Accessory Structures: On-Site Sales of Agricultural Products, including but not limited to the following:

- a. Flowering crops
- b. Vegetable crops
- c. Truck gardening
- d. Community gardens
- e. Christmas tree farms

2. Public Recreation Facilities, including but not limited to the following uses:

- a. Parks
- b. Playfields
- c. Tot lots

(b) The following uses shall be permitted in the Community Open Space Conservation District subject to the securing of a use permit in each case:

1. Nurseries

2. Livestock and grazing

3. Commercial Recreation Facilities, including but not limited to the following uses:

- a. Keeping of confined animals
- b. Golf courses
- c. Driving ranges
- d. Campgrounds (non-vehicular)
- e. Swimming pools
- f. Athletic or sports clubs and facilities

4. Institutional Facilities, including but not limited to the following:

- a. Community centers
- b. Interpretive centers

5. One single-family residence per parcel less than 40 acres in size, including accessory buildings and uses. Animal fanciers are also allowed in association with a single-family residence, subject to an animal fanciers' permit. The

Director of Planning and Building may, on a case-by-case basis, exempt accessory buildings and uses and animal fanciers from the use permit requirement.

6. Division of land, except that no residential uses shall be permitted on a parcel recorded after December 1, 1981.

(Prior Code § 6225, 6226, 6227, 6228; Ord 2701 – 12/16/80)

#### **8.48.040 Development Standards.**

- (a) Minimum building site: 2 acres
- (b) Maximum height permitted: One-story not to exceed 16 feet in height
- (c) Maximum lot coverage permitted: 10%
- (d) Minimum yards required:
  - 1. Front and rear: 50 feet
  - 2. Sides: 20 feet each side
- (e) Signs: Exterior advertising shall be prohibited. One non-illuminated identification sign not to exceed 20 square feet on each face shall be permitted.
- (f) Design Review: All structures in this district shall be subject to architectural and site review by the Planning Commission as a portion of the use permit process to ensure that the architectural and site design is compatible with its environmental setting. Design guidelines set forth in the Community Design Manual and the Local Coastal Program (for areas in the Coastal Zone) shall be employed by the Planning Commission in the design review process.

(Prior Code § 6225, 6226, 6227, 6228; Ord 2701 – 12/16/80)

(Prior Code § 6227(b); Ord 2774 – 04/06/82)

(Prior Code § 6227(b); Ord 3432 – 11/10/92)

(Prior Code § 6227(b)(3)(a); Ord 4075 – 03/20/02)

(Prior Code § 6227(b)(4)(b); Ord 4844 – 05/04/21)

### ***CHAPTER 8.52 – EG, EL GRANADA GATEWAY DISTRICT***

#### **8.52.010 - Regulations for “EG” District.**

The following regulations shall apply in the El Granada Gateway (EG) District.

#### **8.52.020 - Purpose.**

The purpose of the “EG” District is to provide for low intensity development at the “Burnham Strip” in El Granada, which preserves, to the greatest degree possible, the visual and open space characteristics of this property.

### **8.52.030 - Definitions.**

1. Community Centers

Facilities used by local citizens for civic activities, performances, presentations or other purposes.

2. Interpretive Centers

Facilities used for the education of the public with respect to natural, historical and cultural environments and legacies.

3. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and videotapes and visual art.

4. Linear Parks and Trails

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or manmade linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

5. Open Field Cultivation of Plants and Flowers for Ornamental Purposes

The cultivation, sale and distribution of seeds, flowers, plants, and/or trees of ornamental value that are grown in or on an open field, i.e., uncovered by any structure, such as a greenhouse.

6. Outdoor Art Centers

Outdoor facilities for the exhibition, study or creation of works of artistic value.

7. Outdoor Athletic Facilities

Outdoor facilities, associated grounds and accessory structures used for active recreation, including swimming pools, tennis courts, playing fields or similar uses.

8. Outdoor Recreation Areas

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and manmade water features, as well as for special recreation activities.

9. Parks

Areas of scenic and natural character where outdoor recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which interpretive exhibits can be established.

10. Temporary Outdoor Performing Arts Centers

Outdoor areas used temporarily for the presentation of live musical, dance, dramatic or other artistic performances, involving portable facilities and equipment, e.g., movable stage sets, and seating.

11. Temporary Outdoor Sales

Outdoor areas used temporarily by multiple small commercial establishments which serve the general public, typically from portable stalls, in the outdoor sales of food, arts and crafts, or used manufactured goods, e.g., farmers markets, flea markets, art shows, and food and wine tastings.

12. Temporary Outdoor Showgrounds and Exhibition Facilities

Outdoor areas used temporarily for a variety of showground and exhibition activities, including rodeos, fairs, carnivals, and traveling shows, involving portable facilities and equipment.

13. Temporary Urban Roadside Stands

Temporary structures in urban areas of portable construction used for the sale of produce and other goods and merchandise.

14. Vegetative Stormwater Treatment Systems and Underground Storage Facilities

The installation of:

- a. Ground level vegetation devices to filter, reduce the velocity of, and/or absorb stormwater flow from off-site sources including, but not limited to the use of bio-filters, vegetated buffer strips and engineered wetlands, and/or
- b. Underground storage or detention facilities for stormwater from off-site sources.

**8.52.040 - Uses Permitted.**

The following uses are permitted in the "EG" District subject to the issuance of a use permit, as provided in Chapter 8.280 of Title 8.

1. Community Centers
2. Interpretive Centers
3. Libraries
4. Linear Parks and Trails
5. Open Field Cultivation of Plants and Flowers for Ornamental Purposes
6. Outdoor Art Centers
7. Outdoor Athletic Facilities
8. Outdoor Recreation Areas
9. Parks
10. Temporary Outdoor Performing Arts Centers
11. Temporary Outdoor Sales
12. Temporary Outdoor Showgrounds and Exhibition Facilities
13. Urban Roadside Stands
14. Vegetative Stormwater Treatment Systems and Underground Storage Facilities
15. Public Parking for Surfer's Beach
16. Public Restrooms and Showers
17. Public Pedestrian Trails and Bicycle Trails
18. Realignment of Highway 1

**8.52.050 Development Criteria and Standards.**

All new development must meet the following minimum standards:

1. Minimum Parcel Area: 3.5 acres.
2. Maximum Building Height: 16 feet.

3. Minimum Building Setbacks:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
50 feet	20 feet	20 feet

4. Maximum Parcel Coverage: Ten percent (10%) parcel size.

Maximum parcel coverage shall include all structures that are 18 inches or more above the ground.

5. Impervious Surface Area

The amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage and calculations which demonstrates this finding can be made.

6. Landscaping

All building and structures shall be screened with sufficient landscaping to obscure and soften their appearance when viewed from Highway 1. All landscaping shall be drought-tolerant, and either native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed. No plant species listed as “noxious weed” by the State of California or the U.S. Government shall be utilized within the property.

7. Signs

a. Prohibited Signs:

- (1) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (2) Signs emitting intense and highly focused light, including beacons.
- (3) Off-premises signs, including billboards.

b. Number of Signs: One per use or establishment.

c. Maximum Sign Display Area: 20 sq. ft. on each sign face.

8. Winter Grading

Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

9. Traffic Control

In addition to all other applicable policies of the LCP, all development that generates traffic demand, including temporary uses, shall comply with LCP Policies 2.57.1 and 2.57.2.

(Prior Code § 6229.0-6229.4; Ord 4561 – 05/24/11)

## ***CHAPTER 8.56 – P, PARKING DISTRICT***

### **8.56.010 Regulations for “P” Districts.**

The following regulations shall apply in all “P” Districts and shall be subject to the provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards of Title 8.

### **8.56.020 Uses Permitted.**

- (a) The temporary parking of self-propelled private passenger vehicles, subject to the following additional requirements:
  - 1. Such parking lot shall be accessory to and for use in connection with one or more establishments permitted in the adjoining “R, H, C, or M” Districts.
  - 2. No sign of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking lot.
  - 3. The location and design of roofs above parking areas, covered walkways, entrances, exits, fences, plant screenings, surfacing, marking, signs, and lighting shall be subject to the approval of the Planning Commission. Accurate plans and specifications shall be submitted to the Planning Commission for such approval.
- (b) The temporary use of traveling shows, carnivals and exhibitions, not to exceed seven (7) days in any one year.
- (c) The following uses subject to the securing of a use permit in each case, as provided in Chapter 8.280 of this Title 8.
  - 1. Freestanding sign identifying businesses or activities immediately adjacent to the parking facility and on the same parcel. Such signs shall not exceed twenty (20) feet in height and one hundred fifty (150) sq. ft. in total area on one face and not more than three hundred (300) sq. ft. in total area on the premises. Exceptions to total maximum height and area limits may be granted by the Planning Commission under exceptional circumstances.

(Prior Code § 6231; Ord 1413 – 08/02/60)

(Prior Code § 6231; Ord 2045 – 05/12/70)

(Prior Code § 6231; Ord 2158 – 09/12/72)

## ***CHAPTER 8.60 – H1, LIMITED HIGHWAY FRONTAGE DISTRICT***

### **8.60.010 Regulations for “H-1,” Districts.**

The following regulations shall apply in all “H-1” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.



### **8.60.020 Uses Permitted.**

- (a) Crop and tree farming and truck gardening;
- (b) One-family, two-family and multiple-family dwellings, and dwelling groups, provided a use permit is first obtained.
- (c) The following uses, upon the securing of a use permit in each case, as provided in Chapter 8.280 of this Part, which use permit shall prescribe conditions as to the area of building site provisions of adequate automobile standing space, architecture, and such other matters as may be deemed to be necessary:
  - 1. Hotels, inns, mobile home parks and automobile courts.
  - 2. Automobile service stations for the sale of gasoline, oils and new accessories only, including washing and lubrication services. Used tires accepted in trade on the premises may be resold.
  - 3. Restaurants, refreshment stands, and retail stores.
  - 4. Nurseries and greenhouses.
  - 5. Accessory buildings incidental to any of the above uses.
  - 6. Directional signs used for directional or informational purposes of a public or quasi-public nature.
  - 7. Offices, business or professional.
  - 8. Bed and breakfast inns (outside Coastal Zone only).
- (d) Exterior signs pertaining to the business uses conducted on the premises and subject to the following limitations:
  - 1. Signs shall not exceed one hundred (100) sq. ft. in area on one face and not more than one hundred fifty (150) sq. ft. in total area on the premises. Larger areas may be authorized by use permit in exceptional cases.
  - 2. Attached signs shall not project above the roofline or cornice except when in the opinion of the Planning Commission the sign is an architectural part or feature of the building.
  - 3. Signs shall not project more than one (1) foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than eight (8) feet from the face of the building.
  - 4. Signs shall not project above the roofline or cornice.
  - 5. Signs shall not face the side line of any adjoining lot in any "R" District when such sign is within twenty-five (25) feet of said side line.
  - 6. Freestanding signs and signs projecting over sidewalk areas are subject to obtaining a use permit in each case.

(Prior Code § 6241(b); Ord 2204 – 6/19/73)

(Prior Code § 6241(c); Ord 1228 – 6/25/57)

(Prior Code § 6241(c); Ord 1497 – 12/26/61)

(Prior Code § 6241(c)8; Ord 4225 – 07/27/04)

(Prior Code § 6241(d); Ord 1323 – 11/18/58)

### **8.68.030 - Yards Required.**

- (a) Front yard required: Each lot shall have a front yard as specified by any combined "S" District regulation, or as set forth on the Zoning Maps. The front yard specified on the Zoning Maps shall govern over other regulations to the contrary.

- (b) Side yard required: Each lot shall have side yards each having a width of not less than five (5) feet, except as specified on any Zoning Map.
- (c) Rear yard required: Each lot shall have a rear yard of not less than twenty (20) feet except as specified on any Zoning Map.

(Prior Code § 6242; Ord 1483 – 10/10/61)

(Prior Code § 6242; Ord 2862 – 12/13/83)

(Prior Code § 6243, 6244; Ord 1483 – 10/10/61)

## ***CHAPTER 8.64 – O, OFFICE DISTRICTS***

### **8.64.010 - Regulations for “O” Districts.**

The following regulations shall apply in all “O” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8..

### **8.64.020 - Uses Permitted.**

- (a) All uses permitted in R-1 and R-2 Districts, except animal fanciers and catteries. A use permit, as provided in Chapter 8.280 of Title 8, shall be required for any use which requires a use permit in an R-1 District, except that no new single-family structures shall be permitted. Single-family structures existing at the time of the adoption of this Chapter may be replaced if destroyed or damaged.
- (b) Multiple-family dwellings and dwelling groups.
- (c) The following uses subject to the securing of a use permit in each case as provided in Chapter 8.280 of this Title 8.
  - 1. Offices.
  - 2. Medical and dental clinics.
  - 3. Prescription pharmacies in connection with medical offices providing there is no exterior entrance.

(Prior Code § 6246(a); Ord 3436 – 11/10/92)

### **8.64.030 - Development Standards.**

- (a) Front, side and rear yard setbacks, height limitation and maximum lot coverage shall conform to the requirements of the combined “S” District.
- (b) The required front yard setback shall not be used for parking area. There shall be no storage or parking of commercial or industrial vehicles on the site except for the purpose of loading or unloading.
- (c) Buildings may not be used for residential and non-residential use at the same time.
- (d) No sales or merchandising shall be permitted except for prescription pharmacies. There shall be no display of merchandise or products whether in a display window or in any other manner visible from the exterior of any building.
- (e) There shall be no storage, warehousing, handling, processing or assembling of merchandise or products, except as specifically provided for herein.

- (f) There shall be no on-site advertising; provided, however, that a single non-illuminated sign may be used to identify an office building if the sign does not extend above the cornice or eaves and is not freestanding. The sign shall be limited in size to an area of two (2) square feet per office or suite of offices, but shall not exceed a total area of twenty (20) sq. ft. In addition, each office or suite of offices may have an identification sign not exceeding one (1) sq. ft. in area, placed flat against the building.

## **CHAPTER 8.68 – C1, NEIGHBORHOOD BUSINESS DISTRICTS**

### **8.68.010 - Regulations For “C-1” Districts.**

The following regulations shall apply in all “C-1” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.68.020 - Uses Permitted.**

- (a) A use permit as provided in Chapter 8.280 of Title 8 shall be required for the following uses:
1. Hospitals, rest homes, sanitariums, clinics.
  2. Philanthropic and charitable institutions.
  3. Automobile courts.
  4. Hotels.
  5. Any residential use, including accessory buildings and uses. The Director of Planning and Building may, on a case-by-case basis, exempt accessory buildings and uses from the use permit requirement.
  6. Large collection facilities for recyclable materials.
  7. Bed and breakfast inns (outside Coastal Zone only).
- (b) Residential dwelling units in the Midcoast LCP Update Project Area, as delineated on the map that is part of this Chapter, shall be located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building, except as permitted by subsection (c).
- (c) The floor area of the dwelling units may exceed the floor area of the commercial uses occupying the building only when the additional floor area is developed as affordable (very low, low or moderate income) housing, subject to income and cost/rent restriction contracts with San Mateo County.
- (d) The following retail stores, shops, or businesses:
1. Automobile service stations for only the sale of gasoline, oil, and new accessories, including washing and lubrication services. Used tires accepted in trade on the premises may be resold.
  2. Bakeries but not including the wholesale baking or bakery goods to be sold off the premises.
  3. Banks.
  4. Bars.
  5. Barber shops.

6. Beauty parlors.
7. Book or stationary stores.
8. Clothes cleaning agency or pressing establishment.
9. Confectionery stores.
10. Conservatories for instruction in music and the arts.
11. Dressmaking or millinery.
12. Drug store.
13. Dry goods or notion store.
14. Florist or gift shop.
15. Grocery, fruit or vegetable store.
16. Hardware or electric appliance store.
17. Jewelry store.
18. Laundry agency.
19. Meat market or delicatessen store.
20. Offices, business or professional.
21. Photographic or camera store.
22. Restaurant, tea room, or cafe.
23. Shoe store or shoe repair store.
24. Tailor, clothing or wearing apparel.
25. Theaters.
26. Dry cleaning establishments using self-service coin operated machines.
27. Bowling alleys.
28. Massage establishments.
29. Maintenance and operation of up to five electronic amusement devices, provided, however, no such amusement device or devices may be located, operated, or maintained within three hundred (300) feet of the nearest entrance to or exit from any public or private school of elementary or high school grades.
30. Reverse vending machines.
31. Small collection facilities for recyclable materials, subject to obtaining a building permit, provided there is no additional mechanical processing equipment on site, that collection facilities shall not be located within 30 feet of any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between containers and residential use, that there is no decrease in traffic or pedestrian circulation or the required number of on-site parking spaces for the primary use, and all litter and loose debris shall be removed on a daily basis.
32. Pet sales and/or grooming establishments.
33. Limited keeping of pets.

(e) Exterior signs pertaining to the business uses conducted on the premises and subject to the following limitations:

1. Signs shall not exceed one hundred fifty (150) feet in area on one face and not more than three hundred (300) sq. ft. in total area on the premises. Larger areas may be authorized by the use permit in exceptional cases.
  2. Signs shall not project more than one (1) foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than eight (8) feet from the face of the building.
  3. Attached signs shall not project above the roofline or cornice except when in the opinion of the Planning Commission the sign is an architectural part or feature of the building.
  4. Freestanding signs shall not extend to a height more than twenty (20) feet above the sidewalk or paved area except when in the opinion of the Planning Commission the sign is an architectural feature of the site.
  5. Signs shall not face the side line of any adjoining lot in any "R" District when such sign is within twenty-five (25) feet of said side line.
- (f) The following uses subject to securing a use permit as specified in Chapter 8.280 of Title 8.
1. Mortuaries.
  2. Outdoor advertising structures or signs as defined in Sections 5202 and 5203 of the Business and Professions Code of the State of California.
  3. Retail dry cleaning establishments.
  4. Patio and garden supply sales.
  5. Bulk storage plants for liquefied petroleum gas and similar types of home fuels.
  6. Veterinary hospitals for small animals.
  7. The sale of used merchandise or vehicles.
  8. Non-Chartered Financial Institutions, subject to the following requirements:
    - a. No Non-Chartered Financial Institution may be located within a radius of one thousand (1,000) feet from the nearest existing Non-Chartered Financial Institution.
    - b. No Non-Chartered Financial Institution may be located within a radius of five hundred (500) feet from the following land uses:
      - (1) Residentially zoned parcels.
      - (2) Any State or Federally chartered bank, savings association, credit union, or industrial loan company.
      - (3) Religious institution.
      - (4) School or Day Care Facility.
      - (5) Bar or Liquor Store, excluding full service restaurants and alcoholic beverage sales establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.
      - (6) Pawn Shops.
    - c. Each new Non-Chartered Financial Institution shall meet the following minimum standards of performance, which shall be included as conditions of approval for such uses, provided that nothing in this Ordinance Code shall limit the discretion of the decision making body to impose additional performance standards as may be warranted in any given case. These standards are obligations of the

owner(s) of the Non-Chartered Financial Institution and are intended to ensure the Non-Chartered Financial Institution does not negatively impact the public health and safety:

- (1) A lighting plan shall be reviewed and approved by the County Planning and Building Department prior to the issuance of building permits and all lighting required by the approved plan shall be installed prior to final approval on the building permit. Exterior lighting shall be provided on all frontages. Exterior lighting shall be designed so as not to cast glare off-site.
- (2) Storefronts shall have glass or transparent glazing in the windows and doors. No more than ten (10) percent of any window or door area shall be covered by signs, banners, or opaque coverings of any kind.
- (3) Days and hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week. Patrons shall be discouraged from loitering prior to, during and/or after hours of operation. At least one "no loitering" sign with a typeface at least two (2) inches tall shall be installed and maintained where it will be visible to pedestrians on each side of the building in which the activity is located including, but not limited to, street frontages and parking lots.
- (4) Graffiti shall be removed from the building that houses the Non-Chartered Financial Institution within seventy-two (72) hours of application.
- (5) Litter shall be removed at least two (2) times daily or as needed from in front of the building that houses the Non-Chartered Financial Institution, and for twenty (20) feet beyond the building along adjacent street(s). Crates, mattresses, and all other material placed within this area shall be removed immediately.
- (6) The applicant shall post at least one (1) uniformed security guard on duty at all times the business is open. The security guard shall patrol the interior and all exterior portions of the property under control of the owner or operator of the Non-Chartered Financial Institution including, but not limited to, parking lots and any open public spaces such as lobbies.

(Prior Code § 6251; Ord 2204 – 06/19/73)

(Prior Code § 6251(a)(5); Ord 3433 – 11/10/92)

(Prior Code § 6251(a)(6); Ord 3157 – 09/13/88)

(Prior Code § 6251(a)(7); Ord 4225 – 07/27/04)

(Prior Code § 6251(b); Ord 1248 – 11/05/97)

(Prior Code § 6251(b); Ord 1545 – 10/23/62)

(Prior Code § 6251(b); Ord 1610 – 08/20/63)

(Prior Code § 6251(b); Ord 2205 – 06/19/73)

(Prior Code § 6251(b)(29); Ord 2796 – 09/07/82)

(Prior Code § 6251(b)(30); Ord 3131 – 12/15/87)

(Prior Code § 6251(b)(30); Ord 3157 – 09/13/88)

(Prior Code § 6251(b)(31); Ord 3157 – 09/13/87)

(Prior Code § 6251(b)(32); Ord 3433 – 11/10/92)

(Prior Code § 6251(b)(33); Ord 3433 – 11/10/92)

(Prior Code § 6251(b); Ord 4556 – 05/24/11)

(Prior Code § 6251(c); Ord 4556 – 05/24/11)

(Prior Code § 6251(d); Ord 1244 – 10/08/57)

(Prior Code § 6251(d); Ord 1367 – 10/20/59)

(Prior Code § 6251(d); Ord 1617 – 09/24/63)

(Prior Code § 6251(d); Ord 1655 – 06/16/64)

(Prior Code § 6251(d); Ord 2169 – 11/21/72)

(Prior Code § 6251(d)(6); Ord 3433 – 11/10/92)

(Prior Code § 6251(d)-(f); Ord 4556 – 05/24/11)

(Prior Code § 6251(f); Ord 4621 – 06/26/12)

### **8.68.030 - Yards Required.**

(a) Front yards required: None.

(b) Side and rear yards required:

1. Every building or portion thereof which is designed, intended and/or used for any purpose permitted in any “R” District shall comply with the provisions of this Part as to side and rear yards which are required by any combined “S” District, provided that when the ground floor of any such building is used exclusively for any commercial purpose, no side or rear yard shall be required for said ground floor except as set forth in the following subparagraphs 2 and 3.

2. There shall be a side yard of at least three (3) feet along the side of every lot in a “C-1” District, which side is bordering on property in any “R” District.

There shall be a rear yard of at least six (6) feet along the rear of every lot in a “C-1” District, which rear is bordering on property in any “R” District.

(Prior Code § 6252; Ord 1483 – 10/10/61)

### **8.68.040 - Midcoast Impervious Surface Area.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made.

(Prior Code § 6253; Ord 4556 – 05/24/11)

#### **8.68.050 - Midcoast Winter Grading.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior Code § 6254; Ord 4556 – 05/24/11)

### ***CHAPTER 8.70 - C1/NFO DISTRICT, NEIGHBORHOOD BUSINESS DISTRICT/NORTH FAIR OAKS***

#### **8.70.010 - Regulations For “C-1/NFO” District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned C-1/NFO.

#### **8.70.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of a limited number of trades and services to serve the needs of surrounding residential areas.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses and requiring that commercial development meets minimum design standards.
3. Promote the creation of an attractive and pedestrian-oriented neighborhood retail commercial district.
4. Protect the functional and economic viability of commercial areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the San Mateo County General Plan.

#### **8.70.030 - Definitions.**

1. Administrative, Professional and Business Offices

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices.

2. Bars

Commercial establishments primarily engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises, which may also offer food and entertainment on a limited basis, but not adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

3. Community Centers



Facilities used by local citizens for civic activities, performances, presentations or other purposes.

4. Financial Institutions

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

5. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, liquor and candy stores, bakeries and delicatessens.

6. Food Establishments Specializing in Carry-Out or Delivery Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere, but may include limited seating or drive-through take-out service.

7. Funeral Homes

Facilities used for preparing the deceased for burial, viewing of the deceased, cremations and conducting ceremonies including funerals and memorial services.

8. Home Occupations

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

9. Indoor Retail Sales, Rental or Repair Establishments

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

10. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

11. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

12. Medical and Dental Offices

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

13. Motor Vehicle Fuel Sales

Commercial establishments primarily engaged in the sale of gasoline or other combustive fuels to the general public, often on a self-service basis.

14. Motor Vehicle Service Stations

Commercial establishments primarily engaged in the sale of fuel, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

15. Multiple-Family Dwellings-Mixed Use

Single or multiple dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.

16. Non-Chartered Financial Institution

See Section 8.04.030 (Zoning Definitions) for definition.

17. Other Compatible Uses

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

18. Outdoor Retail Sales, Rental or Repair Establishments

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

19. Parking Lots and Garages

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

20. Personal Convenience Service Establishments

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

21. Pet Sales and/or Grooming Establishments

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

22. Restaurants

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in Section 8.70.030(2).

23. Retail Cleaning Establishments

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries and laundromats where coin-operated washers and dryers are provided for self-service to the public.

24. Trade and Vocational Schools

Public or private educational facilities and associated grounds offering specialized trade or commercial instruction, but not academic education, above the secondary level.

25. Urban Roadside Stands

Structures in urban areas of either portable or permanent construction used for the sale of produce and other goods and merchandise, but not including food vendors or any other vendor selling goods off private property.

26. Veterinary Hospitals for Small Animals

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

**8.70.040 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p><b>A. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</b></p> <ol style="list-style-type: none"> <li>1. Personal Convenience Service Establishments</li> <li>2. Retail Cleaning Establishments</li> <li>3. Veterinary Hospitals for Small Animals</li> <li>4. Pet Sales and/or Grooming Establishments (9.02.50)</li> <li>5. Funeral Homes (5.08.30)</li> </ol>	<p>None</p> <p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p>
<p><b>B. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS (TSW-2)</b></p> <ol style="list-style-type: none"> <li>1. Food and Beverage Stores (2.02.40)</li> <li>2. Indoor Retail Sales, Rental or Repair Establishments (2.05.10)</li> <li>3. Outdoor Retail Sales, Rental or Repair Establishments (2.05.20)</li> <li>4. Urban Roadside Stands (2.02.53)</li> </ol>	<p>None</p> <p>None<sup>2</sup></p> <p>Use Permit<sup>2</sup></p> <p>None<sup>2</sup></p>
<p><b>C. FOOD SERVICES (TSW-3)</b></p> <ol style="list-style-type: none"> <li>1. Restaurants (2.02.10)</li> <li>2. Food Establishments Specializing in Carry-Out or Delivery Service (2.02.20)</li> <li>3. Bars (2.02.30)</li> </ol>	<p>None<sup>2</sup></p> <p>None<sup>2</sup></p> <p>None<sup>2</sup></p>
<p><b>D. PROFESSIONAL SERVICES (TSW-4)</b></p> <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices (2.06.10)</li> <li>2. Medical and Dental Offices (2.06.20)</li> <li>3. Financial Institutions (2.06.30)</li> <li>4. Trade and Vocational Schools (5.01.20)</li> </ol>	<p>None</p> <p>None</p> <p>None</p> <p>Use Permit</p>

<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b>
5. Non-Chartered Financial Institution	Use Permit <sup>4</sup>
<b>E. MOTOR VEHICLE-RELATED TRADES AND SERVICES (TSW-5)</b>	
1. Motor Vehicle Fuel Sales (2.03.10)	None
2. Motor Vehicle Service Stations (2.03.20)	None
<b>F. MULTIPLE-FAMILY DWELLINGS (RES-4)</b>	
Multiple-Family Dwellings-Mixed Use (1.04.20)	Use Permit <sup>3</sup>
<b>G. RESIDENTIAL ACCESSORY USES (RES-13)</b>	
Home Occupations (1.05.10)	None
<b>H. LIMITED KEEPING OF PETS (AMN-1)</b>	
Limited Keeping of Pets	None
<b>I. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES</b>	
Small Solid Waste Collection Facilities	None
<b>J. NEIGHBORHOOD CULTURAL FACILITIES (INT-2)</b>	
1. Libraries (5.03.10)	None
2. Community Centers (5.03.50)	None
<b>K. OTHER COMPATIBLE USES (OCU-1)</b>	
Other Compatible Uses (10.01.10)	To Be Determined by Director of Planning and Building
<b>L. PARKING (TSW-11)</b>	
Parking Lots and Garages (2.08.10)	None
<sup>1</sup> Other permits may be required by a combining district, e.g., Design Review approval. <sup>2</sup> A use permit shall be required for all off-premise activities. <sup>3</sup> Use allowed only on the second and/or third floor. <sup>4</sup> Subject to performance requirements contained in Section 8.68.020(f)(8) of Title 8.	

### 8.70.040 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum average parcel width shall be fifty (50) feet.
2. Minimum Building Setbacks. The minimum building setbacks shall be:

(1) Side Contact

- (a) When the side portion of a C-1/NFO zoned parcel **abuts** a residentially zoned parcel,

<u>Front Setback</u>	<u>Side Setback</u> (abutting residentially zoned parcel)	<u>Side Setback</u> (not abutting residentially zoned parcel)	<u>Rear Setback</u>
0 feet	10 feet	0 feet	20 feet

- (b) When the side portion of a C-1/NFO zoned parcel is **across the street** from a residentially zoned parcel,

<u>Front Setback</u>	<u>Side Setback</u> (across from residentially zoned parcel)	<u>Side Setback</u> (not across from residentially zoned parcel)	<u>Rear Setback</u>
0 feet	5 feet	0 feet	20 feet

(2) Rear Contact/All Other Cases

- (a) When the rear portion of a C-1/NFO zoned parcel **abuts** a residentially zoned parcel or in any other case,

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
0 feet	0 feet	20 feet

3. Maximum Building Coverage. Maximum building coverage shall be eighty (80) percent and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
4. Maximum Building Floor Area. The maximum building floor area shall be eighty (80) percent of the total parcel area and shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable or non-working areas, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends four or more feet from exterior walls, over the area of all decks, porches, and balconies. Enclosed parking areas shall be excluded from total building floor area.

5. Maximum Building Height. The maximum building height shall be thirty (30) feet.

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

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond 30 feet to a maximum of 37 feet as required for safety or efficient operation.

Architectural features on buildings located on corner parcels, such as cupolas and turrets, may extend beyond 30 feet to a maximum of 37 feet as determined by the Director of Planning and Building.

6. Signs.

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

- (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
- (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (3) Signs emitting intense and focused beams of light, including beacons.
- (4) Off-premises signs.
- (5) Abandoned signs.
- (6) Billboards. Existing billboards shall be considered legal non-conforming uses upon adoption of this ordinance, and shall be subject to the provisions of Chapter 8.388 (Non-Conforming Uses) of the Development Code. Relocation of billboards, due to street widening or other right-of-way improvements, shall be subject to the provisions of the State of California Business and Professions Code (Section 5412).

b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per use, whichever is greatest.

c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters (0.75) square foot per foot of parcel street frontage.

d. Maximum Sign Height. The maximum height of signs on a parcel is as follows:

- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
- (2) Freestanding signs shall not exceed fifteen (15) feet.

e. Sign Projection. Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.

f. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

7. Screening.

- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
- b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where a commercial use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
- c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque materials compatible with the building, when visible from a public way or residentially zoned parcel.

**8.70.050 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

- 1. Noise. No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

- 2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the C-1/NFO District.
- 3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
- 4. Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises.
- 5. Trash and Debris. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
- 6. Loitering. All loitering during business hours shall be controlled, to the extent possible.
- 7. On-Site Activities. All uses, activities or operations shall be conducted entirely on the property, except that retail and food service activities may occur beyond the parcel, subject to use permit approval as described in Section 8.70.040.
- 8. Compliance with Applicable Law. All uses shall comply with applicable County, State and Federal laws.

(Prior Code § 6253, 6254; Ord 1483 – 10/10/61)

(Prior Code § 6253; Ord 3494 – 06/08/93)

(Prior Code § 6253.2, 6253.3; Ord 4621 – 12/07/82)

(Prior Code § 6254; Ord 3846 – 8/4/98)

## **CHAPTER 8.72 - C1/WMP District (NEIGHBORHOOD COMMERCIAL/WEST MENLO PARK)**

### **8.72.010 - Regulations For “C-1/WMP” District.**

The following regulations shall apply within those areas in West Menlo Park which are zoned C-1/WMP.

(Section 6254 - Adopted by Interim Ordinance No. 3840 - June 30, 1998)

(Section 6254 - Adopted by Ordinance No. 3842 - August 4, 1998)

(Section 6254 - Amended by Ordinance No. 3900 - April 20, 1999)

### **8.72.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of trades and services to serve the needs of neighboring residential areas.
2. Protect the viability of the surrounding residential areas by regulating commercial development and land uses.
3. Emphasize neighborhood commercial uses, but allow appropriate complementary land uses.
4. Preserve the scale of existing commercial development in the district.
5. Control use, size, location, and design of structures to create an attractive and pedestrian/bicycle-oriented neighborhood commercial district.
6. Protect the functional and economic viability of neighborhood commercial areas by restricting incompatible land uses.
7. Support and strengthen the local economy by providing trade and employment opportunities.
8. Encourage uses that minimize traffic impacts.
9. Implement the policies of the San Mateo County General Plan.

### **8.72.030 - Definitions.**

1. Community Centers  
Facilities used by local citizens for civic activities, performances, presentations or other purposes.
2. Establishment



A discreet place of business, including any division or department associated with that business operating under the same predominant name. A building may include one or multiple establishments.

3. Financial Institutions

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

4. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, liquor and candy stores, bakeries and delicatessens.

5. Food Establishments Specializing in Carry-Out or Delivery Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere, but may include limited indoor or outdoor seating.

6. Ground Floor Dependent Administrative, Professional, and Business Offices (2.06.10)

Establishments providing management, administrative, professional or consulting services including, but not limited to, travel agent, insurance agent, income tax preparer, real estate agent, and notary public. These establishments typically see clients on an unannounced or drop-in basis, benefit from a product or service display in the store frontage, and require ground floor visibility in commercial districts.

7. Home Occupations (1.05.10)

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

8. Indoor Retail Sales, Rental or Repair Establishments

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

9. Libraries (5.03.10)

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

10. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

11. Medical and Dental Offices

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

12. Motor Vehicle Fuel Sales

Commercial establishments primarily engaged in the sale of gasoline or other combustible fuels to the general public, often on a self-service basis.

13. Multiple-Family Dwellings-Mixed Use)

Single or multiple dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the ground floor.

13.5 Non-Chartered Financial Institution

See Section 8.04.030 (Zoning Definitions) for definition.

14. Non-Ground Floor Dependent Administrative, Professional, and Business Offices

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices. These establishments typically see clients on an appointment-only basis, generally do not require a product or service display in the store frontage, and can viably operate above the ground floor in commercial districts.

15. Other Compatible Uses

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

16. Outdoor Retail Sales, Rental or Repair Establishments

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

17. Parking Lots

Public and private facilities which provide designated spaces for temporary storage of operable and currently registered motor vehicles in an open area that is not a parking structure.

18. Parking Structures

Public and private facilities which provide designated spaces for temporary storage of operable and currently registered motor vehicles in or on a building above or below grade.

19. Personal Convenience Service Establishments

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

20. Pet Sales and/or Grooming Establishments

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

21. Restaurants

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants shall be located primarily within a building but may include an outdoor component, and also may include a bar as defined in Section 8.70.030(2).

22. Retail Cleaning Establishments

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries and laundromats where coin-operated washers and dryers are provided for self-service to the public.

23. Small Indoor Exercise and Leisure Facilities

Commercial facilities located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to, exercise facilities and dance academies (4,500 sq. ft. or less), billiard halls (five pool tables or less), and electronic game facilities (five electronic games or less).

24. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are brought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

25. Urban Roadside Stands (2.02.53)

Structures in urban areas of either portable or permanent construction used for the sale of produce and other goods and merchandise, but not including food vendors or any other vendor selling goods off private property.

26. Veterinary Hospitals for Small Animals (9.02.30)

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

**8.72.040 – Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<p><b>A. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES (TSW-1.WMP)</b></p> <p>1. Personal Convenience Service Establishments</p> <p>2. Retail Cleaning Establishments</p> <p>3. Veterinary Hospitals for Small Animals</p>	<p>Floor Area per Establishment: Up to 6,000 sq. ft.–None Over 6,000 sq. ft.–Use Permit</p> <p>Floor Area per Establishment: Up to 6,000 sq. ft.–None Over 6,000 sq. ft.–Use Permit</p> <p>Use Permit</p>
<p>4. Pet Sales and/or Grooming Establishments</p>	<p>Floor Area per Establishment: Up to 6,000 sq. ft.–None Over 6,000 sq. ft.–Use Permit</p>
<p><b>B. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS (TSW-2)</b></p> <p>1. Food and Beverage Stores</p> <p>2. Indoor Retail Sales, Rental or Repair Establishments</p> <p>3. Outdoor Retail Sales, Rental or Repair Establishments</p> <p>4. Urban Roadside Stands</p>	<p>Floor Area per Establishment: Up to 6,000 sq. ft.–None Over 6,000 sq. ft.–Use Permit</p> <p>Floor Area per Establishment: Up to 6,000 sq. ft.–None Over 6,000 sq. ft.–Use Permit</p> <p>Use Permit</p> <p>Use Permit</p>
<p><b>C. FOOD SERVICES (TSW-3.WMP)</b></p>	

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<ol style="list-style-type: none"> <li>1. Restaurants</li> <li>2. Food Establishments Specializing in Carry-Out or Delivery Service</li> </ol>	<p>Floor Area per Establishment: Up to 6,000 sq. ft.—None<sup>1</sup> Over 6,000 sq. ft.—Use Permit</p> <p>Floor Area per Establishment: Up to 6,000 sq. ft.—None<sup>1</sup> Over 6,000 sq. ft.—Use Permit</p>
<p><b>D. PROFESSIONAL SERVICES (TSW-4.WMP)</b></p> <ol style="list-style-type: none"> <li>1. Financial Institutions</li> <li>2. Ground Floor Dependent Administrative, Professional and Business Offices</li> <li>3. Non-Ground Floor Dependent Administrative, Professional and Business Offices (See Section 8.70.030(6))</li> <li>4. Medical and Dental Offices (See Section 8.70.030(11))</li> </ol>	<p>Floor Area per Establishment: Up to 3,000 sq. ft.—None Over 3,000 sq. ft.—Use Permit</p> <p>Floor Area per Establishment: Up to 3,000 sq. ft.—None Over 3,000 sq. ft.—Use Permit</p> <p>None</p> <p>None</p>
<ol style="list-style-type: none"> <li>5. Non-Chartered Financial Institution</li> </ol>	<p>Use Permit (subject to performance requirements contained in Section 6251(f)(8) of these Zoning Regulations)</p>
<p><b>E. INDOOR RECREATION FACILITIES (REC-WMP)</b></p> <ol style="list-style-type: none"> <li>1. Small Indoor Exercise and Leisure Facilities</li> </ol>	<p>Floor Area per Establishment: Up to 6,000 sq. ft.—None Over 6,000 sq. ft.—Use Permit</p>
<p><b>F. MOTOR VEHICLE-RELATED TRADES AND SERVICES (TSW-5.WMP)</b></p> <ol style="list-style-type: none"> <li>1. Motor Vehicle Fuel Sales</li> </ol>	<p>None</p>
<p><b>G. MULTIPLE-FAMILY DWELLINGS (RES-5)</b></p> <p>Multiple-Family Dwellings-Mixed Use (See Section 8.70.030(13))</p>	<p>None</p>
<p><b>H. RESIDENTIAL ACCESSORY USES (RES-13)</b></p> <p>Home Occupations</p>	<p>None</p>
<p><b>I. LIMITED KEEPING OF PETS (ANM-2)</b></p> <p>Limited Keeping of Pets</p>	<p>None</p>
<p><b>J. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES (WMT-1)</b></p> <p>Small Solid Waste Collection Facilities</p>	<p>None</p>
<p><b>K. NEIGHBORHOOD CULTURAL FACILITIES (INT-2)</b></p> <ol style="list-style-type: none"> <li>1. Libraries</li> <li>2. Community Centers</li> </ol>	<p>None</p> <p>None</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>L. OTHER COMPATIBLE USES</b> Other Compatible Uses	To be determined by Director of Planning and Building
<b>M. PARKING</b> 1. Parking Lots 2. Parking Structures	None Use Permit
<sup>1</sup> A use permit shall be required for all activities located in the public right-of-way.	

(Sections 6254.2, 6254.3 – Amended by Ordinance No. 4621 – June 26, 2012)

**8.72.050 - Development Standards.**

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum average parcel width shall be fifty (50) feet.
2. Minimum Building Setbacks. Except as otherwise indicated in this section, the minimum building setbacks shall be:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
32 feet	0 feet	0 feet

When the side portion of a commercial zoned parcel abuts a residential zoned parcel, the side setback shall be ten (10) feet. When the rear portion of a commercial zoned parcel abuts a residential zoned parcel, the rear setback shall be twenty (20) feet.

3. Maximum Building Coverage. Maximum building coverage shall be seventy percent (70%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
4. Maximum Building Floor Area. The maximum building floor area shall be seventy percent (70%) of the parcel area (0.7 FAR) and shall include the total floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends six (6) or more feet from exterior walls, over the area of all decks, porches, and balconies. Parking areas shall be excluded from total building floor area.
5. Maximum Building Height. The maximum building height shall be two (2) stories not to exceed thirty (30) feet, except as described below.

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

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond thirty (30) feet to a maximum of thirty-seven (37) feet as required for safety or efficient operation.

Architectural features on buildings located on corner parcels, such as cupolas and turrets, may extend beyond thirty (30) feet to a maximum of thirty-seven (37) feet as determined by the Director of Planning and Building.

6. Location of Non-Ground Floor Dependent Offices. All Non-Ground Floor Dependent Administrative, Professional or Business Offices and any Medical or Dental Offices that exceed 1,200 sq. ft. floor area, shall be located above the first floor. In addition, Medical or Dental Offices located on the first floor shall be limited to one establishment per building.

Notwithstanding the requirements above, any non-ground floor dependent office located on the ground floor as of the effective date of this ordinance may be replaced by another non-ground floor dependent office, providing that the pre-existing floor area is not increased.

7. Location of Residential Dwelling Units. Dwelling units shall be located above the first floor, and the floor area of the dwelling units shall not exceed the floor area of the ground floor.
8. Building Entrances. All buildings must provide at least one building entrance facing the street. In addition, buildings abutting a parking lot in the rear with ten (10) spaces or more shall provide a building entrance that faces such parking lot.
9. Drive-Through Facilities. No establishment may provide drive-through facilities, i.e., facilities designated to serve customers while seated in a motor vehicle.
10. Signs

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

- (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
- (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (3) Signs emitting intense and focused beams of light, including beacons.
- (4) Off-premises signs.
- (5) Abandoned signs.
- (6) Billboards. Existing billboards shall be considered legal non-conforming uses upon adoption of this ordinance, and shall be subject to the provisions of the Non-Conforming Uses Chapter of the Zoning Regulations. Relocation of billboards, due to street widening or other right-of-way improvements, shall be subject to the provisions of the State of California Business and Professions Code (Section 5412).

b. Maximum Number of Signs

- (1) Maximum Number of Signs on a Parcel. The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per use, whichever is greatest, unless more signs are permitted by the maximum number of signs per establishment.
- (2) Maximum Number of Signs per Establishment. The maximum number of signs per establishment shall be one (1) sign per street fronting that establishment. When an establishment has a building entrance facing a rear parking area, an additional sign per establishment visible from that parking area may be displayed, providing that such sign is not visible from any residential zoned parcel, to the satisfaction of the tp.

c. Maximum Total Sign Display Area. The maximum display area for the signs on a building shall be the sum of subsections (1), (2) and (3) below:

- (1) The maximum display area for the sum of all signs facing a building's only street frontage, or facing the widest street in the case of a building with two or more street frontages, shall be as determined in

Table 1.0 below. If streets are the same width, the Director of Planning and Building shall select the street with the higher traffic volume as the building's widest street frontage.

<b>Table 1.0</b>	
<b>Parcel Frontage (feet)</b>	<b>Sign Display Area (square feet)</b>
0 - 25	40 sq. ft.
26 - 50	1.59 x Building Frontage
51 - 75	1.33 x Building Frontage (or 80 sq. ft. whichever is greater)
80 or above	100 sq. ft.

- (2) The maximum display area for the sum of all signs facing the street with the lesser traffic volume (or narrow street frontage) shall be one-half (0.5) of the area determined in Table 1.0 above.
- (3) The maximum display area for the sum of all signs facing a building's rear parking area shall be one-half (0.5) of the area determined in Table 1.0 above.

Maximum sign display area calculated for one side of a building may not be transferred to another side of that building. The provisions of this section apply to the building, and not to individual establishments within the building.

d. Maximum Sign Height. The maximum height of signs on a parcel is as follows:

- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the eave or roofline, whichever is lower.
- (2) Freestanding signs shall not exceed fifteen (15) feet.

e. Sign Projection. Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of an encroachment permit by the Director of Public Works.

f. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

- 11. Parking. All development shall provide parking in accordance with the requirements of Zoning Regulations Chapter 3. In addition to these requirements, bicycle parking spaces shall be provided at a rate of one (1) locker, rack, or other device to secure and park bicycles for every ten (10) vehicle spaces required, but in no case less than one (1) bicycle parking space per parcel.
- 12. Landscaping. All developed parcels shall be landscaped with trees or bushes, shrubbery, etc. At minimum, landscaping shall consist of fifty (50) square feet of ground cover or one fifteen (15) gallon size tree for every thirty (30) feet of street fronting the parcel. As an alternative to tree planting, a maximum fifty percent (50%) of the number of trees required can be substituted by the planting of bushes, providing that fifty (50) square feet of bush ground cover is planted for each tree required. A landscape plan shall be submitted to the satisfaction of the Director of Planning and Building.

When the determination of the number of trees results in a fractional number, any fraction of one-half or greater shall be rounded up to the next whole number. Any fraction less than one-half shall be disregarded.

13. **Pedestrian Connections.** Parcels that border other C-1/WMP zoned parcels shall provide a pedestrian access pathway that provides a functional link to the property line of the bordering parcel or parcels. Pedestrian access pathways shall be located as close as possible to the building on each parcel and connect with a corresponding pedestrian pathway on an adjacent property. Pedestrian pathways shall be a minimum of five (5) feet in width, and, when necessary, shall feature ramps that conform to the California Disabled Accessibility Guidebook.
14. **Screening**
  - a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
  - b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where a commercial use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
  - c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque materials compatible with the building, when visible from a public way or residentially zoned parcel.
15. **Accessory Structures.** Any accessory structure shall be sited to minimize visual obtrusiveness, and to the extent feasible, blend with the primary use on the property.

(Sections 6254.3, 6254.4 - Amended by Ordinance No. 3925 - October 19, 1999)

**8.72.060 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. **Noise.** No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:

<b>Time of Day</b>	<b>Level (in dBA) Not To Be Exceeded</b>		
	<b>More Than 30 Minutes in Any Hour</b>	<b>More Than 5 Minutes in Any Hour</b>	<b>At Any Moment</b>
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 a.m. - 7:00 a.m.	55	65	75

2. **Odor.** No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the C-1/WMP District.
3. **Vibration.** No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
4. **Lighting.** All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises.



5. Trash and Debris. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
6. Loitering. All loitering during business hours shall be controlled, to the extent possible.
7. On-Site Activities. All uses, activities or operations shall be conducted entirely on the property, except that retail and food service activities may occur beyond the parcel, subject to use permit approval as described in Section 8.72.040.
8. Compliance with Applicable Law. All uses shall comply with applicable County, State and federal laws.

## **CHAPTER 8.76 - C2, GENERAL COMMERCIAL DISTRICTS**

### **8.76.010 - Regulations For "C-2" Districts.**

The following regulations shall apply in all "C-2" Districts and shall be subject to all applicable provisions of Article 2 and Article 3 of Title 8 of the San Mateo County Ordinance Code.

### **8.76.020 - Uses Permitted.**

- (a) All uses permitted in "C-1" Districts without regard to any limitations specified in Title 8 or such uses in said "C-1" Districts and without regard to the securing of any use permits EXCEPT for any residential uses, which shall first obtain a use permit. The Director of Planning and Building may, on a case-by-case basis, exempt residential accessory buildings and uses from the use permit requirement.
- (b) The following uses:
  1. Automobile repair garages, including storage facilities where all operations are conducted in a building enclosed on all sides.
  2. Billiard parlors or pool halls.
  3. Bowling alleys.
  4. Carpenter shops.
  5. Dance halls.
  6. Dancing academies.
  7. Electrical substations.
  8. Equipment and tool rental.
  9. Golf driving ranges and miniature golf courses.
  10. Laundries.
  11. Lumber yards - including the sale of lumber and wood products but not the milling and planing thereof.
  12. Paint, paper hanging and decorating shops.
  13. Plumbing shops where all operations are conducted in a building enclosed on all sides.
  14. Printing shops.

15. Sign painting shops.
16. Skating rinks.
17.
  - a. Pet sales and/or grooming establishments.
  - b. Veterinary hospitals for small animals.
18. Storage of household goods.
19. Stores and shops for the conduct of any wholesale business.
20. Stores and shops for the sale of used merchandise where all operations are conducted in a building enclosed on all sides.
21. Tinsmith shops where all operations are conducted in a building enclosed on all sides.
22. Used car sales.
23. Scaffold storage and rental where all operations are conducted in a building enclosed on all sides.
24. Maintenance and operation of up to five electronic amusement devices, provided, however, no such amusement device or devices may be located, operated, or maintained to or within three hundred (300) feet of the nearest entrance to or exit from any public or private school of elementary or high school grades.

(c) Exterior signs pertaining to the business uses conducted on the premises and subject to the following limitations:

1. Signs shall not exceed two hundred (200) square feet in area on one face and not more than five hundred (500) square feet in total area on the premises. Larger areas may be authorized by the use permit in exceptional cases.
2. Signs shall not project more than one (1) foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than eight (8) feet from the face of the building.
3. Attached signs shall not project above the roofline or cornice except when in the opinion of the Planning Commission the sign is an architectural part or feature of the building.
4. Freestanding signs shall not extend to a height more than twenty (20) feet above the sidewalk or paved area except when in the opinion of the Planning Commission the sign is an architectural feature of the site.
5. Signs shall not face the side line of any adjoining lot in any "R" District when such sign is within twenty-five (25) feet of said side line.

(d) The following uses subject to the securing of a use permit in each case as provided in Chapter 8.280 of Title 8.

1. Trailer camps.
2. Electroplating shops.
3. Poultry slaughtering.
4. Outdoor advertising structures or signs as defined in Sections 5202 and 5203 of the Business and Professions Code of the State of California.
5. Children's amusement devices.
6. Roofing contractor's establishments.

7. Maintenance and operation of six or more electronic amusement devices, provided, however, no such amusement device or devices may be located, operated, or maintained within three hundred (300) feet of the nearest entrance to or exit from any public or private school of elementary or high school grades.
8. Adult bookstores, adult movie houses or adult cabarets subject to the following limitations:
  - a. No adult bookstore, adult movie house or adult cabaret shall be located within one thousand (1,000) feet of any other adult bookstore, adult movie house or adult cabaret.
  - b. No adult bookstore, adult movie house or adult cabaret shall be located within two thousand (2,000) feet of any nursery school, elementary school, junior high school, high school, public playground or church.
  - c. No adult bookstore, adult movie house or adult cabaret shall be located within five hundred (500) feet of any R-1, R-2, or R-3 zoning district in the unincorporated area, or within five hundred (500) feet of any residential zoning district in any adjacent jurisdiction.
9. Bed and breakfast inns (outside Coastal Zone).
10. Non-Chartered Financial Institutions, subject to the following requirements:
  - a. No Non-Chartered Financial Institution may be located within a radius of one thousand (1,000) feet from the nearest existing Non-Chartered Financial Institution.
  - b. No Non-Chartered Financial Institution may be located within a radius of five hundred (500) feet from the following land uses:
    - (1) Residentially zoned parcels
    - (2) Any State or Federally chartered bank, savings association, credit union, or industrial loan company.
    - (3) Religious Institution.
    - (4) School or Day Care Facility.
    - (5) Bar or Liquor Store, excluding full service restaurants and alcoholic beverage sales establishments with twenty-five (25) or more full time equivalent (FTE) employees and a total floor area of twenty thousand (20,000) square feet or more.
    - (6) Pawn Shops.
  - c. Each new Non-Chartered Financial Institution shall meet the following minimum standards of performance, which shall be included as conditions of approval for such uses, provided that nothing in this Ordinance Code shall limit the discretion of the decision making body to impose additional performance standards as may be warranted in any given case. These standards are obligations of the owner(s) of the Non-Chartered Financial Institution and are intended to ensure the Non-Chartered Financial Institution does not negatively impact the public health and safety:
    - (1) A lighting plan shall be reviewed and approved by the County Planning and Building Department prior to the issuance of building permits and all lighting required by the approved plan shall be installed prior to final approval on the building permit. Exterior lighting shall be provided on all frontages. Exterior lighting shall be designed so as not to cast glare off-site.

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

(Prior Code § 6261(a); Ord 2204 – 06/19/73)

(Prior Code § 6261(a); Ord 3434 – 11/10/92)

(Prior Code § 6261(b); Ord 1248 – 11/05/57)

(Prior Code § 6261(b); Ord 1428 – 07/27/60)

(Prior Code § 6261(b)17; Ord 3434 – 11/10/92)

(Prior Code § 6261(b)24; Ord 2796 – 09/07/82)

(Prior Code § 6261(d)5; Ord 1300 – 06/24/58)

(Prior Code § 6261(d)5; Ord 2785 – 04/27/82)

(Prior Code § 6261(d)6; Ord 1846 – 09/05/57)

(Prior Code § 6261(d)7; Ord 2796 – 09/07/82)

(Prior Code § 6261(d)8; Ord 2813 – 12/07/82)

(Prior Code § 6261(d)9; Ord 2810 – 11/16/82)

(Prior Code § 6261(d)9; Ord 3207 – 02/20/90)

(Prior Code § 6261(d)9; Ord 4225 – 07/27/04)

(Prior Code § 6261(d)10; Ord 4621 – 06/26/12)

(Prior Code § 6262; Ord 1483 – 10/10/61)

## **CHAPTER 8.78 - C2, GENERAL COMMERCIAL DISTRICTS NORTH FAIR OAKS**

### **8.78.010 - Regulations For “C-2/NFO” District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned C-2/NFO.

(Prior Code § 6263, 6264; Ord 1483 – 10/10/61)

(Prior Code § 6263; Ord 3495 – 06/08/93)

### **8.78.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of a wide range of trades and services to serve the needs of surrounding community and region.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses and requiring that commercial development meets minimum design standards.
3. Protect the functional and economic viability of commercial areas by restricting incompatible land uses.
4. Support and strengthen the local economy by providing trade and employment opportunities.
5. Implement the policies of the San Mateo County General Plan.

### **8.78.030 - Definitions.**

1. Administrative, Professional and Business Offices.

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices.

2. Ambulance and Paramedic Services .

Facilities used for medical emergency response services.

3. Art Centers.

Facilities used for the storage, exhibition, preservation, study or creation of works of artistic value.

4. Auto Shops and Garages.

Commercial establishments primarily engaged in motor vehicle maintenance and repair services including, but not limited to, major repair work, painting and body work that may occur completely or partially within an enclosed, covered building. Auto shops and garages do not include salvage yards or junk yards, i.e., auto wrecking and dismantling businesses.

5. Bars

Commercial establishments primarily engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises, which may also offer food and entertainment on a limited basis, but not adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

6. Botanical and Zoological Gardens

Facilities and associated grounds used for the nurturing, study or exhibition of plant or animal species.

7. Car Washes

Commercial establishments primarily engaged in cleaning cars or other motor vehicles, or in furnishing facilities to the general public for the washing of motor vehicles on the premises. Car washes may include the sale of fuel.

8. Cemeteries

Facilities and associated grounds used for the outdoor or indoor burial or interment of human or pet remains that may include columbaria, crematoriums or facilities for conducting funeral services.

9. Civil Defense Operations

Facilities used for emergency supply, storage and shelter.

10. Clinics.

Facilities providing health care including diagnosis, prevention and treatment of human physical and mental illness, primarily on an outpatient basis only.

11. Club and Organization Meeting Facilities

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social or fraternal clubs or lodges, union halls or philanthropic institutions.

12. Community Centers.

Facilities used by local citizens for civic activities, performances, presentations or other purposes.

13. Electronic Game Amusement Arcades

Commercial establishments featuring the operation of six or more coin or token-operated electronic games.

14. Elementary and Secondary Schools

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

15. Financial Institutions

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

16. Fire Stations

Facilities used for fire fighting services, sometimes including associated paramedic services.

17. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, liquor and candy stores, bakeries and delicatessens.

18. Food Establishments Specializing in Carry-Out or Delivery Service.

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere, but may include limited seating or drive-through take-out service.

19. Funeral Homes.

Facilities used for preparing the deceased for burial, viewing of the deceased, cremations and conducting ceremonies including funerals and memorial services.

20. Indoor Exercise and Leisure Facilities.

Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.

21. Indoor and Outdoor Wholesale Establishments

Commercial establishments engaged in bulk sales of goods primarily to licensed merchants and members of consumer discount associations or clubs.

22. Indoor Retail Sales, Rental or Repair Establishments

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

23. Indoor Theaters

Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances.

24. Institutional Day Care Facilities for Adults

Licensed facilities in buildings that do not contain a dwelling unit which provide non-medical care and supervision to adults on less than a 24-hour a day basis to adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

25. Institutional Day Care Facilities for Children (Day Care Centers)

Licensed facilities including infant centers, pre-schools and extended day care facilities, located in buildings that do not contain a dwelling unit, which regularly provide non-medical care, protection, and supervision of children for a period of less than 24 hours a day while parents or guardians are away.

26. Institutional Day Care Facilities for the Elderly

Licensed facilities in buildings that do not contain a dwelling unit(s), which provide non-medical care and supervision to elderly adults on less than a 24-hour a day basis.

27. Institutional Shared Housing Facilities for the Elderly

Facilities for seven (7) or more elderly adults where varying levels of supportive services or non-medical care are provided on a 24-hour a day basis including, but not limited to, rest homes or retirement homes.

28. Institutional Full-Time Care Facilities for Children

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more children, who may or may not have special needs or disabilities, in a structured environment.

29. Institutional Full-Time Care Facilities for Adults

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

30. Intermediate Care Facilities

Facilities providing basic health care to inpatients who have intermittent, though not continuous, need for skilled nursing care but need continuous 24-hour a day supportive health care and skilled nursing supervision.

31. Interpretive Centers

Facilities used for the education of the public with respect to natural, historical and cultural environments and legacies.

32. Large Solid Waste Collection Facilities

Facilities, more than 500 sq. ft. in area, where discarded glass, paper or clothes or any other recyclable materials are bought and/or collected.

33. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

34. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

35. Medical and Dental Offices

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

36. Motor Vehicle Fuel Sales

Commercial establishments primarily engaged in the sale of gasoline or other combustible fuels to the general public, often on a self-service basis.

37. Motor Vehicle Sales or Rentals

Commercial establishments primarily engaged in the retail sale or rental of motor vehicles or mobile homes, and which may include repair or service departments and sales of replacement parts and accessories.

38. Motor Vehicle Service Stations

Commercial establishments primarily engaged in the sale of fuel, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

39. Museums

Facilities used for the storage, exhibition, preservation or study of culturally, historically or scientifically valued works and phenomena.

40. Night Clubs with Entertainment

Commercial establishments that primarily provide entertainment such as musical or comedic performances but do not provide adult entertainment. Night clubs with entertainment may serve drinks and food.

41. Non-Chartered Financial Institution

See Section 8.04.030 (Zoning Definitions) for definition.

42. Other Compatible Uses

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

43. Outdoor Retail Sales, Rental or Repair Establishments.



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

44. Parking Lots and Garages

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

45. Performing Arts Centers

Facilities used for the presentation of live musical, dance, dramatic or other artistic performances.

46. Personal Convenience Service Establishments

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

47. Pet Sales and/or Grooming Establishments

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

48. Police Stations

Facilities used for the administration of law enforcement services, usually with limited space for holding lawfully detained persons.

49. Radio and Television Stations

Facilities primarily engaged in activities involving the production and transmission of radio and television programs to the public.

50. Religious Facilities

Facilities or meeting places used for worship or religious instruction including churches, synagogues, mosques and temples.

51. RestaurantS

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in Section 2.02.030.

52. Retail Cleaning Establishments

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries and laundromats where coin-operated washers and dryers are provided for self-service to the public.

53. Skilled Nursing Facilities

Facilities providing 24-hour a day intensive nursing care and supportive health care to inpatients requiring care over a prolonged period of time.

54. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

55. Telephone Communication Facilities

Facilities primarily engaged in furnishing telephone communication services including, but not limited to, establishments providing paging and telephone services containing telephone equipment, relay stations and service facilities.

56. Trade and Vocational Schools

Public or private educational facilities and associated grounds offering specialized trade or commercial instruction, but not academic education, above the secondary level.

57. Urban Roadside Stands

Structures in urban areas of either portable or permanent construction used for the sale of produce and other goods and merchandise, but not including mobile food vendors or any other vendor selling goods off private property.

58. Veterinary Hospitals for Small Animals

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

59. Wholesale Cleaning Establishments

Commercial establishments involving the washing, cleaning or dyeing of clothing, linens or other fabrics in large bulk, primarily for other businesses or institutions.

(Prior Code § 6263.2.40.5, 6263.3; Ord 4621 – 06/26/12)

**8.78.040 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p><b>A. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS (TSW-2)</b></p> <p>1. Food and Beverage Stores</p> <p>2. Indoor Retail Sales, Rental or Repair Establishments</p> <p>3. Outdoor Retail Sales, Rental or Repair Establishments</p> <p>4. Urban Roadside Stands</p>	<p>None</p> <p>None<sup>2</sup></p> <p>Use Permit<sup>2</sup></p> <p>None<sup>2</sup></p>
<p><b>B. FOOD SERVICES (TSW-3)</b></p> <p>1. Restaurants</p> <p>2. Food Establishments Specializing in Carry-Out or Delivery Service</p> <p>3. Bars</p>	<p>None<sup>2</sup></p> <p>None<sup>2</sup></p> <p>None<sup>2</sup></p>
<p><b>C. MOTOR VEHICLE-RELATED TRADES AND SERVICES (TSW-5)</b></p> <p>1. Motor Vehicle Fuel Sales</p>	<p>None</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
2. Motor Vehicle Service Stations	None
<b>D. MOTOR VEHICLE-RELATED SALES AND MAINTENANCE SERVICES (TSW-6)</b> 1. Auto Shops and Garages 2. Motor Vehicle Sales or Rentals 3. Car Washes	None None None
<b>E. PROFESSIONAL SERVICES (TSW-4)</b> 1. Administrative, Professional and Business Offices 2. Medical and Dental Offices 3. Financial Institutions 4. Trade and Vocational Schools 5. Non-Chartered Financial Institutions	None None None None Use Permit <sup>4</sup>
<b>F. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES (TSW-1)</b> 1. Personal Convenience Service Establishments 2. Retail Cleaning Establishments 3. Veterinary Hospitals for Small Animals 4. Pet Sales and/or Grooming Establishments 5. Funeral Homes	None None None None None
<b>G. LIMITED KEEPING OF PETS (ANM-1)</b> Limited Keeping of Pets	None
<b>H. WHOLESALE TRADES AND SERVICES (TSW-8)</b> 1. Indoor and Outdoor Wholesale Establishments 2. Wholesale Cleaning Establishments	Use Permit Use Permit
<b>I. RADIO, TELEVISION AND TELEPHONE FACILITIES (TCU-2)</b> 1. Radio and Television Stations 2. Telephone Communication Facilities	Use Permit Use Permit
<b>J. NEIGHBORHOOD INSTITUTIONAL FACILITIES (INT-1)</b> 1. Elementary and Secondary Schools 2. Religious Facilities	Use Permit None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<ul style="list-style-type: none"> <li>3. Club and Organization Meeting Facilities</li> <li>4. Institutional Day Care Facilities for Children (Day Care Centers)</li> <li>5. Institutional Day Care Facilities for Adults</li> <li>6. Institutional Day Care Facilities for the Elderly</li> <li>7. Intermediate Care Facilities</li> <li>8. Skilled Nursing Facilities</li> <li>9. Fire Stations</li> <li>10. Cemeteries</li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>Use Permit</li> </ul>
<p><b>K. SPECIALIZED HEALTH CARE FACILITIES (INT-5)</b></p> <ul style="list-style-type: none"> <li>1. Skilled Nursing Facilities</li> <li>2. Intermediate Care Facilities</li> <li>3. Clinics</li> <li>4. Medical and Dental Offices</li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>None</li> <li>None</li> <li>None</li> </ul>
<p><b>L. EMERGENCY FACILITIES (INT-7)</b></p> <ul style="list-style-type: none"> <li>1. Fire Stations</li> <li>2. Ambulance and Paramedic Services</li> <li>3. Police Stations</li> <li>4. Civil Defense Operations</li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>None</li> <li>None</li> <li>None</li> </ul>
<p><b>M. COMMUNITY CULTURAL FACILITIES (INT-3)</b></p> <ul style="list-style-type: none"> <li>1. Libraries</li> <li>2. Community Centers</li> <li>3. Museums</li> <li>4. Art Centers</li> <li>5. Performing Art Centers</li> <li>6. Interpretive Centers</li> <li>7. Botanical and Zoological Gardens</li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>None</li> <li>Use Permit</li> </ul>
<p><b>N. INDOOR RECREATION FACILITIES (REC-1)</b></p> <ul style="list-style-type: none"> <li>1. Indoor Exercise and Leisure Facilities</li> <li>2. Indoor Theaters</li> </ul>	<ul style="list-style-type: none"> <li>None</li> <li>None</li> </ul>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
3. Night Clubs with Entertainment	None
4. Electronic Game Amusement Arcades	None
<b>O. COMMUNITY SOLID WASTE RECYCLING FACILITIES (WMT-2)</b>	
1. Small Solid Waste Collection Facilities	None
2. Large Solid Waste Collection Facilities	Use Permit
<b>P. PARKING (TSW-11)</b>	
Parking Lots and Garages	None
<b>Q. OTHER COMPATIBLE USES (OCU-1)</b>	
Other Compatible Uses	To Be Determined by Director of Planning and Building
<sup>1</sup> Other permits may be required by a combining district, e.g., Design Review approval. <sup>2</sup> A use permit shall be required for off-premise activities. <sup>4</sup> Subject to performance requirements outlined in Section 8.76.020(d)(10) of these Zoning Regulations.	

(Prior Code § 6263.2.40.5, 6263.3; Ord 4621 – 06/26/12)

### 8.78.050 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 10,000 sq. ft. and the minimum average parcel width shall be one-hundred (100) feet.
2. Minimum Building Setbacks. The minimum building setbacks shall be:

a. Near Residentially Zoned Parcels

(1) Front Contact

When the front portion of a C-2/NFO zoned parcel is **across the street** from a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
5 feet	0 feet	20 feet

For that portion of the building exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
0 feet	0 feet	20 feet

(2) Side Contact

(a) When the side portion of a C-2/NFO zoned parcel **abuts** a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u> (abutting residentially-zoned parcel)	<u>Side Setback</u> (not abutting residentially-zoned parcel)	<u>Rear Setback</u>
0 feet	10 feet	0 feet	20 feet

For that portion of the building exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u> (abutting residentially-zoned parcel)	<u>Side Setback</u> (not abutting residentially-zoned parcel)	<u>Rear Setback</u>
10 feet	15 feet	0 feet	20 feet

- (b) When the side portion of a C-2/NFO zoned parcel is **across the street** from a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u> (across from residentially-zoned parcel)	<u>Side Setback</u> (not across from residentially-zoned parcel)	<u>Rear Setback</u>
0 feet	5 feet	0 feet	20 feet

For that portion of the building exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u> (across from residentially-zoned parcel)	<u>Side Setback</u> (not across from residentially-zoned parcel)	<u>Rear Setback</u>
0 feet	10 feet	0 feet	20 feet

- (3) Rear Contact

When the rear portion of a C-2/NFO zoned parcel **abuts** a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
0 feet	0 feet	20 feet

For that portion of the building exceeding 30 feet in height:

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
0 feet	0 feet	25 feet

- b. Not Near Residentially Zoned Areas/All Other Cases:

Front Setback

Side Setback

Rear Setback

0 feet

0 feet

20 feet

3. **Maximum Building Coverage.** Maximum building coverage shall be eighty (80) percent and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
4. **Maximum Building Floor Area.** The maximum total building floor area shall be 150 percent of the total parcel area and shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable or non-working areas, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends 4 or more feet from exterior walls, over the area of all decks, porches, and balconies. Enclosed parking areas shall be excluded from total building floor area.
5. **Maximum Building Height.** The maximum building height shall be thirty-seven (37) feet.

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

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond 37 feet to a maximum of 46 feet as required for safety or efficient operation.

Architectural features on buildings located on corner parcels, such as cupolas and turrets, may extend beyond 37 feet to a maximum of 44 feet as determined by the Director of Planning and Building.

6. **Signs.**

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

- (1) Any sign that, because of its location, construction, color, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
- (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
- (3) Signs emitting intense and focused beams of light, including beacons.
- (4) Off-premises signs.
- (5) Abandoned signs.
- (6) Billboards. Existing billboards shall be considered legal non-conforming uses upon adoption of this ordinance and shall be subject to the provisions of the Non-Conforming Uses Chapter of the Zoning Regulations. Relocation of billboards, due to street widening or other right-of-way improvements, shall be subject to the provisions of the State of California Business and Professions Code (Section 5412).

b. **Maximum Number of Signs.** The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per use, whichever is greatest.

c. **Maximum Total Sign Display Area.** The maximum total display area for all signs on a parcel is three-quarters (0.75) square foot per foot of parcel street frontage.

d. **Maximum Sign Height.** The maximum height of signs on a parcel is as follows:

- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
- (2) Freestanding signs shall not exceed eight (8) feet.

- e. Sign Projection. Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.
- f. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

7. Screening.

- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
- b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where a commercial use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
- c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque materials compatible with the building, when visible from a public way or residentially zoned parcel.

(Prior Code § 6263, 6264; Ord 1483 – 10/10/61)

**8.78.060 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

- 1. Noise. No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

- 2. Dust and Odor. No use will be permitted which emits dust, an odor or air pollutant, detectable without instruments, beyond the boundaries of the C-2/NFO District.
- 3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
- 4. Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises.
- 5. Trash and Debris. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
- 6. Loitering. All loitering during business hours shall be controlled, to the extent possible.



7. On-Site Activities. All uses, activities or operations shall be conducted entirely on the property, except that retail food and service activities may occur beyond the parcel, subject to use permit approval as described in Section 8.78.040.
8. Compliance with Applicable Law. All uses shall comply with applicable County, State and Federal laws.

(Prior Code § 6263, 6264; Ord 1483 – 10/10/61)

(Prior Code § 6263; Ord 3495 – 06/08/93)

(Prior Code § 6263.2.40.5, 6263.3; Ord 4621 – 06/26/12)

## ***CHAPTER 8.82 - CCR, (COASTSIDE COMMERCIAL RECREATION DISTRICT)***

### **8.82.010 - Purpose.**

The purpose of the Coastsides Commercial Recreation District is to limit and control the use and development of land designated as commercial recreation in the Local Coastal Program in order to establish commercial areas which:

1. Are primarily oriented toward meeting the service and recreational needs of Coastsides visitors, boat users and Coastsides residents seeking recreation;
2. Are active and pedestrian-oriented, while meeting the need for safe and efficient automobile access and parking;
3. Have an intimate, human scale;
4. Have a unified design theme appropriate to their location;
5. Size of the district permitting, have a balanced diversity of uses, within the limits of Section 8.82.030;
6. Provide public access to nearby coastal areas; and
7. Protect coastal resources.

### **8.82.020 - Definitions.**

1. Bars

Commercial establishments primarily engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises, which may also offer food and entertainment on a limited basis.

2. Boat Building, Repair, Sales and Support Establishments

Commercial establishments primarily engaged in the assembly, repair, storage or sale of marine vessels and support services including, but not limited to, the sale of fuel.

3. Boat Launching and Docking Facilities

Ocean or lakeside facilities for small pleasure craft with associated features including piers, docks and boat launch ramps.

4. Commercial Fishing Harbors and Associated Facilities

Establishments engaged in the operation and maintenance of harbor facilities for commercial fishing vessels including, but not limited to, piers, docks, boat launch ramps and administrative offices associated with such facilities.

5. Financial Institutions

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

6. Food and Beverage Stores

Commercial establishments engaged in the retail sale primarily of various packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, liquor and candy stores, bakeries and delicatessens.

7. Home Occupations

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

8. Indoor Retail Sales, Rental and Repair Establishments

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

9. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4); and (b) no more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit, or per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

10. Large Hostelries

Facilities that rent six (6) or more rooms for the overnight accommodation of paying guests, including but not limited to, hotels and motels.

11. Linear Parks and Trails

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or manmade linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

12. Marine Related Clubs, Schools and Administrative Offices

Facilities used for marine activities including boat charters, boating clubs, sailing and marine skill schools, tour operators, and administration of small craft marinas.

13. Motor Vehicle Fuel Sales

Commercial establishments primarily engaged in the sale of gasoline or other combustible fuels to the general public, often on a self-service basis.

14. Motor Vehicle Service Stations

Commercial establishments primarily engaged in the sale of gasoline, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

15. Multiple-Family Dwellings - Mixed Use

Single or multiple dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.

16. Other Compatible Uses

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

17. Outdoor Retail Sales, Rental and Repair Establishments

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

18. Parks

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

19. Parking Lots and Garages

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

20. Recreation Areas

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and manmade water features, as well as for special recreation activities.

21. Retail Cleaning Shops

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries, and laundromats where coin-operated washers and dryers are provided for self-service to the public.

22. Resort Facilities

Facilities that rent six (6) or more rooms for overnight accommodation of paying guests that include associated grounds and indoor and outdoor recreation facilities, including, but not limited to, water sports facilities, golf courses, tennis courts, or gymnasiums.

23. Restaurants (2.02.10)

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in this Section.

24. Retail Marine Supply Stores (2.04.20)

Commercial establishments primarily engaged in sales to the general public of merchandise customarily used in connection with marine vessels and activities.

25. Sale of Freshly Caught Fish .

Commercial sale of freshly caught fish from either a boat, vehicle, or structure.

26. Shoreline Access

Areas used for public access from a public road to and along the shoreline including vertical and lateral access as defined in the San Mateo County Local Coastal Program.

27. Shoreline Area

That area which includes those parcels adjacent to the shoreline, as designated on the Shoreline Area Map.

28. Small Hostelries.

Facilities that rent five (5) or fewer rooms for the overnight accommodation of paying guests including, but not limited to, rooming houses, boarding houses, tourist homes, country inns, small motels and hotels, and bed and breakfast establishments.

29. Small Solid Waste Collection Facilities.

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

30. Urban Roadside Stands.

Structures in urban areas of either portable or permanent construction used for the sale of produce and other goods and merchandise.

(Chapter 16.5 (Prior Code § 6265, 6266, 6267, 6268, 6269; Ord 2695 – 12/16/80)

(Prior Code § 6266.9; Ord 3453 – 12/15/92)

### **8.82.030 - Uses Permitted.**

1. A use permit, as provided in Chapter 8.280 of Title 8 shall be required for specified uses in the “CCR” District. The requirement for a use permit shall apply to all new construction or upon alteration of, addition to, or change in occupancy or use of, a structure legally in existence prior to adoption of this Chapter.
2. The granting of a use permit as required in this section shall be based on the following required findings, in addition to those specified in Chapter 8.280 of Title 8:
  - a. The design and operation of the proposed use will further the purpose of this Chapter as stated in Section 8.82.010.
  - b. The design and operation of the proposed use will conform with the development standards stated in Section 8.82.050.
3. Prior to granting a use permit for any parcel, the granting authority may require the owner of that parcel to submit a site plan for all lands owned or controlled by the owner, in total or in part, in the same CCR District. The site plan shall be reviewed and approved by the granting authority prior to approval of any use permit for property shown thereon. The site plan shall show ultimate development plans including: property lines; streets, parking, pedestrian and bicycle facilities; building sites and all proposed structures; reserved open space; coastal access routes; and major natural and manmade landscape features. In subsequent use permit applications, the owner or their successors in interest shall make reference to the approved site plan and explain any proposed changes to it.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
<b>A. <u>MARINE-RELATED RECREATION MODULE (REC-8)</u></b> <ol style="list-style-type: none"> <li>1. Boat Launching and Docking Facilities (7.05.10)</li> <li>2. Marine-Related Clubs, Schools and Administrative Offices (7.05.20)</li> <li>3. Recreation Areas (7.02.80)</li> <li>4. Shoreline Access (7.05.30)</li> </ol>	Use Permit	Use Permit
<b>B. <u>HOSTELRIES MODULE (RES-9)</u></b> <ol style="list-style-type: none"> <li>1. Small Hostelries (1.07.10)</li> <li>2. Large Hostelries (1.07.20)</li> <li>3. Resort Facilities (1.07.30)</li> </ol>	Use Permit	Use Permit
<b>C. <u>COASTSIDE FOOD SERVICES MODULE (TSW-4)</u></b> <ol style="list-style-type: none"> <li>1. Restaurants (2.02.10)</li> <li>2. Bars (2.02.30)</li> </ol>	Use Permit Use Not Allowed	Use Permit Use Permit
<b>D. <u>RETAIL SALES, RENTAL AND REPAIR ESTABLISHMENTS MODULE (TSW-2)</u></b> <ol style="list-style-type: none"> <li>1. Food and Beverage Stores (limit at 2,500 sq. ft. floor area per establishment) (2.02.40)</li> <li>2. Indoor Retail Sales, Rental and Repair Establishments (limit at 2,500 sq. ft. floor area per establishment) (2.05.10)</li> <li>3. Outdoor Retail Sales, Rental and Repair Establishments (2.05.20)</li> <li>4. Retail Cleaning Establishments (limit at 1,500 sq. ft. floor area per establishment) (2.01.10)</li> <li>5. Financial Institutions (limit to ATM's) (2.06.30)</li> <li>6. Urban Roadside Stands (2.02.53)</li> </ol>	Use Not Allowed Use Not Allowed Use Not Allowed Use Not Allowed Use Permit Use Not Allowed	Use Permit Use Permit Use Permit Use Permit Use Permit Use Permit

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
<b>E. <u>MOTOR VEHICLE-RELATED TRADES AND SERVICES MODULE (TSW-5)</u></b>  1. Motor Vehicle Fuel Sales (2.03.10)  2. Motor Vehicle Service Stations (2.03.20)	Use Not Allowed  Use Not Allowed	Use Permit  Use Permit
<b>F. <u>MARINE-RELATED TRADES AND SERVICES MODULE (COMMERCIAL) (TSW-8)</u></b>  1. Commercial Fishing Harbors and Associated Facilities (2.04.40)  2. Boat Building, Repair, Sales and Support Establishments (2.04.10)  3. Retail Marine Supply Stores (2.04.20)  4. Sale of Freshly Caught Fish (2.04.50)	Use Permit  Use Permit  Use Permit  Use Permit	Use Permit  Use Permit  Use Permit  Use Permit
<b>G. <u>MULTIPLE-FAMILY DWELLINGS - MIXED USE MODULE (RES-5)</u></b>  Multiple-Family Dwellings - Mixed Use (1.04.20)	Use Permit	Use Permit
<b>H. <u>RESIDENTIAL ACCESSORY USES MODULE (RES-13)</u></b>  Home Occupations (1.05.10)	None	None
<b>I. <u>LIMITED KEEPING OF PETS MODULE</u></b>  Limited Keeping of Pets	None	None
<b>J. <u>PARKS MODULE (REC-2)</u></b>  1. Parks (7.02.70)  2. Linear Parks and Trails (7.03.30)	Use Permit  Use Permit	Use Permit  Use Permit
<b>K. <u>NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE (WMT-1)</u></b>  Small Solid Waste Collection Facilities (4.01.41)	Use Not Allowed	Use Permit
<b>L. <u>PARKING MODULE (TSW-12)</u></b>  Parking Lots and Garages (2.08.11)	Use Not Allowed	Use Permit
<b>M. <u>OTHER COMPATIBLE USES MODULE (OCU-1)</u></b>		



PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
Other Compatible Uses (10.01.10)	Use Permit	Use Permit
*Other permits may be required by a combining district, e.g., Coastal Development Permit or Design Review approval.		

(Prior Code § 6267(d); Ord 2775 – 04/06/82)

(Prior Code § 6267(e); Ord 3157 – 09/13/88)

(Prior Code § 6267(H); Ord 3453 – 12/15/92)

(Prior Code § 6267(I); Ord 3453 – 12/15/92)

(Chapter 16.5 - Ord 3296 – 03/12/91)

### 8.82.040 - Design Review.

Design Review (“DR”) district regulations, as set forth in Chapter 8.256, shall apply in all “CCR” Districts. Development must comply with the design guidelines and criteria of the Community Design Manual and the Local Coastal Program Visual Resources and Special Communities Component.

### 8.82.050 - Development Standards.

All new development must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

1. Coastal Access. All development between the mean high tide line and the nearest public road must comply with the requirements of the Local Coastal Program Shoreline Access Component. In addition, as a condition of use permit approval, all development in the CCR District may be required to provide easements or dedicated right-of-ways for trails or pathways connecting upland areas to established shoreline access points, or as part of a trail or pathway included in the Local Coastal Program Recreation and Visitor Serving Facilities Component or Bikeways Plan.
2. Protection of Coastal Resources. Development shall be located and designed so as to provide maximum feasible protection of coastal resources, including, but not limited to, marine views, significant natural landforms, major vegetation and marine, estuarine and riparian habitats. To achieve this objective, development must comply with the requirements of the Local Coastal Program Sensitive Habitats and Visual Resources Components. Appropriate restrictions, such as increased setbacks, reduced height limits and reduced lot coverage, may be imposed as conditions of use permit approval.
3. Building Height Limit. The maximum building height is thirty-six (36) feet, except when a lower limit is imposed in accordance with this Chapter, and except in areas east of Denniston Creek, where the maximum building

height shall be twenty-eight (28) feet from the natural or finished grade, whichever is lower. Height is measured from finished grade to the highest point of the roof.

4. Lot Coverage. Not more than fifty (50) percent of the building site may be covered by buildings.
  
5. Yards Required. Side yard setbacks: A combined total of fifteen (15) feet with a minimum of five (5) feet on any side is required.
  
6. Impervious Surface Area  

The amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building for select development upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The runoff to on-site porous areas or through the use of detention basins. The applicant shall submit a professionally prepared site plan showing topography, drainage and calculations which demonstrates this finding can be made.
  
7. Siting. Structures and parking areas must be sited in a manner which maximizes public views of, and access to, the shoreline or ocean.
  
8. Landscaping. Landscaping must be provided in the following areas:
  - a. Yards. All yards abutting a public street, except that portion necessary for driveways and sidewalks. All landscaping must be cared for and maintained in a clean and neat condition.
  
  - b. Parking Areas. In accordance with Chapter 8.344 (Off Street Parking Standards), where Chapter 8.344 would require more than 10 off-street parking spaces for development within a 1/4 mile along the nearest public road from an established shoreline access, a minimum of twenty (20) percent of these parking spaces shall be available for shoreline access parking between 10:00 a.m. and 4:00 p.m. Signs shall be posted designating spaces available for shoreline access parking.
  
  - c. Additional Landscaping Requirements. In certain cases, landscaping may be required as a condition of use permit approval in order to: (a) provide a buffer between dissimilar uses, (b) screen equipment or materials stored out of doors, or (c) enhance the appearance of buildings.
  
9. Loading. Where feasible, a loading bay for loading and unloading may be required on site in order to minimize traffic hazards and congestion on roadways.

(Prior Code § 6269 Subsequent 3; Ord 3802 – 11/18/97)

(Prior Code § 6269.6; Ord 4558 – 05/24/11)

(Prior Code § 6269.6-6269.8 renumbered to 6269.7-6269.9; Ord 4558 – 05/24/11)

### 8.82.060 - Performance Standards.

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which exceeds the following sound levels more than thirty minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the “CCR” District.
3. Lighting. All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.
4. Vibration. No use will be permitted that causes vibration perceptible without instruments on adjoining property, except for a temporary construction operation.
5. Enclosed Uses. All commercial and office uses and their related products must be contained entirely within an enclosed structure, except for outdoor uses, such as boat storage expressly permitted by an approved use permit.
6. Trash and Storage. All storage of cartons, containers and trash must be enclosed by a building or wall not less than six (6) feet in height. Trash and stored materials may not be located in front yard setback areas.

7. Winter Grading

Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, converting stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior Code § 6270.7; Ord 4558 – 05/24/11)

***CHAPTER 8.86 - M1 (LIGHT INDUSTRIAL DISTRICTS)***

**8.86.010 - Regulations For “M-1” Districts.**

The following regulations shall apply in all “M-1” Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

**8.86.020 - Uses Permitted.**

- (a) The following uses, provided that no use shall be carried on in a manner that is in the opinion of the Planning Commission objectionable from the standpoint of odor, dust, smoke, gas, noise or vibration.
1. Acetylene. The storage of oxygen and acetylene in tanks if oxygen is stored in a room separate from acetylene, and such rooms are separated by a not less than one-hour fire resistant wall.
  2. Agricultural contractor equipment, sale, or rental, or both.
  3. Aircraft assembly plants.
  4. Animal experimental research institute.
  5. Kennels or catteries, subject to a kennel/cattery permit.
  6. Automobile assembly plants.
  - 6.a. Aquaculture development.

7. Bags, paper, manufacture of.
8. Barrels, storage of empty barrels.
9. Baseball park.
10. Batteries, the manufacture and rebuilding of batteries.
11. Billboards, the manufacture of billboards.
12. Blacksmith shops.
13. Boat building.
14. Bone products, the manufacture of bone products.
15. Book bindery.
16. Bottling plant.
17. Box, paper, factory.
18. Breweries.
19. Brushes, the manufacture of.
20. Building materials, storage of.
21. Bus storage.
22. Cabinet making.
23. Candles, the manufacture of.

24. Canvas products, manufacture of.
25. Car barns for buses and street cars.
26. Carnivals, commercial or otherwise.
27. Carpenter shop.
28. Carpet cleaning.
29. Cellophane, the manufacture of cellophane products.
30. Ceramics, the manufacture of ceramics.
31. Cesspool pumping, cleaning, and drainage.
32. Cigars, the manufacture of.
33. Cigarettes, the manufacture of.
34. Circus.
35. Clay products, the manufacture or storage, or both, of clay products, including clay statuary.
36. Cleaning and dyeing establishments, wholesale.
37. Clocks, manufacture of.
38. Clothing, the manufacture of cloth products, including clothing of all kinds but not tanning.
39. Coffee roasting.

40. Coffins, the manufacture of.
41. Cold storage plant.
42. Contractor's equipment yard, including farm equipment and all equipment used in building trades.
43. Cork, the manufacture of cork products.
44. Cosmetics, the packaging and distribution of pharmaceutical and cosmetic items.
45. Cotton storage.
46. Curtain cleaning plants.
47. Dairy products depot and manufacture of dairy products.
48. Distributing plants, including bulk petroleum plants.
49. Limited keeping of pets.
50. Draying yard or terminal.
51. Drugs, the manufacture of, and sale at wholesale, of drugs.
52. Dry goods, the manufacture of and sale at wholesale of, and storage of, dry goods.
53. Dyeing and cleaning, wholesale.
54. Electric appliance assembly.
55. Electrical parts, the manufacture of, the sale at wholesale of, or the storage of, small electrical parts.
56. Electric signs, the manufacture of.

57. Electrical substations.
58. Engines, the manufacture of steam engines. This paragraph does not permit a foundry. 59. Engraving. Machine metal engraving.
60. Fabricating, other than snap riveting or any process used in bending or shaping which produces any annoying or disagreeable noises.
61. Ferris wheels.
62. Fiber products, the manufacture of.
63. Fixtures, the manufacture of gas or electrical fixtures, or both.
64. Fox farms.
65. Frozen food process plants.
66. Fruit packing plant.
67. Fuel yard.
68. Fumigating contractor.
69. Fur products, the manufacture of.
70. Fur warehouse.
71. Furniture, the manufacture of.
72. Generators, the manufacture of electrical generators.
73. Glass, the production by hand of crystal glass art novelties within a closed building of fire resistant construction.



74. Glass, the storage of.
75. Gloves, the manufacture of.
76. Granite, the grinding, cutting, and dressing of granite.
77. Harness, the manufacture of.
78. Heating equipment, the manufacture of.
79. Hemp storage.
80. Humane societies.
81. Ice, the manufacture, distribution and storage of.
82. Incinerators, the manufacture of.
83. Ink, the manufacture of.
84. Iron. Ornamental iron works but not including a foundry.
85. Jewelry, the manufacture of.
87. Laboratories for testing experimental motion picture film.
88. Leather products, the manufacture of, but not including tanning.
89. Linen and towel supply.
90. Lubricating oil. The canning and packaging of lubricating oil if not more than one hundred barrels are stored above ground at any one time.
91. Lumber yards including incidental retail sales of supplies used in home construction.

92. Machine shops.
93. Machinery storage yard.
94. Machinery, the repair of farm machinery.
95. Malt products, the manufacture of.
96. Marble, the grinding, cutting, and dressing of.
97. Marine oil service station.
98. Mattresses, the manufacture and renovation of.
99. Medicines, the manufacture of.
100. Metals.
  - a. Manufacture of products of precious metals.
  - b. Manufacture of metal, steel, and brass stamps, including hand and machine engraving.
  - c. Metal fabricating.
  - d. Metal spinning.
  - e. Metal storage.
  - f. Metal working shop.
101. Motors, the manufacture of electric motors.
102. Moving van storage or operating yard.

103. Musical instruments, the manufacture of.
104. Novelties, the manufacture of.
105. Oil, the manufacture of vegetable oil.
106. Oleomargarine, the manufacture of.
107. Optical goods, the manufacture of.
108. Paint mixing except the mixing of lacquers and synthetic enamels.
109. Paper mache statuary, the manufacture of.
110. Paper products, the manufacture of, but not including the manufacture of paper itself.
111. Perfume, the manufacture of.
112. Pest control service, including residential termite control.
113. Pharmaceuticals, the manufacture and packaging of.
114. Phonographs, the assembly of.
115. Planning mill.
116. Plaster, the storage of.
117. Pottery, the manufacture of.
118. Poultry and rabbits, the wholesale and retail sale of poultry and rabbits, including slaughtering and dressing within a building.

119. Presses, hydraulic presses for the molding of plastics.
120. Produce yard, or terminal.
121. Radios, the assembly of.
122. Refrigeration plant.
123. Roofing contractor's establishment.
124. Rug cleaning plant.
125. Rugs, the manufacture of.
126. Saddles, the manufacture of.
127. Sand, the washing of sand to be used in sandblasting.
128. Sash and door manufacturing.
129. Shell products, the manufacture of.
130. Shoes, the manufacture of.
131. Shooting gallery.
132. Signs, the manufacture of.
133. Skating rinks.
134. Soft drinks, the manufacture and bottling of.
136. Starch, the mixing and bottling of starch.

137. Statuary, the manufacture of clay, paper mache and stone statuary and monuments.
138. Stencils, the manufacture of.
139. Stone, marble, and granite, grinding, dressing and cutting.
140. Storage and rental of plows, tractors, buses, contractor's equipment and cement mixers, not within a building.
141. Tire retreading.
142. Tools, the manufacture of.
143. Toys, the manufacture of.
144. Trailers, the manufacture of.
145. Truck storage or rental.
146. Type, the manufacture of printer's type.
147. Ventilating ducts, the manufacture of.
148. Veterinary hospitals for small animals and veterinary hospitals for large animals.
149. Vitamin tablets, the manufacture of.
150. Warehouse, storage warehouse.
151. Watches, the manufacture of.
152. Welding.
153. Wine storage and manufacture.

154. Wood, the manufacture of wood products.
155. Wood yard.
156. Yarn, the dyeing of yarn and manufacture of yarn products.
157. Nurseries and greenhouses.
158. Light bulbs, the manufacture of.
159. Outdoor advertising structures or signs as defined in Sections 5202 and 9203 of the Business and Professions Code of the State of California.
160. Extraction of chemicals from sea water by natural evaporation.
161. Temporary seasonal retail sales of fireworks and Christmas trees.
162. Administrative, research and professional offices, excluding doctors and dentists.
163. Communication centers.
164. Automotive repair shops and garages.
165. Self-service car washes outside the Coastal Zone, provided that:
  - a. The car wash and related facilities and activities are not located within 50 feet of residentially zoned land or an existing residence.
  - b. All of the conditions relative to water recycling, conservation and wastewater disposal imposed by the agencies providing water and/or sewer service are met.
  - c. Design Review approval, pursuant to Chapter 8.256 is granted relative to ensuring that the layout and design are compatible, to the extent feasible, with adjacent uses and that sufficient setbacks and screening are incorporated into the design to minimize impacts on adjacent uses.

- d. At minimum, an area is provided for the parking of one car for every five washing bays, located so as to accommodate cars on-site that are waiting to be washed or vacuumed.
- e. Prior to approval by the Planning Department, approval is authorized by the Public Works Department relative to egress, ingress and on-site circulation.

166. Reverse vending machines.

167. Small collection facilities for recyclable materials, subject to obtaining a building permit, provided there is no additional mechanical processing equipment on site, that collection facilities shall not be located within 30 feet of any property zoned for residential use unless there is a recognized service corridor and acoustical shielding between containers and residential use, that there is no decrease in traffic or pedestrian circulation or the required number of on-site parking spaces for the primary use, and all litter and loose debris shall be removed on a daily basis.

(b) The following uses subject to the securing of a Use Permit in each case as provided in Chapter 8.280 of this Title 8.

1. Automotive and cycling racing.

2. Gun clubs.

3. Restaurants and automobile service stations for the sale of gasoline, oil and new accessories when such facilities are determined by the Planning Commission to be accessory to and to be needed by established industries in the zone employing a total of more than 500 employees. Such Use Permit shall be granted only in the event that property is not available in other zones within the immediate area in which such uses would be normally permitted by this ordinance.

4. Golf driving ranges.

5. Storage and handling of "safe and sane" fireworks as defined in the State Fireworks Law Sections 12500 et seq. of the Health and Safety Code and Rules and Regulations adopted thereunder in Subchapter 6, Fireworks, Title 19 California Administrative Code, Rules and Regulations of the State Fire Marshal.

6. Indoor auction studio and retail sales of office equipment and furniture including antiques, when the facility conforms to parking requirements for retail sales.

7. Large collection facilities for recyclable materials.

8. Processing facilities for the collection and processing of recyclable materials.
9. Caretaker quarters, outside the coastal zone, provided that:
  - a. The resident of the dwelling is to be the owner, lessee, or an employee of the owner or lessees, of an industrial use on the site. The use permit application for the development of caretaker quarters shall include a statement explaining the need for caretaker quarters and responsibilities of the caretaker/resident. Issuance of a use permit for caretaker quarters shall not precede the appropriate building permit application(s) for industrial uses on the site consistent with the allowed uses in the M-1 district.
  - b. The floor area of the caretaker unit shall not exceed thirty-five (35) percent of the floor area of the main building on the site up to a maximum of 1,200 square feet.
  - c. Setbacks for caretaker quarters shall conform to Uniform Building Code requirements.
  - d. Trailers and/or mobile homes for caretaker quarters are not permitted.
10. In the North Fair Oaks area only, mini-markets, provided that:
  - a. The market floor area does not exceed 800 sq. ft., excluding merchandise and supply storage area, utility rooms, and restrooms.
  - b. If the market is located within 1,000 feet of a public school or park, no alcoholic beverages of any kind shall be sold.
  - c. Signage associated with the market and any other uses on the parcel shall be subject to the signage regulations contained in the County Zoning Regulations, Chapter 8.88 (Light Industrial/North Fair Oaks District), Section 8.88.050.7 Signs) [see attached M-1/NFO Zoning District excerpt].
  - d. Exterior lighting on the parcel, including sign lighting, shall be located and directed so that direct rays and glare are confined to the premises.
  - e. All loitering during and after business hours shall be controlled by the respective property tenant or owner, to the extent possible.



- f. All trash, litter, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view. Refuse containers set out for disposal pickup shall be returned to the screened area promptly, within 24 hours of the pickup day.
  
- g. If the market is located adjacent to or across the street from any residentially zoned area, the following additional restrictions shall apply:
  - (1) The market's evening hours of operation shall not extend beyond 9:00 p.m.
  
  - (2) Both exterior and interior lighting shall be reduced after closing hours to that minimally necessary for site and store security purposes.
  
  - (3) Exterior product advertising posters and other mediums are prohibited. Window advertising mediums shall not block views into or out from the windows and may be subject to further restrictions as stipulated by the public hearing decision maker.

(Prior Code § 6271, Para (a); Ord 1518 – 05/22/62)

(Prior Code § 6271, Para (a); Ord 1667 – 09/08/64)

(Prior Code § 6271, Para (a); Ord 1720 – 09/28/65)

(Prior Code § 6271, Para (a); Ord 1794 – 10/18/66)

(Prior Code § 6271, Para (a); Ord 2031 – 05/03/70)

(Prior Code § 6271, Para (a); Ord 3437 – 11/10/92)

(Prior Code § 6271, Para (a)5; Ord 3437 – 11/10/92)

(Prior Code § 6271, Para (a)6a; Ord 2706 – 12/16/80)

(Prior Code § 6271, Para (a)49; Ord 3437 – 11/10/92)

(Prior Code § 6271, Para (a)135; Deleted by Ord 4075 – 11/6/01)

(Prior Code § 6271, Para (a)148; Ord 3437 – 11/10/92)

(Prior Code § 6271, Para (a)165; Ord 3126 – 09/15/87)

(Prior Code § 6271, Para (a)166; Ord 3131 – 12/15/87)

(Prior Code § 6271, Para (a)166 and 167; Ord 3157 – 09/13/88)

(Prior Code § 6271, Para (b); Ord 1248 – 11/05/57)

(Prior Code § 6271, Para (b); Ord 1274 – 02/11/58)

(Prior Code § 6271, Para (b); Ord 1304 – 07/15/58)

(Prior Code § 6271, Para (b); Ord 1455 – 05/09/61)

(Prior Code § 6271, Para (b); Ord 1530 – 07/10/62)

(Prior Code § 6271, Para (b); Ord 2186 – 02/20/73)

(Prior Code § 6271, Para (b); Ord 2237 – 02/26/74)

(Prior Code § 6271, Para (b)6; Ord 2272 – 10/08/74)

(Prior Code § 6271, Para (b)6; Ord 2346 – 11/20/76)

(Prior Code § 6271, Para (b)7; Ord 3131 – 12/15/87)

(Prior Code § 6271, Para (b)7 and 8; Ord 3157 – 09/13/88)

(Prior Code § 6271, Para (b)9; Ord 3782 – 08/05/97)

(Prior Code § 6271, Para (b)10; Ord 3968 – 06/20/00)

#### **8.86.030 - Building Height Limit.**

The maximum building height shall be seventy-five (75) feet.

#### **8.86.040 - Minimum Building Site.**

Each building, together with its necessary accessory buildings, hereafter erected, shall be located on a building site in one ownership having an area of not less than five thousand (5,000) square feet and a frontage of not less than fifty (50) feet.

(Prior Code § 6273, 6274; Ord 1483 – 10/10/61)

#### **8.86.050 - Yards Required.**

Same as specified for “C-1” Districts.

(Prior Code § 6273, 6274; Ord 1483 – 10/10/61)

### **8.860.060 - Signs**

Exterior signs pertaining to the business uses conducted on the premises and subject to the following limitations:

- (a) Signs shall not exceed two hundred (200) square feet in area on one face and not more than five hundred (500) square feet in total area on the premises. Larger areas may be authorized by the use permit in exceptional cases.
- (b) Signs shall not project more than one (1) foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than eight (8) feet from the face of the building.
- (c) Attached signs shall not project above the roofline or cornice except when in the opinion of the Planning Commission the sign is an architectural part or feature of the building.
- (d) Free standing signs shall not extend to a height more than twenty (20) feet above the sidewalk or paved area except when in the opinion of the Planning Commission the sign is an architectural feature of the site.
- (e) Signs shall not face the side line of any adjoining lot in any "R" District when such sign is within twenty-five (25) feet of said side line.

### **8.86.070 - Midcoast Impervious Surface Area.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made.

(Prior Code § 6276, 6277; Ord 4560 – 05/24/11)

### **8.86.080 - Midcoast Winter Grading.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior Code § 6276, 6277; Ord 4560 – 05/24/11)

## ***CHAPTER 8.88 – M1/NFO DISTRICT (MIXED-USE INDUSTRIAL/NORTH FAIR OAKS)***

### **8.88.010 - Regulations For “M-1/NFO” District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned M-1/NFO.

(Prior code § 6276; Ord. 1186, 10/08/93) (Regulations for M-1/NFO District)

### **8.88.020 - Purposes.**

The purposes of the M-1/NFO District are to:

1. Provide industrial areas intended primarily for the location of manufacturing land uses that do not create more than a moderate impact on the surrounding area and are appropriately scaled and set back from adjacent residential land uses.
2. Accommodate a compatible mix of trades and services, transportation, commercial, public, residential, communication, and institutional land uses.
3. Accommodate mixed-use development that will create a vibrant, livable environment for area residents, improving access to local goods, services and employment.
4. Protect the functional and economic viability of industrial areas by restricting incompatible land uses.
5. Implement the policies of the San Mateo County General Plan and the North Fair Oaks Community Plan.

### **8.88.030 - Definitions.**

1. Administrative, Professional and Business Offices

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices.

2. Ambulance and Paramedic Services

Facilities used for medical emergency response services.

3. Animal Shelters

Establishments which temporarily house unwanted animals indoors including, but not limited to, humane societies.

4. Artist Studios

Buildings used for the small-scale production and sale of paintings, graphics, photographs, textiles, sculpture, pottery, and other handmade goods.

5. Auto Shops and Garages

Commercial establishments primarily engaged in motor vehicle maintenance and repair services including, but not limited to, major repair work, painting and body work that occurs within an enclosed covered building. Auto shops and garages do not include salvage yards or junk yards, i.e., auto wrecking and dismantling businesses.

6. Bars

Commercial establishments primarily engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises, which may also offer food and entertainment on a limited basis, but not adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

7. Car Washes

Commercial establishments primarily engaged in cleaning cars or other motor vehicles, or in furnishing facilities to the general public for the washing of motor vehicles on the premises. Car washes may include the sale of fuel.

8. Caretaker Units

An area within a building that is intended for residential use by a person(s) to look after the property on which the caretaker's quarters are located, provided that:

- a. The resident of the dwelling is to be the owner, lessee, or an employee of the owner or lessees, of an industrial use on the site. The use permit application for the development of caretaker quarters shall include a statement explaining the need for caretaker quarters and responsibilities of the

caretaker/resident. Issuance of a use permit for caretaker quarters shall not precede the appropriate building permit application(s) for industrial uses on the site consistent with the allowed uses in the M-1 district.

- b. The floor area of the caretaker unit shall not exceed thirty-five (35) percent of the floor area of the main building on the site up to a maximum of 1,200 square feet.
- c. Setbacks for caretaker quarters shall conform to Uniform Building Code requirements.
- d. Trailers and/or mobile homes for caretaker quarters are not permitted.

9. Catteries

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a cattery include, but are not limited to, grooming, training, and sales of animals and supplies.

10. Construction and Maintenance Trade and Service Establishments

Indoor business establishments consisting of offices, workshops and incidental areas for storage of equipment and supplies that provide services, which are primarily delivered off-site including, but not limited to, building contractors, janitorial services, or landscape maintenance services.

11. Distillation of Spirits and Wine and Brewing of Beer

Breweries, microbreweries, wineries and distilleries for the manufacture, blending, fermentation of beer, wine or spirits, which may include tasting rooms, tours, and temporary special events and food trucks, and which have a current and applicable California Alcohol Beverage Control license.

12. Dwelling, Multiple

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

13. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic, trade or other specialized instruction, to students, including conservatories for the instruction of music and the arts.

14. Electronic Game Amusement Arcades

Commercial establishments featuring the operation of six or more coin or token-operated electronic games.

15. Energy Utility Facilities

All gas compression stations, electrical power substations and associated service facilities.

16. Financial Institutions

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

17. Food Establishments Specializing in Carry-Out or Delivery Service

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere, but may include limited seating or drive-through take-out service.

18. Indoor Exercise and Leisure Facilities

Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.

19. Indoor Kennels

A place for the keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.

20. Indoor Light Manufacturing

Manufacturing operations, including fabricating, assembling, or processing products from previously manufactured raw, or prepared materials that are conducted entirely within an enclosed, covered building. Indoor low to moderate impact manufacturing operations have a low to moderate impact on surrounding development with regard to noise, smoke, odor, fumes, vibration, heat and glare and visual impacts, and do not

use acutely hazardous materials, as identified in the California Administrative Code. Indoor light manufacturing operations include, but are not limited to, cabinet making and woodworking, plastic and ceramic products manufacturing, metal working, machining and welding, electronic products and parts manufacturing, and textile manufacturing.

21. Indoor Wholesale Establishments

Commercial establishments engaged in bulk sales of goods primarily to licensed merchants and members of consumer discount associations or clubs.

22. Indoor Storage of Non-Hazardous Goods, Warehouses, and Distribution

Establishments for receiving, storing and transporting goods and materials that require protection from the elements, including but not limited to associated handling equipment, facilities for refrigeration shipping operations and associated trucking, and the needs of the operating personnel within one or more completely enclosed, covered structures, excluding acutely hazardous materials, as defined in the California Administrative Code.

23. Indoor Theaters

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

24. Institutional Facilities

Schools, religious institutions (facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples), municipal buildings, hospitals, or uses of a similar nature.

25. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

26. Live/Work Units



A single unit (e.g., studio, loft, or one bedroom) consisting of both commercial/office and residential components that is occupied by, and is the primary residence of, the same resident.

27. Medical and Dental Offices

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

28. Mixed-Use Development

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

29. Motor Vehicle Fuel Sales or Charging Stations

Commercial establishments primarily engaged in the sale of gasoline or other combustible fuels to the general public, often on a self-service basis.

30. Motor Vehicle Sales or Rentals

Indoor commercial establishments primarily engaged in the retail sale or rental of motor vehicles or mobile homes, and which may include repair or service departments and sales of replacement parts and accessories.

31. Motor Vehicle Service Stations

Commercial establishments primarily engaged in the sale of fuel, or provision of electric vehicle charging, the servicing of motor vehicles and the provision of services to motorists including, but not limited to, the sale of vehicle parts and accessories, the performance of minor repairs and the sale of refreshments and sundry items.

32. Night Clubs with Entertainment

Commercial establishments that provide food, drink, and entertainment, such as musical or comedic performances, but do not provide adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

33. Other Compatible Uses

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

34. Parking Garages

Public and private facilities which provide designated spaces for temporary storage of operable and currently registered motor vehicles only within a multi-story structure, including but not limited to the storage and retrieval of autonomous vehicles.

35. Radio and Television Stations

Facilities primarily engaged in activities involving the production and transmission of radio and television programs to the public.

36. Research and Development Facilities

Establishments engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services.

37. Restaurants

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar as defined in Section 8.04.030.

38. Server Farm

A collection of computers or servers, usually maintained to store data or supply server functionality beyond the capability of a single machine.

39. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

40. Telephone Communication Facilities

Facilities primarily engaged in furnishing telephone communication services including, but not limited to, establishments providing paging and telephone services containing telephone equipment, relay stations and service facilities.

41. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic pets are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

42. Wholesale Cleaning Establishments

Commercial establishments involving the washing, cleaning or dyeing of clothing, linens or other fabrics in large bulk, primarily for other businesses or institutions.

Prior code § 6276.2.6; Rep. Ord. 4844, 05/04/21)

**8.88.040 - Uses Permitted.**

For all new development in this district, any development not requiring a conditional use permit requires a Site Development Permit as described in Chapter 8.308. Changes of use do not require a Site Development Permit, regardless of other permits required.

PERMITTED USES		REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>A.</b>	<b>LIGHT MANUFACTURING AND STORAGE</b>	
1.	Indoor Light Manufacturing	None
2.	Indoor Storage of Non-Hazardous Goods	None
3.	Distillation of Spirits and Wine, and Beer      Brewing	Use Permit
4.	Research and Development Facilities	None
5.	Artist Studios	None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
6. Server Farms	None
<b>B. WHOLESALE TRADES AND SERVICES</b> 1. Indoor Wholesale Establishments 2. Wholesale Cleaning Establishments	None None
<b>C. CONSTRUCTION AND MAINTENANCE TRADES AND SERVICES</b> Construction and Maintenance Trade and Service Establishments (Indoor)	None; allowed only as part of an already existing structure
<b>D. RESIDENTIAL USES</b> 1. Live/Work Units 2. Dwelling - Multiple	Use Permit Use Permit; allowed only on parcels entirely within 200 feet of Fair Oaks Avenue, and parcels on 2 <sup>nd</sup> Avenue between Fair Oaks and Spring Street
<b>E. MOTOR VEHICLE-RELATED TRADES AND SERVICES</b> 1. Motor Vehicle Fuel Sales or Charging Stations 2. Motor Vehicle Service Stations 3. Auto Shops and Garages 4. Motor Vehicle Sales or Rentals 5. Car Washes	Use Permit Use Permit; allowed only within existing structure Use Permit; allowed only within an existing structure Use Permit; allowed only within an existing structure None; allowed only within an existing structure
<b>F. PROFESSIONAL SERVICES</b> 1. Administrative, Professional and Business Offices	Use Permit; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage
2. Medical and Dental Offices	Use Permit; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
3. Financial Institutions	Use Permit; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage
<b>G. FOOD SERVICES</b>  1. Restaurants  2. Food Establishments Specializing in Carry-Out or Delivery Service  3. Bars	Use Permit; off-premise activities may be permitted  Use Permit; off-premise activities may be permitted  Use Permit
<b>H. MIXED-USE DEVELOPMENT</b>  1. Mixed Use Development	Use Permit
<b>I. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES</b>  1. Small Solid Waste Collection Facilities	None
<b>J. EMERGENCY FACILITIES</b>  1. Ambulance and Paramedic Services	Use Permit; not allowed within 100 feet of any residential structure
<b>K. INDOOR RECREATION FACILITIES</b>  1. Indoor Exercise and Leisure Facilities  2. Indoor Theaters  3. Night Clubs with Entertainment  4. Electronic Game Amusement Arcades	None  Use Permit  Use Permit  None; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage
<b>L. UTILITY FACILITIES</b>  1. Energy Utility Facilities	Use Permit
<b>M. RADIO, TELEVISION AND TELEPHONE FACILITIES</b>  1. Radio and Television Stations	None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
2. Telephone Communication Facilities	None
<b>N. LIMITED KEEPING OF PETS</b>	
1. Limited Keeping of Pets	None
<b>O. SERVICES AND ENTERPRISES RELATED TO ANIMALS</b>	
1. Veterinary Hospitals for Small Animals	None
2. Animal Shelters	Kennel/Cattery Permit
3. Indoor Kennels	Kennel/Cattery Permit
4. Catteries	Kennel/Cattery Permit
<b>P. PARKING</b>	
1. Parking Garages	Use Permit
<b>Q. INSTITUTIONAL USE CLASSIFICATION</b>	
1. Community Centers	Use Permit
2. Religious Facilities	Use Permit
3. Educational Facilities, Trade and Vocational Schools	Use Permit
<b>R. OTHER COMPATIBLE USES</b>	
1. Other Compatible Uses	To Be Determined By Director of Planning and Building

(Prior code § 6276.3.Q.2; Ord. 4844, 05/04/21)

### 8.88.050 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 10,000 sq. ft. and the minimum average parcel width shall be one hundred (100) feet.
2. Minimum Building Setbacks. The minimum building setbacks shall be:

- a. When the rear portion of an M-1/NFO zoned parcel is adjacent to a residentially zoned parcel, the building shall have a minimum 6-foot setback from the residential property line.
- b. All projects must provide at least 5-foot-wide sidewalks, measured from existing back of curb, or from the edge of the street right of way where no curb exists, on all streets adjacent to the parcel, on the parcel side only. Parcels facing Bay Road, Edison and Fair Oaks and Second Avenues shall provide 8-foot sidewalks along Bay Road, Fair Oaks Edison and Second Avenues, measured from existing back of curb, or from the edge of the street right of way where no curb exists, consistent with the Public Realm Design Standards in Chapter 8.308.
- c. Otherwise, the minimum setbacks are:

REQUIRED SETBACKS			
Use	Front	Side	Rear
Residential	5 feet minimum; 15 feet maximum	0	0
Commercial (Retail/Office)	0 feet minimum; 10 feet maximum	0	0
Institutional	0 feet minimum; 10 feet maximum	0	0
Industrial	10 feet minimum; 20 feet maximum	0	0
Mixed-Use	Determined by ground floor use	0	0

- d. Setback and Stepback Exceptions.

At the Director of Planning and Building’s discretion, minor exceptions to the required setbacks and stepbacks described above may be granted, on the Director’s finding that the combined setbacks and stepbacks proposed meet, in aggregate, the intent and purpose of the setback and stepback requirements, and the purpose of the North Fair Oaks Community Plan.

At the Director of Planning and Building’s discretion, building elements intended to meet the façade articulation standards described in Chapter 8.308 of these regulations, “Design Standards and Site Development Permit,” may be allowed to encroach into setbacks at and above the ground floor, if the Director finds that such encroachment is minor, and will not diminish the purpose of providing continuous public-rights-of-way, as described in Chapter 8.308.

- e. Pervious Surface Requirement.

Regardless of required setbacks, all projects shall reserve sufficient open space to accommodate required pervious surface pursuant to the County’s Stormwater and Drainage Ordinance and Municipal Regional Permit for stormwater management.

3. **Maximum Building Coverage.** Maximum building coverage shall be eighty percent (80%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
  
4. **Maximum Building Floor Area.** The maximum building floor area shall be limited by the following maximum ratio of building floor area to parcel area:

<b>MAXIMUM BUILDING FLOOR AREA</b>	
<b>Use</b>	<b>Maximum Floor Area Ratio</b>
Residential	-
Commercial (Retail/Office)	0.75
Institutional	1.25
Industrial	1.25
Mixed-Use	1.0

The building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable or non-working areas, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends 4 or more feet from exterior walls, over the area of all decks, porches, and balconies. Enclosed parking areas shall be excluded from total building floor area.

5. **Maximum Building Height.** The maximum building height of all allowed uses shall be 40 feet.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond 40 feet to a maximum of 46 feet as required for safety or efficient operation.

6. **Activities within Enclosed Structures.** All projects shall comply with Chapter 8.328 which requires that all activities in any M-1 District shall be conducted entirely within an enclosed structure unless a use permit is obtained under the provisions of Chapter 8.280 or this Title for the conducting of such use wholly or in part outside of such structure, excepting reverse vending machines and small collection facilities for recyclable materials.

7. **Signs.**

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



- (1) Any sign that, because of its location, construction, color, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
  - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
  - (3) Signs emitting intense and focused beams of light, including beacons.
  - (4) Off-premises signs.
  - (5) Abandoned signs.
  - (6) Billboards. Existing billboards shall be considered legal non-conforming uses upon adoption of this ordinance and shall be subject to the provisions of the Non-Conforming Uses Chapter of the Zoning Regulations. Relocation of billboards, due to street widening or other right-of-way improvements, shall be subject to the provisions of the State of California Business and Professions Code (Section 5412).
- b. **Maximum Number of Signs.** The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per business, whichever is greatest.
- c. **Maximum Total Sign Display Area.** The maximum total display area of all signs on a parcel is three-quarters (0.75) square foot per foot of parcel street frontage.
- d. **Maximum Sign Height.** The maximum height of signs on a parcel is as follows:
- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  - (2) Freestanding signs shall not exceed fifteen (15) feet unless located adjacent to or across from a residentially zoned parcel, in which case such signs shall not exceed eight (8) feet.
- e. **Sign Projection.** Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.

- f. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.
8. Screening.
- a. Refuse, waste removal, and outdoor service/storage areas, where allowed, shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
  - b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where an industrial use abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
  - c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque materials compatible with the building, when visible from a public way or residentially zoned parcel.
  - d. All outdoor activities and operations not otherwise subject to the requirements of this Section shall be screened with a six (6) foot solid wall or opaque fence/gate, or other material approved by the Director of Planning and Building.

### **8.88.060 - Design Standards.**

All Mixed-use and Residential development in the M-1/NFO District must comply with the design standards described in Chapter 8.308.115 and 8.308.116, and must obtain a site development permit according to the procedures and requirements described herein. All other projects shall be consistent with the following:

- 1. Building Design. Building design shall promote good transitions in scale and character when adjacent to or across the street from residential uses. In such cases, and where parcels have street frontages exceeding fifty (50) feet, building massing shall be staggered on the side(s) exceeding 50 feet in length and/or the sides across the street from residential uses.
- 2. Materials and Colors.
  - a. Prohibit the use of exposed cinder block on new development when located adjacent to or across the street from a residentially zoned parcel(s).
  - b. Minimize the use of colors that are brilliant, deep, highly contrasting and reflective (e.g.: pink, orange, blue, and purple). Use of these colors shall not cover more than twenty percent of any one exterior side of a building.

3. Landscaping.
  - a. When a parcel is located across the street from a residentially zoned parcel, the required front setback shall be landscaped to include trees (minimum 15-gallon size) at the rate of one tree per twenty-five feet of street frontage width.

When the determination of the number of trees results in a fractional number, any fraction of one-half or greater shall be rounded up to the next whole number. Any fraction less than one-half shall be disregarded.
  - b. Off-street parking areas shall be screened with earthen berms and landscaping, including one tree (minimum 15-gallon size) per two (2) parking spaces, when located adjacent or across from a residentially zoned parcel.
4. Utilities. Install all new distribution lines underground. Minor renovations or additions to existing development can be exempted from this standard by the Director of Planning and Building.

#### **8.88.070 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which exceeds the noise levels established in Section 4.88.330 in the County Ordinance Code:
2. Dust and Odor. No use will be permitted which emits dust, an odor or air pollutant, detectable without instruments, beyond the boundaries of the M-1/NFO District.
3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
4. Lighting. Exterior lighting, including sign lighting, shall be located and directed so that direct rays and glare are confined to the premises.
5. Trash and Debris. All trash, boxes, or similar debris shall be picked up daily and stored in refuse containers that are screened from public view.
6. On-Site Activities. All uses, activities or operations shall be conducted entirely on the parcel, except that food service activities may occur beyond the parcel, as described in Section 8.88.040.

7. Compliance with Applicable Law. All uses shall comply with applicable County, State and federal laws.

**8.88.080 - Parking.**

Projects shall provide parking as required by Chapter 8.344 of the Zoning Regulations, except as provided below.

1. Section 8.344.030, Parking Spaces Required. Section 8.344.030 shall be replaced by Table 1 in this Section 8.88.080, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.
  
2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), in the M-1/NFO District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the heights for all parking stalls with mechanical lifts.
  
3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

<b>TABLE 1</b>	
<b>REQUIRED PARKING</b>	
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
<b>A. LIGHT INDUSTRIAL AND MIXED-USE INDUSTRIAL</b>	
1. Indoor Light Manufacturing	1 space per 1,500 sq. ft.
2. Indoor Storage of Non-hazardous goods	1 space per 2,000 sq. ft.
3. Distillation of Spirits and Wine and Brewing of Beer	1 space per 1,500 sq. ft. 1 space per 200 sq. ft. of tasting area

**TABLE 1  
REQUIRED PARKING**

<b>USE</b>		<b>PARKING SPACES REQUIRED</b>	
4.	Research and Development	1 space per 750 sq. ft.	
5.	Artist Studio	2 spaces per studio unit  1 visitor space per 500 square feet for shows (can be shared parking)	
6.	Server Farms	1 space per 2,000 sq. ft.	
7.	All Other Uses	1 space for each 2 employees on largest shift; in no case less than 1 space for each 2,000 sq. ft. of floor area may be allowed, pursuant to a conditional use permit.	
<b>B. WHOLESALE TRADES AND SERVICES</b>			
1.	Indoor Wholesale Establishments	1 space per 750 sq. ft.	
2.	Wholesale Cleaning	1 space per 1,500 sq. ft.	
<b>C. CONSTRUCTION AND MAINTENANCE TRADES AND SERVICES</b>			
1.	Construction or Maintenance Trade or Services Establishments	1 space per 1,500 sq. ft.	
<b>D. RESIDENTIAL DEVELOPMENT</b>			
1.	Multifamily Residential (Townhomes, Apartments)	Per Dwelling Unit	
		0-2 bedrooms	1 covered
		3+ bedrooms	2 covered
2.	Affordable Housing	Per Affordable Dwelling Unit	
		0-1 bedrooms	0.75 covered or uncovered

**TABLE 1  
REQUIRED PARKING**

<b>USE</b>		<b>PARKING SPACES REQUIRED</b>	
		2 bedrooms	1 covered or uncovered
		3+ bedrooms	1.5 covered or uncovered
3.	Live/Work Units	Per Unit	
		0-2 bedrooms	1 covered
		3+ bedrooms	2 covered
4.	Visitor Parking	Per Dwelling Unit	0.2 covered or uncovered
5.	Private Bicycle parking, All Residential Uses	Per Dwelling Unit	0.25 covered or uncovered
6.	Public Bicycle Parking, All Residential Uses	Per 35 feet of street frontage	1 Covered or uncovered
7.	Elective Vehicle Charging Stations	Per Project	1 minimum, and 10 percent of required parking over 10 spaces
<b>E. MOTOR VEHICLE-RELATED TRADES AND SERVICES</b>			
1.	Motor Vehicle Fuel Sales or Charging Stations	1 space per 400 sq. ft.	
2.	Motor Vehicle Service Stations	1 space per 250 sq. ft.	
3.	Autos Shops and Garages, Motor Vehicle Sales or Rentals, Car Washes	1 space per 500 sq. ft.	
<b>F. PROFESSIONAL SERVICES, COMMERCIAL/OFFICE</b>			
1.	Administrative, Professional and Business Offices	1 space per 400 sq. ft.	
2.	Medical and Dental Offices	1 space per 250 sq. ft.	
3.	Financial Institutions	1 space per 400 sq. ft.	

**TABLE 1**  
**REQUIRED PARKING**

USE	PARKING SPACES REQUIRED	
4. Trade and Vocational Schools	1 space per 200 sq. ft.	
5. Private Bicycle Parking, All Professional Services and Commercial/Office	1 space per 1,000 sq. ft. (consistent with Design Guidelines)	
6. Public Bicycle Parking, All Professional Services and Commercial/Office	Each 35 feet of street frontage	2 (consistent with Design Guidelines)
7. Electric Vehicle Charging	Per Project	1 minimum and 10 percent of required parking over 10 spaces
<b>H. FOOD SERVICES</b>		
1. Restaurants	1 space per 750 sq. ft.	
2. Food Establishments Specializing in Carry Out or Deliver Service	1 space per 850 sq. ft.	
3. Bars	1 space per 750 sq. ft.	
<b>I. PROFESSIONAL SERVICES, COMMERCIAL/OFFICE</b>		
1. Small Solid Waste Collection Facilities	2 spaces per facility	
<b>I. EMERGENCY FACILITIES</b>		
1. Ambulance and Paramedic Services	1 space per 750 sq. ft.	
<b>J. INDOOR RECREATION FACILITIES</b>		
1. Indoor Exercise and Leisure Facilities	1 space per 750 sq. ft.	
2. Indoor Theaters	1 per five seats	
3. Night Clubs with Entertainment	1 space per 200 sq. ft.	
4. Electronic Game Amusement Arcades	1 space per 400 sq. ft.	
<b>K. UTILITY FACILITIES</b>		
1. Energy Utility Facilities	1 space per 750 sq. ft.	
<b>L. RADIO, TELEVISION AND TELEPHONE FACILITIES</b>		

**TABLE 1  
REQUIRED PARKING**

<b>USE</b>		<b>PARKING SPACES REQUIRED</b>	
1.	Radio and Television Stations	1 space per 750 sq. ft.	
2.	Telephone Communication Facilities		
<b>M. ANIMAL-RELATED SERVICES AND FACILITIES</b>			
1.	Veterinary Hospitals for Small Animals	1 space per 750 sq. ft.	
2.	Animal Shelters		
3.	Indoor Kennels		
4.	Catteries		
5.	Private Bicycle Parking, All Animal Related Services and Facilities	Per 1,500 sq. ft.	1 space
6.	Public Bicycle Parking, All Animal Related Services and Facilities	Per 35 feet of street frontage	2 spaces (consistent with Design Guidelines)
7.	Electric Vehicle Charging Stations	Per project	Minimum of 1 space plus 10 percent of required parking over 10 spaces
<b>N. INSTITUTIONAL AND OTHER</b>			
1.	All uses listed under the "Institutional Use Classification" in Section 8.126.040 Uses	1 space per 400 sq. ft.	
2.	Any Institutional or Other Use in this subsection in a Mixed-Use Development	1 space per 1,000 sq. ft.	
3.	Private Bicycle Parking:	Each 1,500 sq. ft.	
4.	Public Bike Parking	1 space Each 35 feet of street frontage	
5.	Electric Vehicle Spaces/Charging Stations	For projects required to provide 10 or more parking spaces (in addition to any spaces required of residential components of mixed use projects), A minimum of 1 dedicated EV space or charging station	



<b>TABLE 1</b>	
<b>REQUIRED PARKING</b>	
<b>USE</b>	<b>PARKING SPACES REQUIRED</b>
	<p>For projects required to provide 20 or more parking spaces, 2 dedicated EV spaces or equivalent charging station capacity, in combination with other additional spaces/capacity sufficient to simultaneously charge 5% of parked vehicles; and</p> <p>5% of total spaces provided as EV ready (inclusive of EV spaces and station capacity)</p>

**8.88.090 - Alternative Parking Approaches.**

Alternative parking approaches, including off-site and shared parking, are allowed subject to the standards and conditions described in Section 8.126.100, "Alternative Parking Approaches."

(Prior code § 6276 - 6277.8; Amd. Ord. 4815, 07/23/19)

(Prior code § 6276.7.F.2; Rep. Ord. 4844, 05/04/21)

***CHAPTER 8.90 - M1/EDISON/NFO" DISTRICT (MIXED-USE  
INDUSTRIAL/EDISON/NORTH FAIR OAKS DISTRICT)***

**8.90.010 - Regulations For "M-1/Edison/NFO" District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned M-1/NFO/Edison.

(Prior Code § 6277; Ord 3918 – 07/27/99)

### **8.90.020 - Purposes.**

The purposes of the M-1/Edison/NFO District are to:

1. Provide industrial areas intended primarily for the location of light manufacturing land uses that minimize the impact on and are adequately scaled and set back from residential land uses.
2. Ensure that allowed uses are compatible with surrounding residential land uses through appropriate development and performance standards as applied to new development.
3. Accommodate commercial, public and institutional and residential uses where compatible with surrounding light industrial uses.
4. Protect the functional and economic viability of industrial areas by restricting incompatible land uses.
5. Support and strengthen the local and regional economy by providing trade, production, and employment opportunities.
6. Implement the policies of the San Mateo County General Plan and the North Fair Oaks Community Plan.

### **8.90.030 - Definitions.**

1. Administrative, Professional and Business Offices

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices.

2. Artist Studios

Buildings used for the small-scale production and sale of paintings, graphics, photographs, textiles, sculpture, pottery, and other handmade goods.

3. Autonomous Vehicle Storage and Retrieval

Autonomous vehicle storage and retrieval facilities that are fully enclosed within a building.

4. Caretaker Quarters

An area within a building that is intended for residential use by a person(s) to look after the property on which the caretaker's quarters are located, provided that:

- a. The resident of the dwelling is to be the owner, lessee, or an employee of the owner or lessees, of an industrial use on the site. The use permit application for the development of caretaker quarters shall include a statement explaining the need for caretaker quarters and responsibilities of the caretaker/resident. Issuance of a use permit for caretaker quarters shall not precede the appropriate building permit application(s) for industrial uses on the site consistent with the allowed uses in the M-1/Edison/NFO district.
- b. The floor area of the caretaker unit shall not exceed thirty-five (35) percent of the floor area of the main building on the site up to a maximum of 1,200 square feet.
- c. Setbacks for caretaker quarters shall conform to Uniform Building Code requirements.
- d. Trailers and/or mobile homes for caretaker quarters are not permitted.

5. Catteries

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a cattery include, but are not limited to, grooming, training, and sales of animals and supplies.

6. Civil Defense Operations

Facilities used for emergency supply, storage and shelter.

7. Construction and Maintenance Trade and Service Establishments

Business establishments consisting of offices, workshops and limited areas for storage of equipment and supplies that provide services which are primarily delivered off-site including, but not limited to, building contractors, janitorial services, or landscape maintenance services.

8. Distillation of Spirits and Wine and Brewing of Beer

Breweries, microbreweries, wineries and distilleries for the manufacture, blending, fermentation of beer, wine or spirits, which may include tasting rooms, tours, and temporary special events and food trucks, and which have a current and applicable California Alcohol Beverage Control license.

9. Dwelling, Multiple

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

10. Educational Facilities

Public or private educational facilities, or schools offering instruction, including academic, trade, vocational or other specialized instruction, to students, including conservatories for the instruction of music and the arts.

11. Financial Institutions

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

12. Indoor Exercise and Leisure Facilities

Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.

13. Indoor Kennels

A place for the keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at a kennel include, but are not limited to, grooming, training, and sales of animals and supplies.

14. Indoor Light Manufacturing

Manufacturing operations including fabricating, assembling, or processing products from previously manufactured or prepared materials (rather than from raw materials) that are conducted entirely within an enclosed, covered building. Indoor low to moderate impact manufacturing operations have a low to moderate impact on surrounding development with regard to noise, smoke, odor, fumes, vibration, heat and glare and visual impacts, and do not use acutely hazardous materials, as identified in the California Administrative Code. Indoor low to moderate impact manufacturing operations include, but are not limited to, cabinet making and

woodworking, plastic and ceramic products manufacturing, metal working, machining and welding, electronic products and parts manufacturing, and textile manufacturing.

15. Indoor Wholesale Establishments

Commercial establishments engaged in bulk sales of goods primarily to licensed merchants and members of consumer discount associations or clubs.

16. Institutional Facilities

Schools, religious institutions (facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples), municipal buildings, hospitals, or permitted uses of a similar nature.

17. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

18. Live/Work Units

A single unit (e.g. studio, loft, or one bedroom) consisting of both a commercial/office and residential components that are occupied and operated by the same resident/business owner. The live/work unit shall be the primary dwelling of the occupant.

19. Medical and Dental Offices

Establishments, only as part of a mixed use project, providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.

20. Mixed-Use Development

A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each

other (horizontal). Mixed use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.

21. Other Compatible Uses

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

22. Radio and Television Stations

Facilities primarily engaged in activities involving the production and transmission of radio and television programs to the public.

23. Research and Development Facilities

Establishments engaged in study, testing, design, analysis, and experimental development of products, processes, or services, including incidental manufacturing of products or provision of services.

24. Server Farm

A collection of computers or servers, usually maintained to store data or supply server functionality beyond the capability of a single machine.

25. Telephone Communication Facilities

Facilities primarily engaged in furnishing telephone communication services including, but not limited to, establishments providing paging and telephone services containing telephone equipment, relay stations and service facilities.

26. Veterinary Hospitals for Small Animals

Establishments where cats, dogs and other domestic pets are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

27. Wholesale Cleaning Establishments

Commercial establishments involving the washing, cleaning or dyeing of clothing, linens or other fabrics in large bulk, primarily for other businesses or institutions.

(Prior Code § 6277.2.23; Ord 04593 – 12/13/11)

(Prior Code § 6277.2.6; Ord 4844 – 05/04/21)

**8.90.040 - Uses Permitted.**

For all new development in this district, any development not requiring a conditional use permit requires a Site Development Permit as described in Chapter 8.308 ( Design Review and Site Development Permit). Changes of use do not require a Site Development Permit, regardless of other permits required.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<p><b>A. LIGHT MANUFACTURING AND STORAGE</b></p> <ol style="list-style-type: none"> <li>1. Indoor Light Manufacturing</li> <li>2. Indoor Storage of Non-Hazardous Goods</li> <li>3. Distillation of Spirits and Wine, and Beer Brewing</li> <li>4. Research and Development Facilities</li> <li>5. Artist Studios</li> <li>6. Server Farms</li> </ol>	<p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p> <p>None</p> <p>None</p>
<p><b>B. WHOLESALE TRADES AND SERVICES</b></p> <ol style="list-style-type: none"> <li>1. Indoor Wholesale Establishments</li> <li>2. Wholesale Cleaning Establishments</li> </ol>	<p>Use Permit</p> <p>Use Permit</p>
<p><b>C. CONSTRUCTION AND MAINTENANCE TRADES AND SERVICES</b></p>	

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<ol style="list-style-type: none"> <li>1. Construction and Maintenance Trade and Service Establishments (Indoor)</li> </ol>	Use Permit
<p><b>D. RESIDENTIAL USES</b></p> <ol style="list-style-type: none"> <li>1. Live/Work Units</li> <li>2. Dwelling - Multiple</li> </ol>	<p>Use Permit</p> <p>Use Permit</p>
<p><b>E. PROFESSIONAL SERVICES</b></p> <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices (only in mixed-use developments)</li> <li>2. Medical and Dental Offices</li> <li>3. Financial Institutions</li> </ol>	<p>Use Permit; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage</p> <p>None; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage</p> <p>None; allowed only as part of mixed-use project, and must not exceed 25% of total project square footage</p>
<p><b>F. MIXED-USE DEVELOPMENTS</b></p> <ol style="list-style-type: none"> <li>1. Mixed-use development of all type</li> </ol>	Use Permit
<p><b>G. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES</b></p> <ol style="list-style-type: none"> <li>1. Small Solid Waste Collection Facilities</li> </ol>	None
<p><b>H. INDOOR RECREATION FACILITIES</b></p> <ol style="list-style-type: none"> <li>1. Indoor Exercise and Leisure Facilities</li> </ol>	None
<p><b>I. RADIO, TELEVISION AND TELEPHONE FACILITIES</b></p> <p>Radio and Television Stations</p> <ol style="list-style-type: none"> <li>1. Telephone Communication Facilities</li> </ol>	<p>None</p> <p>None</p>



PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
<b>J. LIMITED KEEPING OF PETS</b>  1. Limited Keeping of Pets	None
<b>K. SERVICES AND ENTERPRISES RELATED TO ANIMALS</b>  1. Veterinary Hospitals for Small Animals 2. Animal Shelters 3. Indoor Kennels 4. Catteries	None  Kennel/Cattery Permit  Kennel/Cattery Permit  Kennel/Cattery Permit
<b>L. PARKING</b>  1. Parking Garages	Use Permit
<b>M. INSTITUTIONAL USE CLASSIFICATION</b>  1. Community Centers 2. Religious Facilities 3. Educational Facilities, Trade and Vocational Schools	Use Permit  Use Permit  Use Permit
<b>N. OTHER COMPATIBLE USES</b>  1. Other Compatible Uses	To Be Determined By Director of Planning and Building (Use Permit May Be Required)

(Prior Code § 6277.3.J; Ord 04593 – 12/13/11)

(Prior Code § 6277.3.M.2; Ord 4844 – 05/04/21)

**8.890.050 - Development Standards.**

All new development must meet the minimum standards as specified in Section 8.88.050 ("M-1/NFO" District).

### **8.90.060 - Design Standards.**

All development in the M-1/Edison/NFO District must comply with the design standards described in Section 8.88.060 and must obtain a site development permit according to the procedures and requirements described in Chapter 8.308, unless a use permit is required, which will be reviewed according to the procedures and requirements of Section 8.280.030.

### **8.90.070 - Performance Standards.**

Performance Standards shall be as specified in Section 8.88.070("M-1/NFO" District).

### **8.90.080 - Parking.**

Parking Standards shall be as specified in Section 8.88.080 ("M-1/NFO" District). Alternative parking approaches, including off-site and shared parking, are allowed subject to the standards and conditions described in Section 8.126.100, "Alternative Parking Approaches."

(Prior Code § 6277 – 6277.7; Ord 4815 – 07/23/19)

## ***CHAPTER 8.94 - M2, HEAVY INDUSTRIAL DISTRICTS***

### **8.94.010 - Regulations For "M-2" Districts.**

The following regulations shall apply in all "M-2" Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

### **8.94.020 - USES PERMITTED.**

(a) All uses not otherwise prohibited by law except residential and commercial uses; provided that none of the following uses shall be established in any "M-2" District unless and until a use permit in each case, as provided in Chapter 24 of this Part, shall first have been secured for such use:

1. Distillation of bones.
2. Drilling for or removal of oil, gas, or other hydrocarbon substances.
3. Dumping, disposal, incineration or reduction of garbage, sewage offal, dead animals, or refuse.

4. Fat rendering.
  5. Manufacture or storage of acid, cement, explosives or fireworks, fertilizer, gas, glue, gypsum, lime, or plaster of paris.
  6. Refining of petroleum or its products.
  7. Residential structures for caretaker's dwelling in connection with uses herein permitted.
  8. Smelting of copper, iron, tin, zinc, or other ores.
  9. Stockyards or slaughtering of animals, and/or poultry.
  10. Tanneries or the storage or curing of raw, green or salted hides or skins.
  11. Junkyards, only when conducted in a building enclosed on all sides, or when enclosed by a solid fence or wall in such a manner as may be specified by the Planning Commission in a use permit under provisions of Chapter 24 of this Part.
  12. Other uses which in the opinion of the Planning Commission are of the same general character as those enumerated in this subsection.
- (b) Outdoor advertising structures or signs as defined in Sections 5202 and 5203 of the Business and Professions Code of the State of California.
- (c) Exterior signs pertaining to the business uses conducted on the premises and subject to the following limitations:
1. Signs shall not exceed two hundred (200) square feet in area on one face and not more than five hundred (500) square feet in total area on the premises. Larger areas may be authorized by the use permit in exceptional cases.
  2. Signs shall not project more than one (1) foot beyond the street property line, but if a building is set back from a street property line, then such sign shall not project more than eight (8) feet from the face of the building.
  3. Attached signs shall not project above the roofline or cornice except when in the opinion of the Planning Commission the sign is an architectural part or feature of the building.

4. Freestanding signs shall not extend to a height more than twenty (20) feet above the sidewalk or paved area except when in the opinion of the Planning Commission the sign is an architectural feature of the site.
5. Signs shall not face the side line of any adjoining lot in any "R" District when such sign is within twenty-five (25) feet of said side line.

**8.94.030 - Building Height Limit.**

None.

**8.94.040 - Minimum Building Site.**

Same as specified for "M-1" Districts.

**8.94.050 - Yards Required.**

Same as specified for "C-1" Districts.

(Prior Code § 6283, 6284; Ord 1483 – 10/10/61)

***CHAPTER 8.98 - W, WATERFRONT DISTRICT***

**8.98.010 - Purpose.**

The purposes of the Waterfront District are to:

1. Provide a "working waterfront" area intended primarily for the location of marine related trades and services and manufacturing land uses that support commercial fishing and recreational boating activities.
2. Accommodate a compatible mix of recreational, resource management and waste management land uses.
3. Protect the functional and economic viability of the "working waterfront" area by restricting incompatible land uses.

4. Support and strengthen the Coastside economy by providing trade and employment opportunities.
5. Encourage architectural design and site planning that will, as much as possible, enhance the appearance of a “working waterfront.”
6. Implement the policies of the San Mateo County General Plan, especially those concerning protection and development of coastal resources.

(Chapter 18.5 – Ord 2487 – 02/28/78

(Prior Code § 6285(3); Ord 2707 – 12/16/80)

(Prior Code § 6285; Ord 2776 – 04/82)

(Prior Code § 6285(7)(8)(9); Ord 3157 – 09/13/88)

(Chapter 18.5 – Ord 3294 – 03/12/91)

(Chapter 18.5 – Ord 3295 – 03/12/91)

#### **8.98.020 - Definitions.**

1. Aquaculture (6.05.10)

The cultivation and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp and algae.

2. Aquacultural Processing Facilities

Facilities for the processing, storing, packaging, and shipping of aquacultural products. Existing aquacultural processing facilities may be used for agricultural processing as a subordinate activity. The facilities may sell aquacultural and/or agricultural products which are packaged or processed on the premises.

3. Boat Building, Repair, Sales and Support Establishments

Commercial establishments primarily engaged in the assembly, repair, storage or sale of marine vessels and support services including, but not limited to, the sale of fuel.

4. Boat Launching and Docking Facilities

Ocean or lakeside facilities for small pleasure craft with associated features including piers, docks and boat launch ramps.

5. Caretaker's Quarters

An area within a building that is intended for residential use by a person(s) to look after the property on which the caretaker's quarters are located. Caretaker's quarters may include kitchen facilities.

6. Extraction of Chemicals from Seawater by Natural Evaporation

Solar evaporation ponds periodically flooded with seawater from which material or chemical precipitants are extracted and processed for sale and distribution.

7. Indoor Low to Moderate Impact Manufacturing

Manufacturing operations including fabricating, assembly, processing, packaging and distribution of goods that are conducted entirely within an enclosed, covered building and that do not impact the surrounding environment beyond a moderate level as determined by a set of performance standards measuring noise, smoke, odor, fumes, vibration, heat and glare, visual impacts, fire and explosion hazard and hazardous waste generation.

8. Indoor Storage of Goods, Excluding Extremely Hazardous Materials

Facilities and grounds which are primarily intended to provide space for the keeping of property, merchandise or equipment within one or more completely enclosed, covered structures, excluding extremely hazardous materials, as identified in the California Administrative Code.

9. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4); and (b) no more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit, or per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

10. Linear Parks and Trails

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or manmade linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

11. Marine Related Clubs, Schools and Administrative Offices

Facilities used for marine activities including boat charters, boating clubs, sailing and marine skill schools, tour operators, and administration of small craft marinas.

12. Marine Research Facilities

Structures or grounds housing laboratory facilities for the systematic observation and experimental investigation of marine or oceanic behavior, including research and test facilities of a low intensity nature. Marine research facilities shall not involve any activity associated with onshore facilities for offshore oil.

13. Other Compatible Uses

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

14. Outdoor Low to Moderate Impact Manufacturing

Manufacturing operations including fabricating, assembly, processing, packaging and distribution of goods that are conducted partially or completely outside an enclosed, covered building and that do not impact the surrounding environment beyond a moderate level as determined by a set of performance standards measuring noise, smoke, odor, fumes, vibration, heat and glare, visual impacts, fire and explosion hazard and hazardous waste generation.

15. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials

Facilities and grounds which are primarily intended to provide space for the keeping of property, merchandise or equipment where all or some of such items are kept outside a completely enclosed, covered structure, excluding extremely hazardous materials, as identified in the California Administrative Code.

16. Parks

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

17. Parking Lots and Garages

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

18. Recreation Areas

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and manmade water features, as well as for special recreation activities.

19. Retail Marine Supply Stores

Commercial establishments primarily engaged in sales to the general public of merchandise customarily used in connection with marine vessels and activities.

20. Sale of Freshly Caught Fish

Commercial sale of freshly caught fish from either a boat, vehicle, or structure.

21. Shoreline Access

Areas used for public access from a public road to and along the shoreline including vertical and lateral access as defined in the San Mateo County Local Coastal Program.

22. Shoreline Area

That area which includes those parcels adjacent to the shoreline, as designated on the Shoreline Area Map.

23. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.



24. Wholesale Marine Supply Stores

Commercial establishments primarily engaged in bulk sales of merchandise associated with marine vessels or activities, generally for resale by other commercial dealers to the public.

(Prior Code § 6286.0.5; Ord 3300 – 03/12/91)

(Prior Code § 6286, 6287); Ord 3454 – 12/15/92)

**8.98.030 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
<b>A. MARINE-RELATED TRADES AND SERVICES MODULE (TSW-7)</b>		
1. Boat Building, Repair, Sales and Support Establishments (2.04.10)	Use Permit	Use Permit
2. Retail Marine-Related Stores (2.04.20)	None	None
3. Wholesale Marine Supply Stores (2.04.30)	None	None
4. Sale of Freshly Caught Fish (2.04.50)	None	None
5. Caretaker's Quarters (1.06.31)	None	None
<b>B. LOW TO MODERATE IMPACT MANUFACTURING AND STORE MODULE (MFG-1)</b>		
1. Indoor Low to Moderate Impact Manufacturing (3.01.10)	Use Not Allowed	None
2. Outdoor Low to Moderate Impact Manufacturing (3.01.20)	Use Not Allowed	Use Permit
3. Indoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.10)	Use Not Allowed	None
4. Outdoor Storage of Goods, Excluding Extremely Hazardous Materials (2.07.20)	Use Not Allowed	Use Permit
5. Marine Research Facilities (2.06.70)	Use Permit	Use Permit
<b>C. MARINE-RELATED RECREATION MODULE (REC-8)</b>		

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*	
	SHORELINE AREA	INLAND AREA
1. Boat Launching and Docking Facilities (7.05.10)	Use Permit	Use Permit
2. Marine-Related Clubs, Schools and Administrative Offices (7.05.20)	None	None
3. Recreation Areas (7.02.80)	Use Permit	Use Permit
4. Shoreline Access (7.05.30)	None	None
<b>D. AQUACULTURE MODULE (RMT-8)</b>		
1. Aquaculture (6.05.10)	None	None
2. Aquacultural Processing Facilities (6.05.20)	None	None
<b>E. MINERAL EXTRACTION FROM SEAWATER MODULE (RMT-11)</b>		
Extraction of Chemicals from Seawater by Natural Evaporation (6.07.40)	Use Permit	Use Permit
<b>F. PARKS MODULE (REC-2)</b>		
1. Parks (7.02.70)	Use Permit	Use Permit
2. Linear Parks and Trails (7.03.30)	None	None
<b>G. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE (WMT-1)</b>		
Small Solid Waste Collection Facilities (4.01.41)	None	None
<b>H. PARKING MODULE (TSW-12)</b>		
Parking Lots and Garages (2.08.10)	Use Not Allowed	None
<b>I. LIMITED KEEPING OF PETS MODULE</b>		
Limited Keeping of Pets	None	None
<b>J. OTHER COMPATIBLE USES MODULE (OCU-1)</b>		
Other Compatible Uses (10.01.10)	Use Permit	Use Permit
*Other permits may be required by a combining district, e.g., Coastal Development Permit or Design Review approval.		

### **8.98.040 - Development Standards.**

All new development must meet the following minimum standards:

1. Minimum Building Site. Each building site must have an area of not less than five thousand (5,000) sq. ft. and a width of not less than fifty (50) feet.
2. Building Height Limit. The maximum building height is thirty-six (36) feet, measured from finished grade to the highest point of the roof.
3. Lot Coverage. Not more than sixty (60) percent of the building site may be covered by buildings.
4. Impervious Surface Area. The amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made.

5. Outdoor Storage. The storage of miscellaneous materials, articles, equipment or scrap in support of a permitted use providing that the storage site is screened from view by a six (6) foot high solid wood, masonry or cyclone fence with wooden slats, dense landscaping, or a combination of fencing and landscaping materials.
6. Building Site Exception. Building sites which have a lot area less than five thousand (5,000) sq. ft., or width less than fifty (50) feet, may be developed, subject to the following findings and standards:
  - a. The parcel for which development is proposed was lawfully created in accordance with the applicable laws in effect when the land was divided.
  - b. The maximum building height shall be thirty (30) feet, measured from finished grade to the highest point of the roof.
  - c. Not more than fifty (50) percent of the building site shall be covered by buildings.

7. Landscaping. Landscaping must be provided in the following areas:
  - a. Parking Areas. In accordance with Section 8.344.050(a)1 and 4 of Title 8.
  - b. Additional Landscaping Requirements. In certain cases, landscaping may be required as a condition of use permit approval in order to: (a) provide a buffer between dissimilar uses; (b) screen equipment or materials stored out of doors; or (c) enhance the appearance of buildings.
8. Loading. Where feasible, a loading bay for loading and unloading may be required on site in order to minimize traffic hazards and congestion on roadways.

(Prior Code § 6288.0.4; Ord 4559 – 05/24/11)

(Prior Code § 6288.0.5-6288.0.7; Ord 4559 – 05/24/11)

**8.98.050 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which exceeds the following sound levels more than thirty minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the "Waterfront" District.
3. Lighting. All lighting, exterior and interior, must be designed and located so as to confine direct rays to the premises.

4. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
  
5. Winter Grading. Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior Code § 6289.1.5; Ord 4559 – 05/24/11)

### **8.98.060 - Accessory Uses.**

1. Caretaker's Quarters. A permanent accessory residential unit shall be permitted for the purposes of housing a caretaker employed on the site, providing that the total number of caretaker's quarters in the Waterfront (W) District does not exceed twenty-five percent (25%) of the developed parcels in the district. Caretaker's quarters are subject to the following requirements:
  - a. Minimum Parcel Area. The minimum parcel area to establish a caretaker's quarters is 5,000 sq. ft., i.e., caretaker's quarters are prohibited on non-conforming parcels.
  
  - b. Occupancy Requirements. The resident of the dwelling is to be the owner or lessee, or an employee of the owner or lessees of the site. The application for development of a caretaker's quarters shall include a developer's statement explaining the need for caretaker's quarters and responsibilities of the caretaker/resident.
  
  - c. Development Standards. Caretaker's quarters must conform to all of the development standards of the primary zoning district, including minimum building site requirements. In addition, caretaker's quarters are subject to the following requirements:
    - (1) Establishment of Caretaker's Quarters. Caretaker's quarters must be built within the building of the primary use on the property.
  
    - (2) Maximum Unit Size. The floor area of a caretaker's unit may not exceed thirty-five (35) percent of the floor area of the main building up to a maximum of seven hundred and fifty (750) sq. ft.
  
    - (3) Setbacks. Setbacks for caretaker's quarters must conform to building code requirements.

- (4) Trailers and Mobile Homes. Trailers and mobile homes for caretaker's residences are not permitted.
  
- (5) Acknowledgment of Land Use Priorities. A written statement will be obtained from each property owner at time of building permit for the caretaker's quarters, acknowledging that marine and general industrial uses are the primary land uses in the Waterfront (W) District, and residents of caretaker's quarters may be subject to inconveniences arising from the reasonable execution of such businesses.

(Prior Code § 6289.2; Ord 3300 – 03/12/91)

(Prior Code § 6289.2; Ord 4559 – 05/24/11)

## ***CHAPTER 8.102 - I/NFO, INSTITUTIONAL/NORTH FAIR OAKS DISTRICT***

### **8.102.010 - Regulations For "I/NFO" District.**

The following regulations shall apply to those areas in North Fair Oaks which are zoned I/NFO.

### **8.102.020 - Purposes.**

The purposes of the Institutional/North Fair Oaks District are to:

1. Provide institutional areas intended specifically for the location of public and private facilities which serve educational, cultural, and public service needs of the community and region.
  
2. Protect the functional and economic viability of institutional areas by restricting incompatible land uses.
  
3. Provide for a range of institutional uses that are compatible with adjacent single-family residential zoning districts.
  
4. Implement the policies of the San Mateo County General Plan, especially those concerning provision of public services and facilities.

### **8.102.030 - Definitions.**

1. Ambulance and Paramedic Services

Facilities used for medical emergency response services.

2. Art Centers

Facilities used for the storage, exhibition, preservation, study or creation of works of artistic value.

3. Botanical and Zoological Gardens

Facilities and associated grounds used for the nurturing, study or exhibition of plant or animal species.

4. Cemeteries

Facilities and associated grounds used for the outdoor or indoor burial or interment of human or pet remains that may include columbaria, crematoriums or facilities for conducting funeral services.

5. Civil Defense Operation

Facilities used for emergency supply, storage and shelter.

6. Club and Organization Meeting Facilities

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social or fraternal clubs or lodges, union halls or philanthropic institutions.

7. Community Centers

Facilities used by local citizens for civic activities, performances, presentations or other purposes.

8. Elementary and Secondary Schools

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

9. Fire Stations

Facilities used for fire fighting services, sometimes including associated paramedic services.

10. Institutional Day Care Facilities for Adults

Licensed facilities in buildings that do not contain a dwelling unit which provide non-medical care and supervision to adults on less than a 24-hour a day basis to adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

11. Institutional Day Care Facilities for the Elderly

Licensed facilities in buildings that do not contain a dwelling unit(s), which provide non-medical care and supervision to elderly adults on less than a 24-hour a day basis.

12. Institutional Full-Time Care Facilities for Adults

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more adults including, but not limited to, individuals who are physically handicapped, mentally impaired, abused or recovering from alcohol or drug addictions.

13. Institutional Full-Time Care Facilities for Children

Licensed facilities which provide 24-hour a day non-medical care and supervision to seven (7) or more children, who may or may not have special needs or disabilities, in a structured environment.

14. Institutional Shared Housing Facilities for the Elderly

Facilities for seven (7) or more elderly adults where varying levels of supportive services or non-medical care are provided on a 24-hour a day basis including, but not limited to, rest homes or retirement homes.

15. Interpretive Centers



Facilities used for the education of the public with respect to natural, historical and cultural environments and legacies.

16. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

17. Limited Institutional Intermediate Care Facilities

Licensed facilities in buildings that do not contain a dwelling unit which provide 24-hour a day care to six (6) or fewer inpatients who have recurring need for skilled nursing supervision and supportive care, but who do not require availability of continuous skilled nursing care.

18. Limited Institutional Skilled Nursing Facilities

Licensed facilities in buildings that do not contain a dwelling unit which provide 24-hour a day skilled nursing care and supportive care to only six (6) or fewer inpatients whose primary need is for availability of skilled nursing care on an extended basis.

19. Museums

Facilities used for the storage, exhibition, preservation or study of culturally, historically or scientifically valued works and phenomena.

20. Other Compatible Uses

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

21. Parking Lots and Garages

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

22. Performing Arts Centers

Facilities used for the presentation of live musical, dance, dramatic or other artistic performances.

23. Police Stations

Facilities used for the administration of law enforcement services, usually with limited space for holding lawfully detained persons.

24. Religious Facilities

Facilities or meeting places used for worship or religious instruction including churches, synagogues, mosques and temples.

25. Small Solid Waste Collection Facilities

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

(Prior Code § 6290.2.11; Ord 4844 – 05/4/21)

**8.102.040 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<b>A. NEIGHBORHOOD INSTITUTIONAL FACILITIES (INT-1)</b>	
1. Elementary and Secondary Schools (5.01.10)	Use Permit
2. Religious Facilities (5.02.10)	Use Permit
3. Club and Organization Meeting Facilities (5.03.60)	Use Permit
4. Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11)	None
5. Institutional Day Care Facilities for Adults (5.04.21)	None
6. Institutional Day Care Facilities for the Elderly (5.04.31)	None
7. Limited Institutional Intermediate Care Facilities (5.05.22)	None
8. Limited Institutional Skilled Nursing Facilities (5.05.32)	None

<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b>
9. Fire Stations (5.07.20) 10. Cemeteries (5.08.10)	None Use Permit
<b>B. COMMUNITY CULTURAL FACILITIES (INT-3)</b> 1. Libraries (5.03.10) 2. Community Centers (5.03.50) 3. Museums (5.03.20) 4. Art Centers (5.03.30) 5. Performing Art Centers (5.03.40) 6. Interpretive Centers (5.03.70) 7. Botanical and Zoological Gardens (5.03.80)	Use Permit Use Permit Use Permit Use Permit Use Permit Use Permit Use Permit
<b>C. INSTITUTIONAL COMMUNITY CARE FACILITIES (INT-4)</b> 1. Institutional Day Care Facilities for Children (Day Care Centers) (5.04.11) 2. Institutional Full-Time Care Facilities for Children (5.04.12) 3. Institutional Day Care Facilities for Adults (5.04.21) 4. Institutional Full-Time Care Facilities for Adults (5.04.22) 5. Institutional Day Care Facilities for the Elderly (5.04.31) 6. Institutional Shared Housing Facilities for the Elderly (5.04.32)	None Use Permit None Use Permit None None
<b>D. EMERGENCY FACILITIES (INT-7)</b> 1. Fire Stations (5.07.20) 2. Ambulance and Paramedic Services (5.07.30) 3. Police Stations (5.07.10) 4. Civil Defense Operations (5.07.40)	None None None None
<b>E. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES (WMT-1)</b> Small Solid Waste Collection Facilities (4.01.41)	None
<b>F. PARKING (TSW-11)</b> Parking Lots and Garages (2.08.10)	None
<b>G. OTHER COMPATIBLE USES (OCU-1)</b>	

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
Other Compatible Uses (10.01.10)	To Be Determined by Director of Planning and Building
<sup>1</sup> Other permits may be required by a combining district, e.g., Design Review approval.	

**8.102.050 - Development Standards.**

All new development must meet the following:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 10,000 sq. ft. and the minimum average parcel width shall be one-hundred (100) feet.
  
2. Minimum Building Setbacks. The minimum building setbacks shall be:
  - a. Near Residentially Zoned Parcels

- (1) Front Contact

When the front portion of an I/NFO zoned parcel is across the street from a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
20 feet	10 feet	20 feet

For that portion of the building exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
30 feet	10 feet	25 feet

- (2) Side Contact

- (a) When the side portion of an I/NFO zoned parcel **abuts** a residentially zoned parcel,

For that portion of the building not exceeding 30 feet:

	Side Setback	Side Setback	
	<i>(abutting residentially-zoned parcel)</i>	<i>(not abutting residentially-zoned parcel)</i>	Rear Setback
Front Setback	20 feet	10 feet	20 feet

For that portion of the building exceeding 30 feet in height:

	Side Setback	Side Setback	
	<i>(abutting residentially-zoned parcel)</i>	<i>(not abutting residentially-zoned parcel)</i>	Rear Setback
Front Setback	20 feet	10 feet	20 feet

- (b) When the side portion of an I/NFO zoned parcel is **across the street** from a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
20 feet	10 feet	20 feet

For that portion of the building exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
30 feet	10 feet	20 feet

- (3) Rear Contact

When the rear portion of an I/NFO zoned parcel **abuts** a residentially zoned parcel,

For that portion of the building not exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
20 feet	10 feet	30 feet

For that portion of the building exceeding 30 feet in height:

Front Setback	Side Setback	Rear Setback
20 feet	10 feet	30 feet

b. Not Near Residentially Zoned Areas

Front Setback	Side Setback	Rear Setback
20 feet	10 feet	20 feet

3. **Maximum Building Coverage.** Maximum building coverage shall be eighty (80) percent and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.
4. **Maximum Building Floor Area.** The maximum total building floor area shall be 150 percent of the total parcel area and shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable and unfinished (e.g., attics, basements) areas, as measured from the outside face of all exterior walls, and (2) all other areas covered by a waterproof roof which extends 4 or more feet from exterior walls over the area of all decks, porches, and balconies. Enclosed parking areas shall be excluded from total building floor area.
5. **Maximum Building Height.** The maximum building height shall be thirty-seven (37) feet.

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

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend beyond 37 feet to a maximum of 46 feet as required for safety or efficient operation.

6. **Building Design.** Building design shall be proportioned, massed, and of a style that is compatible and in harmony with surrounding development and shall preserve and enhance the character of the area.
7. **Signs.**

- a. Prohibited Signs. The following signs shall be prohibited:
- (1) Any sign that, because of its location, construction, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
  - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
  - (3) Signs emitting intense and focused beams of light, including beacons.
  - (4) Off-premises signs.
  - (5) Abandoned signs.
  - (6) Billboards. Existing billboards shall be considered legal non-conforming uses and are subject to the provisions of the Non-Conforming Uses Chapter (Chapter 8.388) of the Zoning Regulations.
- b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per business, whichever is greatest.
- c. Maximum Total Sign Display Area. The maximum total display area of all signs on a parcel is three-quarters (0.75) square foot per foot of parcel street frontage.
- d. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  - (2) Freestanding signs shall not exceed six (6) feet.
- e. Sign Projection. Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary, except signs may project into the public right-of-way subject to the approval of the Director of Public Works.

- f. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.
8. Screening.
- a. Refuse, waste removal, and outdoor service/storage areas shall be screened with a six (6) foot solid wall or opaque fence/gate when visible from a public way or residentially zoned parcel.
  - b. A minimum six (6), not to exceed eight (8), foot masonry wall shall be erected along the entire common property line where an institutionally zoned parcel abuts a residentially zoned parcel. Other fencing along property lines shall be of opaque materials when visible from a public way or residentially zoned parcel and shall not include barbed wire.
  - c. Mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings shall be screened with opaque materials compatible with the building, when visible from a public way or residentially zoned parcel.
9. Landscaping. Landscaping shall be utilized and maintained to enhance or soften building design and required screening and shall consist of fast-growing plantings when development is visible from residentially zoned parcel(s).
10. Lighting. Exterior lighting fixtures, standards, and all exposed accessory lighting shall be compatible with and incorporated into building design.
11. Utilities. Install all new distribution lines underground. Minor renovations or additions to existing development may be exempt from this standard upon determination by the Director of Planning and Building.
12. Loading. Where feasible, a loading bay for loading and unloading may be required on site in order to minimize traffic hazards and congestion on roadways.

#### **8.102.060 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the following performance standards. Measurement, observation, or other means of determination shall be made at the property boundaries, unless otherwise specified.

- 1. Noise. No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:



Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80
10:00 p.m. - 7:00 a.m.	55	65	75

2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the I/NFO District.
3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
4. Lighting. Exterior lighting, including sign lighting, shall be located and directed so that direct rays and glare are confined to the premises.

## ***CHAPTER 8.106 – PAD DISTRICT, PLANNED AGRICULTURAL DISTRICT***

### **8.106.010 - Purpose Of The Planned Agricultural District.**

The purpose of the Planned Agricultural District is to: 1) preserve and foster existing and potential agricultural operations in San Mateo County in order to keep the maximum amount of prime agricultural land and all other lands suitable for agriculture in agricultural production, and 2) minimize conflicts between agricultural and non-agricultural land uses by employing all of the following techniques:

- (a) establishing stable boundaries separating urban and rural areas and, when necessary, clearly defined buffer areas,
- (b) limiting conversions of agricultural lands around the periphery of urban areas to lands where the viability of existing agricultural use has already been severely limited by conflicts with urban uses, and where the conversion of such land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development,
- (c) developing available lands not suitable for agriculture before converting agricultural lands,
- (d) assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and

- (e) assuring that all divisions of prime agricultural land (except those stated in (b)) and all adjacent development does not diminish the productivity of prime agricultural lands and other land suitable for agriculture.

(Prior Code § 6350 - 6360; Ord 2614 – 10/16/79)

(Prior Code § 6350 - 6363; Ord 2694 – 12/16/80)

(Prior Code § 6350 - 6363; Ord 2780 – 04/06/82)

### **8.106.020 - Definitions.**

For the purposes of this Chapter, certain terms used herein are defined as follows:

#### **A. Prime Agricultural Land**

1. All land which qualifies for rating as Class I or Class II in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification, as well as all Class III lands capable of growing artichokes or Brussels sprouts.
2. All land which qualifies for rating 80-100 in the Storie Index Rating.
3. Land which supports livestock use for the production of food and fiber, and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the U.S. Department of Agriculture.
4. Land planted with fruit or nut bearing trees, vines, bushes, or crops which have a non-bearing period of less than five years and which normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than \$200 per acre.
5. Land which has returned from the production of an unprocessed agricultural plant product on an annual value that is not less than \$200 per acre within three of the five previous years.

The \$200 per acre amount in subsection (4) and (5) shall be adjusted regularly for inflation, using 1965 as the base year, according to a recognized Consumer Price Index.

#### **B. Lands Suitable for Agriculture**

Land other than Prime Agricultural Land on which existing or potential agricultural use is feasible, including dry farming, animal grazing, and timber harvesting.

C. Other Lands

Any portion of a parcel in the Planned Agricultural District which does not meet the definition of Prime Agricultural Land or Lands Suitable for Agriculture.

D. Agriculture

Activities including, but not limited to, the cultivation of food, fiber, or flowers, and the grazing, growing or pasturing of livestock.

E. Uses Ancillary to Agriculture

Agricultural grading equipment supplies, agricultural rental supplies, topsoil stockpiling, and other similar uses determined to be appropriate by the Director of Planning and Building.

F. Non-Residential Development Customarily Considered Accessory to Agricultural Uses

Barns, storage/equipment sheds, stables for farm animals, including up to five (5) confined animals, fences, water wells, well covers, pump houses, water storage tanks, water impoundments, water pollution control facilities for agricultural purposes, and other similar uses determined to be appropriate by the Director of Planning and Building.

G. Commercial Recreation

Country inns, commercial or other stables for more than five (5) confined animals, riding academies, campgrounds, rod and gun clubs, private beaches, food/gasoline/telephone services, hostels, and other similar uses determined to be appropriate by the Planning Commission.

H. Public Recreation

Lands and facilities serving primarily a recreation function which are operated by public agencies or other non-profit organizations. Public recreation facilities include, but are not limited to, public beaches, parks, recreation areas, natural preserves, wild areas and trails.

I. Land Division

The creation of any new property line whether by subdivision or other means.

J. Density Credits

The maximum number of land divisions permitted for a parcel computed in accordance with Section 8.106.070. Credits may be combined for uses on a single parcel if the number of land divisions permitted is reduced accordingly; however, only one credit shall be assigned to an agricultural parcel. Only one dwelling unit or non-agricultural use shall be permitted per parcel.

K. Feasible

Capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social, and technological factors.

L. Non-Agricultural Parcel

After a Master Land Division Plan has been approved, the parcels which may be used for non-agricultural purposes.

M. Agricultural Parcel

After a Master Land Division has been approved, the remaining, large residual parcel restricted to agricultural uses by an easement as specified in Section 8.106.120(b).

(Prior Code § 6351, 6352, 6353, 6355, 6356, 6357, 6360, 6361; Ord 3193 – 10/24/89)

(Prior Code § 6351(A)(4), (B)(5); Ord 3262 – 09/11/90)

(Prior Code § 6351(F); Ord 4075 – 11/06/01)

(Prior Code § 6351(G); Ord 4075 – 11/06/01)

(Prior Code § 6351(J); Ord 3718 – 06/04/96)

(Prior Code § 6351(J); Ord 3798 – 11/18/97)

## 8.106.030 - Uses Permitted.

The following uses are permitted in the PAD:

### A. On Prime Agricultural Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Soil dependent greenhouses and nurseries provided that a soil management plan is prepared showing how open prime soils on the site will be preserved and how soils will be returned to their original condition when operations cease.
4. Temporary roadstands for seasonal sale of produce grown in San Mateo County providing that (1) sales activities are limited to less than a nine-month operating period per year, (2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, (3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Director of Planning and Building, and (4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.
5. Repairs, alterations, and additions to existing single-family residences.
6. Keeping of pets in association with a one-family dwelling
7. Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
8. Animal fanciers.

### B. On Land Suitable for Agriculture and Other Lands

1. Agriculture.
2. Non-residential development customarily considered accessory to agricultural uses.
3. Dairies.

4. Greenhouses and nurseries.
5. Temporary roadstands for seasonal sale of produce grown in San Mateo County providing that (1) sales activities are limited to less than a nine-month operating period per year, (2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, (3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Director of Planning and Building, and (4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.
6. Repairs, alterations, and additions to existing single-family residences.
7. Keeping of pets in association with a one-family dwelling.
8. Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
9. Animal fanciers.

(Prior Code § 6352(A)(5), (A)(6), (A)(7); Ord 3448 – 12/15/92)

(Prior Code § 6352(B)(6), (B)(7) (B)(8); Ord 3448 – 12/15/92)

#### **8.106.040 - Uses Permitted Subject To The Issuance Of A Planned Agricultural Permit.**

The following uses are permitted in the PAD subject to the issuance of a Planned Agricultural Permit, which shall be issued in accordance with the criteria set forth in Section 8.106.060 of this ordinance.

Applications for Planned Agricultural Permits shall be made to the County Planning Commission and shall be considered in accordance with the procedures prescribed by the San Mateo County Zoning Ordinance for the issuance of use permits and shall be subject to the same fees prescribed therefore.

##### **A. On Prime Agricultural Lands**

1. Single-family residences.
2. Farm labor housing.

3. Public recreation/shoreline access trail (see Section 8.106.060(D)(2).
4. Non-soil dependent greenhouses and nurseries if no alternative building site on the parcel exists.
5. Onshore oil and gas exploration, production, and minimum necessary related storage subject to the issuance of an oil well permit, except that no wells shall be located on prime soils.
6. Uses ancillary to agriculture.
7. Permanent roadstands for the sale of produce, providing that the amount of prime agricultural land converted does not exceed one-quarter (1/4) acre, and subject to the findings required for the approval of use permits established in Section 8.280.030 of the San Mateo County Zoning Ordinance.
8. Facilities for the processing, storing, packaging, and shipping of agricultural products.
9. Commercial woodlots and temporary storage of logs.

B. On Lands Suitable for Agriculture and Other Lands

1. Single-family residences.
2. Farm labor housing.
3. Multi-family residences if for affordable housing.
4. Public recreation/shoreline access trail (see Section 8.106.030(D)(3) and (4)).
5. Schools.
6. Fire stations.
7. Commercial recreation.
8. Aquacultural activities.

9. Wineries, subject to the findings required for the approval of use permits established in Section 8.280.030 of the San Mateo County Ordinance Code.
  
10. Timber harvesting, commercial woodlots and log storage, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
  - a. Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
  
  - b. Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Chapter 8.360.
  
  - c. Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of Title 8 of the San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.<sup>1</sup>

<sup>1</sup> Not effective in the Coastal Zone unless and until certification without change by the California Coastal Commission. Certification had not occurred as of the reprinting date of this Chapter {July 1999}.

11. Onshore oil and gas exploration, production, and storage subject to the issuance of an oil well permit.
  
12. Facilities for the processing, storing, packaging, and shipping of agricultural products.
  
13. Uses ancillary to agriculture.
  
14. Kennels or catteries, subject to a kennel/cattery permit.

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15. Scientific/technical research and test facilities, provided a Planned Agricultural Permit shall only be issued for this use upon the following findings:
  - a. That the use is of a low-intensity nature with minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
  - b. That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
  - c. That no manufacturing or industrial activities are involved.
  - d. That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
  - e. That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
  - f. That the proposed use or facility does not create a potential for any health or safety hazard.
  - g. That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
  - h. That the applicant demonstrate that no feasible sites exist in the RM, RM-CZ, TPZ, or TPZ-CZ zones for the proposed facility.
  
16. Permanent road stands for the sale of produce, subject to the findings required for the approval of use permits established in Section 8.280.030 of the San Mateo County Zoning Ordinance.

(Prior Code § 6353(B)(10); Ord 3381 – 04/14/92)

(Prior Code § 6353(B)(14); Ord 3448 – 12/15/92)

(Prior Code § 6353(B)(15); Ord 2872 – 01/17/84)

### **8.106.050 - Land Divisions.**

All land divisions permitted in the PAD are subject to the issuance of a Planned Agricultural Permit.

### **8.106.060 - Substantive Criteria For Issuance Of A Planned Agricultural Permit.**

It shall be the responsibility of an applicant for a Planned Agricultural Permit to provide factual evidence which demonstrates that any proposed land division or conversion of land from an agricultural use will result in uses which are consistent with the purpose of the Planned Agricultural District, as set forth in Section 8.106.010. In addition, each application for a division or conversion of land shall be approved only if found consistent with the following criteria:

#### **A. General Criteria**

1. The encroachment of all development upon land which is suitable for agricultural use shall be minimized.
2. All development permitted on a site shall be clustered.
3. Every project shall conform to the Development Review Criteria contained in Chapter 8.292 of the San Mateo County Ordinance Code.

#### **B. Water Supply Criteria**

1. The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses according to the following criteria: (a) each existing parcel developed with non-agricultural uses, or parcel legalized in accordance with Local Coastal Program Policy 1.29, shall demonstrate a safe and adequate well water source located on that parcel, and (b) each new parcel created by a land division shall demonstrate a safe and adequate well water source located either (1) on that parcel, or (2) on the larger property that was subdivided to create the new parcel, provided that a single well water source may not serve more than four (4) new parcels.
2. Adequate and sufficient water supplies needed for agricultural production and sensitive habitat protection in the watershed are not diminished.
3. All new non-agricultural parcels are severed from land bordering a stream and their needs prohibit the transfer of riparian rights.

#### **C. Criteria for the Division of Prime Agricultural Land**

1. Prime Agricultural Land which covers an entire parcel shall not be divided.
2. Prime Agricultural Land within a parcel shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of all resulting parcels would not be diminished.

3. Prime Agricultural Land within a parcel will not be divided when the only building site would be on such Prime Agricultural Land.

D. Criteria for the Conversion of Prime Agricultural Lands

1. General Criteria

Prime Agricultural Land within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless it can be demonstrated that:

- a. No alternative site exists on the parcel for the use,
- b. Clearly defined buffer areas are provided between agricultural and non-agricultural uses,
- c. The productivity of an adjacent agricultural land will not be diminished, and
- d. Public service and facility expansions and permitted uses will not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

2. Public Recreation Facilities Criteria

For a recreation facility on land owned by a public agency before the effective date of this ordinance, the following additional criteria applies:

- a. The agency, as a condition of approval of the Planned Agricultural Permit, executes a recordable agreement with the County that all prime agricultural land and other land suitable for agriculture which is not needed for recreational development or for the protection and vital functioning of a sensitive habitat will be permanently protected for agriculture.
- b. The agency, whenever legally feasible, agrees to lease the maximum amount of agricultural land to active farm operators on terms compatible with the primary recreational and habitat use.

3. Agriculturally Related Uses Criteria

For uses ancillary to agriculture, facilities for the processing, storing packaging and shipping of agricultural products, and commercial woodlots and temporary storage of logs, the following additional criteria applies:

- a. The area of Prime Agricultural Land converted shall be as small as possible, and,
- b. In all cases, the area of Prime Agricultural Land converted shall not exceed 3 acres.

E. Criteria for the Division of Lands Suitable for Agriculture and Other Lands

Lands suitable for agriculture and other lands shall not be divided unless it can be demonstrated that existing or potential agricultural productivity of any resulting agricultural parcel would not be reduced.

F. Criteria for the Conversion of Lands Suitable for Agriculture and Other Land

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

1. all agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable, and
2. continued or renewed agricultural use of the soils is not capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors (Section 30108 of the Coastal Act), and
3. clearly defined buffer areas are developed between agricultural and non-agricultural uses, and
4. the productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing, and
5. public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality, and

For parcels adjacent to urban areas, permit conversion if the viability of agricultural uses is severely limited by conflicts with urban uses, and the conversion of land would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development, and conditions 3, 4, and 5 of this subsection are satisfied.

(Prior Code § 6355(B); Ord 3798 – 11/18/97)

### **8.106.070 - Maximum Density Of Development.**

In the Planned Agricultural District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

Amount of Development Allowed for Non-agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

#### Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

#### Non-Agricultural Uses Except Visitor-Serving Uses

For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

## Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year.

This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

### First Density Credit

For one density credit or the first density credit when multiple density credits are available, either 1-1/2 times the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures," or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.

### Additional Density Credits

For each additional density credit, the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

For the purpose of this provision, "visitor-serving, commercial recreation, and public recreation uses" shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.

As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.

The provisions of this section will not apply to agriculture, farm labor housing, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or affordable housing to the extent authorized in Policy 3.23 of the Local Coastal Program on March 25, 1986, or other structures considered to be accessory to agriculture under the same ownership.

## A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County" or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Land Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A. and J., the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

(Prior Code § 6356; Ord 3669 – 09/12/95)

(Prior Code § 6356; Ord 3718 – 06/04/96)

(Prior Code § 6356; Ord 3798 – 11/18/97)

(Prior Code § 6356G; Ord 3002 – 07/03/84)

### **8.106.080 - Density Bonus And Transfer.**

A. Consolidating Parcels

In addition to the maximum density of development permitted, bonus densities may be granted when contiguous parcels are combined to form a larger parcel, provided that the density bonus is granted in accordance with LCP Policy 5.11, including deed restriction requirements that any subsequent land division of the merged property shall result in at least one agricultural parcel whose area is greater than the largest parcel before consolidation. The bonus for a proposed combination shall be calculated by:



1. determining the total number of density credits on all parcels included in a master development plan, and
2. multiplying that total by 25% if the merger is entirely of parcels of 40 acres or less, or by 10% if some or all of the parcels combined are larger than 40 acres.

The merged parcel shall be entitled to the number of density credits allowed prior to merger, plus the bonus calculated under this subsection. Once a parcel or portion of a parcel has been granted bonus density credits as a result of a merger under this subsection, no additional bonus credit(s) may be granted for subsequent merger activities involving that parcel or a portion of that parcel.

**B. Agricultural Water Improvements**

In addition to the maximum density of development permitted, bonus density credit(s) shall be granted for development of new agricultural water storage capacity in accordance with the following table, upon determination by the Planning Commission and Agricultural Advisory Committee that such water capacity is needed, and will be utilized to provide water exclusively for agricultural cultivation or livestock operations. This provision shall apply to:

1. Construction of new water storage facilities, and,
2. Enlargement of existing water storage facilities (excluding maintenance/dredging activities).

<b>NEW STORAGE CAPACITY (acre-feet)</b>	<b>BONUS DENSITY (dwelling units)</b>
0 – 12.24	0.0
12.25 – 24.49	1.0
24.50 – 36.74	1.5
36.75 – 48.99	2.0
49.00 – 61.24	Density allocated at above rate
Greater than 61.25	

Bonus density credits may be applied on-site, or transferred to another parcel within the rural Coastal Zone, upon determination by the Planning Commission that suitable sites are available on the recipient parcel in accordance with the policies and standards of the Local Coastal Program, providing that density credits are not used to convert Prime Agricultural Land, or locate development within scenic corridors. Frequency of density transfer shall not be limited, providing that each density transfer conforms with the requirements of this section, and appropriate processing fees are collected. At maximum four density credits, whether authorized by this section or other provisions of this Part, may be transferred to any recipient parcel unless otherwise determined by the Planning Commission that additional density would

not overburden coastal resources. Should bonus density credits be transferred, deed restrictions must be recorded stating that: (1) the donor parcel has relinquished bonus density credit(s) acquired pursuant to this section, and thereby has voluntarily relinquished all development rights associated with the said density credit(s), and (2) in addition to allowable zoning, the recipient parcel is granted density credit(s) pursuant to this section.

The County shall maintain up to date records in the Planning Department of all bonus credits granted. Records shall indicate the number of bonus credits generated per parcel, and the location and use of the credits including those transferred to another parcel.

#### C. Prime Agricultural Land

Parcels consisting either entirely of Prime Agricultural Land or Prime Agricultural Land and land which is not developable under the Local Coastal Program, may apply to transfer development density to another parcel within the rural Coastal Zone, east of Highway 1 only, provided that the entire donor parcel is restricted permanently to agricultural use by an easement granted to the County or other governmental agency, as elaborated below, and upon determination by Planning Commission that suitable sites are available on the recipient parcel in accordance with the policies and standards of the Local Coastal Program, providing that density credits are not used to convert Prime Agricultural Land, or locate development within scenic corridors. Frequency of density transfer shall not be limited, providing that each density transfer conforms with the requirements of this section, and appropriate processing fees are collected. At maximum four density credits whether authorized by this section or other provisions of this Part, may be transferred to any recipient parcel unless otherwise determined by the Planning Commission that additional density would not overburden coastal resources. Deed restrictions must be recorded stating that: (1) the donor parcel has voluntarily relinquished one density credit as determined by this ordinance, and (2) in addition to allowable zoning, the recipient parcel is granted density credit(s) pursuant to this section.

The County shall maintain up to date records in the Planning Department of all density transfer activities. Records shall identify the donor parcel and indicate the number of credits transferred. The location and use of transferred credits shall also be identified.

As a condition of approval for density credit transfer, the applicant shall grant to the County (and the County shall accept) an easement covering the entire donor parcel, containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 8.106.020(F) of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms.

(Prior Code § 6357(A); Ord 3718 – 06/04/96)

(Prior Code § 6357(A); Ord 3798 – 11/18/97)

### **8.106.090 - Maximum Height Of Structures.**

In the Planned Agricultural District, no residential or commercial structure shall exceed three stories or 36 feet in height, except: (1) as allowed by use permit provisions in Chapter 8.336 (Height, General Provisions and Exceptions) of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, no residential structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet.

(Prior Code § 6358; Ord 4563 – 05/24/11)

### **8.106.100 – Minimum Yards.**

In the absence of more restrictive provisions within this ordinance, the minimum yards required in the Planned Agricultural District shall be as follows:

#### **A. Agricultural Development**

Front: 30 feet

Side: 20 feet

Rear: 20 feet

#### **B. Non-Agricultural Development**

Front: 50 feet

Side: 20 feet

Rear: 20 feet

(Prior Code § 6359; Ord 3103 – 04/14/87)

### **8.106.110 - Midcoast Residential Floor Area.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the maximum building floor area for residential uses shall be established according to the following table:

Parcel Size	Maximum Building Floor Area
2,500 – 4,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
4,750 – 4,999 sq. ft.	$0.53 - ((5,000 - \text{parcel size}) \times 0.0002) \times \text{parcel size}$
5,000 – 11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. If any portion of a building is used for residential purposes, the floor area of the entire building is included. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

(Prior Code § 6360-6362; Ord 4563 – 05/24/11)

### **8.106.120 - Midcoast Impervious Surface Area.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways, and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

- (a) Non-residential development, and
- (b) Residential development, only if the Director of Planning and Building determines that the exception is necessary for compliance with site planning and design requirements.

(Prior Code § 6361A; Ord 2891 – 06/05/84)

### **8.106.130 - Midcoast Winter Grading.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established

and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

### **8.106.140 - Parcel Size.**

The parcel size in the PAD shall be in accordance with the following:

A. Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for agricultural purposes, the parcel size shall be as specified in the Planned Agricultural Permit issued pursuant to Section 8.69.050 of this ordinance.

B. Non-Agricultural Parcels

For any parcel created after the effective date of this ordinance which is to be used for non-agricultural purposes, the parcel size shall be determined on a case-by-case basis to ensure that domestic well water and on-site sewage requirements are met. Non-agricultural parcels shall be as small as possible, and when used for residential purposes shall not exceed 5 acres. All non-agricultural parcels shall be clustered (in one or as few clusters as possible), and sited in locations most protective of existing and potential agricultural uses.

C. Parcels Created Before Ordinance Adoption

For any parcel legally created before adoption of this ordinance, minimum parcel size shall be determined in accordance with Section 8.134.020 of the San Mateo County Ordinance Code.

### **8.106.150 - Procedural Criteria For Issuance Of A Planned Agricultural Permit.**

A. planned arand Division Plan

Before any division of land, the applicant shall file a Master Land Division Plan demonstrating how the parcel will be ultimately divided according to maximum density of development permitted and which parcels will be used for agricultural and non-agricultural uses if conversions are permitted. Division for non-agricultural parcels shall be as small as practicable, not to exceed 5 acres when used for residential purposes, and shall ensure that minimum domestic well water and on-site sewage disposal area requirements are met. Division shall be permitted in phases, and all future divisions occurring on land for which a plan has been filed must conform to that plan. Master Land Division Plans shall not be required for land divisions which solely provide affordable housing, as defined by LCP Policy 3.7 on March 25, 1986.

B. Easements on Agricultural Parcels

After a Master Land Division Plan has been filed, and as a condition of approval thereof, the applicant shall grant to the County (and the County shall accept) an easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to agricultural uses, non-residential development customarily considered accessory to agriculture (as defined in Section 8.106.030(C) and (D) of this ordinance) and farm labor housing. The covenant shall specify that, anytime after three years from the date of recordation of the easement, land within the boundaries of the easement may be converted to other uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980) upon the finding that changed circumstances beyond the control of the landowner or operator have rendered the land unusable for agriculture and upon approval by the State Coastal Commission of a Local Coastal Program amendment changing the land use designation to open space. Uses consistent with the definition of Open Space shall mean all those uses specified in the Resource Management Zone (as in effect on November 18, 1980). Any land use allowed on a parcel through modification of an agricultural use easement shall recognize the site's natural resources and limitations. Such uses shall not include the removal of significant vegetation (except for renewed timber harvesting activities consistent with the policies of the Local Coastal Program), or significant alterations to the natural landforms.

C. Agricultural Land Management Plan

For parcels 20 acres or more in size before division or conversion, the applicant shall file an agricultural land management plan demonstrating how, if applicable, the agricultural productivity of the land will be fostered and preserved in accordance with the requirements of Sections 8.106.010 and 8.106.060 of this ordinance.

D. Map and Deed Notice

When a parcel on or adjacent to agricultural land is subdivided, the following statement shall be included as a condition of approval on all parcel and final maps and in each parcel deed.

This subdivision is adjacent to property utilized for agricultural purposes, and residents of the subdivision may be subject to inconvenience or discomfort arising from the use of agricultural chemicals, including herbicides, pesticides, and fertilizers; and from the pursuit of agricultural operations, including plowing, spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. San Mateo County has established agriculture as a priority use on productive agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations.

E. Findings

The County shall make findings with respect to each application for division or conversion of lands in the Planned Agricultural District. Such findings shall be in writing, based on fact, and shall set forth specific reasons why proposed division or conversion meets or fails to meet all applicable requirements of this ordinance.

### **8.106.160 - Establishment Of An Agricultural Advisory Committee.**

To assist in the achievement of the objectives of this ordinance, the Board has established an Agricultural Advisory Committee composed of farmers familiar with Coastside crops, agricultural experts, and representatives of the general public interest. Said Committee shall actively assist in the preservation of agriculture of the Coastside by advice and recommendation to the Planning Commission and the Board of Supervisors to achieve the objectives of this ordinance.

### **8.106.170 - Establishment And Application Of Planned Agricultural District.**

Any parcel of land in the Coastal Zone which contains prime agricultural land and lands suitable for agriculture shall be included in the Planned Agricultural District. The Planned Agricultural District is hereby established and applied to the area depicted on the maps entitled "Planned Agricultural District Boundary," for the Midcoast and South Coast, both dated January 23, 1979, and on file in the offices of the County Planning Department.

## ***CHAPTER 8.110 - RH, RESIDENTIAL HILLSIDE DISTRICT***

### **8.110.010 - Purpose.**

The purposes of the Residential Hillside District are to:

1. Provide residential areas intended primarily for the location of one-family dwellings, accessory structures and uses on hillside parcels;
2. Accommodate a compatible mix of institutional and recreational land uses to serve the needs of residential areas;
3. Protect the health, safety and welfare of residential inhabitants by restricting incompatible land uses;
4. Encourage architectural design and site planning which will preserve the natural character of hillside areas, particularly with respect to topography, vegetation and scenic qualities; and
5. Implement the policies of the San Mateo County General Plan, especially those concerning development in hillside areas.

(Prior Code § 6800 - 6815; Ord 2560 – 01/02/79)

(Prior Code § 6800 - 6810; Ord 3192; and 6811 – 6815 – Deleted by Ord 3192 – 10/24/89)

## **8.1100.020 - Definitions.**

### **One Family Dwellings Module**

1. One Family Dwellings (1.1.10)

Buildings, one per parcel, containing a single dwelling unit which is intended for use by one household.

2. Mobilehomes (1.9.10)

Transportable buildings which are constructed on a permanent chassis and are intended to be used as dwelling units. Each structure may or may not be on a permanent foundation.

### **Second Dwelling Units Module**

3. Second Dwelling Units (1.2.10)

Attached or detached rental dwelling units with kitchens, each located on the same parcel as a one family dwelling.

### **Residential Accessory Structures Module**

4. Domestic Help Quarters (1.6.10)

Accessory buildings, without kitchens, which provide accommodations for persons employed on the premises by the occupants of a main dwelling unit on the same parcel.

5. Pool Houses and Cabanas (1.6.40)

Detached accessory structures, without kitchens, used for private dressing, bathing or recreational activities.

6. Guest Houses (1.6.30)



Accessory buildings, without kitchens, which provide accommodations for occasional non-paying guests of the occupants of a main dwelling unit on the same parcel.

7. Residential Multi-Purpose Accessory Structures (1.6.50)

Detached accessory structures, without kitchens or bathrooms, which are used for a variety of purposes including workshops, storage sheds, game rooms and greenhouses.

8. Satellite Dish Antennas (8.2.30)

A signal receiving device which is intended to receive television signals from satellites.

9. Temporary Living Facilities During Residence Construction (1.10.10) Temporary dwelling units such as mobilehomes without permanent foundations, travel trailers or recreational vehicles, which are: (1) located on a parcel of land during the construction or reconstruction of a permanent dwelling unit on the same parcel, and (2) removed prior to the granting of a Certificate of Occupancy for the permanent residence.

## Residential Accessory Uses Module

10. Home Occupations (1.5.10)

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

11. Keeping of Pets (9.1.10)

The raising or maintaining of domestic animals, including birds, that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses and livestock, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4) are kept per one-family dwelling unit; and (b) no more than twelve (12) of any other domestic animal, including birds, is kept per one-family dwelling unit. The number of fish, reptiles, birds and other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

The number of domestic poultry is subject to Chapter 8.380 of the San Mateo County Ordinance Code.

12. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals, excluding exotic animals, horses and livestock, and subject to the following limitations: (a) no more than four (4) dogs, or four (4) cats, or any combination of dogs and cats not exceeding a total of four (4); and (b) no more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit, or per business establishment in commercial or industrial zoning districts. The number of fish, reptiles, birds or other small animals caged indoors shall not be restricted unless they create noise or odor discernable outside the dwelling, or are kept in such a manner as to constitute a nuisance.

The number of domestic poultry is subject to Chapter 8.380 of the San Mateo County Ordinance Code.

13. Animal Fanciers

A person, business or entity who keeps at least five (5) dogs, or five (5) cats, or any combination of dogs and cats which totals five (5), not to exceed ten (10) dogs, or ten (10) cats, or any combination of dogs and cats which totals ten (10) per one-family dwelling unit.

## Urban Residential Animal Keeping Module

14. Catteries

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at catteries include, but are not limited to, grooming, training, and sales of animals and supplies.

15. Kennels

A place for the breeding, raising, keeping, boarding or other handling of more than ten (10) dogs, or more than ten (10) dogs and cats per dwelling unit or per business establishment. Ancillary activities that may be conducted in association with the keeping of animals at kennels include, but are not limited to, grooming, training, and sales of animals and supplies.

## Urban Keeping Of Horses

16. The Keeping of Horses (9.1.50)

The raising or maintaining of horses with associated accessory structures such as stables or corrals.

## Small Hostelries Module

17. Small Hostelries (1.7.10)

Facilities that rent five (5) or fewer rooms for the overnight accommodation of paying guests including, but not limited to, rooming houses, boarding houses, tourist homes, country inns, small motels and hotels, and bed and breakfast establishments.

## Residential Community Care Facilities Module

18. Residential Full-Time Care Facilities for Children (1.8.12)

Dwelling units in which 24-hour non-medical care and supervision are provided in a licensee's family residence for not more than six (6) children who may or may not have special needs or disabilities.

19. Residential Foster Family Homes (1.8.13)

Dwelling units in which 24-hour non-medical care and supervision are provided in a family setting in a licensee's family residence for not more than six (6) foster children, exclusive of licensee's family members.

20. Residential Day Care Facilities for Adults (1.8.21)

Dwelling units in which non-medical care and supervision are provided to no more than six (6) adults on less than a 24-hour per day basis.

21. Residential Full-Time Care Facilities for Adults (1.8.22)

Dwellings units in which 24-hour a day non-medical care and supervision are provided to no more than six (6) adults.

22. Residential Rehabilitation Facilities (1.8.23)

Dwelling units in which 24-hour a day non-medical care and supervision are provided in a group setting to no more than six (6) adults and/or emancipated minors recovering from drug or alcohol misuse.

23. Residential Day Care Facilities for the Elderly (1.8.31)

Dwellings units in which non-medical care and supervision are provided to no more than six (6) elderly adults, age 62 and over, on less than a 24-hour per day basis.

24. Residential Shared Housing Facilities for the Elderly (1.8.32)

Group housing arrangements for no more than six (6) adults chosen voluntarily by residents who are 62 years of age or older, and who are provided varying levels of supportive services or non-medical care as agreed upon at the time of admission, based upon varying needs.

## Neighborhood Institutional Facilities Module

25. Elementary and Secondary Schools (5.1.10)

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

26. Religious Facilities (5.2.10)

Facilities or meeting places used for worship and religious instruction including churches, synagogues, mosques and temples.

27. Club and Organization Meeting Facilities (5.3.60)

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social and fraternal clubs and lodges, union halls and philanthropic and charitable institutions.

28. Institutional Full-Time Care Facilities for Children (5.4.12)

Facilities not in a dwelling unit which provide 24-hour a day non-medical care and supervision to children, who may or may not have special needs or disabilities, in a structured environment with services provided at least in part by employed staff of a licensee.

29. Skilled Nursing Facilities (5.5.21)

Facilities providing 24-hour a day intensive nursing care and supportive health care to inpatients requiring care over a prolonged period of time.

30. Intermediate Care Facilities (5.5.22)

Facilities providing basic health care to inpatients who have intermittent, though not continuous, need for skilled nursing care but need continuous 24-hour a day supportive health care and skilled nursing supervision.

31. Fire Stations (5.7.20)

Facilities used for fire fighting services, sometimes including associated paramedic services.

32. Cemeteries (5.8.10)

Facilities used for the burial of human and pet remains, usually outside.

## Park Module

33. Parks (7.2.70)

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

34. Linear Parks and Trails (7.3.30)

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or man-made linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

## Outdoor Sports And Golf Facilities Module

35. Outdoor Sports Facilities (7.2.10)

Outdoor facilities, associated grounds and accessory structures used for active recreation including swimming clubs, tennis clubs, playing fields or similar uses.

36. Golf Courses and Clubs (7.2.31)

Facilities comprising large tracts of land and associated accessory structures laid out for the game of golf including incidental driving range facilities.

**Neighborhood Solid Waste Recycling Facilities Module**

37. Small Solid Waste Collection Facilities (4.1.41)

Facilities, 500 sq. ft. or less in area, where discarded glass, paper or clothes or other recyclable materials are bought and/or collected including, but not limited to, containers, igloos, bins, groups of reverse vending machines and mobile units.

(Prior Code § 6801.5; Ord 3038 – 06/18/85)

(Prior Code § 6801 (9.1.10); Ord 4511 – 07/27/10)

(Prior Code § 6801.11, 6801.12, 6801.13, 6801.14, 6801.15, 6801.16; Ord 3447 – 12/16/92)

(Prior Code § 6801.18; Ord 3791 – 10/21/97)

(Prior Code § 6801.18; Ord 4844 – 05/04/21)

(Prior Code § 6801.29; Ord 4844 – 05/04/21)

**8.110.030 - Uses Permitted.**

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*
<p><b>A. ONE FAMILY DWELLINGS MODULE (RES-1)</b></p> <p>1. One Family Dwellings (1.1.10)</p> <p>2. Mobilehomes (1.9.10)</p>	<p>None</p> <p>None</p>
<p><b>B. SECOND DWELLING UNITS MODULE (RES-2)</b></p> <p>1. Second Dwelling Units (1.2.10)</p>	<p>None</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*
<p><b>C. RESIDENTIAL ACCESSORY STRUCTURES MODULE (RES-10)</b></p> <ol style="list-style-type: none"> <li>1. Domestic Help Quarters (1.6.10)</li> <li>2. Guest Houses (1.6.30)</li> <li>3. Pool Houses and Cabanas (1.6.40)</li> <li>4. Residential Multi-Purpose Accessory Structures (1.6.50)</li> <li>5. Satellite Dish Antennas (8.2.30)</li> <li>6. Temporary Living Facilities During Residence Construction (1.10.10)</li> </ol>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
<p><b>D. RESIDENTIAL ACCESSORY USES MODULE (RES-11)</b></p> <ol style="list-style-type: none"> <li>1. Home Occupations (1.5.10)</li> <li>2. The Keeping of Pets (9.1.10)</li> </ol>	<p>None</p> <p>None</p>
<p><b>E. KEEPING OF PETS MODULE</b></p> <ol style="list-style-type: none"> <li>1. The Keeping of Pets (9.1.10)</li> <li>2. Limited Keeping of Pets</li> <li>3. Animal Fanciers</li> </ol>	<p>None</p> <p>None</p> <p>Animal Fancier's Permit</p>
<p><b>F. URBAN RESIDENTIAL ANIMAL KEEPING MODULE (ANM-3)</b></p> <ol style="list-style-type: none"> <li>1. Catteries</li> <li>2. Kennels</li> <li>3. Keeping of Confined Animals</li> </ol>	<p>Kennel/Cattery Permit</p> <p>Kennel/Cattery Permit</p> <p>Refer to Confined Animal Regulations</p>
<p><b>G. SMALL HOSTELRIES MODULE (RES-8)</b></p> <ol style="list-style-type: none"> <li>1. Small Hostelries (1.7.10)</li> </ol>	<p>Use Permit</p>
<p><b>H. RESIDENTIAL COMMUNITY CARE FACILITIES MODULE (RES-9)</b></p> <ol style="list-style-type: none"> <li>1. Residential Full-Time Care Facilities for Children . . . (1.8.12)</li> </ol>	<p>None</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*
2. Residential Foster Family Homes (1.8.13) 3. Residential Day Care Facilities for Adults (1.8.21) 4. Residential Full-Time Care Facilities for Adults (1.8.22)	None None None
5. Residential Rehabilitation Facilities (1.8.23) 6. Residential Day Care Facilities for the Elderly (1.8.31) 7. Residential Shared Housing for the Elderly (1.8.32)	None None None
<b>I. NEIGHBORHOOD INSTITUTIONAL FACILITIES MODULE (INT-1)</b>  1. Elementary and Secondary Schools (5.1.10) 2. Religious Facilities (5.2.10) 3. Club and Organization Meeting Facilities (5.3.60) 4. Institutional Day Care Facilities for Children . . . (5.4.11) Small Facilities - 1 to 6 persons Large Facilities - 7 to 12 persons 5. Institutional Full-Time Care Facilities for Children . . . (5.4.12) Small Facilities - 1 to 6 persons Large Facilities - 7 to 12 persons 6. Intermediate Care Facilities (5.5.22) Small Facilities - 1 to 6 persons Large Facilities - 7 to 12 persons 7. Skilled Nursing Facilities (5.5.21) Small Facilities - 1 to 6 persons Large Facilities - 7 to 12 persons 8. Fire Stations (5.7.20)	Use Permit Use Permit Use Permit None Use Permit None Use Permit None Use Permit None Use Permit Use Permit
9. Cemeteries (5.8.10)	Use Permit
<b>J. PARK MODULE (REC-2)</b>  1. Parks (7.2.70)	Use Permit



PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT*
2. Linear Parks and Trails (7.3.30)	Use Permit
<b>K. OUTDOOR SPORTS AND GOLF FACILITIES MODULE (REC-3)</b>	
1. Outdoor Sports Facilities (7.2.10)	Use Permit
2. Golf Courses and Clubs (7.2.31)	Use Permit
<b>L. NEIGHBORHOOD SOLID WASTE RECYCLING FACILITIES MODULE (WMT-1)</b>	
1. Small Solid Waste Collection Facilities (4.1.41)	None
*Other permits may be required by a combining district, e.g., Coastal Development Permit or Design Review approval, as identified in Chapters 8.252 and 8.256.	

(Prior Code § 6802(F)(3); Ord 4075 – 12/06/01)

(Prior Code § 6802.H(1); Ord 3791 – 10/21/97)

(Prior Code § 6802.(1); Ord 4844 – 05/04/21)

### 8.100.040 - Minimum Building Site.

The minimum building site shall be determined in accordance with the following definitions and tables:

- (a) “Contour Interval” shall mean the difference in elevation between adjacent contour lines on a topographical or planimetric map.
- (b) “Average Percent of Slope” shall mean the percent of slope as computed by the following formula:

$$S = \frac{100 IL}{A}$$

Where S = average percent of slope; I = contour interval in feet; L = summation of length of all contour lines in feet; A = area in square feet of parcel being considered. In calculating the average percent of slope, any part of the parcel will be excluded from the calculation if the owner so elects; however, if the owner makes this selection then in determining land use densities applicable to the parcel only the land used in the slope calculation shall be used in calculating allowable density. If the owner chooses this option, then land excluded from the calculation of density must remain undeveloped and a deed restriction recorded.

<b>MINIMUM BUILDING SITE</b>	
<b>Average Slope of Parcel (percent)</b>	<b>Minimum Area (square feet)</b>
0 - 17	12,000
18	13,000
19	14,000
20	15,000
21	16,000
22	17,000
23	18,000
24	19,000
25	20,000
26	22,000
27	24,000
28	26,000
29	28,000
30	30,000
31	33,000
32	36,000
33	39,000
34	42,000
35	45,000
36	48,000
37	51,000
38	54,000
39	57,000
40	60,000
41	63,000
42	66,000
43	69,000
44	72,000
45	75,000
46	78,000
47	81,000
48	84,000
49	87,000
50 and over	90,000

When new divisions of land are proposed, the minimum size of each new parcel shall be based on the average slope of the land within each new parcel proposed in the land division. Areas devoted to public or private roads, rights-of-way, or access easements shall not be included in parcel size calculations.

After land division, if the maximum number of new parcels permitted by average slope measurement is created, a separate document shall be recorded that specifies that newly created parcels cannot be further divided into smaller parcels. If the maximum number is not created, leaving potential for future land division, the applicant must specify in a separate recorded document which parcels will eventually be divided.

#### **8.110.050 - Yards Required.**

In the "RH" District all buildings shall be located at least 20 feet from the front and rear property lines. Buildings shall also be located so as to maintain a combined side yard setback of 20 feet with a minimum setback on any side of 7-1/2 feet.

Where an existing building has been built with a lesser setback than is required by the foregoing, the Design Review Committee, as part of the Design Review process, may permit a second story to be built with the same setbacks as the ground floor on the existing building where deemed appropriate.

However, if it is determined at any point, by a contractor or Building Inspection Section that the walls and/or foundation are in such substandard condition that they cannot support a second story without being totally replaced, then all such reconstruction shall meet current setback requirements and this exception would not be applicable.

One of the side yards shall provide a clear, safe, and effective means of access to the back of the parcel. The type of access provided shall be to the satisfaction of the Fire Marshal.

#### **8.110.060 - Building Height Limit.**

In the "RH" District, building height shall be limited in accordance with the following:

- (a) Building height at the highest point of the roof shall not exceed 28 feet. Building height shall be measured as the vertical distance from: (1) any point on the natural grade to the topmost point of the building immediately above, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the topmost point of the building immediately above.
- (b) Plate height for any portion of a building that extends into the front setback shall not exceed 10 feet. Plate height shall be measured as the vertical distance from: (1) any point on the natural grade to the bottom of the lowest ceiling joist where the framing of the roof begins, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed in any portion of a building that extends into the front setback.
- (c) Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond building height limit up to a maximum of 36 feet as required for safety or efficient operation.

### **8.110.070 - Lot Coverage.**

Not more than twenty-five (25) percent of the building site shall be covered by: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges and other similar uses which are eighteen (18) inches or more above the ground.

### **8.110.080 - Lot Frontage And Width.**

The frontage of all newly created parcels shall be a minimum of fifty (50) feet. In addition, the width of all newly created parcels shall be a minimum of fifty (50) feet at every point along the depth of the parcel. For the purposes of this section, depth shall mean a line drawn between the mid-points of the front and rear parcel lines. Width shall mean the distance between the side parcel lines as measured perpendicularly from the parcels' depth.

### **8.110.090 - Floor Area Ratio.**

The total floor area of all stories of all buildings, and accessory buildings on a building site shall not exceed thirty (30) percent of the total area of the building site or 2,400 sq. ft., whichever is greater.

Floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

Floor Area Ratio will apply only to the following Use Modules: (1) One Family Dwellings, (2) Second Dwelling Units, (3) Residential Accessory Structures, (4) Residential Accessory Uses, (5) Small Hostelrys, and (6) Residential Community Care Facilities. In addition, Floor Area Ratio will also apply to the following uses in the Neighborhood Institutional Facilities Module: (1) Institutional Day Care Facilities for Children, (2) Institutional Full-Time Care Facilities for Children, (3) Intermediate Care Facilities, and (4) Skilled Nursing Facilities.

### **8.110.100 - Non-Conforming Lots.**

A single and separate parcel of land which was a legal building site at the date of adoption of this ordinance shall continue to be a legal building site.

### **8.110.110 - Grading.**

The amount of grading on a building site may not exceed 1,000 cubic yards. Whenever possible, grading should be kept to a minimum. Grading should be done in a manner that ensures stable soil conditions, minimizes erosion and controls storm runoff.

### **8.110.120 - Building Permit Limitations.**

No more than fifty-five (55) building permits may be issued in any calendar year for the construction of any new residential structure in Emerald Lake Hills. The foregoing limitation shall not apply to replacement of a residential

structure, or any portion thereof, which is destroyed by natural disaster, fire, act of God or similar event, or to remodeling of an existing residential structure if the cost of the remodeling is less than fifty percent (50%) of the replacement value of the existing structure. The building permit limitation also shall not apply to a residential structure which is enforceably restricted for sale or rental to very low, lower, or moderate income households, as defined in the Housing Chapter of the San Mateo County General Plan.

(Prior Code § 6816; Ord 3194 – 10/31/89)

## ***CHAPTER 8.114 - PC DISTRICT (PLANNED COLMA DISTRICT)***

### **8.114.010 - Purposes**

1. Encourage the development of a densely developed, mixed-use, pedestrian- oriented neighborhood that supports the area’s intended transportation/transit role, and complements the character of the adjacent neighborhoods and business districts, as described in the BART Station Area Specific Plan.
2. Establish the type, location, intensity and character of development to occur in the area, while allowing for creative and imaginative design concepts, as described in the BART Station Area Specific Plan.
3. Assure that development conforms with the policies, requirements and standards of the BART Station Area Specific Plan.
4. Implement the policies of the San Mateo County General Plan.

### **8.114.020 - Relationship To Colma Bart Station Area Plan And Bart Station Area Specific Plan.**

The provisions of this Chapter implement the San Mateo County General Plan, specifically the Colma BART Station Area Plan. In addition, the BART Station Area Specific Plan has been adopted by the Board of Super- visors as an advisory document which should be used to provide further guidance in complying with the requirements of this Chapter, and to design and evaluate development proposals for the unincorporated area adjacent to the BART Station. However, where any standards or requirements of this Chapter conflict with any provision of the Specific Plan, this Chapter shall take precedence and govern.

### **8.114.030 - Application.**

The following regulations shall apply to all land in the Planned Colma (PC) Zoning District.

## **8.114.040 - Definitions.**

1. Administrative, Professional and Business Offices

Establishments performing management, administrative, professional or consulting services including, but not limited to, government, law, real estate, accounting and other business offices.

2. Art Centers

Facilities used for the storage, exhibition, preservation, study, sale or creation of works of artistic value.

3. Bars

Commercial establishments primarily engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises, which may also offer food and entertainment on a limited basis, but not adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement.

4. Building Site

A legal parcel or aggregation of legal parcels appropriate for development according to the designated zoning.

5. Bus Transit Facilities

Facilities which support the operation of bus services including, but not limited to, bus stations, loading bays, and bus stop waiting areas.

6. Club and Organization Meeting Facilities

Facilities used for gatherings of groups primarily for social or political purposes including, but not limited to, social or fraternal clubs or lodges, union halls or philanthropic institutions.

7. Courtyard Apartment Building

A multiple-story building containing multiple-family dwellings with a central courtyard and shared entrances.

8. Domestic Help Quarters

Detached accessory buildings which provide sleeping and bathing facilities for persons employed on the premises by the occupants of a main dwelling unit on the same parcel. Domestic help quarters shall not include kitchen facilities.

9. Duplex

A building containing two-family dwellings with individual entrances and one to three stories.

10. Electronic Game and Amusement Arcades

Commercial establishments featuring the operation of six or more coin or token- operated electronic games.

11. Elementary and Secondary Schools

Public or private educational facilities and associated grounds used for academic instruction below the collegiate level.

12. Emergency Shelter

Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, and that does not deny emergency shelter to any individual or household based on ability to pay.

13. Ferry Terminals

Facilities used to load and unload passengers and freight from boats which primarily serve passengers.

14. Financial Institutions

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

15. Fire Stations

Facilities used for firefighting services, sometimes including associated paramedic services.

16. Flat

A multiple-story building containing two-family or multiple-family dwellings with each dwelling on a separate floor.

17. Food and Beverage Stores (2.02.40)

Commercial establishments engaged in the retail sale primarily of various packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, liquor and candy stores, bakeries, and delicatessens.

18. Food Establishments Specializing in Carry-Out or Delivery Service (2.02.20)

Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption elsewhere but may include limited seating or drive-through take-out service.

19. Funeral Homes

Facilities used for preparing the deceased for burial, viewing of the deceased, cremations and conducting ceremonies including funerals and memorial services.

20. Guest Houses

Detached accessory buildings which provide sleeping and bathing facilities for non-paying guests of the occupants of a main dwelling unit on the same parcel. Guest houses may not include kitchen facilities.

21. Home Occupations

Vocations conducted in a dwelling by a resident which are accessory uses incidental to the principal residential use of the dwelling.

22. Indoor Exercise and Leisure Facilities

Enclosed facilities used for active recreation including exercise and athletic clubs, bowling alleys, skating rinks, billiard halls, dance halls and academies, or similar uses.

23. Indoor Retail Sales, Rental or Repair Establishments



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

24. Indoor Theaters

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

25. Intermodal Transportation Facilities

Facilities where passengers can transfer from one type of transportation to another while traveling along an established transit route including, but not

limited to, park and ride lots where commuters can park private vehicles before boarding public transit.

26. Kiss-N-Ride Area

Designated curbside areas for passenger drop-off and pick-up.

27. Libraries

Facilities used for storage, exhibition and lending of various media including, but not limited to, books, periodicals, documents, audio and video tapes and visual art.

28. Limited Keeping of Pets

The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, and subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per two-family dwelling unit, multiple-family dwelling unit, or lawfully permitted and occupied second unit or farm labor housing unit; or (b) per business establishment in commercial or industrial zoning districts.

29. Linear Parks and Trails

Linear strips of land established for the purposes of walking, hiking, bicycling, horseback riding and boating, and comprising a natural or man-made linear resource such as stream drainage, bluff line, ridge, utility right-of-way, or service road.

30. Long-Term Bicycle Parking Facilities

A space that includes lockers, and/or racks or other devices used to secure and park bicycles all day.

31. Medical and Dental Offices

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

32. Mobilehomes/Manufactured Homes

Transportable structures constructed on a permanent chassis, designed to be used as dwelling units. Each structure may or may not be on a permanent foundation.

33. Multiple-Family Dwellings

Buildings containing three or more dwelling units on a single parcel which are intended for use by three or more separate households.

34. Multiple-Family Dwellings - Mixed Use

Single or multiple-dwelling units, located above the first floor of the main building on the parcel. The floor area of the dwelling units shall not exceed the floor area of the commercial uses occupying the building.

35. Night Clubs With Entertainment

Commercial establishments that primarily provide entertainment such as musical or comedic performances but do not provide adult entertainment featuring sexually explicit behavior intended to arouse sexual excitement. Night clubs with entertainment may serve drinks and food.

36. One-Family Dwellings

Buildings, one per parcel, containing a single-dwelling unit which is intended for use by one household.

37. Other Compatible Uses

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

38. Outdoor Retail Sales, Rental or Repair Establishments

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

39. Parks

Spacious areas of scenic and natural character where outdoor active recreation opportunities and facilities may be provided for public convenience and enjoyment, and within which special natural areas, geologic exhibits or historic places can be set aside.

40. Personal Convenience Service Establishments

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

41. Podium Apartment Building

A multiple-story building containing multiple-family dwellings with shared entrances over subsurface or ground floor parking.

42. Pool Houses and Cabanas

Detached accessory structures which are not intended for sleeping, but may be used for private dressing, bathing or recreational activities. Pool houses and cabanas may not include kitchen facilities.

43. Rail Transit Facilities and Rail Lines

Facilities located on a railroad line where trains make regular, scheduled stops to load and unload passengers or freight.

44. Recreation Area

Outdoor areas used for a variety of outdoor recreational purposes, including areas that will provide for public use of natural and man-made water features, as well as for special recreation activities.

45. Religious Facilities

Facilities or meeting places used for worship or religious instruction including churches, synagogues, mosques and temples.

46. Residential Day Care Facilities for Adults/Elderly

Licensed facilities in a building containing a dwelling unit(s) in which non-medical care and supervision are provided on less than a 24-hour basis to adults or elderly adults who may have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult day care facilities (one to six adults) and large day care facilities (seven to twelve adults).

47. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided to adults or elderly adults who may have special needs or disabilities including, but not limited to, individuals who are physically, developmentally or mentally disabled, or recovering from alcohol or drug addictions. Includes small adult full-time facilities (one to six adults) and large adult full-time care facilities (seven to twelve adults).

48. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes)

Licensed facilities in a building containing a dwelling unit(s) in which 24-hour a day non-medical care and supervision are provided for children who may or may not have special needs or disabilities. Includes small full-time care homes (one to six children) and large full-time care homes (seven to twelve children).

49. Residential Multipurpose Accessory Structures

Detached accessory structures which are not intended for sleeping but may be used for a variety of purposes including, but not limited to, workshops, storage sheds, game rooms and greenhouses. Residential multipurpose accessory structures may not include kitchen facilities.

50. Residential Shared Housing Facilities for the Elderly

Licensed facilities in a building containing a dwelling unit(s) in which varying levels of supportive services or non-medical care are provided to no more than six (6) elderly adults on a 24-hour a day basis including, but not limited to, small rest homes or retirement homes.

51. Restaurants

Commercial establishments which primarily serve prepared food to the general public for immediate consumption on the premises. Restaurants may include a bar.

52. Retail Cleaning Establishments

Commercial establishments engaged in the washing, cleaning or dyeing of clothing, linens and other fabrics including, but not limited to, dry cleaners, laundries and laundromats where coin-operated washers and dryers are provided for self-service to the public.

53. Seaport and Marine Terminals

Facilities for loading and unloading freight from boats or ships including, but not limited to, piers, boat launches, dry docks, boat storage and repair yards, cargo handling equipment, and storage areas.

54. Second Dwelling Units

Attached or detached rental dwelling units with kitchens, located on the same parcel as a one-family dwelling.

55. Short-Term Bicycle Parking Facilities

A space that includes lockers and/or racks or other devices used to secure and park bicycles park for short-time periods.

56. Single-Family Home

A building containing a one-family dwelling.

57. Single-Story Commercial Building

A building containing commercial uses within one story.

58. Small Apartment Building

A multiple-story building containing multiple-family dwellings with shared entrances.

59. Small Apartment Building With Ground Floor Retail

A multiple-story building containing multiple-family dwellings with shared entrances and ground floor retail use.

60. Temporary Living Facilities During Residence Construction (1.10.10)

Temporary dwelling units such as mobilehomes without permanent foundations, travel trailers or recreational vehicles, which are: (1) located on a parcel of land during the construction or reconstruction of a permanent dwelling unit on the same parcel, and (2) removed prior to the granting of a Certificate of Occupancy for the permanent residence.

61. Townhouse

A multiple-story building containing one-family dwellings with each unit side-by-side and individual entrances.

62. Trade and Vocational Schools (5.01.20)

Public or private educational facilities and associated grounds offering specialized trade or commercial instruction, but not academic education, above the secondary level.

63. Transit Terminal Facilities (8.01.15)

Public transit facilities where trains or buses accept riders and are repaired, maintained and stored, including offices from which operations are directed.

64. Truck Facilities (8.01.13)

Truck terminals and other facilities used by trucks to haul freight to local and regional destinations including, but not limited to, drayage yards, loading docks or bays, maneuvering areas, and short-term parking and storage of freight and trucks.

65. Tuck-Under Parking

Single-car covered parking integrated into the overall facade of a building. Garage shall be a maximum of 10 feet wide.

66. Two-Family Dwellings (1.03.10)

Buildings, one per parcel, containing two attached dwelling units which are intended for use by two separate households.

67. Two One-Family Dwellings (1.03.20)

Two detached buildings on the same parcel, each containing a single-dwelling unit, which are intended for use by two separate households.

68. Two-Story Commercial Building

A building containing commercial uses within two stories.

69. Veterinary Hospitals for Small Animals (9.02.30)

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

### **8.114.050 - Designations.**

1. Designate all land in the PC Zoning District that has been designated High Density Residential by the BART Station Area Specific Plan and Colma BART Station Area Plan as High Density Residential.
2. Designate all land in the PC Zoning District that has been designated Medium Density Residential by the BART Station Area Specific Plan as Medium High Density Residential.
3. Designate all land in the PC Zoning District that has been designated Low Density Residential by the Colma BART Station Area Plan as Low Density Residential.
4. Designate all land in the PC Zoning District that has been designated Neighborhood Commercial (Residential Above) by the BART Station Area Specific Plan as Neighborhood Commercial (Residential Above).

5. Designate all land in the PC Zoning District that has been designated Public and Institutional by the BART Station Area Specific Plan as Institutional.
6. Designate all land in the PC Zoning District that has been designated BART by the BART Station Area Specific Plan as Transportation.

#### **8.114.060 - General Parking Requirements.**

The parking requirements in this Chapter shall replace Zoning Regulations Chapter 8.344 for all residential, commercial and institutional building types which require off-street parking. This section includes general parking standards while specific parking requirements are contained in land use designation sections.

1. Size of Spaces. Each required parking space shall be at least 8.5 feet wide and 18 feet long, with adequate provisions for entry and exit by a standard passenger vehicle. Parallel parking spaces shall be at least 22 feet long.
2. Internal Circulation. The internal circulation pattern of all parking areas shall be designed as follows:
  - a. Aisle Width
    - (1) Parallel Parking Spaces. 12-foot aisle width for one-way flow and 20-foot aisle width for two-way flow.
    - (2) 45-Degree Parking Spaces. 13-foot aisle width for one-way flow and 20-foot aisle width for two-way flow.
    - (3) 60-Degree Parking Spaces. 18-foot aisle width for one-way flow and 22-foot aisle width for two-way flow.
    - (4) 90-Degree Parking Spaces. 24-foot aisle width for one and two-way flow.
  - b. Dead Ends. One-way aisles shall not dead-end. Two-way aisles may dead-end if adequate turnaround space is provided.
  - c. Minimum Turning Radius. The minimum outside turning radius for aisles shall be 27 feet.
3. Driveways. Off-street parking areas shall connect to a public right-of-way by access driveways designed as follows:
  - a. Minimum Paved Width. The minimum paved width shall be:



(1) Residential. Eight (8) feet.

(2) All Other Uses.

12 feet (less than or equal to 4 spaces) 15 feet (5 to 10 spaces)

20 feet or separate 10-foot wide entry and exit driveways (10 or more spaces)

b. The minimum distance from the side of the driveway to a wall, fence or similar obstacle shall be two (2) feet.

c. The minimum vertical clearance above all driveways shall be at least twelve (12) feet.

4. Surfacing. All off-street parking areas shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area. Lesser requirements may be approved by the Director of Planning and Building for the purpose of improving aesthetics or reducing noise, provided that such lesser requirements do not adversely affect drainage, durability or dust generation.

5. Landscaping. Landscaping shall be provided for uncovered parking areas with more than ten (10) parking spaces, as follows:

a. Total landscaped area shall cover at least ten percent (10%) of the total parking area and shall be evenly distributed throughout and around the parking area.

b. One tree shall be planted for every six parking spaces.

c. The landscaped area shall contain soil, wood shavings, bark or other similar mulch material, and not be surfaced in part or whole with concrete, asphalt or similar material.

d. All landscaped areas shall be equipped with complete and maintained irrigation facilities.

6. Loading Spaces. Any use that requires the receipt or distribution of material or merchandise by vehicles or trucks shall provide at least one permanent loading space for the first 5,000 square feet of floor area, plus one additional loading space for each additional 10,000 square feet of floor area. Each required loading space shall be at least 10 feet wide by 25 feet long, with 15 feet of vertical clearance, exclusive of driveways, aisle ways, turnarounds and other maneuvering areas. Each loading space shall be provided with driveways for entry and exit and maneuvering space of the same type required for parking spaces.

7. Handicapped Parking Requirements. Handicapped parking spaces shall be provided as part of fulfilling the parking requirements in parking areas serving residential (over 10 units), commercial and institutional uses, as follows:

a. Number of Spaces

Total Number of Parking Spaces	Number of Handicapped Parking Spaces Required
1 - 40	1
41 - 80	2
81 - 120	3
121 - 160	4
161 - 300	5
301 - 400	6
401 - 500	7
over 500	1 for each 200 additional spaces

Additional spaces shall be provided where a higher than usual percentage of handicapped persons is anticipated to use the parking facility.

b. Size of Spaces. Each handicapped parking space shall be nine (9) feet wide and nineteen (19) feet long with an adjacent loading/unloading area that is five (5) feet wide and nineteen (19) feet long. The loading/unloading area may be shared by two handicapped parking spaces.

c. Location of Spaces. Handicapped parking spaces shall be located as near as practical to primary building entrances. Handicapped parking spaces shall be located so that the user need not wheel or walk behind other parked cars. Handicapped parking spaces shall be connected to destination buildings by pedestrian ways which are accessible to the physically handicapped and include curb cuts or ramps as needed.

d. Design and Designation. The arrangement and design of handicapped parking shall conform with California Administrative Code, Title 24, Chapter 2-71 and be designated in accordance with California State Vehicle Code Section 22511.8.

8. Exceptions. The Director of Planning and Building may grant an exception to modify the number of spaces, size, location or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with the regulations.

**8.114.070 - General Bicycle Parking Facility Requirements.**

**The** bicycle parking requirements in this section shall apply to all uses and building types which require off-street automobile parking.

1. Number and Type of Bicycle Parking Spaces Required
  - a. In areas designated Neighborhood Commercial, one (1) short-term bicycle parking space shall be provided for every 10 automobile parking spaces, as required by Section 8.114.060.
  - b. In areas designated Medium High Density Residential, High Density Residential, Institutional, and Transportation Facilities, one (1) long-term bicycle parking space shall be provided for every 10 automobile parking spaces, as required by Section 8.114.060.
  - c. In areas designated Low Density Residential, short-term and long-term bicycle parking is not required.
2. Location of Bicycle Parking. Bicycle parking shall be located as near as possible to primary building entrances and within sight of persons within the building.
3. Design of Bicycle Parking
  - a. When short-term bicycle parking is required, the parking facility shall be designed to:
    - (1) Secure bicycles from vandalism and theft.
    - (2) Accommodate a wide range of bicycle types and locking mechanisms.
    - (3) Use a simple mechanism and operation to secure the bicycle.
    - (4) Use rust proof materials that are constructed to minimize or eliminate structural and mechanical failures.
  - b. When long-term bicycle parking is required, the parking facility shall be designed to:
    - (1) Secure bicycles from vandalism and theft.
    - (2) Shelter the bicycle from rain.
    - (3) Accommodate a wide range of bicycle types and locking mechanisms.

- (4) Use a simple mechanism and operation to secure the bicycle.
  - (5) Use rust proof materials that are constructed to minimize or eliminate structural and mechanical failures.
  - (6) Fully enclose the bicycle in a locker or a controlled storage area; or fully secure the bicycle frame and its wheels with a user-supplied lock.
4. Exceptions. The Director of Planning and Building may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking requirements if the applicant demonstrates that at least one of the following conditions exist:
- a. The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
  - b. Extenuating and/or unusual circumstances exist relating to property shape or location of development that impairs compliance with the regulations.

#### **8.114.080 - General Sign Requirements.**

The following requirements apply to all residential, commercial and institutional signs.

- 1. Sign Plan. A coordinated sign plan shall be provided for all signs on the exterior of each building. The plan shall show sign placement, size, lettering style, and materials.
- 2. Prohibited Signs. The following signs shall be prohibited:
  - a. Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with a traffic control device or emergency vehicle.
  - b. Signs having animated, moving, rotating, inflatable, or flashing parts.
  - c. Signs emitting intense and focused beams of light, including beacons.
  - d. Off-premises signs.
  - e. Abandoned signs.

f. Billboards.

3. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one (1) sign per parcel, or one (1) sign per each 200 feet of parcel street frontage, or one (1) sign per use, whichever is greatest.
4. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters (0.75) square foot per foot of parcel street frontage.
5. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
  - a. Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  - b. Freestanding signs shall not exceed fifteen (15) feet.
6. Sign Projection. Attached signs shall not project more than four (4) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.
7. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features. Window and awning signs are encouraged over wall signs or internally lit signs. Window signs must maintain the transparency of the window and must be permanently attached.

**8.114.090 - General Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the following performance standards. Measurement, observation, or other means of determination shall be made at the perimeter of the adjoining use, unless otherwise specified.

1. Noise. No use will be permitted which exceeds the following sound levels more than thirty (30) minutes in any hour:

Time of Day	Level (in dBA) Not To Be Exceeded		
	More Than 30 Minutes In Any Hour	More Than 5 Minutes In Any Hour	At Any Moment
7:00 a.m. - 10:00 p.m.	60	70	80

10:00 p.m. - 7:00 a.m.	55	65	75
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2. Odor. No use will be permitted which emits an odor or air pollutant, detectable without instruments, beyond the boundaries of the Public and Institutional District.
3. Vibration. No use will be permitted which causes vibration perceptible without instruments on adjoining property, except for temporary construction operations.
4. Lighting. Exterior lighting, including sign lighting, shall be located and directed so that direct rays and glare are confined to the premises.

### 8.114.100 - General Affordable Housing Requirements.

The following shall apply to all developments of five (5) or more units. Such development shall provide at least 20 percent of the total project units at rents or sales prices affordable to very low or low income households, as defined by San Mateo County General Plan Policies 14.5 and 14.6. To assist developers in meeting this requirement, density bonuses may be provided in accordance with the San Mateo County Density Bonus Ordinance (Chapter 8.436 of the County Ordinance Code).

1. Affordability. Developers of rental inclusionary units should be encouraged to provide at least 10 percent of the total project units at rents affordable to very low income households and at least 10 percent affordable to low income households.
2. Location. Affordable units shall be distributed throughout a development.
3. Appearance and Availability. Affordable units shall be architecturally compatible and constructed concurrently with market-rate units in a development.
4. Affordability Guarantee. Assure that affordable units remain affordable through deed restrictions or other appropriate legal measures.

### 8.114.110 - High Density Residential Designation.

Development of land designated High Density Residential shall conform with the following requirements:

1. Uses Permitted

	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b>
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<b>PERMITTED USES</b>		
<b>In all areas designated High Density Residential:</b>		
<b>A.</b>	<b><u>MULTIPLE-FAMILY DWELLINGS</u></b>	
	Multiple-Family Dwellings	None
<b>B.</b>	<b><u>RESIDENTIAL COMMUNITY CARE FACILITIES</u></b>	
	1. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes)	
	1 - 6 children	None
	7 - 12 children	None

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p>2. Residential Day Care Facilities for Adults/Elderly (1.08.21)</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p> <p>3. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p> <p>4. Residential Nursing Care Facilities (1.08.30)</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
<p><b>C. <u>RESIDENTIAL ACCESSORY USES</u></b></p> <p>Home Occupations</p>	<p>None</p>
<p><b>D. <u>EMERGENCY SHELTERS</u></b></p> <p>Emergency Shelters</p>	<p>None</p>
<p><b>E. <u>LIMITED KEEPING OF PETS</u></b></p> <p>Limited Keeping of Pets</p>	<p>None</p>
<p><b>F. <u>OTHER COMPATIBLE USES</u></b></p> <p>Other Compatible Uses</p>	<p>As Determined by Director of Planning and Building</p>
<p><b>In all areas designated High Density Residential-Ground Floor Retail:</b></p>	
<p><b>G. <u>MULTIPLE-FAMILY DWELLINGS - MIXED USE (RES-5)</u></b></p> <p>Multiple-Family Dwellings - Mixed Use</p>	<p>None</p>
	<p><b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b></p>



PERMITTED USES		
<b>H. <u>FOOD SERVICES (TSW-3) (Ground Floor Only)</u></b>		
1. Restaurants		None
2. Food Establishments Specializing in Carry-Out or Delivery Service		None
3. Bars		Use Permit
<b>I. <u>COLMA SPECIALIZED NEIGHBORHOOD RETAIL AND SERVICES (TSW-12) (Ground Floor Only)</u></b>		
1. Personal Convenience Service Establishments		None
2. Retail Cleaning Establishments		None
3. Food and Beverage Stores		None
4. Indoor Retail Sales, Rental or Repair Establishments		None
5. Financial Institutions (2.06.30)(limited to floor area of 1,500 square feet)		None
<b>J. <u>OTHER COMPATIBLE USES (OCU-1)</u></b>		
Other Compatible Uses		As Determined by Director of Planning and Building
<sup>1</sup> All uses except emergency shelters require design review approval. Emergency shelters are subject to the design standards described in Section 8.114.170.		

2. Allowed Building Types. The allowed building types shall be:

- a. Podium apartments.
- b. Small apartment buildings.
- c. Courtyard apartments.

3. Building Site Requirements

a. Minimum Building Site Width. There is no minimum building site width requirement.

b. Minimum Building Site Area. There is no minimum building site area requirement.

4. Development Standards. All new development must meet the following:

a. Maximum Development Density. The maximum density of development shall be from 25 to 55 dwelling units per net acre.

b. Maximum Building Floor Area. There is no maximum building floor area requirement.

c. Maximum Building Site Coverage. Maximum building site coverage shall include all buildings, accessory buildings and structures such as patios, decks, balconies and other similar uses which are eighteen (18) inches or more above the ground.

(1) Podium Apartments. There is no maximum building site coverage requirement.

(2) Courtyard and Small Apartment Buildings. Maximum building site coverage shall be sixty (60) percent.

d. Minimum Building Setbacks. Minimum building setbacks shall be as shown in the tables below. Ground floor awnings and upper floor bays and balconies may extend up to six (6) feet into setbacks or into the public right- of-way, providing through pedestrian access is not impeded.

(1) For parcels fronting El Camino Real and the pedestrian path, the minimum setbacks shall be:

	<b><u>Front Setback</u></b>	<b><u>Side Setback</u></b>	<b><u>Rear Setback</u></b>
Side Contact with Medium High Density Residential Designation	None	15 feet	None
Rear Contact with Medium High Density Residential Designation	None	None	15 feet
Abutting Any Other Designation	None	None	None

(2) For all other parcels, the minimum setbacks shall be:

	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
Side Contact with Medium High Density Residential Designation	5-10 feet	15 feet	None
Rear Contact with Medium High Density Residential Designation	5-10 feet	None	15 feet
Abutting All Other Designation	5-10 feet	None	None

e. Maximum Building Height. The maximum building height shall be sixty-five (65) feet measured from any point on the finished grade to the topmost point of the building immediately above. Building height, excluding the garage, shall be at least three (3) stories and not exceed four (4) stories. Building height shall step up the hill west of El Camino Real.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend nine (9) feet beyond the maximum height as required for safety or efficient operation.

f. Minimum Daylight Plane. There is no minimum daylight plane requirement.

5. Parking. The following specific parking requirements are in addition to the requirements of Section 8.114.060.

a. Number of Spaces

(1) Residential. The number of required parking spaces shall be as established in Table 1.

(2) All Other Uses. None.

b. Location of Spaces. Required parking facilities shall be located on-site, i.e., on the same building site as the development for which they are required.

(1) Podium Apartments. Required parking shall be provided in a garage below the building. Where the water table prevents depressed parking, the parking garage shall be placed behind the front of the building.

No garage entrances or exits may be located in the El Camino Real Kiss-n-Ride Area.

- (2) Courtyard and Small Apartment Buildings. Required parking shall be provided in interior courtyards, along rear property lines or in tuck- under garages.

c. Parking Garage Design. Podium apartment parking garages shall be designed as follows:

- (1) Where possible, depress garages so that the first floor is not more than 5 feet above finished grade.
- (2) Provide a minimum vertical clearance of at least seven (7) feet; eight feet two inches (8'2") for handicap van parking.
- (3) Provide separate one-way inbound and outbound routes.
- (4) Merge intersecting traffic, rather than create traffic crossings.
- (5) Locate principal pedestrian access points away from the primary vehicle circulation route.
- (6) Provide multiple entrance and exit points a minimum of 200 feet apart to distribute traffic and shorten travel distances.
- (7) Provide adequate back-up capacity behind each exit control point.
- (8) Straight one-way ramps shall have a minimum width of twelve (12) feet; straight two-way ramps shall have a minimum width of 22 feet.
- (9) Screen all vents to the street with louvers, screen walls or porches.
- (10) Shield garage lighting and automobile headlights from being visible from the street.
- (11) Prevent forced air from venting directly on the sidewalk.

(Prior code Section 6380 - Amended by Ordinance No. 04699 - May 6, 2014)

(Prior code Section 6380.4.d - Amended by Ordinance No. 3839 - June 30, 1998)

**8.114.120 - Medium High Density Residential Designation.**

Development of land designated Medium High Density Residential shall conform with the following requirements:

1. Uses Permitted

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p><b>A. <u>TWO-FAMILY DWELLINGS (RES-3)</u></b></p> <p>1. Two-Family Dwellings</p> <p>2. Two One-Family Dwellings</p>	<p>None</p> <p>None</p>
<p><b>B. <u>MULTIPLE-FAMILY DWELLINGS (RES-4)</u></b></p> <p>Multiple-Family Dwellings</p>	<p>None</p>
<p><b>C. <u>RESIDENTIAL COMMUNITY CARE FACILITIES</u></b></p> <p>1. Residential Day Care Facilities for Children (Family Day Care Homes)</p> <p>1 - 6 children</p> <p>7 - 12 children</p> <p>2. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes)</p> <p>1 - 6 children</p> <p>7 - 12 children</p> <p>3. Residential Day Care Facilities for Adults/Elderly</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>

<p>4. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p> <p>5. Residential Nursing Care Facilities (1.08.30)</p> <p>1 - 6 residents</p> <p>7 - 12 residents</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p>
<p><b>D. <u>EMERGENCY SHELTERS (ES-99)</u></b></p> <p>Emergency Shelters (1.16.61)</p>	<p>None</p>
<p><b>E. <u>RESIDENTIAL ACCESSORY STRUCTURES</u></b></p> <p>1. Domestic Help Quarters</p> <p>2. Pool Houses and Cabanas</p> <p>3. Guest Houses</p> <p>4. Residential Multipurpose Accessory Structures</p> <p>5. Temporary Living Facilities During Residence Construction</p>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
<p><b>F. <u>RESIDENTIAL ACCESSORY USES (RES-13)</u></b></p> <p>Home Occupations (1.05.10)</p>	<p>None</p>
<p><b>G. <u>LIMITED KEEPING OF PETS (AMN-1)</u></b></p> <p>Limited Keeping of Pets</p>	<p>None</p>
<p><b>H. <u>OTHER COMPATIBLE USES</u></b></p> <p>Other Compatible Uses</p>	<p>As Determined by Director of Planning and Building</p>
<p><b>PERMITTED USES</b></p>	<p><b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b></p>

<b>In area shown designated for Fire Station:</b>	
<b>I. <u>FIRE STATIONS</u></b>	
Fire Stations	Use Permit
<sup>1</sup> All uses except emergency shelters require design review approval. Emergency shelters are subject to the design standards described in Section 8.114.170.	

2. Allowed Building Types. The allowed residential building types shall be:

- a. Duplexes.
- b. Flats.
- c. Townhouses.
- d. Small apartment buildings.
- e. Courtyard apartments.

3. Building Site Requirements

- a. Minimum Building Site Width. There is no minimum building site width requirement.
- b. Minimum Building Site Area. There is no minimum building site area requirement.

4. Development Standards. All new development must meet the following:

- a. Maximum Development Density. The maximum density of development shall be from 12 to 25 dwelling units per net acre.
- b. Maximum Building Floor Area. There is no maximum building floor area requirement.
- c. Maximum Building Site Coverage. Maximum building site coverage shall be sixty (60) percent.

Maximum building site coverage shall include all buildings, accessory buildings and structures such as patios, decks, balconies and other similar uses which are eighteen (18) inches or more above the ground.

- d. Minimum Setbacks. Minimum building setbacks shall be as shown in the table below. Ground floor awnings and porches and upper floor bays and balconies may extend up to six (6) feet into setbacks.

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
5 feet	None	15 feet
	10 feet maximum	



- e. Maximum Building Height. The maximum building height shall be forty-five (45) feet measured from any point on the finished grade to the topmost point of the building immediately above. Building height shall not exceed three (3) stories.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend nine (9) feet beyond the maximum height as required for safety or efficient operation.

- f. Minimum Daylight Plane. There is no minimum daylight plane requirement.

5. Parking. The following specific parking requirements are in addition to the requirements of Section 8.114.060.

- a. Number of Spaces. The number of required parking spaces shall be as established in Table 1. No additional parking is required for residential community care facilities.
- b. Location of Spaces. Required parking facilities shall be located on the same building site as the development for which they are required. Parking shall be provided in interior courtyards, along rear property lines or in tuck- under garages.

(Prior code Section 6381 - Amended by Ordinance No. 04699, May 6, 2014)

**8.114.130 - Low Density Residential Designation.**

Development of land designated Low Density Residential shall conform with the following requirements:

- 1. Uses Permitted

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<b>A. <u>ONE-FAMILY DWELLINGS (RES-1)</u></b> <ul style="list-style-type: none"> <li>1. One-Family Dwellings (1.01.10)</li> <li>2. Mobilehomes/Manufactured Homes (1.09.10)</li> </ul>	<p>None</p> <p>None</p>
PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>

<p><b>B. <u>PARKS</u></b></p> <p>1. Linear Parks and Trails (7.03.30)</p>	<p>None</p>
<p><b>C. <u>OTHER COMPATIBLE USES</u></b></p> <p>Other Compatible Uses</p>	<p>As Determined by Director of Planning and Building</p>

2. Allowed Building Type. The allowed residential building types shall be: single- family homes and buildings associated with park use.

3. Building Site Requirements

a. Minimum Building Site Width. The average width of the minimum building site shall be 75 feet.

b. Minimum Building Site Area. The minimum building site area shall be 20,000 square feet.

4. Development Standards. All new development must meet the following:

a. Maximum Development Density. The maximum density of development shall be from .3 to 2.3 dwelling units per net acre.

b. Maximum Building Floor Area. There is no maximum building floor area requirement.

c. Maximum Building Site Coverage. Maximum building site coverage shall be thirty (30) percent.

Maximum building site coverage shall include all buildings, accessory buildings and structures such as patios, decks, balconies and other similar uses which are eighteen (18) inches or more above the ground.

d. Minimum Setbacks. Minimum building setbacks shall be as shown in the table below.

<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u> 20
feet	10 feet	20 feet

- e. Maximum Building Height. The maximum building height shall be thirty-six (36) feet measured from any point on the finished grade to the topmost point of the building immediately above. Building height shall not exceed three stories.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend nine (9) feet beyond the maximum height as required for safety or efficient operation.

- f. Minimum Daylight Plane. There is no minimum daylight plane requirement.

5. Parking. The following specific parking requirements are in addition to the requirements of Section 8.114.060.

- a. Number of Spaces. Single-family homes shall provide two covered parking spaces per unit.

- b. Location of Spaces. Required parking shall be located on the same building site as the development for which it is required. Parking shall be provided in garages or carports.

(Prior code Section 6382.B.1 - Amended by Ordinance No. 3791 - October 21, 1997)

**8.114.140 - Neighborhood Commercial (Residential Above) Designation.**

Development of land designated Neighborhood Commercial (Residential Above) shall conform with the following requirements:

- 1. Uses Permitted

<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b>
<b>A. <u>MULTIPLE-FAMILY DWELLINGS - MIXED USE (RES-5)</u></b>  Multiple-Family Dwellings - Mixed Use (1.04.20)	None
<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b>
<b>In residential portions of buildings:</b>	

<p><b>B. <u>RESIDENTIAL COMMUNITY CARE FACILITIES (RES-11)</u></b></p> <p>1. Residential Day Care Facilities for Children (Family Day Care Homes) (1.08.11)</p> <p>1 - 6 children 7 - 12 children</p> <p>2. Residential Full-Time Care Facilities for Children (Group Homes, Foster Family Homes) (1.08.12)</p> <p>1 - 6 children 7 - 12 children</p> <p>3. Residential Day Care Facilities for Adults/Elderly (1.08.21)</p> <p>1 - 6 residents 7 - 12 residents</p> <p>4. Residential Full-Time Care Facilities for Adults/Elderly (1.08.22)</p> <p>1 - 6 residents 7 - 12 residents</p> <p>5. Residential Nursing Care Facilities (1.08.30)</p> <p>1 - 6 residents 7 - 12 residents</p>	<p>None None</p> <p>None None</p> <p>None None</p> <p>None None</p> <p>None None</p> <p>None None</p>
<p><b>C. <u>RESIDENTIAL ACCESSORY USES (RES-13)</u></b></p> <p>Home Occupations (1.05.10)</p>	<p>None</p>
<p><b>D. <u>LIMITED KEEPING OF PETS (AMN-1)</u></b></p> <p>Limited Keeping of Pets (9.01.20)</p>	<p>None</p>
<p><b>PERMITTED USES</b></p>	<p><b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b></p>
<p><b>In ground floor commercial portions of buildings:</b></p>	

<p><b>E. <u>SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES (TSW-1)</u></b></p> <ol style="list-style-type: none"> <li>1. Personal Convenience Service Establishments</li> <li>2. Retail Cleaning Establishments</li> <li>3. Veterinary Hospitals for Small Animals</li> <li>4. Funeral Homes</li> </ol>	<p>None</p> <p>None</p> <p>Use Permit Use</p> <p>Permit</p>
<p><b>F. <u>URBAN RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS (TSW-15)</u></b></p> <ol style="list-style-type: none"> <li>1. Food and Beverage Stores (2.02.40)</li> <li>2. Indoor Retail Sales, Rental or Repair Establishments (2.05.10)</li> <li>3. Outdoor Retail Sales, Rental or Repair Establishments</li> </ol>	<p>None</p> <p>None</p> <p>Use Permit</p>
<p><b>G. <u>FOOD SERVICES (TSW-3)</u></b></p> <ol style="list-style-type: none"> <li>1. Restaurants</li> <li>2. Food Establishments Specializing in Carry-Out or Delivery Service</li> <li>3. Bars</li> </ol>	<p>None</p> <p>Use Permit</p> <p>Use Permit</p>
<p><b>H. <u>PROFESSIONAL SERVICES (TSW-4)</u></b></p> <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices</li> <li>2. Medical and Dental Offices</li> <li>3. Financial Institutions</li> <li>4. Trade and Vocational Schools</li> </ol>	<p>None</p> <p>None</p> <p>None</p> <p>Use Permit</p>
<p><b>PERMITTED USES</b></p>	<p><b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT<sup>1</sup></b></p>

<p><b>I. <u>INDOOR RECREATION FACILITIES (REC-1)</u></b></p> <p>1. Indoor Exercise and Leisure Facilities (7.01.10)</p> <p>2. Indoor Theaters (7.01.30)</p> <p>3. Night Clubs with Entertainment (7.01.40)</p> <p>4. Electronic Game Amusement Arcades (7.01.60)</p>	<p>None</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p>
<p><b>J. <u>COLMA NEIGHBORHOOD INSTITUTIONAL AND CULTURAL FACILITIES (INT-14)</u></b></p> <p>1. Club and Organization Meeting Facilities (5.03.60)</p> <p>2. Libraries (5.03.10)</p> <p>3. Art Centers (5.03.30)</p>	<p>Use Permit</p> <p>None</p> <p>None</p>
<p><b>K. <u>OTHER COMPATIBLE USES (OCU-1)</u></b></p> <p>Other Compatible Uses (10.01.10)</p>	<p>As Determined by Director of Planning and Building</p>
<p><sup>1</sup>All uses require Design Review approval.</p>	

2. Allowed Building Types. The allowed building types shall be:

- a. Small apartment buildings with ground floor retail.
- b. Single-story commercial buildings.

3. Building Site Requirements

- a. Minimum Building Site Width. There is no minimum building site width requirement.
- b. Minimum Building Site Area. There is no minimum building site area requirement.

4. Development Standards. All new development must meet the following:

- a. Maximum Development Density. The maximum density of development shall be from 20 to 40 dwelling units per net acre.

- b. Maximum Building Floor Area. There is no maximum building floor area requirement.
- c. Maximum Building Site Coverage. Maximum building site coverage shall be sixty (60) percent; minimum site coverage shall be forty (40) percent.

Maximum building site coverage shall include all buildings, accessory buildings and structures such as patios, decks, balconies and other similar uses which are eighteen (18) inches or more above the ground.

- d. Minimum Building Setbacks. There are no minimum building setbacks required. Ground floor awnings and upper floor bays and balconies may extend up to six (6) feet into the public right-of-way, providing through pedestrian access is not impeded.
- e. Maximum Building Height. The maximum building height shall be forty-five (45) feet measured from any point on the finished grade to the topmost point of the building immediately above. Building height shall not exceed three stories.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend nine (9) feet beyond the maximum height as required for safety or efficient operation.

- f. Minimum Daylight Plane. There is no minimum daylight plane requirement.

5. Parking. The following specific parking requirements are in addition to the requirements of Section 8.114.060.

- a. Number of Spaces

- (1) Small Apartment Buildings with Ground Floor Retail. The number of required parking spaces shall be as established in Table 1. No additional parking is required for residential community care facilities or ground floor commercial uses.
- (2) Single-Story Commercial Buildings. The number of required parking spaces for each allowed use shall be as established in Table 1. All required parking is based on building floor area. Building floor area includes all floor area as measured from the outside face of all exterior perimeter walls.

- b. Location of Spaces. Required parking facilities shall be located on the same building site as the development for which they are required.

- (1) Small Apartment Buildings with Ground Floor Retail. Parking shall be provided in interior courtyards, along rear property lines or in tuck- under garages.

- (2) Single-Story Commercial Buildings. Parking shall be provided in surface parking lots behind or to the side of buildings.

**8.114.150 - Institutional Designation.**

Development of land designated Institutional shall conform with the following requirements:

1. Uses Permitted

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p><b>A. <u>COLMA NEIGHBORHOOD INSTITUTIONAL FACILITIES (INT-15)</u></b></p> <p>1. Elementary and Secondary Schools (5.01.10)</p> <p>2. Religious Facilities (5.02.10)</p>	<p>Use Permit Use Permit</p>
<p><b>B. <u>OTHER COMPATIBLE USES (OCU-1)</u></b></p> <p>Other Compatible Uses (10.01.10)</p>	<p>As Determined by Director of Planning and Building</p>

2. Building Site Requirements

- a. Minimum Building Site Width. The minimum average building site width shall be one hundred (100) feet.
- b. Minimum Building Site Area. The minimum building site area shall be 10,000 square feet.

3. Development Standards. All new development must meet the following:

- a. Maximum Building Floor Area. The maximum total building floor area shall be 150 percent of the total parcel area and shall include the floor area of all stories of all buildings and accessory buildings on a parcel. Maximum building floor area (1) includes (a) the floor area of all stories, excluding uninhabitable and unfinished (e.g., attics, basements) areas, as measured from the outside face of all exterior walls, and (b) all other areas covered by



a water-proof roof which extends 4 or more feet from exterior walls over the area of all decks, porches, and balconies, and (2) excludes covered parking.

- b. Maximum Building Site Coverage. Maximum building coverage shall be eighty (80) percent and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are eighteen (18) inches or more above the ground.

c. Minimum Setbacks

- (1) When the side portion of an institutionally-designated parcel abuts a residentially-zoned parcel, the setbacks shall be:

	<u>Side Setback</u>	<u>Side Setback</u>	
	<i>(adjacent to residentially-zoned parcel)</i>	<i>(not adjacent to residentially-zoned parcel)</i>	
<u>Front Setback</u>			<u>Rear Setback</u>

20 feet

15 feet

10 feet

20 feet

- (2) When the rear portion of an institutionally-designated parcel abuts a residentially-zoned parcel, the setbacks shall be:

Front Setback

Side Setback

Rear Setback

20 feet

10 feet

30 feet

- (3) In all other cases, the setbacks shall be:

Front Setback

Side Setback

Rear Setback

20 feet

10 feet

20 feet

- d. Maximum Building Height. The maximum building height shall be thirty- seven (37) feet measured from any point on the finished grade to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend nine (9) feet beyond the maximum height as required for safety or efficient operation.

- e. Minimum Daylight Plane. There is no minimum daylight plane requirement.

- 5. Parking Requirements. The following specific parking requirements are in addition to the requirements of Section 8.114.060.

- a. Number of Spaces. The number of required parking spaces for each allowed use shall be as established in Table 1. All required parking is based on building floor area. Building floor area includes all floor area as measured from the outside face of all exterior perimeter walls.

- b. Location of Spaces. Required parking facilities shall be located in surface parking lots on the same building site as the development for which they are required.

**8.114.160 - Transportation Facilities Designation.**

Development of land designated Transportation Facilities shall conform with the following requirements: Uses Permitted

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT <sup>1</sup>
<p><b>A. <u>GROUND AND WATERBORNE TRANSPORTATION FACILITIES (TCU-5)</u></b></p> <ul style="list-style-type: none"> <li>1. Bus Transit Facilities (8.01.11)</li> <li>2. Rail Transit Facilities and Rail Lines (8.01.12)</li> <li>3. Truck Facilities (8.01.13)</li> <li>4. Intermodal Transportation Facilities (8.01.14)</li> <li>5. Transit Terminal Facilities (8.01.15)</li> <li>6. Ferry Terminals (8.01.31)</li> <li>7. Seaport and Marine Terminals (8.01.32)</li> </ul>	<p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p> <p>None</p>
<p><b>B. <u>OTHER COMPATIBLE USES (OCU-1)</u></b></p> <p>Other Compatible Uses (10.01.10)</p>	<p>As Determined by Director of Planning and Building</p>

**8.114.170 - Standards For Design For Emergency Shelters In Planned Colma District.**

The following design standards shall apply to emergency shelters proposed on any land designated High Density Residential or Medium High Density Residential within the Planned Colma (PC) Zoning District.

1. Building Orientation

Require:

- a. Building entrances on streets, pedestrian ways, kiss-n-ride areas, central courtyards and parks and plazas rather than the interior of blocks or parking lots.
- b. Buildings to be placed along the frontage of the BART bus turnaround and kiss-n-ride area.

Prohibit: Street-facing facades consisting of a blank wall or an unbroken series of garage doors or lined with off-street uncovered parking spaces.

2. Building Form

Require:

- a. Buildings to follow the natural topography by terracing up slopes.

3. Facades

Prohibit: Exterior stairs to upper floor units on street facing facades and the front half of side facades.

Prohibit: Street-facing facades consisting of a blank wall or an unbroken series of garage doors or lined with off-street uncovered parking spaces.

4. Roofs

Require: Mechanical equipment to be screened with parapets or the roof form. Prohibit:

- a. Mansard roofs.
- b. Buildings covered entirely by a flat roof.

5. Materials

Prohibit: Walls entirely of glass, reflective glass, textured stucco, and scored plywood.

6. Walls, Fences and Landscaping

Require: Trees to be planted every 30 feet in the setback along the frontage of the BART bus turnaround and kiss-n-ride area.

**8.114.180 - Required Parking (Table 1)**

**TABLE 1****REQUIRED PARKING**

<b>USE</b>	<b>PARKING GENERATING FACTOR</b>	<b>PARKING SPACES REQUIRED</b>
<b>1. Residential (1.0.00)</b>		
One-Family Dwellings (i.e., townhouses)	<b>Dwelling Unit Parking:</b> 1 bedroom 2-4 bedrooms ≥5 bedrooms (Tandem o.k.)	1 covered 2 covered 3 covered
Two-Family Dwellings (i.e., duplexes, flats)	<b>Dwelling Unit Parking:</b> Each dwelling unit (Tandem o.k.)	2 covered
Multiple-Family Dwellings (i.e.: podium apartments, small apartment buildings, courtyard apartments, flats (units/building ≥3))	<b>Dwelling Unit Parking:</b> 0 bedrooms 1-2 bedrooms ≥3 bedrooms  <b>Visitor Parking:</b> Each dwelling unit  <b>Affordable Housing Parking:</b> (Developments eligible for density bonus)  Each affordable dwelling unit	1 covered 1.25 covered 1.50 covered  0.35  1 covered or uncovered
Emergency Shelters	Each employee	0.75 covered or uncovered
<b>2. Trades, Services and Warehousing</b>		
Retail Cleaning Establishments	Each 1,000 sq. ft.	2.5
Restaurants Bars	Each 1,000 sq. ft.	20
Food Establishments Specializing in Carry-Out or Delivery Service	Each 1,000 sq. ft.  <b>or</b> Each seat	16  0.8

Food and Beverage Stores	Each 1,000 sq. ft.	4
Roadside Stands	Each stand	3
Indoor Retail Sales, Rental or Repair Establishments	Each 1,000 sq. ft.	5.5
Outdoor Retail Sales, Rental or Repair Establishments	Each 1,000 sq. ft. display or sales area (first 10,000 sq. ft.)	0.5
	+ Each additional 1,000 sq. ft.	0.2
Administrative, Professional and Business Offices Financial Institutions Personal Convenience Service Establishments	Each 1,000 sq. ft.	4
Medical and Dental Offices	Each 1,000 sq. ft.	5.7
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
<b>5. Institutional</b>		
Elementary and Secondary Schools Trade and Vocational Schools	Each employee	1
	+ Each student	0.3
	+ For auditorium	
	<b>No fixed seating:</b> Each 35 sq. ft.	1
	<b>Fixed seating:</b> Each seat	0.25
	<b>Fixed benches:</b> Each 6 lineal ft.	1
Religious Facilities	<b>No fixed seating:</b> Each 35 sq. ft.	1
	<b>Fixed seating:</b> Each seat	0.25
	<b>Fixed benches:</b>	

	Each 6 lineal ft.	1
Libraries Art Centers	Each 1,000 sq. ft. + Each employee	4  1
Club and Organization Meeting Facilities	<b>No fixed seating:</b> Each 35 sq. ft. <b>and/or</b> <b>Fixed seating:</b> Each seat + Each employee	1  0.25  1
Funeral Homes	Chapel <b>No fixed seating:</b> Each 25 sq. ft. <b>and/or</b> <b>Fixed seating:</b> Each seat + <b>Outside Chapel:</b> Each 1,000 sq. ft. + Each employee	1  0.25  2.5  1
<b>7. Recreation</b>		
Indoor Exercise and Leisure Facilities	Each person	0.35
Indoor Theaters Night Clubs With Entertainment	Each seat	0.25
Electronic Game Amusement Arcades	Each 1,000 sq. ft.	5.5
<b>9. Services and Enterprises Related to Animals (9.0.00)</b>		
Medical Treatment Facilities for Small Animals	Each 1,000 sq. ft.	4

(Prior code Chapter 21B - Added by Ordinance No. 3603 - September 27, 1994)

(Prior code Chapter 21B, Table 1 (Required Parking) - Amended by Ordinance No. 04699 - May 6, 2014)

(Prior code Chapter 21B – Amended to Add Section 6386 by Ordinance No. 04699 - May 6, 2014)

(Prior code Section 6373 - Amended by Ordinance No. 04699 - May 6, 2014)

## **CHAPTER 8.118 - CMU-1 DISTRICT (COMMERCIAL MIXED USE-1 DISTRICT, NORTH FAIR OAKS)**

### **8.118.010 - Regulations For “Commercial Mixed Use-1” District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-1 (CMU-1).

### **8.118.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.



## 8.118.030 - Definitions.

1. Administrative, Professional and Business Offices. Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.
2. Alley. Alleys provide access for service vehicles and parking access, and are not designed for pedestrians.
3. Anti-graffiti coating. A paint or material that prevents paint and ink from bonding to surfaces and allows for easier removal.
4. Appurtenance. Structural and utility apparatus(es) associated with a principal feature or function.
5. Awning. A canopy made of canvas or rigid membrane, which projects from the exterior wall of a building, and helps to shade or shelter a window and/or door.
6. Bars. Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 8.04.030.
7. Bay. A horizontal module related to buildings, usually between two nearest vertical supports that may be columns or pilasters.
8. Bay Window. A window or group of windows that reside in a structural frame that projects outside of the main volume of a building.
9. Building Envelope. The outermost spatial extent permissible for construction, as determined by height, setback, and stepback requirements combined. A building envelope is the theoretical maximum volume allowed.
10. Building Opening. Any aperture within of a solid wall, which may be used to provide a window, a group of windows, a door, or garage door.
11. Cinder Block. A type of concrete block made with cinder aggregate.

12. Clear Glass. Glass with not less than 90% light transmission in the visible spectrum. Not obscured glass.
13. Commercial and Office Ground Floor Façade. See Ground-Floor Façade, Commercial and Office.
14. Community Centers. Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 8.04.030(30)) and “meeting halls” (Section 8.04.030(84)).
15. Community Gardens. An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.
16. Control Joints. A deep narrow recess provided within ridged materials to direct the location of cracking as thermal expansion and contraction occurs.
17. Corner Boards. A length of board that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
18. Corner (L-Channel) Metalwork. A length of metal that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
19. Corner Panels. A length of any material that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
20. Concealed. A covered or hidden building feature.
21. Concealment. The act of covering or hiding a building feature.
22. Concrete Block. A modular building material made of concrete, which can be used structurally.
23. Curb Cut. A break in a vertical curb where there is a short ramp. A curb cut is generally where a driveway meets a public roadway.

24. Cornice. A horizontal projection on the exterior of a building, such as to accentuate the dividing line between a commercial ground-floor façade and upper-story façade, or to accentuate the top of a building when a parapet is used.
25. Display Window. A large window case for the display of merchandise or exhibits, typically located where store abuts a sidewalk.
26. Dwelling, Multiple. A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.
27. Eave. The lower edge of a roof that overhangs the wall below.
28. Educational Facilities. Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.
29. Envelope. The outermost spatial extent permissible for a building, as regulated by height, setback, and stepback requirements, and is the theoretical maximum volume allowed.
30. Exterior Corridor. A shared passage that provides horizontal building circulation and is open except for floor and railings on one or both sides along its length.
31. Façade. The exterior wall of a building along with its associated windows, entryways, and projections.
32. Façade Area, Upper-Floor. Upper-floor façade area is measured in height from the floor of the second level to the ceiling of the uppermost level, and in width across all façade planes and parallel to the property line.
33. Farmers Markets. An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.
  - a. Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

- b. Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
  - c. Value-Added Farm Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
34. Financial Institutions. Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.
35. Finished Grade. The elevation of the finished surface of the ground.
36. Flat Roof. A roof that is not steeper than a 1:10 angle of inclination.
37. Food and Beverage Stores. Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for homepreparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.
38. Food Establishments Specializing in Take-Out Service. Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive- through take-out service, but not including businesses engaged exclusively in catering.
39. Home Occupations. Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County’s Home Occupation Regulations.
40. Hotels. Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.
41. Indoor Exercise and Leisure Facilities: Small. Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.
42. Indoor Exercise and Leisure Facilities: Large. Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limitedto gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

43. Indoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.
44. Garage Opening. A form of building opening that provides access to motorized vehicles.
45. Ground-Floor. The inhabited floor of a building located nearest to the finished grade around the building, and not used for parking or storage.
46. Ground-Floor Façade. That part of the façade (exterior wall with associated elements) that is between the level of finished grade and the level of the second floor. The design composition of a ground-floor façade may extend to just below the lowest windows on the second floor.
47. Interior Corner. A concave corner that projects inward toward the building volume to which it is associated.
48. Inhabited Space. Building volumes and site areas where people regularly occupy, but not including circulation, storage, or parking.
49. Intervening Building. A building positioned between two features, such as between a property line and a building that is set back farther from the property line.
50. Ground Floor Façade, Commercial and Office. The façade that encloses a ground-floor use that is within the Commercial and Office Use Classification table for the applicable zoning district.
51. Limited Keeping of Pets. The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.
52. Liquor Stores. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.

53. Loading Area. Loading areas included sufficient area for truck parking on-site and for truck maneuverability on- and off-site.
54. Lobby. A semi-private antechamber between an outer door and interior parts of a building.
55. Massage Businesses. Massage or massage therapy businesses as defined in the San Mateo County Business Regulations Section 5.44.020.
56. Mechanical Equipment. Utility apparatuses that include air conditioning, heating, compressor, condensers, generators, transformers, and other assemblages with electronic and mechanical components.
57. Medical and Dental Offices. Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.
58. Metalwork. An object made of metal and/or metal pieces.
59. Metal Panel. A section of wall, gate, door, which are thin relative to the thickness of the frame to which they are connected.
60. Mixed-Use Development. A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.
61. Mobile Vending/Food Carts. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.
62. Mullion. A narrow length of wood or other material located between window lites, and including a narrow length of material applied to a single pane of glass to simulate individual window lites.

63. Non-Chartered Financial Institution. A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution.”
64. Obscured Glass. Glass that makes what is behind it indistinct from visual distortion of from less than 50% light transmission. Obscured glass is typically used to let light into interior space while making the space privacy.
65. Operable Window. A window that can be opened and closed.
66. Other Compatible Uses. Additional land uses that may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.
67. Outdoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.
68. Outer Corner. A convex corner that projects away from the building volume to which it is associated.
69. Parapet. A low wall at the edge of a roof, the front of which is typically in line with the façade below.
70. Parking Garage. Parking that is enclosed within a building, or structure with parking with two or more stories.
71. Parking Lots and Parking Garages. Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

72. Personal Convenience Service Establishments. Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage establishments.
73. Pet Sales and/or Grooming Establishments. Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.
74. Pilaster. A vertical pier that is integrated with, and projects slightly forward from, a wall.
75. Porch. An outside landing immediately adjacent to a building entrance and sheltered by a roof.
76. Religious Facilities. Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques and temples.
77. Restaurants. Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.
78. Retail Cleaning Establishments. Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry-cleaning pick-up stores with limited equipment and laundromats where coin-operated washers and dryers are provided for self-service to the public.
79. Screened. To conceal, partly conceal, and/or separate an object to eliminate or reduce its visual prominence.
80. Service Area. An open or enclosed area principally used for refuse/recycling service and may also contain mechanical equipment and access by trucks for loading, maintenance, and building operations.
81. Shingle. A thin piece of material laid in overlapping rows to cover the roofs and walls of buildings.



82. Sloped roof. A roof that is not flat, and typically hipped or gabled.
83. Small Collection Facilities for Recyclable Materials. A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.
84. Spandrel Glass. Opaque glass that conceals what is behind it, often used to hide structural building components and utilities.
85. Standing Seam. A manner of joining flat panels with an interlocking edge that stands forward of the principal surface.
86. Stoop. An outside landing immediately adjacent to a building entrance but not sheltered by a roof.
87. Surface parking. Parking that is not enclosed at finished grade.
88. Theaters. Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.
89. Upper-Story Façade. That part of the façade (exterior wall with associated elements) that is between the level of floor of the second floor and the level of the roof.
90. Vehicular Access. A driveway or other means of motor-vehicle approach onto property from a public right-of-way.
91. Vehicle Access, Allowable. Vehicle access that conforms to Vehicle Access and Parking standards, any other San Mateo County requirements, or as may be deemed necessary by the Planning and Building Department.
92. Veneer. A thin outer layer of material that conceals the main body of material.
93. Veterinary Hospitals for Small Animals. Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.

94. Walking Distance. For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements. Section 6567.3 Permitted Uses

**8.118.040 – Permitted Uses**

1. Permitted development types and uses, and permit requirements for each type and use, are presented in the following table and as follows:
  - a. Nonresidential Development. All types of entirely non-residential development shall be permitted only upon approval of a Use Permit. All non-residential development above the ground floor shall only be granted upon approval of a use permit.
  - b. Residential Development.
    - On 5<sup>th</sup> Avenue. On properties with frontage along 5<sup>th</sup> Avenue, entirely residential development shall only be granted upon approval of a Use Permit.
    - Other Street Frontages. On properties without frontage 5<sup>th</sup> Avenue, no planning permit is required for entirely residential development.
  - c. Mixed-Use Development. Mixed-Use Development with ground floor non-residential and residential above the ground floor is subject to the highest planning permit required for the specific non-residential uses in the development. If none of the discrete uses in the project require a planning permit, no such permit is required for the project.
2. For projects requiring no use permit, decisions on all associated approvals, including grading and land clearing permits, tree removal permits, and others shall be made at the staff level, based on the criteria established in the relevant regulations, and no hearings shall be required.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
1. RESIDENTIAL USE CLASSIFICATION	

<p>A. DWELLINGS</p> <ol style="list-style-type: none"> <li>1. Dwelling, Multiple <ol style="list-style-type: none"> <li>a. Above the ground floor</li> <li>b. Ground floor, on parcels with frontage along 5<sup>th</sup> Avenue</li> <li>c. Ground floor, parcels without 5<sup>th</sup> Avenue frontage</li> </ol> </li> </ol>	<p>None</p> <p>Use Permit</p> <p>None</p>
<p>2. COMMERCIAL AND OFFICE USE CLASSIFICATION</p>	
<p>A. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</p> <ol style="list-style-type: none"> <li>1. Personal Convenience Service Establishments</li> <li>2. Retail Cleaning Establishments</li> <li>3. Pet Sales and/or Grooming Establishments</li> <li>4. Veterinary Hospitals for Small Animals</li> <li>5. Massage Businesses</li> </ol>	<p>None</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p>
<p>B. REGIONAL AND VISITOR SERVING TRADES AND SERVICES</p> <ol style="list-style-type: none"> <li>1. Hotels</li> <li>2. Theaters</li> </ol>	<p>Use Permit</p> <p>Use Permit</p>
<p style="text-align: center;">REQUIRED PLANNING PERMIT FOR THIS DISTRICT</p> <p>PERMITTED USES</p>	
<p>C. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</p> <ol style="list-style-type: none"> <li>1. Food and Beverage Stores</li> <li>2. Liquor Stores</li> <li>3. Indoor Retail Sales, Rental or Repair Establishments</li> <li>4. Mobile Vending and Food Trucks</li> </ol>	<p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p>

<p>D. FOOD SERVICES</p> <ol style="list-style-type: none"> <li>1. Bars</li> <li>2. Restaurants</li> <li>3. Food Establishments Specializing in Take-Out Service</li> <li>4. Farmers Markets</li> </ol>	<p>Use Permit None None Farmers Market Permit<sup>1</sup></p>
<p>E. OFFICES, PROFESSIONAL SERVICES</p> <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices</li> <li>2. Medical and Dental Offices</li> <li>3. Financial Institutions</li> <li>4. Non-Chartered Financial Institutions</li> </ol>	<p>None None None Use Permit<sup>2</sup></p>
<p>F. INDOOR RECREATION FACILITIES</p> <ol style="list-style-type: none"> <li>1. Indoor Exercise and Leisure Facilities: Small</li> <li>2. Indoor Exercise and Leisure Facilities: Large</li> </ol>	<p>None Use Permit</p>
<p>REQUIRED PLANNING PERMIT FOR THIS DISTRICT</p> <p>PERMITTED USES</p>	
<p>3. INSTITUTIONAL USE CLASSIFICATION</p>	
<p>A. NEIGHBORHOOD INSTITUTIONAL FACILITIES</p> <ol style="list-style-type: none"> <li>1. Community Centers</li> <li>2. Religious Facilities</li> <li>3. Educational Facilities</li> </ol>	<p>Use Permit Use Permit Use Permit</p>
<p>4. ACCESSORY USE CLASSIFICATION</p>	
<p>A. RESIDENTIAL ACCESSORY USES Home Occupations</p>	<p>Home Occupation Certificate<sup>3</sup></p>
<p>B. LIMITED KEEPING OF PETS Limited Keeping of Pets</p>	<p>None</p>

5. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS	None
7. OTHER USE CLASSIFICATION	
A. Community Gardens	None
B. PARKING Parking Lots and Parking Garages	Use Permit
C. OTHER COMPATIBLE USES	
Other Compatible Uses	To Be Determined by Director of Planning and Building
<sup>1</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.118.070 of these Zoning Regulations.	
<sup>2</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.68.020(f)(8) of these Zoning Regulations.	
<sup>3</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.04.030(54) of these Zoning Regulations.	

### 8.118.050 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except for multi-family attached residential ownership development, which shall have no minimum required parcel area or width.
2. Maximum Residential Density. The maximum density of residential uses shall be governed by the standards in the North Fair Oaks Community Plan Chapter 2 - Land Use.
3. Maximum Nonresidential Building Floor Area. The maximum building floor area of nonresidential uses shall be 150 percent of the total parcel area. Maximum nonresidential building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel dedicated to nonresidential uses, excluding non-habitable space, as measured from the outside face of all exterior walls. Parking areas, including fully or partially enclosed areas dedicated to parking, shall be excluded from maximum nonresidential building floor area.

4. Building Setbacks and Stepbacks.

- a. The minimum building setbacks shall be:

Front and Street Side Setbacks

A minimum setback to provide a 10-foot-wide sidewalk measured from back of curb.

Interior Side Setback

5 feet adjacent to R-1 District, otherwise 0

Rear Setback

10 feet

- (1) Parcels facing El Camino Real, including corner parcels, must be developed with an El Camino Real frontage, with front and rear required setbacks and stepbacks determined by this orientation.
  - (2) Parcels facing 5th Avenue must be developed with a 5th Avenue frontage, with front and rear required setbacks and stepbacks determined by this orientation.
  - (3) Signage and awnings may extend up to 5 feet into setbacks.
  - (4) Balconies, eaves, building bays, and bay windows may project up to 3 feet into the required front setback of residential and mixed-use buildings above 15 feet in building height, but may not obstruct the public right-of-way.
- b. Rear Stepback. A minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measures at least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.
- c. Setback and Stepback Exceptions.
- (1) At the Director of Planning and Building's discretion, minor exceptions to the required setbacks and stepbacks described above may be granted, on the Director's finding that the combined setbacks and stepbacks proposed meet, in aggregate, the intent and purpose of the setback and stepback requirements, and purposes of the North Fair Oaks Community Plan.
  - (2) At the Director of Planning and Building's discretion, building elements intended to meet the façade articulation design intent of the North Fair Oaks Community Plan may be allowed to encroach into setbacks at and above the ground floor, if the Director finds that such encroachment is minor, and will not diminish the purpose of providing continuous public-rights-of-way.
5. Building Height. The maximum building height shall be 50 feet for residential development, 60 feet for commercial development, 60 feet for institutional development, and 60 feet for mixed use development. The minimum building height is three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height.

6. Signs.

- a. Prohibited Signs. The following signs shall be prohibited:
- (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
  - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
  - (3) Signs emitting intense and focused beams of light, including beacons.
  - (4) Off-premises signs.
  - (5) Abandoned signs.
  - (6) Billboards.
  - (7) Any sign that because of its location, construction or other characteristics will impede pedestrian movement or safety or will limit transparency of ground floor non-residential use.
- b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.
- c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.
- d. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
- e. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
- (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  - (2) Freestanding signs shall not exceed fifteen (15) feet.



- f. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
- g. Sign Design. The design of signs on the parcel shall reflect the architectural
- h. design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

### **8.118.060 - Design Standards.**

Development shall comply with the building and site design standards described in this section.

1. Minor Design Exceptions. A minor design exception from the standards in this section may be granted by the Director of Planning and Building upon a finding by the Director that the exception 1) is necessary for compliance with the building and site design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.15 will be compatible with the neighborhood surrounding the parcel, and 4) will not be detrimental to the public welfare. The Director may require modifications to the proposed exception, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.
2. Major Design Exception. The Planning Commission, at a public hearing, may grant a Use Permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.
3. Public Right-of-Way Improvements Required of Private Development
  - a. Sidewalks
    - (1) Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.
    - (2) Provide a minimum 8-foot-wide sidewalk measured from back of curb.

- (3) Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.

b. Street Trees

- (1) Development shall provide street trees along public sidewalks that abut the project, consistent with the provisions of the Department of Public Works' Tree Planting Application. Developments shall provide the maximum number of street trees that are consistent with the Department of Public Works' standards. The number of required trees may be reduced at the discretion of the Director of Planning and Building.
- (2) Street tree species shall be selected from a street tree list that can be obtained from the Department of Planning & Building.
- (3) Street tree installation shall conform to San Mateo County standards, as established by the Department of Public Works.
- (4) Installed trees shall be watered for at least 3 years by Developer/Property Manager and maintained/replaced by Developer/Property Manager.
- (5) Sidewalks damaged/affected by trees planted as part of development, shall be replaced/repared/maintained by Developer/Property Manager.

c. Curb Cuts and Driveways

- (1) Development sites with street frontage along Middlefield Road shall not provide new vehicular access from these streets if vehicular access can be provided via another public street or a public alley. Existing vehicular access may be retained and/or relocated if the total amount of access is not increased.
- (2) Curb cuts and driveways shall have a width of at least: 20 feet if used for commercial loading; 20 feet if the project has 11 or more on-site parking spaces; and 15 feet if not used for loading and the project has 10 or less on-site parking spaces.
- (3) The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.

d. Bike Racks and Refuse Receptacles

- (1) Bike racks shall be oriented so bikes will be parked parallel with the curb.

e. Utilities

- (1) Install any new distribution lines underground, including connections between buildings and utilities and modifications to existing utilities.
- (2) Utility trenches shall be located at least ten feet from trees where feasible.

f. Alleys

- (1) Projects that rely on vehicular access from a public alley, shall be responsible for making pavement repairs from between the point of site access to the street(s) to which the alley connects.

4. Stop signs shall be installed at alley-street intersections in the direction of alley egress.

5. Building and Site Design Standards for Private Development

a. Building Design and Orientation

- (1) All Front and Street Side Facades. For all facades that face a front or street side property line with no intervening building, the following standards shall apply.
  - (a) For each front and street side property line, one or more ground- floor building facades shall be built to within fifteen (15) feet of the front and street side property line for a distance not less than sixty- five percent (65%) of the property line's length, except where to do so would preclude: utilities, required building setbacks and/or allowable vehicle access.
  - (b) Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
  - (c) Windows with unobscured glass shall comprise not less than twenty- five percent (25%) of the upper-floor façade area.
  - (d) That part of bay windows (and associated walls) and/or balconies (and associated railings) that extend eighteen (18) inches or more from the facade shall comprise not less than ten percent (10%) of the upper-floor façade area.

(e) A horizontal cornice shall be constructed at a level that is above the floor of the uppermost level. The cornice shall extend beyond the façade by not less than three (3) inches for a height not less than eleven (11) inches.

(2) Ground-Floor Commercial and Office Front Facades. For ground-floor facades that face a front property line with no intervening building, the following standards shall apply.

(a) Entrances to a ground-floor commercial or office space shall have uninterrupted pedestrian access from a public sidewalk.

(b) An entrance to a ground-floor commercial or office space shall occur every 100 feet or less.

(c) Doors to a ground-floor commercial or office space shall be recessed at least 3 feet from the front façade.

(3) Not less than 60% of each ground-floor commercial or office façade shall be comprised of windows with clear glass and/or doors, within the façade area between 2.5 and 8 feet above grade. Ground-floor windows that count toward this requirement shall have clear glass and accompanied by: adjacent interior space that is unobstructed by walls or cabinets for a depth of at least 10 feet; and/or a display window case having a depth of at least three (3) feet, and with recessed ceiling lights or ceiling-mounted lights.

(a) Ground-floor entrances and windows shall be framed by columns and/or pilasters that are spaced not more than 25 feet apart.

(b) Ground-floor windows shall be set above a wall that is at least 18 inches in height.

(c) Ground-floor windows shall be sheltered from above by an exterior awning and/or rigid canopy, which extends horizontally at least three (3) feet from the front façade. The bottom of awnings and canopies shall be at least 8 feet above finished grade.

(d) A ground-floor commercial or office space shall have a depth of not less than twenty (20) feet as measured from front façade and have a minimum height of 15 feet measured from floor to ceiling.

(e) The top of a ground-floor commercial or office façade shall be accompanied by a horizontal cornice located between fifteen (15) feet and twenty-five (25) feet of finished grade. To comply with this requirement, the cornice shall extend vertically

beyond the façade by not less than three (3) inches and have a height of not less than eleven (11) inches.

(f) A ground-floor commercial or office space shall include connections for water, wastewater and electricity, as well a vent for food service preparation.

(3) Residential Front Facades. For residential facades that face a front property line with no intervening building, the following standards shall apply.

(a) Residential entrances shall have uninterrupted access from a public sidewalk.

(b) Residential entrances shall be accompanied by one of the following: a porch covered entirely by a roof; a stoop with a doorway that is recessed by at least two (2) feet; or an interior lobby. The landing or floor for these features shall have an unobstructed (clear) width of not less than four (4) feet.

(c) The elevation of the lowest residential floor shall be raised above finished grade by at least two (2) feet if within 5 feet of a front property line, and at least one (1) foot if within 10 feet of a front property line.

(d) At least twenty-five percent (25%) of each residential ground-floor façade shall be comprised of clear windows and/or doors with windows. Ground-floor windows that count toward this requirement shall be clear.

(e) Windows for residential ground-floor living space shall have a sill height of at least 3 feet above floor level.

b. Building Elements & Materials

(1) Windows

(a) Exterior windows for inhabited space shall use clear glass having at least 90 percent light transmission within the visible spectrum, and shall not be mirrored or frosted, except for bathroom and utility room windows.

(b) Window glass shall be recessed at least 2 inches from the adjacent trim or from the façade if no trim is used.

(c) Window mullions shall not be behind glass when viewed from the outside.

- (d) Rooms with exterior windows shall include at least one operable window, except where fixed windows are required to mitigate noise or air quality impacts.

(2) Exterior Finishes

- (a) Where visible, the same exterior material shall be used around outer/convex corners in both horizontal directions for at least four(4) feet or until the material meets an interior/concave corner.
- (b) Where visible, corner boards, corner panels, L-channel metalwork, or other concealment shall be used at outer/convex corners where board ends or veneer edges would otherwise be revealed.
- (c) Prohibited exterior finishes include: unfinished cinder block; unfinished cement block; corrugated metal siding; and mirrored glass.
- (d) An anti-graffiti coating shall be applied to the portions of groundfloor walls within 15 feet of public sidewalks.

(3) Roofs.

- (a) Sloped roofs shall be accompanied by an eave that extends beyond the façade by not less than eighteen (18) inches.

(4) Roof-Mounted Mechanical Equipment

- (a) Mechanical equipment located on a roof, shall be: entirely recessed within a sloped roof, and/or surrounded on all sides by an opaque parapet with a top edge as high as topmost point of the equipment.
- (b) The following are exempt: solar panels, wireless communications equipment, window cleaning systems, equipment required by fire departments and other public agencies, and appurtenances associated with the above.

c. Site Features

(1) Walls & Fences

- (a) Walls along interior property lines. A masonry wall that is 6 to 8 feet in height shall be erected along any interior side and rear property lines, except within 15 feet of the street-facing property line.
- (b) Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated fences are not permitted.
- (c) Where visible and within 15 feet of street, chain link and corrugated metal fences are prohibited.

(2) Mechanical Equipment

- (a) Mechanical equipment located in a street-facing building setback shall comply with utility provider standards and shall be: in a vault that is entirely below finished grade; or surrounded on sides facing and perpendicular to the street by an opaque fence or gate, which have a height not less than 6 inches above topmost point of the equipment.
- (b) If utility provider requirements conflict with design standards, then utility provider requirements shall take precedence.

(3) Vehicle Access and Parking

- (a) Development sites with street frontage along El Camino Real or on Middlefield Road shall not provide a driveway from these streets if vehicle access can be provided by way of another public street or a public alley.
- (b) Driveways and garage entrances shall not exceed a width of 25 feet.
- (c) Surface parking spaces shall be set back at least 15 feet from a street right-of-way and shall be screened by a fence or wall that is at 3-4 feet in height, and/or shrubs expected to grow to a height of at least 3 feet at maturity.

(4) Refuse and Recycling Collection Areas

- (a) Every project shall have not less than one (1) refuse and recycling collection area.

- (b) Refuse and recycling collection areas shall not be less than ten (10) feet wide and ten (10) feet deep.
- (c) Refuse and recycling collection area shall be accompanied by a direct unobstructed access by collection crews along a paved path that is not less than five feet in width.
- (d) Refuse and recycling collection areas shall not be located within 20 feet of a street right-of-way, unless entirely enclosed within a building and where building openings for access are accompanied by a gate or doors.
- (e) Refuse and recycling collection areas that are not within a building shall be fully enclosed by a solid wall or opaque fence between six (6) feet and eight (8) feet in height, except to provide access on one side. Openings for access shall be accompanied by a gate not less than 4 feet in height.

(5) Loading Areas

- (a) One (1) on-site loading space is required for new retail sale, hotel, and/or theater space with a combined net floor area exceeding 10,000 square feet. For each additional 40,000 above 10,000 square feet, one additional loading space shall be provided.
- (b) Loading areas shall not extend into street rights-of-way, nor shall associated truck parking aprons.
- (c) Each required loading space shall be at least 10 feet wide and 25 feet long, exclusive of driveways, aiseways, or turnaround areas. Loading space access shall provide not be less than fifteen (15) feet of vertical clearance.

d. Utilities

- (1) All projects shall install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located not less than five (5) feet from trees being preserved.

e. Landscaping

- (1) Not less than 90% of those portions of site area that are within fifteen (15) feet of a street-facing property line and are not occupied by a building, vehicle access, utilities, play areas, dining area, seating area, or required site feature, shall be landscaped.



- (2) Projects with a combined landscaped area exceeding 500 squarefeet shall be consistent with the County's Water Efficient Landscape Ordinance.

### **8.118.070 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed SanMateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the publicsideshow. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Director of Planning and Building that such additional lighting is necessary for public health and safety.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Stormwater Management. Projects shall conform to San Mateo County Stormwater Pollution Prevention Program's C.3 Technical Guidance in the design and location of buildings and other site features.
5. Transportation. Development projects that generate at least 100 average daily trips (ADT) shall adhere to the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, which requires applicants to submit a TDM Checklist with their development application that lists measures to be implemented to mitigate traffic impacts at desired trip reduction target thresholds. San Mateo County staffwill notify C/CAG of any new development project within its purview that is estimated to generate at least 100 ADT within ten days of receipt of an application.
6. Mitigation Measures. Projects shall implement all applicable mitigation measures contained in the North Fair Oaks Rezoning and General Plan AmendmentProject Final EIR (2023).

### **8.118.080 - Farmers Market Standards.**

Farmers Markets are allowed in the CMU- 1 Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.

2. No market may operate continuously for more than 6 hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation.
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable federal, state, and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

### **8.118.090 - Parking.**

Parking shall comply with all of the provisions of Chapter 8.344 of the Zoning Regulations, except as provided below:

1. Section 8.344.030 Parking Spaces Required. Section 8.344.030 shall be governed by Table 1 in this Section 8.118.080, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.
2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), in the CMU-1 District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the heights for all parking stalls with mechanical lifts.
3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

<p><b><u>TABLE 1</u> REQUIRED PARKING</b></p>
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USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking: 0-1 bedrooms 2+ bedrooms  Dwelling Unit Parking in a Mixed-Use Development:  Each dwelling unit  <b>Affordable Housing</b> <b>Parking:</b> (Developments eligible for density bonus) 0-1 bedrooms  2 bedrooms  3+ bedrooms	1 covered 1.5 covered   1 covered  0.5 covered or uncovered 0.75 covered or uncovered 1 covered or uncovered
	Bicycle Parking: Each Dwelling Unit  Public Bike Parking: Each 35 feet of street frontage	0.25  2
2. Commercial/Office		
All uses listed under the "Office and Professional Services" in Section 6567.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered

All uses listed under “Specialized Neighborhood Trades and Services” in Section 6567.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Retail Sales, Rental or Repair Establishments,” in Section 6567.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Indoor Recreation Facilities” in Section 6567.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under “Food Services” in Section 6567.3, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take- out Service)	Up to 200 sq. ft. and each 200 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed- Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1
	<b>Public BikeParking:</b> Each 35 feet of street frontage	2
<b>3. Institutional and Other</b>		
All uses listed under the “Institutional Use Classification” in Section 6567.3, Uses	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	<b>Public BikeParking:</b> Each 35 feet of street frontage	2

### 8.118.100 - Alternative Parking Approaches

The total number of parking spaces required per Section 6567.8 may be reduced in accordance with the following provisions.

## 2. Shared Parking

- a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 6503, an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
  
- b. Analysis Required. In addition to the procedures established in Section 6503, requests for shared parking shall comply with this Section's standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:
  - (1) The intensity and type of activities and the composition of uses;
  - (2) Hours of operation of each separate use;
  - (3) The rate of turnover for proposed shared spaces;
  - (4) Distances of shared parking spaces from the uses they serve; and
  - (5) The anticipated peak parking and traffic loads for the site.
  - (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.

If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

- c. Findings Required. Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by this Chapter, if the deciding body issuing the relevant Use Permit makes all of the following findings, in addition to the findings required in Section 6503:
  - (1) The spaces to be provided will be available as long as the uses requiring the spaces are in operation;

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

### 3. Off-Site Parking

- a. Applicability. Subject to the requirements of this Section 6567.9 and the securing of a Use Permit in accordance with the provisions of Section 6503, required parking may be located on a parcel different than the primary use for which the parking is provided (“off-site parking”).
- b. Standards Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this Section’s standards and criteria.
  - (1) Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.

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

c. Findings Required. A Use Permit for off-site parking may be approved if the following findings are made, in addition to the findings required in Section 6503:

- (1) The off-site spaces to be used to satisfy the project's parking obligation will be available as long as the uses requiring the spaces are in operation;
- (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
- (3) The quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and
- (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:
  - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use will require immediate written notification to the County Planning and Building Department and a reassessment of the parking demand of the revised project and any necessary updates to the written agreement;
  - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;
  - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
  - (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.

- d. Exceptions. In addition to the ability to obtain a Use Permit for shared parking or off-site parking, the Director of Planning and Building may grant an exception to modify the number of spaces, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6567.8. The Director of Planning and Building may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:
- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
  - (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 8.118.090.

(Prior Ch. 29.1 § 6567-6567.9 Ord. 4787: 11/21/17)

(Prior code § 6567-6567.9 repealed/replaced Ord. 4883: 10/17/23)

## ***CHAPTER 8.122 - CMU-2 DISTRICT (COMMERCIAL MIXED USE-2 DISTRICT, EL CAMINO REAL-5TH AVENUE, NORTH FAIR OAKS)***

### **8.122.010 - Regulations For Commercial Mixed Use-2 District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned Commercial Mixed Use-2 (CMU-2).

### **8.122.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of locally and regionally-oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.



4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

### **8.122.030 - Definitions.**

1. Administrative, Professional and Business Offices. Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.
2. Alley. Alleys provide access for service vehicles and parking access, and are not designed for pedestrians.
3. Anti-graffiti coating. A paint or material that prevents paint and ink from bonding to surfaces and allows for easier removal.
4. Appurtenance. Structural and utility apparatus(es) associated with a principal feature or function.
5. Awning. A canopy made of canvas or rigid membrane, which projects from the exterior wall of a building, and helps to shade or shelter a window and/or door.
6. Bars. Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 8.04.030(15).
7. Bay. A horizontal module related to buildings, usually between two nearest vertical supports that may be columns or pilasters.
8. Bay Window. A window or group of windows that reside in a structural frame that projects outside of the main volume of a building.

9. Building Envelope. The outermost spatial extent permissible for construction, as determined by height, setback, and setback requirements combined. A building envelope is the theoretical maximum volume allowed.
10. Building Opening. Any aperture within of a solid wall, which may be used to provide a window, a group of windows, a door, or garage door.
11. Cinder Block. A type of concrete block made with cinder aggregate.
12. Clear Glass. Glass with not less than 90% light transmission in the visible spectrum. Not obscured glass.
13. Commercial and Office Ground Floor Façade. See Ground-Floor Façade, Commercial and Office.
14. Community Centers. Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 8.04.030(30) and “meeting halls” (Section 8.04.030(84)).
15. Community Gardens. An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.
16. Control Joints. A deep narrow recess provided within ridged materials to direct the location of cracking as thermal expansion and contraction occurs.
17. Corner Boards. A length of board that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
18. Corner (L-Channel) Metalwork. A length of metal that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
19. Corner Panels. A length of any material that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
20. Concealed. A covered or hidden building feature.
21. Concealment. The act of covering or hiding a building feature.
22. Concrete Block. A modular building material made of concrete, which can be used structurally.

23. Curb Cut. A break in a vertical curb where there is a short ramp. A curb cut is generally where a driveway meets a public roadway.
24. Cornice. A horizontal projection on the exterior of a building, such as to accentuate the dividing line between a commercial ground-floor façade and upper-story façade, or to accentuate the top of a building when a parapet is used.
25. Display Window. A large window case for the display of merchandise or exhibits, typically located where store abuts a sidewalk.
26. Dwelling, Multiple. A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.
27. Eave. The lower edge of a roof that overhangs the wall below.
28. Educational Facilities. Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.
29. Envelope. The outermost spatial extent permissible for a building, as regulated by height, setback, and setback requirements, and is the theoretical maximum volume allowed.
30. Exterior Corridor. A shared passage that provides horizontal building circulation and is open except for floor and railings on one or both sides along its length.
31. Façade. The exterior wall of a building along with its associated windows, entryways, and projections.
32. Façade Area, Upper-Floor. Upper-floor façade area is measured in height from the floor of the second level to the ceiling of the uppermost level, and in width across all façade planes and parallel to the property line.
33. Farmers Markets. An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.
  - a. Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.

b. Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.

C. Value-Added Farm Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

34. Financial Institutions. Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.
35. Finished Grade. The elevation of the finished surface of the ground.
36. Flat Roof. A roof that is not steeper than a 1:10 angle of inclination.
37. Food and Beverage Stores. Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.
38. Food Establishments Specializing in Take-Out Service. Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive- through take-out service, but not including businesses engaged exclusively in catering.
39. Home Occupations. Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations.
40. Hotels. Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.
41. Indoor Exercise and Leisure Facilities: Small. Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.
42. Indoor Exercise and Leisure Facilities: Large. Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.

43. Indoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.
44. Garage Opening. A form of building opening that provides access to motorized vehicles.
45. Ground-Floor. The inhabited floor of a building located nearest to the finished grade around the building, and not used for parking or storage.
46. Ground-Floor Façade. That part of the façade (exterior wall with associated elements) that is between the level of finished grade and the level of the second floor. The design composition of a ground-floor façade may extend to just below the lowest windows on the second floor.
47. Interior Corner. A concave corner that projects inward toward the building volume to which it is associated.
48. Inhabited Space. Building volumes and site areas where people regularly occupy, but not including circulation, storage, or parking.
49. Intervening Building. A building positioned between two features, such as between a property line and a building that is set back farther from the property line.
50. Ground Floor Façade, Commercial and Office. The façade that encloses a ground-floor use that is within the Commercial and Office Use Classification table for the applicable zoning district.
51. Limited Keeping of Pets. The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.
52. Liquor Stores. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.
53. Loading Area. Loading areas included sufficient area for truck parking on-site and for truck maneuverability on- and off-site.
54. Lobby. A semi-private antechamber between an outer door and interior parts of a building.

55. Massage Businesses. Massage or massage therapy businesses as defined in the San Mateo County Business Regulations Section 5.44.020.
56. Mechanical Equipment. Utility apparatuses that include air conditioning, heating, compressor, condensers, generators, transformers, and other assemblages with electronic and mechanical components.
57. Medical and Dental Offices. Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans,  
  
and which may include medical and dental laboratories and associated prescription pharmacies.
58. Metalwork. An object made of metal and/or metal pieces.
59. Metal Panel. A section of wall, gate, door, which are thin relative to the thickness of the frame to which they are connected.
60. Mixed-Use Development. A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.
61. Mobile Vending/Food Carts. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.
62. Mullion. A narrow length of wood or other material located between window lites, and including a narrow length of material applied to a single pane of glass to simulate individual window lites.
63. Non-Chartered Financial Institution. A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term "non-chartered financial institution."
64. Obscured Glass. Glass that makes what is behind it indistinct from visual distortion of from less than 50% light transmission. Obscured glass is typically used to let light into interior space while making the space privacy.

65. Operable Window. A window that can be opened and closed.
66. Other Compatible Uses. Additional land uses that may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.
67. Outdoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.
68. Outer Corner. A convex corner that projects away from the building volume to which it is associated.
69. Parapet. A low wall at the edge of a roof, the front of which is typically in line with the façade below.
70. Parking Garage. Parking that is enclosed within a building, or structure with parking with two or more stories.
71. Parking Lots and Parking Garages. Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.
72. Personal Convenience Service Establishments. Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage establishments.
73. Pet Sales and/or Grooming Establishments. Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.
74. Pilaster. A vertical pier that is integrated with, and projects slightly forward from, a wall.
75. Porch. An outside landing immediately adjacent to a building entrance and sheltered by a roof.
76. Religious Facilities. Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques and temples.
77. Restaurants. Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during

the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

78. Retail Cleaning Establishments. Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry-cleaning pick-up stores with limited equipment and laundromats where coin-operated washers and dryers are provided for self-service to the public.
79. Screened. To conceal, partly conceal, and/or separate an object to eliminate or reduce its visual prominence.
80. Service Area. An open or enclosed area principally used for refuse/recycling service and may also contain mechanical equipment and access by trucks for loading, maintenance, and building operations.
81. Shingle. A thin piece of material laid in overlapping rows to cover the roofs and walls of buildings.
82. Sloped roof. A roof that is not flat, and typically hipped or gabled.
83. Small Collection Facilities for Recyclable Materials. A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers, or bulk reverse vending machines. These facilities are generally temporary and must be accessory to a primary use on the same parcel.
84. Spandrel Glass. Opaque glass that conceals what is behind it, often used to hide structural building components and utilities.
85. Standing Seam. A manner of joining flat panels with an interlocking edge that stands forward of the principal surface.
86. Stoop. An outside landing immediately adjacent to a building entrance but not sheltered by a roof.
87. Surface parking. Parking that is not enclosed at finished grade.
88. Theaters. Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.
89. Upper-Story Façade. That part of the façade (exterior wall with associated elements) that is between the level of floor of the second floor and the level of the roof.



90. Vehicular Access. A driveway or other means of motor-vehicle approach onto property from a public right-of-way.
91. Vehicle Access, Allowable. Vehicle access that conforms to Vehicle Access and Parking standards, any other San Mateo County requirements, or as may be deemed necessary by the Planning and Building Department.
92. Veneer. A thin outer layer of material that conceals the main body of material.
93. Veterinary Hospitals for Small Animals. Establishments where cats, dogs, and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.
94. Walking Distance. For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

#### **8.122.040 - Permitted Uses.**

1. Permitted development types and uses, and permit requirements for each type and use, are presented in the following table and as follows:
  - a. Nonresidential Development. All types of entirely non-residential development shall be permitted only upon approval of a Use Permit. All non-residential development above the ground floor shall only be granted upon approval of a use permit.
  - b. Residential Development. All types of entirely residential development shall be allowed only upon approval of a Use Permit.
  - c. Mixed-Use Development. Mixed-Use Development with ground floor non-residential and residential above the ground floor is subject to the highest planning permit required for the specific non-residential uses in the development. If none of the discrete uses in the project require a planning permit, no such permit is required for the project.
2. For projects requiring no use permit, decisions on all associated approvals, including grading and land clearing permits, tree removal permits, and others shall be made at the staff level, based on the criteria established in the relevant regulations, and no hearings shall be required.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
1. RESIDENTIAL USE CLASSIFICATION	
B. DWELLINGS <ul style="list-style-type: none"> <li>1. Dwelling, Multiple               <ul style="list-style-type: none"> <li>a. Above the ground floor</li> <li>b. Ground floor</li> </ul> </li> </ul>	None Use Permit
2. COMMERCIAL AND OFFICE USE CLASSIFICATION	
B. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES <ul style="list-style-type: none"> <li>1. Personal Convenience Service Establishments</li> <li>2. Retail Cleaning Establishments</li> <li>3. Pet Sales and/or Grooming Establishments</li> <li>4. Veterinary Hospitals for Small Animals</li> <li>5. Massage Businesses</li> </ul>	None None Use Permit Use Permit Use Permit
G. REGIONAL AND VISITOR SERVING TRADES AND SERVICES <ul style="list-style-type: none"> <li>1. Hotels</li> <li>2. Theaters</li> </ul>	Use Permit Use Permit
H. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS <ul style="list-style-type: none"> <li>1. Food and Beverage Stores</li> <li>2. Liquor Stores</li> <li>3. Indoor Retail Sales, Rental or Repair Establishments</li> <li>4. Mobile Vending and Food Trucks</li> </ul>	None Use Permit None Use Permit
PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
D. FOOD SERVICES <ul style="list-style-type: none"> <li>1. Bars</li> </ul>	Use Permit None

2. Restaurants	None
3. Food Establishments Specializing in Take-Out Service	Farmers Market Permit <sup>1</sup>
4. Farmers Markets	
<b>E. OFFICES, PROFESSIONAL SERVICES</b>	
1. Administrative, Professional and Business Offices	None
2. Medical and Dental Offices	None
3. Financial Institutions	None
4. Non-Chartered Financial Institution	Use Permit <sup>2</sup>
<b>F. INDOOR RECREATION FACILITIES</b>	
1. Indoor Exercise and Leisure Facilities: Small	None
2. Indoor Exercise and Leisure Facilities: Large	Use Permit
<b>3. INSTITUTIONAL USE CLASSIFICATION</b>	
<b>B. NEIGHBORHOOD INSTITUTIONAL FACILITIES</b>	
1. Community Centers	Use Permit
2. Religious Facilities	Use Permit
3. Educational Facilities	Use Permit
<b>4. ACCESSORY USE CLASSIFICATION</b>	
<b>A. RESIDENTIAL ACCESSORY USES</b>	
Home Occupations	Home Occupation Certificate <sup>3</sup>
<b>B. LIMITED KEEPING OF PETS</b>	
Limited Keeping of Pets	None
<b>5. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS</b>	None
<b>PERMITTED USES</b>	<b>REQUIRED PLANNING PERMIT FOR THIS DISTRICT</b>
<b>6. OTHER USE CLASSIFICATION</b>	
A. Community Gardens	None

<p>B. <u>PARKING</u></p> <p>Parking Lots and Parking Garages</p>	<p>Use Permit</p>
<p><u>OTHER COMPATIBLE USES</u></p> <p>Other Compatible Uses</p>	<p>To Be Determined by Director of Planning and Building</p>
<p><sup>1</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.118.030(33) of these Zoning Regulations.</p>	
<p><sup>2</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.68.020(f)(8) of these Zoning Regulations.</p>	
<p><sup>3</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.04.030(54) of these Zoning Regulations.</p>	

**8.122.050 - Development Standards.**

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except for multi-family attached residential ownership development, which shall have no minimum required parcel area or width.
2. Maximum Residential Density. The maximum density of residential uses shall be governed by the standards in the North Fair Oaks Community Plan Chapter 2 -Land Use.
3. Maximum Nonresidential Building Floor Area. The maximum building floor area of nonresidential uses shall be 150 percent of the total parcel area. Maximum nonresidential building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel dedicated to nonresidential uses, excluding non-habitable space, as measured from the outside face of all exterior walls. Parking areas, including fully or partially enclosed areas dedicated to parking, shall be excluded from maximum nonresidential building floor area.
4. Building Setbacks and Stepbacks.
  - a. The minimum building setbacks shall be:

Front and Street Side Setbacks

A minimum setback to provide a 10-foot- wide sidewalk measured from back of curb

Interior Side Setback

5 feet adjacent to R-1 District, otherwise 0

Rear Setback

10 feet

- (1) Parcels facing El Camino Real, including corner parcels, must be developed with an El Camino Real frontage, with front and rear required setbacks and setbacks determined by this orientation.
  - (2) Parcels facing 5th Avenue must be developed with a 5th Avenue frontage, with front and rear required setbacks and setbacks determined by this orientation.
  - (3) Parcels with yards adjoining alley rights-of-way must have minimum five- foot setback on alley-facing yards.
  - (4) Signage and awnings may extend up to five feet into setbacks.
  - (5) Balconies, eaves, building bays, and bay windows, may project up to threeft. into the required front setback of residential and mixed-use buildings above fifteen feet in building height, but may not obstruct the public right ofway.
- b. Rear Stepback. A minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measuresat least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.
- c. Setback and Stepback Exceptions.
- (1) At the Director of Planning and Building’s discretion, minor exceptions to the required setbacks and setbacks described above may be granted,on the Director’s finding that the combined setbacks and setbacks proposed meet, in aggregate, the intent and purpose of the setback and setback requirements, and the purpose of the North Fair Oaks Community Plan.
  - (2) At the Director of Planning and Building’s discretion, building elements intended to meet the façade articulation design intent of the North Fair Oaks Community Plan may be allowed to encroach into setbacks atand above the ground floor, if the Director finds that such

encroachment is minor, and will not diminish the purpose of providing continuous public-rights-of-way.

5. Building Height. The maximum building height shall be 50 feet for all types of development. The minimum building height of new development shall be three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height.

6. Signs

- a. Prohibited Signs. The following signs shall be prohibited:
  - (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
  - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
  - (3) Signs emitting intense and focused beams of light, including beacons.
  - (4) Off-premises signs.
  - (5) Abandoned signs.
  - (6) Billboards.
  - (7) Any sign that because of its location, construction or other characteristics will impede pedestrian movement or safety or will limit transparency of ground floor non-residential use.
- c. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.
- d. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.

- e. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
  
- f. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
  - (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  - (2) Freestanding signs shall not exceed fifteen (15) feet.
  
- g. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
  
- h. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

### **8.122.060 - Design Standards.**

Development shall comply with the building and site design standards described in this section.

1. Minor Design Exceptions. A minor design exception from the standards in this section may be granted by the Director of Planning and Building upon a finding by the Director that the exception 1) is necessary for compliance with the building and site design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.15 will be compatible with the neighborhood surrounding the parcel, and 4) will not be detrimental to the public welfare. The Director may require modifications to the proposed exception, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.
  
2. Major Design Exception. The Planning Commission, at a public hearing, may grant a Use Permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.
  
3. Public Right-of-Way Improvements Required of Private Development
  - a. Sidewalks

- (1) Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.
- (2) Provide a minimum 8-foot-wide sidewalk measured from back of curb.
- (3) Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.

b. Street Trees

- (1) Development shall provide street trees along public sidewalks that abut the project, consistent with the provisions of the Department of Public Works' Tree Planting Application. Developments shall provide the maximum number of street trees that are consistent with the Department of Public Works' standards. The number of required trees may be reduced at the discretion of the Director of Planning and Building.
- (2) Street tree species shall be selected from a street tree list that can be obtained from the Department of Planning & Building.
- (3) Street tree installation shall conform to San Mateo County standards, as established by the Department of Public Works.
- (4) Installed trees shall be watered for at least 3 years by Developer/Property Manager and maintained/replaced by Developer/Property Manager.
- (5) Sidewalks damaged/affected by trees planted as part of development, shall be replaced/repared/maintained by Developer/Property Manager.

c. Curb Cuts and Driveways

- (1) Development sites with street frontage along Middlefield Road shall not provide new vehicular access from these streets if vehicular access can be provided via another public street or a public alley. Existing vehicular access may be retained and/or relocated if the total amount of access is not increased.



- (2) Curb cuts and driveways shall have a width of at least: 20 feet if used for commercial loading; 20 feet if the project has 11 or more on-site parking spaces; and 15 feet if not used for loading and the project has 10 or less on-site parking spaces.
- (3) The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.

d. Bike Racks and Refuse Receptacles

- (1) Bike racks shall be oriented so bikes will be parked parallel with the curb.

e. Utilities

- (1) Install any new distribution lines underground, including connections between buildings and utilities and modifications to existing utilities.
- (2) Utility trenches shall be located at least ten feet from trees where feasible.

f. Alleys

- (1) Projects that rely on vehicular access from a public alley, shall be responsible for making pavement repairs from between the point of site access to the street(s) to which the alley connects.
- (2) Stop signs shall be installed at alley-street intersections in the direction of alley egress.

4. Building and Site Design Standards for Private Development

a. Building Design and Orientation

- (1) All Front and Street Side Facades. For all facades that face a front or street side property line with no intervening building, the following standards shall apply.
  - (a) For each front and street side property line, one or more ground- floor building facades shall be built to within fifteen (15) feet of the front and street side property line for a distance not less than sixty- five percent (65%) of the property line's length,

except where to do so would preclude: utilities, required building setbacks and/or allowable vehicle access.

- (b) Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
  - (c) Windows with unobscured glass shall comprise not less than twenty-five percent (25%) of the upper-floor façade area.
  - (d) That part of bay windows (and associated walls) and/or balconies (and associated railings) that extend eighteen (18) inches or more from the facade shall comprise not less than ten percent (10%) of the upper-floor façade area.
  - (e) A horizontal cornice shall be constructed at a level that is above the floor of the uppermost level. The cornice shall extend beyond the façade by not less than three (3) inches for a height not less than eleven (11) inches.
- (2) Ground-Floor Commercial and Office Front Facades. For ground-floor facades that face a front property line with no intervening building, the following standards shall apply.
- (a) Entrances to a ground-floor commercial or office space shall have uninterrupted pedestrian access from a public sidewalk.
  - (b) An entrance to a ground-floor commercial or office space shall occur every 100 feet or less.
  - (c) Doors to a ground-floor commercial or office space shall be recessed at least 3 feet from the front façade.
  - (d) Not less than sixty percent (60%) of each ground-floor commercial or office façade shall be comprised of windows with clear glass and/or doors, within the façade area between 2.5 and 8 feet above grade. Ground-floor windows that count toward this requirement shall have clear glass and be accompanied by: adjacent interior space that is unobstructed by walls or cabinets for a depth of at least 10 feet; and/or a display window case having a depth of at least three
- (3) feet, and with recessed ceiling lights or ceiling-mounted lights.
- (a) Ground-floor entrances and windows shall be framed by columns and/or pilasters that are spaced not more than 25 feet apart.
  - (b) Ground-floor windows shall be set above a wall that is at least 18 inches in height.

- (c) Ground-floor windows shall be sheltered from above by an exterior awning and/or rigid canopy, which extends horizontally at least three feet from the front façade. The bottom of awnings and canopies shall be at least 8 feet above finished grade.
  - (d) A ground-floor commercial or office space shall have a depth of not less than twenty (20) feet as measured from front façade and have a minimum height of 15 feet measured from floor to ceiling.
  - (e) The top of a ground-floor commercial or office façade shall be accompanied by a horizontal cornice located between fifteen (15) feet and twenty-five (25) feet of finished grade. To comply with this requirement, the cornice shall extend vertically beyond the façade by not less than three (3) inches and have a height of not less than eleven (11) inches.
  - (f) A ground-floor commercial or office space shall include connections for water, waste water and electricity, as well a vent for food service preparation.
- (3) Residential Front Facades. For residential facades that face a front property line with no intervening building, the following standards shall apply.
- (a) Residential entrances shall have uninterrupted access from a public sidewalk.
  - (b) Residential entrances shall be accompanied by one of the following: a porch covered entirely by a roof; a stoop with a doorway that is recessed by at least two (2) feet; or an interior lobby. The landing or floor for these features shall have an unobstructed (clear) width of not less than four (4) feet.
  - (c) The elevation of the lowest residential floor shall be raised above finished grade by at least two (2) feet if within 5 feet of a front property line, and at least one (1) foot if within 10 feet of a front property line.
  - (d) At least twenty-five percent (25%) of each residential ground-floor façade shall be comprised of clear windows and/or doors with windows. Ground-floor windows that count toward this requirement shall be clear.
  - (e) Windows for residential ground-floor living space shall have a sill height of at least 3 feet above floor level.

b. Building Elements & Materials

(1) Windows

- (a) Exterior windows for inhabited space shall use clear glass having at least 90 percent light transmission within the visible spectrum, and shall not be mirrored or frosted, except for bathroom and utility room windows.
- (b) Window glass shall be recessed at least 2 inches from the adjacent trim or from the façade if no trim is used.
- (c) Window mullions shall not be behind glass when viewed from the outside.
- (d) Rooms with exterior windows shall include at least one operable window, except where fixed windows are required to mitigate noise or air quality impacts.

(2) Exterior Finishes

- (a) Where visible, the same exterior material shall be used around outer/convex corners in both horizontal directions for at least four (4) feet or until the material meets an interior/concave corner.
- (b) Where visible, corner boards, corner panels, L-channel metalwork, or other concealment shall be used at outer/convex corners where board ends or veneer edges would otherwise be revealed.
- (c) Prohibited exterior finishes include: unfinished cinder block; unfinished cement block; corrugated metal siding; and mirrored glass.
- (d) An anti-graffiti coating shall be applied to the portions of ground floor walls within 15 feet of public sidewalks.

(3) Roofs.

- (a) Sloped roofs shall be accompanied by an eave that extends beyond the façade by not less than eighteen (18) inches.

(4) Roof-Mounted Mechanical Equipment

- (a) Mechanical equipment located on a roof, shall be: entirely recessed within a sloped roof, and/or surrounded on all sides by an opaque parapet with a top edge as high as topmost point of the equipment.
- (b) The following are exempt: solar panels, wireless communications equipment, window cleaning systems, equipment required by fire departments and other public agencies, and appurtenances associated with the above.

c. Site Features

(1) Walls & Fences

- (a) Walls along interior property lines. A masonry wall that is 6 to 8 feet in height shall be erected along any interior side and rear property lines, except within fifteen (15) feet of the street-facing property line.
- (b) Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated fences are not permitted. Where visible and within 15 feet of street, chain link and corrugated metal fences are prohibited.

(2) Mechanical Equipment

- (a) Mechanical equipment located in a street-facing building setback shall comply with utility provider standards and shall be in a vault that is entirely below finished grade; or surrounded on sides facing and perpendicular to the street by an opaque fence or gate, which have a height not less than 6 inches above topmost point of the equipment.
- (b) If utility provider requirement conflict with design standards, then utility provider requirements shall take precedence.

(3) Vehicle Access and Parking

- (a) Development sites with street frontage along El Camino Real or on Middlefield Road shall not provide a driveway from these streets if vehicle access can be provided by way of another public street or a public alley.
- (b) Driveways and garage entrances shall not exceed a width of 25 feet.

- (c) Surface parking spaces shall be set back at least 15 feet from a street right-of-way and shall be screened by a fence or wall that is at least 3-4 feet in height, and/or shrubs expected to grow to a height of at least 3 feet at maturity.

(4) Refuse and Recycling Collection Areas

- (a) Every project shall have not less than one (1) refuse and recycling collection area.
- (b) Refuse and recycling collection areas shall not be less than ten (10) feet wide and ten (10) feet deep.
- (c) Refuse and recycling collection area shall be accompanied by a direct unobstructed access by collection crews along a paved path that is not less than five feet in width.
- (d) Refuse and recycling collection areas shall not be located within 20 feet of a street right-of-way, unless entirely enclosed within a building and where building openings for access are accompanied by a gate or doors.
- (e) Refuse and recycling collection areas that are not within a building shall be fully enclosed by a solid wall or opaque fence between six (6) feet and eight (8) feet in height, except to provide access on one side. Openings for access shall be accompanied by a gate not less than 4 feet in height.

(5) Loading Areas

- (a) One (1) on-site loading space is required for new retail sale, hotel, and/or theater space with a combined net floor area exceeding 10,000 square feet. For each additional 40,000 above 10,000 square feet, one additional loading space shall be provided.
- (b) Loading areas shall not extend into street rights-of-way, nor shall associated truck parking aprons.
- (c) Each required loading space shall be at least 10 feet wide and 25 feet long, exclusive of driveways, aiseways, or turnaround areas. Loading space access shall provide not be less than fifteen (15) feet of vertical clearance.

d. Utilities

- (1) All projects shall install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located not less than five (5) feet from trees being preserved.

e. Landscaping

- (1) Not less than 90% of those portions of site area that are within fifteen (15) feet of a street-facing property line and are not occupied by a building, vehicle access, utilities, play areas, dining area, seating area, or required site feature, shall be landscaped.
- (2) Projects with a combined landscaped area exceeding 500 square feet shall be consistent with the County's Water Efficient Landscape Ordinance.

### **8.122.070 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed San Mateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Director of Planning and Building that such additional lighting is necessary for public health and safety.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Stormwater Management. Projects shall conform to San Mateo County Stormwater Pollution Prevention Program's C.3 Technical Guidance in the design and location of buildings and other site features.
5. Transportation. Development projects that generate at least 100 average daily trips (ADT) shall adhere to the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, which requires applicants to submit a TDM Checklist with their development application that lists measures to be implemented to mitigate traffic impacts at desired trip reduction target thresholds. San Mateo County staff will notify C/CAG of any new development project within its purview that is estimated to generate at least 100 ADT within ten days of receipt of an application.

6. Mitigation Measures. Projects shall implement all applicable mitigation measures contained in the North Fair Oaks Rezoning and General Plan Amendment Project Final EIR (2023).

### **8.122.070 – Farmers Market Standards.**

Farmers Markets are allowed in the CMU-2 Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.
2. No market may operate continuously for more than 6 hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation.
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable federal, state, and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

### **8.122.080 - Parking.**

Parking shall comply with all of the provisions of Chapter 8.344 of the Zoning Regulations, except as provided below:

1. Section 8.344.030, Parking Spaces Required. Section 8.344.030 shall be governed by Table 1 in this Section 8.122.080, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.



2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), in the CMU-2 District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the heights for all parking stalls with mechanical lifts.
  
3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

<b>TABLE 1 REQUIRED PARKING</b>		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
<b>1. Residential</b>		
Townhouses Dwellings, Multiple	Dwelling Unit Parking:	
	0-1 bedrooms	1 covered
	2+ bedrooms	1.5 covered
	Dwelling Unit Parking in a	
	Mixed-Use Development:	
	Each dwelling unit	1 covered
<b>Affordable Housing Parking:</b> (Developments eligible for density bonus)	0-1 bedrooms	0.5 covered or uncovered
	2 bedrooms	0.75 covered or

	3+ bedrooms	uncovered 1 covered or uncovered
	Bicycle Parking:  Each Dwelling Unit  Public Bike Parking: Each 35 feet of street frontage	0.25   2
2. Commercial/Office		
All uses listed under the "Office and Professional Services" in Section 6568.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Specialized Neighborhood Trades and Services" in Section 6568.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Retail Sales, Rental or Repair Establishments," in Section 6568.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Indoor Recreation Facilities" in Section 6568.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Food Services" in Section 6568.3, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take- out Service)	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed- Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2
3. Institutional and Other		

All uses listed under the “Institutional Use Classification” in Section 6568.3, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2

### 8.122.090 - Alternative Parking Approaches.

The total number of parking spaces required per Section 6568.8 may be reduced in accordance with the following provisions.

#### 1. Shared Parking

- a. Applicability. Subject to this section’s requirements and the securing of a Use Permit in accordance with the provisions of Section 6503, an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
  
- b. Analysis Required. In addition to the procedures established in Section 8.280.030 of the Zoning Regulations, requests for shared parking shall comply with this Section’s standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:
  - (1) The intensity and type of activities and the composition of uses;
  - (2) Hours of operation of each separate use;
  - (3) The rate of turnover for proposed shared spaces;
  - (4) Distances of shared parking spaces from the uses they serve; and

- (5) The anticipated peak parking and traffic loads for the site.
- (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.

If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

- a. Findings Required. Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by this Chapter, if the deciding body issuing the relevant Use Permit makes all of the following findings, in addition to the findings required in Section 8.280.030:
  - (1) The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
  - (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if shared parking is not provided; and
  - (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
    - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use or property ownership of shared parking will require immediate written notification to the County Planning and Building Department;
    - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including provisions for transfer of shared parking rights to new property owners if property on which shared parking is located changes ownership;
    - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and

- (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.

## 2. Off-Site Parking

- a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 6503, required parking may be located on a parcel different than the primary use for which the parking is provided ("off-site parking").
- b. Standards Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this Section's standards and criteria.
  - (1) Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.
  - (2) Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
  - (3) In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.
- c. Findings Required. A Use Permit for off-site parking may be approved if the following findings are made, in addition to the findings required in Section 6503:
  - (1) The off-site spaces will be available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
  - (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and

- (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:
- (a) A guarantee that there will be no alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use will require immediate written notification to the County Planning and Building Department and a reassessment of the parking demand of the revised project and any necessary updates to the written agreement;
  - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;
  - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
  - (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.
- d. Exceptions. In addition to the ability to obtain a Use Permit for shared parking or off-site parking, the Director of Planning and Building may grant an exception to modify the number of spaces, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6568.8. The Director of Planning and Building may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:
- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
  - (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 6568.8.

(Prior Ch. 29.2 § 6568-6568.9 Ord. 4787: 11/21/17)

(Prior code § 6568-6568.9 repealed/replaced Ord. 4883: 10/17/23)

## **CHAPTER 8.126 - CMU-3 DISTRICT (COMMERCIAL MIXED USE-3 DISTRICT, NORTH FAIR OAKS)**

### **8.126.010 - Regulations For “Commercial Mixed Use-3” District.**

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

### **8.126.020 - Purposes.**

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

### **8.126.030 - Relationship To North Fair Oaks Community Plan.**

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

## 8.126.040 - Definitions.

1. Administrative, Professional and Business Offices. Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.
2. Alley. Alleys provide access for service vehicles and parking access, and are not designed for pedestrians.
3. Anti-graffiti coating. A paint or material that prevents paint and ink from bonding to surfaces and allows for easier removal.
4. Appurtenance. Structural and utility apparatus(es) associated with a principal feature or function.
5. Awning. A canopy made of canvas or rigid membrane, which projects from the exterior wall of a building, and helps to shade or shelter a window and/or door.
6. Bars. Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 8.04.030(15).
7. Bay. A horizontal module related to buildings, usually between two nearest vertical supports that may be columns or pilasters.
8. Bay Window. A window or group of windows that reside in a structural frame that projects outside of the main volume of a building.
9. Building Envelope. The outermost spatial extent permissible for construction, as determined by height, setback, and stepback requirements combined. A building envelope is the theoretical maximum volume allowed.
10. Building Opening. Any aperture within of a solid wall, which may be used to provide a window, a group of windows, a door, or garage door.
11. Cinder Block. A type of concrete block made with cinder aggregate.
12. Clear Glass. Glass with not less than 90% light transmission in the visible spectrum. Not obscured glass.
13. Commercial and Office Ground Floor Façade. See Ground-Floor Façade, Commercial and Office.



14. Community Centers. Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 8.04.030(30)) and “meeting halls” (Section 8.04.030(84)).
15. Community Gardens. An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.
16. Control Joints. A deep narrow recess provided within ridged materials to direct the location of cracking as thermal expansion and contraction occurs.
17. Corner Boards. A length of board that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
18. Corner (L-Channel) Metalwork. A length of metal that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
19. Corner Panels. A length of any material that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
20. Concealed. A covered or hidden building feature.
21. Concealment. The act of covering or hiding a building feature.
22. Concrete Block. A modular building material made of concrete, which can be used structurally.
23. Curb Cut. A break in a vertical curb where there is a short ramp. A curb cut is generally where a driveway meets a public roadway.
24. Cornice. A horizontal projection on the exterior of a building, such as to accentuate the dividing line between a commercial ground-floor façade and upper-story façade, or to accentuate the top of a building when a parapet is used.
25. Display Window. A large window case for the display of merchandise or exhibits, typically located where store abuts a sidewalk.

26. Dwelling, Multiple. A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.
27. Eave. The lower edge of a roof that overhangs the wall below.
28. Educational Facilities. Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.
29. Envelope. The outermost spatial extent permissible for a building, as regulated by height, setback, and stepback requirements, and is the theoretical maximum volume allowed.
30. Exterior Corridor. A shared passage that provides horizontal building circulation and is open except for floor and railings on one or both sides along its length.
31. Façade. The exterior wall of a building along with its associated windows, entryways, and projections.
32. Façade Area, Upper-Floor. Upper-floor façade area is measured in height from the floor of the second level to the ceiling of the uppermost level, and in width across all façade planes and parallel to the property line.
33. Farmers Markets. An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.
  - a. Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.
  - b. Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
  - c. Value-Added Farm Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
34. Financial Institutions. Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.

35. Finished Grade. The elevation of the finished surface of the ground.
36. Flat Roof. A roof that is not steeper than a 1:10 angle of inclination.
37. Food and Beverage Stores. Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.
38. Food Establishments Specializing in Take-Out Service. Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive- through take-out service, but not including businesses engaged exclusively in catering.
39. Home Occupations. Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations.
40. Hotels. Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.
41. Indoor Exercise and Leisure Facilities: Small. Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.
42. Indoor Exercise and Leisure Facilities: Large. Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.
43. Indoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.
44. Garage Opening. A form of building opening that provides access to motorized vehicles.
45. Ground-Floor. The inhabited floor of a building located nearest to the finished grade around the building, and not used for parking or storage.

46. Ground-Floor Façade. That part of the façade (exterior wall with associated elements) that is between the level of finished grade and the level of the second floor. The design composition of a ground-floor façade may extend to just below the lowest windows on the second floor.
47. Interior Corner. A concave corner that projects inward toward the building volume to which it is associated.
48. Inhabited Space. Building volumes and site areas where people regularly occupy, but not including circulation, storage, or parking.
49. Intervening Building. A building positioned between two features, such as between a property line and a building that is set back farther from the property line.
50. Ground Floor Façade, Commercial and Office. The façade that encloses a ground-floor use that is within the Commercial and Office Use Classification table for the applicable zoning district.
51. Limited Keeping of Pets. The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.
52. Liquor Stores. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.
53. Loading Area. Loading areas included sufficient area for truck parking on-site and for truck maneuverability on- and off-site.
54. Lobby. A semi-private antechamber between an outer door and interior parts of a building.
55. Massage Businesses. Massage or massage therapy businesses as defined in the San Mateo County Business Regulations Section 5.44.020.
56. Mechanical Equipment. Utility apparatuses that include air conditioning, heating, compressor, condensers, generators, transformers, and other assemblages with electronic and mechanical components.

57. Medical and Dental Offices. Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.
58. Metalwork. An object made of metal and/or metal pieces.
59. Metal Panel. A section of wall, gate, door, which are thin relative to the thickness of the frame to which they are connected.
60. Mixed-Use Development. A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.
61. Mobile Vending/Food Carts. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.
62. Mullion. A narrow length of wood or other material located between window lites, and including a narrow length of material applied to a single pane of glass to simulate individual window lites.
63. Non-Chartered Financial Institution. A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution.”
64. Obscured Glass. Glass that makes what is behind it indistinct from visual distortion of from less than 50% light transmission. Obscured glass is typically used to let light into interior space while making the space privacy.
65. Operable Window. A window that can be opened and closed.
66. Other Compatible Uses. Additional land uses that may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.

67. Outdoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.
68. Outer Corner. A convex corner that projects away from the building volume to which it is associated.
69. Parapet. A low wall at the edge of a roof, the front of which is typically in line with the façade below.
70. Parking Garage. Parking that is enclosed within a building, or structure with parking with two or more stories.
71. Parking Lots and Parking Garages. Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.
72. Personal Convenience Service Establishments. Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage establishments.
73. Pet Sales and/or Grooming Establishments. Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.
74. Pilaster. A vertical pier that is integrated with, and projects slightly forward from, a wall.
75. Porch. An outside landing immediately adjacent to a building entrance and sheltered by a roof.
76. Religious Facilities. Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques and temples.
77. Restaurants. Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.

78. Retail Cleaning Establishments. Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry-cleaning pick-up stores with limited equipment and laundromats where coin-operated washers and dryers are provided for self-service to the public.
79. Screened. To conceal, partly conceal, and/or separate an object to eliminate or reduce its visual prominence.
80. Service Area. An open or enclosed area principally used for refuse/recycling service and may also contain mechanical equipment and access by trucks for loading, maintenance, and building operations.
81. Shingle. A thin piece of material laid in overlapping rows to cover the roofs and walls of buildings.
82. Sloped roof. A roof that is not flat, and typically hipped or gabled.
83. Small Collection Facilities for Recyclable Materials. A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary, and must be accessory to a primary use on the same parcel.
84. Spandrel Glass. Opaque glass that conceals what is behind it, often used to hide structural building components and utilities.
85. Standing Seam. A manner of joining flat panels with an interlocking edge that stands forward of the principal surface.
86. Stoop. An outside landing immediately adjacent to a building entrance but not sheltered by a roof.
87. Surface parking. Parking that is not enclosed at finished grade.
88. Theaters. Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.
89. Upper-Story Façade. That part of the façade (exterior wall with associated elements) that is between the level of floor of the second floor and the level of the roof.
90. Vehicular Access. A driveway or other means of motor-vehicle approach onto property from a public right-of-way.

91. Vehicle Access, Allowable. Vehicle access that conforms to Vehicle Access and Parking standards, any other San Mateo County requirements, or as may be deemed necessary by the Planning and Building Department.
92. Veneer. A thin outer layer of material that conceals the main body of material.
93. Veterinary Hospitals for Small Animals. Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.
94. Walking Distance. For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

#### **8.126.050 - Permitted Uses.**

1. Permitted development types and uses, and permit requirements for each type and use, are presented in the following table and as follows:
  - a. Nonresidential Development. All types of entirely non-residential development shall be permitted only upon approval of a Use Permit. All non-residential development above the ground floor shall only be permitted upon approval of a use permit.
  - b. Residential Development. No use permit is required for entirely residential development.
  - c. Mixed-Use Development. Mixed-Use Development with ground floor non-residential and residential above the ground floor is subject to the highest planning permit required for the specific non-residential uses in the development. If none of the discrete uses in the project require a planning permit, no such permit is required for the project.
2. For projects requiring no use permit, decisions on all associated approvals, including grading and land clearing permits, tree removal permits, and others shall be made at the staff level, based on the criteria established in the relevant regulations, and no hearings shall be required.

REQUIRED PLANNING PERMIT  
FOR THIS DISTRICT



PERMITTED USES

A. RESIDENTIAL USE CLASSIFICATION	
1. Dwellings, Multiple	None
B. COMMERCIAL AND OFFICE USE CLASSIFICATION	
1. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES	
a. Personal Convenience Service Establishments	None
b. Retail Cleaning Establishments	None
c. Pet Sales and/or Grooming Establishments	Use Permit
d. Veterinary Hospitals for Small Animals	Use Permit
e. Massage Businesses	Use Permit
2. VISITOR SERVING TRADES AND SERVICES	
a. Hotels	Use Permit Use
b. Theaters	Permit
c. Performing Arts Centers	Use Permit
3. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS	
a. Food and Beverage Stores	None
b. Liquor Stores	Use Permit
c. Indoor Retail Sales, Rental or Repair Establishments	None
d. Mobile Vending and Food Trucks	Use Permit

REQUIRED PLANNING PERMIT  
FOR THIS DISTRICT

PERMITTED USES

4. FOOD SERVICES	
a. Bars	Use Permit
b. Restaurants	Use Permit
c. Food Establishments Specializing in Take- Out Service	None
5. OFFICES, PROFESSIONAL SERVICES	
a. Administrative, Professional and Business Offices generally	Use Permit
b. Real Estate Agency and Sales	None
c. Insurance Sales	None
d. Medical and Dental Offices	None
e. Financial Institutions	None
f. Non-Chartered Financial Institutions	Use Permit <sup>1</sup>
6. INDOOR RECREATION FACILITIES	
Indoor Exercise and Leisure Facilities:	
a. Small Indoor Exercise and Leisure Facilities	None
b. Large Indoor Exercise and Leisure Facilities	Use Permit
C. INDUSTRIAL USE CLASSIFICATION	
1. LIGHT INDUSTRIAL/PDR	None
D. INSTITUTIONAL USE CLASSIFICATION	
1. NEIGHBORHOOD INSTITUTIONAL FACILITIES	
a. Community Centers	Use Permit
b. Religious Facilities	Use Permit
d. Educational Facilities	Use Permit

REQUIRED PLANNING PERMIT FOR THIS DISTRICT	
PERMITTED USES	
E. ACCESSORY USE CLASSIFICATION	
1. RESIDENTIAL ACCESSORY USES	Home Occupation Certificate <sup>2</sup>

Home Occupations	
2. LIMITED KEEPING OF PETS  Limited Keeping of Pets	None
F. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS	None
G. OTHER USE CLASSIFICATION	
1. COMMUNITY GARDENS	None
2. PARKING  Stand-alone Parking Garages	Use Permit
3. OTHER COMPATIBLE USES  Other Compatible Uses	To Be Determined by Director of Planning and Building
<sup>1</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.68.020(f)(8) of these Zoning Regulations.	
<sup>2</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.04.030(54) of these Zoning Regulations.	

### 8.126.060 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft., except for multi-family attached residential ownership development, which shall have no minimum parcel area. Minimum parcel width shall be 100 feet, except for attached ground floor ownership housing, for which there shall be no minimum parcel width.
2. Maximum Residential Density. The maximum density of residential uses shall be governed by the standards in the North Fair Oaks Community Plan Chapter 2 -Land Use.
3. Maximum Nonresidential Building Floor Area. The maximum building floor area of nonresidential uses shall be 150 percent of the total parcel area. Maximum nonresidential building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel dedicated to nonresidential uses, excluding non-

habitable space, as measured from the outside face of all exterior walls. Parking areas, including fully or partially enclosed areas dedicated to parking, shall be excluded from maximum building floor area.

4. Building Setbacks and Stepbacks.

a. The minimum building setbacks shall be:

Front and Street Side Setbacks

Facing Middlefield Road: 0 feet Facing  
Huntington Ave.: 5 feet

Interior Side Setback

5 feet adjacent to R-1  
Zoned District, otherwise 0

Rear Setback

10 feet

All other streets: A minimum setback to provide an 8-foot- wide sidewalk measured from back of curb.

- (1) Parcels facing Middlefield Road must be developed with Middlefield Road frontage, with front and rear required setback and stepback determined by this orientation.
- (2) Balconies, building bays, eaves and bay windows, may project up to 3 ft. into the required front setback of residential and mixed-use buildings above fifteen feet in building height, but may not obstruct the public right of way.
- (3) Signage and awnings may extend up to five feet into setbacks.

b. Stepbacks.

- (1) Front and Street Side Stepback, Huntington Avenue. For parcels with a front or street side frontage along Huntington Avenue, a minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measures at least 10 feet from the front property line.
- (2) Rear Stepback. A minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measures at least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.

5. Setback and Stepback Exceptions.

At the Director of Planning and Building's discretion, minor exceptions to the required

setbacks and stepbacks described above may be granted, on the Director's finding that the combined setbacks and stepbacks proposed meet, in aggregate, the intent and purpose of the setback and stepback requirements, and the purpose of the North Fair Oaks Community Plan.

At the Director of Planning and Building's discretion, building elements intended to meet the façade articulation design intent of the North Fair Oaks Community Plan may be allowed to encroach into setbacks at and above the ground floor, if the Director finds that such encroachment is minor, and will not diminish the purpose of providing continuous public-rights- of-way.

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

- a. For parcels, or any portion thereof, which fall within one quarter mile of the crossing of Middlefield Road and the Dumbarton Rail track, except for properties along the southwest side of Middlefield Road: 70 feet.
  - b. For parcels located between Second Avenue and Fifth Avenue: 50feet.
  - c. For parcels located on the south side of Middlefield Road, directly adjacent to residentially-zoned parcels: 60 feet. The minimum building height is threestories, except in the case that a Use Permit is secured.
  - d. Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height.
7. First Floor Height. The first floor height of any vertical mixed-use or nonresidential building must be 15 feet or greater, measured from floor to ceiling.
8. Signs
- a. Prohibited Signs. The following signs shall be prohibited:
    - b.
      - (1) Any sign that, because of its location, construction, colors, or operating characteristics, can be confused with or obscure a traffic control device or emergency vehicle.
      - (2) Signs having animated, moving, rotating, inflatable, or flashing parts.
      - (3) Signs emitting intense and focused beams of light, including beacons.
      - (4) Off-premises signs.
      - (5) Abandoned signs.
      - (6) Billboards.
      - (7) Any sign that because of its location, construction or other characteristics will impede pedestrian movement or safety or will limit transparency of ground floor non-residential use.
    - c. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.

- d. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.
  
- e. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
  
- f. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
  - (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  
  - (2) Freestanding signs shall not exceed fifteen (15) feet.
  
- g. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
  
- h. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

### **8.126.070 - Design Standards.**

Development shall comply with the building and site design standards described in this section.

1. Minor Design Exceptions. A minor design exception from the standards in this section may be granted by the Director of Planning and Building upon a finding by the Director that the exception 1) is necessary for compliance with the building and site design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.15 will be compatible with the neighborhood surrounding the parcel, and 4) will not be detrimental to the public welfare. The Director may require modifications to the proposed exception, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.
  
2. Major Design Exception. The Planning Commission, at a public hearing, may grant a Use Permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.

3. Public Right-of-Way Improvements Required of Private Development

a. Sidewalks

- (1) Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.
- (2) Provide a minimum 8-foot-wide sidewalk measured from back of curb.
- (3) Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.

b. Street Trees

- (1) Development shall provide street trees along public sidewalks that abut the project, consistent with the provisions of the Department of Public Works' Tree Planting Application. Developments shall provide the maximum number of street trees that are consistent with the Department of Public Works' standards. The number of required trees may be reduced at the discretion of the Director of Planning and Building.
- (2) Street tree species shall be selected from a street tree list that can be obtained from the Department of Planning & Building.
- (3) Street tree installation shall conform to San Mateo County standards, as established by the Department of Public Works.
- (4) Installed trees shall be watered for at least 3 years by Developer/Property Manager and maintained/replaced by  
  
Developer/Property Manager.
- (5) Sidewalks damaged/affected by trees planted as part of development, shall be replaced/repared/maintained by Developer/Property Manager.

c. Curb Cuts and Driveways



- (1) Development sites with street frontage along Middlefield Road shall not provide new vehicular access from these streets if vehicular access can be provided via another public street or a public alley. Existing vehicular access may be retained and/or relocated if the total amount of access is not increased.
- (2) Curb cuts and driveways shall have a width of at least: 20 feet if used for commercial loading; 20 feet if the project has 11 or more on-site parking spaces; and 15 feet if not used for loading and the project has 10 or less on-site parking spaces.
- (3) The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.

d. Bike Racks and Refuse Receptacles

- (1) Bike racks shall be oriented so bikes will be parked parallel with the curb.

e. Utilities

- (1) Install any new distribution lines underground, including connections between buildings and utilities and modifications to existing utilities.
- (2) Utility trenches shall be located at least ten feet from trees where feasible.

f. Alleys

- (1) Projects that rely on vehicular access from a public alley, shall be responsible for making pavement repairs from between the point of site access to the street(s) to which the alley connects.
- (2) Stop signs shall be installed at alley-street intersections in the direction of alley egress.

5. Building and Site Design Standards for Private Development

a. Building Design and Orientation

1. All Front and Street Side Facades. For all facades that face a front or street side property line with no intervening building, the following standards shall apply.
  - (a) For each front and street side property line, one or more ground-floor building facades shall be built to within fifteen (15) feet of the front and street side property line for a distance not less than sixty-five percent (65%) of the property line's length, except where to do so would preclude: utilities, required building setbacks and/or allowable vehicle access.
  - (b) Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
  - (c) Windows with unobscured glass shall comprise not less than twenty-five percent (25%) of the upper-floor façade area.
  - (d) That part of bay windows (and associated walls) and/or balconies (and associated railings) that extend eighteen (18) inches or more from the facade shall comprise not less than ten percent (10%) of the upper-floor façade area.
  - (e) A horizontal cornice shall be constructed at a level that is above the floor of the uppermost level. The cornice shall extend beyond the façade by not less than three (3) inches for a height not less than eleven (11) inches.
- b. Ground-Floor Commercial and Office Front Facades. For ground-floor facades that face a front property line with no intervening building, the following standards shall apply.
  - (a) Entrances to a ground-floor commercial or office space shall have uninterrupted pedestrian access from a public sidewalk.
  - (b) An entrance to a ground-floor commercial or office space shall occur every 100 feet or less.
  - (c) Doors to a ground-floor commercial or office space shall be recessed at least 3 feet from the front façade.
  - (d) Not less than sixty percent (60%) of each ground-floor commercial or office façade shall be comprised of windows with clear glass and/or doors, within the façade area between 2.5 and 8 feet above grade. Ground-floor windows that count toward this requirement shall have clear glass and accompanied by: adjacent interior space that is unobstructed by walls or cabinets for a depth of at least 10 feet; and/or a display window case having a depth of at least three (3) feet, and with recessed ceiling lights or ceiling-mounted lights.

- (e) Ground-floor entrances and windows shall be framed by columns and/or pilasters that are spaced not more than 25 feet apart.
  - (f) Ground-floor windows shall be set above a wall that is at least 18 inches in height.
  - (g) Ground-floor windows shall be sheltered from above by an exterior awning and/or rigid canopy, which extends horizontally at least three feet from the front façade. The bottom of awnings and canopies shall be at least 8 feet above finished grade.
  - (h) A ground-floor commercial or office space shall have a depth of not less than twenty (20) feet as measured from front façade and have a minimum height of 15 feet measured from floor to ceiling.
  - (i) The top of a ground-floor commercial or office façade shall be accompanied by a horizontal cornice located between fifteen (15) feet and twenty-five (25) feet of finished grade. To comply with this requirement, the cornice shall extend vertically beyond the façade by not less than three (3) inches and have a height of not less than eleven (11) inches.
  - (j) A ground-floor commercial or office space shall include connections for water, wastewater and electricity, as well as a vent for food service preparation.
- (3) Residential Front Facades. For residential facades that face a front property line with no intervening building, the following standards shall apply.
- (a) Residential entrances shall have uninterrupted access from a public sidewalk.
  - (b) Residential entrances shall be accompanied by one of the following: a porch covered entirely by a roof; a stoop with a doorway that is recessed by at least two (2) feet; or an interior lobby. The landing or floor for these features shall have an unobstructed (clear) width of not less than four (4) feet.
  - (c) The elevation of the lowest residential floor shall be raised above finished grade by at least two (2) feet if within 5 feet of a front property line, and at least one (1) foot if within 10 feet of a front property line.
  - (d) At least twenty-five percent (25%) of each residential ground-floor façade shall be comprised of clear windows and/or doors with windows. Ground-floor windows that count toward this requirement shall be clear.
  - (e) Windows for residential ground-floor living space shall have a sill height of at least 3 feet above floor level.

c. Building Elements & Materials

(1) Windows

- (a) Exterior windows for inhabited space shall use clear glass having at least 90 percent light transmission within the visible spectrum, and shall not be mirrored or frosted, except for bathroom and utilityroom windows.
- (b) Window glass shall be recessed at least 2 inches from the adjacent trim or from the façade if no trim is used.
- (c) Window mullions shall not be behind glass when viewed from the outside.
- (d) Rooms with exterior windows shall include at least one operable window, except where fixed windows are required to mitigate noise or air quality impacts.

(2) Exterior Finishes

- (a) Where visible, the same exterior material shall be used around outer/convex corners in both horizontal directions for at least four (4) feet or until the material meets an interior/concave corner.
- (b) Where visible, corner boards, corner panels, L-channel metalwork, or other concealment shall be used at outer/convex corners where board ends or veneer edges would otherwise be revealed.
- (c) Prohibited exterior finishes include: unfinished cinder block; unfinished cement block; corrugated metal siding; and mirrored glass.
- (d) An anti-graffiti coating shall be applied to the portions of ground floor walls within 15 feet of public sidewalks.

(3) Roofs.

- (a) Sloped roofs shall be accompanied by an eave that extends beyond the façade by not less than eighteen (18) inches.

(4) Roof-Mounted Mechanical Equipment

- (a) Mechanical equipment located on a roof, shall be: entirely recessed within a sloped roof, and/or surrounded on all sides by an opaque parapet with a top edge as high as topmost point of the equipment.
- (b) The following are exempt: solar panels, wireless communications equipment, window cleaning systems, equipment required by fire departments and other public agencies, and appurtenances associated with the above.

d. Site Features

(1) Walls & Fences

- (a) Walls along interior property lines. A masonry wall that is 6 to 8 feet in height shall be erected along any interior side and rear property lines, except within fifteen (15) feet of the street-facing property line.
- (b) Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated fences are not permitted.
- (c) Where visible and within 15 feet of street, chain link and corrugated metal fences are prohibited.

(2) Mechanical Equipment

- (a) Mechanical equipment located in a street-facing building setback shall comply with utility provider standards and shall be: in a vault that is entirely below finished grade; or surrounded on sides facing and perpendicular to the street by an opaque fence or gate, which have a height not less than 6 inches above topmost point of the equipment.
- (b) If utility provider requirement conflict with design standards, then utility provider requirements shall take precedence.

(3) Vehicle Access and Parking

- (a) Development sites with street frontage along El Camino Real or on Middlefield Road shall not provide a driveway from these streets if vehicle access can be provided by way of another public street or a public alley.

- (b) Driveways and garage entrances shall not exceed a width of 25 feet.
- (c) Surface parking spaces shall be set back at least 15 feet from a street right-of-way and shall be screened by a fence or wall that is at 3-4 feet in height, and/or shrubs expected to grow to a height of at least 3 feet at maturity.

(4) Refuse and Recycling Collection Areas

- (a) Every project shall have not less than one (1) refuse and recycling collection area.
- (b) Refuse and recycling collection areas shall not be less than ten (10) feet wide and ten (10) feet deep.
- (c) Refuse and recycling collection area shall be accompanied by a direct unobstructed access by collection crews along a paved path that is not less than five feet in width.
- (d) Refuse and recycling collection areas shall not be located within 20 feet of a street right-of-way, unless entirely enclosed within a building and where building openings for access are accompanied by a gate or doors.
- (e) Refuse and recycling collection areas that are not within a building shall be fully enclosed by a solid wall or opaque fence between six (6) feet and eight (8) feet in height, except to provide access on one side. Openings for access shall be accompanied by a gate not less than 4 feet in height.

(5) Loading Areas

- (a) One (1) on-site loading space is required for new retail sale, hotel, and/or theater space with a combined net floor area exceeding 10,000 square feet. For each additional 40,000 above 10,000 square feet, one additional loading space shall be provided.
- (b) Loading areas shall not extend into street rights-of-way, nor shall associated truck parking aprons.
- (c) Each required loading space shall be at least 10 feet wide and 25 feet long, exclusive of driveways, aiseways, or turnaround areas. Loading space access shall provide not be less than fifteen (15) feet of vertical clearance.

e. Utilities

- (1) All projects shall install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located not less than five (5) feet from trees being preserved.

f. Landscaping

- (1) Not less than 90% of those portions of site area that are within fifteen (15) feet of a street-facing property line and are not occupied by a building, vehicle access, utilities, play areas, dining area, seating area, or required site feature, shall be landscaped.
- (2) Projects with a combined landscaped area exceeding 500 square feet shall be consistent with the County's Water Efficient Landscape Ordinance.

### **8.126.080 - Performance Standards**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed San Mateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Director of Planning and Building that such additional lighting is necessary for public health and safety.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Stormwater Management. Projects shall conform to San Mateo County Stormwater Pollution Prevention Program's C.3 Technical Guidance in the design and location of buildings and other site features.
5. Transportation. Development projects that generate at least 100 average daily trips (ADT) shall adhere to the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, which requires applicants to submit a TDM Checklist with their development application that lists measures to be implemented to mitigate traffic impacts at desired trip reduction target thresholds. San Mateo County staff will notify C/CAG of any new development project within its purview that is estimated to generate at least 100 ADT within ten days of receipt of an application.

6. Mitigation Measures. Projects shall implement all applicable mitigation measures contained in the North Fair Oaks Rezoning and General Plan Amendment ProjectFinal EIR (2023).

**8.126.090 - Parking.**

Projects shall provide parking as required by Chapter 8.344 of the Zoning Regulations, except as provided below:

1. Section 8.344.030, Parking Spaces Required. Section 8.344.030 shall be governed by Table 1 in this Section 8.126.090, which sets forth the minimum number of off- street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.
  
2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the height of all parking stalls with mechanical lifts.
  
3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

TABLE 1 REQUIRED PARKING		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking:	
	0-1 bedrooms	1 covered
	2+ bedrooms	1.5 covered
	Dwelling Unit Parking in a Mixed-Use Development:	



	Each dwelling unit	1 covered
	<b>Affordable Housing</b>	
	<b>Parking:</b> (Developments eligible for density bonus)	
	0-1 bedrooms	0.5 covered or uncovered
	2 bedrooms	0.75 covered or uncovered
	3+ bedrooms	1 covered or uncovered
	Bicycle Parking: Each Dwelling Unit	0.25
	Public Bike Parking: Each 35 feet of street frontage	2
<b>2. Commercial/Office</b>		
All uses listed under the "Office and Professional Services" in Section 8.126.050, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Specialized Neighborhood Trades and Services" in Section 8.126.050, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Retail Sales, Rental or Repair Establishments," in Section 8.126.050, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Indoor Recreation Facilities" in Section 8.126.050, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered

All uses listed under “Food Services” in Section 8.126.050, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take- out Service)	Up to 250 sq. ft. and each 250 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed- Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2
<b>3. Industrial</b>		
Any Industrial Use	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2

4. Institutional and Other		
All uses listed under the “Institutional Use Classification” in Section 8.126.050, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2

### 8.126.100 - Alternative Parking Approaches.

The total number of parking spaces required per Section 6570.8 may be reduced in accordance with the following provisions.

#### 1. Shared Parking

- a. Applicability. Subject to this section’s requirements and the securing of a Use Permit in accordance with the provisions of Section 6503, an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
- b. Analysis Required. In addition to the procedures established in Section 6503, requests for shared parking shall comply with this Section’s standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:
  - (1) The intensity and type of activities and the composition of uses;
  - (2) Hours of operation of each separate use;
  - (3) The rate of turnover for proposed shared spaces;

- (4) Distances of shared parking spaces from the uses they serve; and
- (5) The anticipated peak parking and traffic loads for the site.
- (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.

If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

- c. Findings Required. Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by this Chapter, if the deciding body issuing the Use Permit makes all of the following findings, in addition to the findings required in Section 8.280.030 (Use Permit Procedures):
  - (1) The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
  - (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if shared parking is not provided; and
  - (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, is submitted, and that the agreement includes:
    - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use or property ownership of shared parking will require immediate written notification to the County Planning and Building Department;
    - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including provisions for transfer of shared parking rights to new property owners if property on which shared parking is located changes ownership;
    - (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and

- (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, modify, amend, or terminate the Use Permit and/or agreement at any time.

2. Off-Site Parking

- a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 6503, required parking may be located on a parcel different than the primary use for which the parking is provided ("off-site parking").
- b. Standards Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this Section's standards and criteria.
  - (1) Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, or termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.
  - (2) Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
  - (3) In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.
- c. Findings Required. A Use Permit authorizing off-site parking may be approved if following findings are made, in addition to the findings required in Section 8.280.030:
  - (1) The off-site spaces will be available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
  - (3) The quantity and efficiency of parking provided will equal or exceed the level that can be expected if off-site parking is not provided; and
  - (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:

- (a) A guarantee that there will be no substantial alteration in the use that will create a greater demand for parking, and a guarantee that any change of use will require immediate written notification to the County Planning and Building Department and a reassessment of the parking demand of the revised project and any necessary updates to the written agreement;
  - (b) A guarantee among the property owner(s) for access to and use of the off-site parking facilities;
  - (c) A provision that the County may require parking facilities in addition to those originally approved, upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
  - (d) A provision stating that the County, acting through the Planning Commission, may, for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.
- d. Exceptions. In addition to the ability to obtain a Use Permit for shared parking or off-site parking, the Director of Planning and Building may grant an exception to modify the number, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6570.8. The Director of Planning and Building may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:
- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
  - (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 6570.8.

(Prior Ch. 29.4 § 6570-6570.9 Ord. 4815: 07/23/19)

(Prior code § 6570-6570.9 repealed/replaced Ord. 4883: 10/17/23)

## **CHAPTER 8.130 - NMU DISTRICT (NEIGHBORHOOD MIXED-USE DISTRICT, NORTH FAIR OAKS)**

### **8.130.010 - Regulations For “NMU” District.**

The Following Regulations Shall Apply Within Those Areas In North Fair Oaks Which Are Zoned NMU

### **8.130.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of neighborhood- serving trades and services to meet the needs of surrounding residential areas, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meet minimum design standards.
3. Promote and enhance the creation of an attractive neighborhood mixed-usedistrict accessible by a variety of transportation modes, including private vehicles, transit, bicycling and walking.
4. Protect the functional and economic viability of commercial mixed-use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.
6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

### **8.130.030 - Definitions.**

1. Administrative, Professional and Business Offices. Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.
2. Alley. Alleys provide access for service vehicles and parking access, and are not designed for pedestrians.

3. Anti-graffiti coating. A paint or material that prevents paint and ink from bonding to surfaces and allows for easier removal.
4. Appurtenance. Structural and utility apparatus(es) associated with a principal feature or function.
5. Awning. A canopy made of canvas or rigid membrane, which projects from the exterior wall of a building, and helps to shade or shelter a window and/or door.
6. Bars. Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 8.04.030(15).
7. Bay. A horizontal module related to buildings, usually between two nearest vertical supports that may be columns or pilasters.
8. Bay Window. A window or group of windows that reside in a structural frame that projects outside of the main volume of a building.
9. Building Envelope. The outermost spatial extent permissible for construction, as determined by height, setback, and stepback requirements combined. A building envelope is the theoretical maximum volume allowed.
10. Building Opening. Any aperture within of a solid wall, which may be used to provide a window, a group of windows, a door, or garage door.
11. Cinder Block. A type of concrete block made with cinder aggregate.
12. Clear Glass. Glass with not less than 90% light transmission in the visible spectrum. Not obscured glass.
13. Commercial and Office Ground Floor Facade. See Ground-Floor Façade, Commercial and Office.
14. Community Centers. Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 8.04.030(30)) and “meeting halls” (Section 8.04.030(84)).
15. Community Gardens. An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.



16. Control Joints. A deep narrow recess provided within ridged materials to direct the location of cracking as thermal expansion and contraction occurs.
17. Corner Boards. A length of board that is "L" shaped in cross section and used to conceal outer corners where pieces of material typically meet.
18. Corner (L-Channel) Metalwork. A length of metal that is "L" shaped in cross section and used to conceal outer corners where pieces of material typically meet.
19. Corner Panels. A length of any material that is "L" shaped in cross section and used to conceal outer corners where pieces of material typically meet.
20. Concealed. A covered or hidden building feature.
21. Concealment. The act of covering or hiding a building feature.
22. Concrete Block. A modular building material made of concrete, which can be used structurally.
23. Curb Cut. A break in a vertical curb where there is a short ramp. A curb cut is generally where a driveway meets a public roadway.
24. Cornice. A horizontal projection on the exterior of a building, such as to accentuate the dividing line between a commercial ground-floor façade and upper-story façade, or to accentuate the top of a building when a parapet is used.
25. Display Window. A large window case for the display of merchandise or exhibits, typically located where a store abuts a sidewalk.
26. Dwelling, Multiple. A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.
27. Eave. The lower edge of a roof that overhangs the wall below.
28. Educational Facilities. Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.

29. Envelope. The outermost spatial extent permissible for a building, as regulated by height, setback, and stepback requirements, and is the theoretical maximum volume allowed.
  
30. Exterior Corridor. A shared passage that provides horizontal building circulation and is open except for floor and railings on one or both sides along its length.
  
31. Façade. The exterior wall of a building along with its associated windows, entryways, and projections.
  
32. Façade Area, Upper-Floor. Upper-floor façade area is measured in height from the floor of the second level to the ceiling of the uppermost level, and in width across all façade planes and parallel to the property line.
  
33. Farmers Markets. An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.
  - a. Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese, and other dairy products), and fish.
  
  - b. Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
  
  - c. Value-Added Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
  
34. Financial Institutions. Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.
  
35. Finished Grade. The elevation of the finished surface of the ground.
  
36. Flat Roof. A roof that is not steeper than a 1:10 angle of inclination.

37. Food and Beverage Stores. Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.
38. Food Establishments Specializing in Take-Out Service. Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive-through take-out service, but not including businesses engaged exclusively in catering.
39. Home Occupations. Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations.
40. Hotels. Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.
41. Indoor Exercise and Leisure Facilities: Small. Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.
42. Indoor Exercise and Leisure Facilities: Large. Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.
43. Indoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.
44. Garage Opening. A form of building opening that provides access to motorized vehicles.
45. Ground-Floor. The inhabited floor of a building located nearest to the finished grade around the building, and not used for parking or storage.
46. Ground-Floor Façade. That part of the façade (exterior wall with associated elements) that is between the level of finished grade and the level of the second floor. The design composition of a ground-floor façade may extend to just below the lowest windows on the second floor.
47. Interior Corner. A concave corner that projects inward toward the building volume to which it is associated.

48. Inhabited Space. Building volumes and site areas where people regularly occupy, but not including circulation, storage, or parking.
49. Intervening Building. A building positioned between two features, such as between a property line and a building that is set back farther from the property line.
50. Ground Floor Façade. Commercial and Office. The façade that encloses a ground-floor use that is within the Commercial and Office Use Classification table for the applicable zoning district.
51. Limited Keeping of Pets. The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.
52. Liquor Stores. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.
53. Loading Area. Loading areas included sufficient area for truck parking on-site and for truck maneuverability on- and off-site.
54. Lobby. A semi-private antechamber between an outer door and interior parts of a building.
55. Massage Businesses. Massage or massage therapy businesses as defined in the San Mateo County Business Regulations Section 5.44.020.
56. Mechanical Equipment. Utility apparatuses that include air conditioning, heating, compressor, condensers, generators, transformers, and other assemblages with electronic and mechanical components.
57. Medical and Dental Offices. Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.
58. Metalwork. An object made of metal and/or metal pieces.

59. Metal Panel. A section of wall, gate, door, which are thin relative to the thickness of the frame to which they are connected.
60. Mixed-Use Development. A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.
61. Mobile Vending/Food Carts. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.
62. Mullion. A narrow length of wood or other material located between window lites, and including a narrow length of material applied to a single pane of glass to simulate individual window lites.
63. Non-Chartered Financial Institution. A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term "non-chartered financial institution" shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term "non-chartered financial institution."
64. Obscured Glass. Glass that makes what is behind it indistinct from visual distortion of from less than 50% light transmission. Obscured glass is typically used to let light into interior space while making the space privacy.
65. Operable Window. A window that can be opened and closed.
66. Other Compatible Uses. Additional land uses that may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.
67. Outdoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.
68. Outer Corner. A convex corner that projects away from the building volume to which it is associated.

69. Parapet. A low wall at the edge of a roof, the front of which is typically in linewith the façade below.
70. Parking Garage. Parking that is enclosed within a building, or structure withparking with two or more stories.
71. Parking Lots and Parking Garages. Public and private facilities which provide designated spaces for parking of operable and currently registered motorvehicles either in an open area or within a structure.
72. Personal Convenience Service Establishments. Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barbershops, massage establishments.
73. Pet Sales and/or Grooming Establishments. Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fullyenclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.
74. Pilaster. A vertical pier that is integrated with, and projects slightly forward from,a wall.
75. Porch. An outside landing immediately adjacent to a building entranceand sheltered by a roof.
76. Religious Facilities. Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosquesand temples.
77. Restaurants. Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on thepremises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.
78. Retail Cleaning Establishments. Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry-cleaning pick-up stores with limited equipment and laundromats where coin- operated washers and dryers are provided for self-service to the public.
79. Screened. To conceal, partly conceal, and/or separate an object to eliminateor reduce its visual prominence.

80. Service Area. An open or enclosed area principally used for refuse/recycling service and may also contain mechanical equipment and access by trucks for loading, maintenance, and building operations.
81. Shingle. A thin piece of material laid in overlapping rows to cover the roofs and walls of buildings.
82. Sloped roof. A roof that is not flat, and typically hipped or gabled.
83. Small Collection Facilities for Recyclable Materials. A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary and must be accessory to a primary use on the same parcel.
84. Spandrel Glass. Opaque glass that conceals what is behind it, often used to hide structural building components and utilities.
85. Standing Seam. A manner of joining flat panels with an interlocking edge that stands forward of the principal surface.
86. Stoop. An outside landing immediately adjacent to a building entrance but not sheltered by a roof.
87. Surface parking. Parking that is not enclosed at finished grade.
88. Theaters. Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.
89. Upper-Story Façade. That part of the façade (exterior wall with associated elements) that is between the level of floor of the second floor and the level of the roof.
90. Vehicular Access. A driveway or other means of motor-vehicle approach to property from a public right-of-way.
91. Vehicle Access, Allowable. Vehicle access that conforms to Vehicle Access and Parking standards, any other San Mateo County requirements, or as may be deemed necessary by the Planning and Building Department.
92. Veneer. A thin outer layer of material that conceals the main body of material.

- 93. Veterinary Hospitals for Small Animals. Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.
- 94. Walking Distance. For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

**8.130.040 - Uses Permitted.**

- 1. Permitted development types and uses, and permit requirements for each type and use, are presented in the following table and as follows:
  - a. Nonresidential Development. All types of entirely non-residential development shall be allowed only upon approval of a Use Permit. All types of non- residential development above the ground floor shall be allowed only upon approval of a Use Permit.
  - b. Residential Development. All types of entirely residential development shall be allowed only upon approval of a Use Permit.
  - c. Mixed-Use Development. Mixed-Use Development with ground floor non- residential and residential above the ground floor is subject to the highest planning permit required for the specific non-residential uses in the development. If none of the discrete uses in the project require a planning permit, no permit shall be required.
- 2. For projects requiring no use permit, decisions on all associated approvals, including grading and land clearing permits, tree removal permits, and others shall be made at the staff level, based on the criteria established in the relevant regulations, and no hearings shall be required.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
1. RESIDENTIAL USE CLASSIFICATION	



<p>A. DWELLINGS</p> <p>1. Dwelling, Multiple</p> <p>    a. Above the ground floor</p> <p>    b. Ground floor</p>	<p>None</p> <p>Use Permit</p>
<p>2. COMMERCIAL AND OFFICE USE CLASSIFICATION</p>	
<p>A. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</p> <p>1. Personal Convenience Service Establishments</p> <p>2. Retail Cleaning Establishments</p> <p>3. Pet Sales and/or Grooming Establishments</p> <p>4. Veterinary Hospitals for Small Animals</p> <p>5. Massage Businesses</p>	<p>None</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p> <p>Use Permit</p>
<p>B. REGIONAL AND VISITOR SERVING TRADES AND SERVICES</p> <p>1. Hotels</p> <p>2. Theaters</p>	<p>Use Permit</p> <p>Use Permit</p>
<p>C. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</p> <p>1. Food and Beverage Stores</p> <p>2. Liquor Stores</p> <p>3. Indoor Retail Sales, Rental or Repair Establishments</p> <p>4. Outdoor Retail Sales, Rental or Repair Establishments</p> <p>5. Mobile Vending and Food Trucks</p>	<p>None</p> <p>Use Permit</p> <p>None</p> <p>Use Permit</p> <p>Use Permit</p>

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
D. FOOD SERVICES <ol style="list-style-type: none"> <li>1. Bars</li> <li>2. Restaurants</li> <li>3. Food Establishments Specializing in Take-Out Service</li> <li>4. Farmers Markets</li> </ol>	Use Permit None None Farmers Market Permit <sup>1</sup>
E. OFFICES, PROFESSIONAL SERVICES <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices</li> <li>2. Medical and Dental Offices</li> <li>3. Financial Institutions</li> <li>4. Non-Chartered Financial Institution</li> </ol>	None None None Use Permit <sup>2</sup>
F. INDOOR RECREATION FACILITIES <ol style="list-style-type: none"> <li>1. Indoor Exercise and Leisure Facilities: Small</li> <li>2. Indoor Exercise and Leisure Facilities: Large</li> </ol>	None Use Permit
3. INSTITUTIONAL USE CLASSIFICATION	
A. NEIGHBORHOOD INSTITUTIONAL FACILITIES <ol style="list-style-type: none"> <li>1. Community Centers</li> <li>2. Religious Facilities</li> <li>3. Educational Facilities</li> </ol>	Use Permit Use Permit Use Permit Permit
4. ACCESSORY USE CLASSIFICATION	
A. RESIDENTIAL ACCESSORY USES Home Occupations	Home Occupation Certificate <sup>3</sup>

B. LIMITED KEEPING OF PETS Limited Keeping of Pets	None
PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
5. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS	None
6. OTHER USE CLASSIFICATION	
A. Community Gardens	None
B. PARKING Parking Lots and Parking Garages	Use Permit
D. OTHER COMPATIBLE USES Other Compatible Uses	To Be Determined by Director of Planning and Building
<sup>1</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.130.090 of these Zoning Regulations.	
<sup>2</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.68.020(f)(8) of these Zoning Regulations.	
<sup>3</sup> Subject to additional performance requirements including, but not limited to, those contained in Section 8.04.030(54) of these Zoning Regulations.	

### 8.130.050 - Development Standards.

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except for multi-family attached residential ownership development, which shall have no minimum required parcel area or width.
2. Maximum Residential Density. The maximum density of residential uses shall be governed by the standards in the North Fair Oaks Community Plan Chapter 2 - Land Use.
3. Maximum Nonresidential Building Floor Area. The maximum building floor area of nonresidential uses shall be 150% of the total parcel area. Maximum nonresidential building floor area shall include the floor

area of all stories of all buildings and accessory buildings on a parcel dedicated to nonresidential uses, excluding non-habitable space, as measured from the outside face of all exterior walls. Parking areas, including fully or partially enclosed areas dedicated to parking, shall be excluded from maximum nonresidential building floor area.

4. Building Setbacks and Stepbacks.

a. The minimum building setbacks shall be:

Front and Street Side Setbacks

Facing Middlefield Road: 0 feet

Interior Side Setback

5 feet adjacent to R-1 District, otherwise 0

Rear Setback

10 feet

All other streets: A minimum setback to provide an 8-foot- wide sidewalk measured from back of curb.

- (1) Parcels facing Middlefield Road must be developed with Middlefield Road frontage, with front and rear required setback and stepback determined by this orientation.
- (2) Signage and awnings may extend up to five (5) feet into setbacks.
- (3) Balconies, eaves, building bays, and bay windows may project up to 3 feet into the required front setback of residential and mixed-use buildings above 15 feet in building height, but may not obstruct the public right-of-way.

b. Rear Stepback. A minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measures at least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.

c. Setback and Stepback Exceptions.

- (1) At the Director of Planning and Building's discretion, minor exceptions to the required setbacks and stepbacks described above may be granted, on the Director's finding that the combined setbacks and stepbacks proposed meet, in aggregate, the intent and purpose of the setback and stepback requirements, and the purpose of the North Fair Oaks Community Plan.
- (2) At the Director of Planning and Building's discretion, building elements intended to meet the façade articulation design intent of the North Fair Oaks Community Plan may be allowed to encroach into setbacks at and above the ground floor, if the Director finds that such encroachment is minor, and will not diminish the purpose of providing continuous public- rights-of-way.

5. Building Height. The maximum building height shall be 40 feet. The minimum number of stories for new development shall be two, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height.

6. Signs

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

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

b. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.

c. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.

d. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25 percent of the area of the window within which the sign is located.

e. Maximum Sign Height. The maximum height of signs on a parcel is as follows:

(1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.

(2) Freestanding signs shall not exceed fifteen (15) feet.

f. Sign Projection. Attached signs shall not project more than five (5) feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works.

g. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

### **8.130.060 - Building And Site Design Standards.**

Development shall comply with the building and site design standards described in this section.

1. Minor Design Exceptions. A minor design exception from the standards in this section may be granted by the Director of Planning and Building upon a finding by the Director that the exception 1) is necessary for compliance with the building and site design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.15 will be compatible with the neighborhood surrounding the parcel, and 4) will not be detrimental to the public welfare. The Director may require modifications to the proposed exception, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.

2. Major Design Exception. The Planning Commission, at a public hearing, may grant a Use Permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.

3. Public Right-of-Way Improvements Required of Private Development

a. Sidewalks

(1) Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of

travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.

- (2) Provide a minimum 8-foot-wide sidewalk measured from back of curb.
- (3) Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.

b. Street Trees

- (1) Development shall provide street trees along public sidewalks that abut the project, consistent with the provisions of the Department of Public Works' Tree Planting Application. Developments shall provide the maximum number of street trees that are consistent with the Department of Public Works' standards. The number of required trees may be reduced at the discretion of the Director of Planning and Building.
- (2) Street tree species shall be selected from a street tree list that can be obtained from the Department of Planning & Building.
- (3) Street tree installation shall conform to San Mateo County standards, as established by the Department of Public Works.
- (4) Installed trees shall be watered for at least 3 years by Developer/Property Manager and maintained/replaced by Developer/Property Manager.
- (5) Sidewalks damaged/affected by trees planted as part of development, shall be replaced/repared/maintained by Developer/Property Manager.

c. Curb Cuts and Driveways

- (1) Development sites with street frontage along Middlefield Road shall not provide new vehicular access from these streets if vehicular access can be provided via another public street or a public alley. Existing vehicular access may be retained and/or relocated if the total amount of access is not increased.



- (2) Curb cuts and driveways shall have a width of at least: 20 feet if used for commercial loading; 20 feet if the project has 11 or more on-site parking spaces; and 15 feet if not used for loading and the project has 10 or less on-site parking spaces.
- (3) The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.

d. Bike Racks and Refuse Receptacles

- (1) Bike racks shall be oriented so bikes will be parked parallel with the curb.

e. Utilities

- (1) Install any new distribution lines underground, including connections between buildings and utilities and modifications to existing utilities.
- (2) Utility trenches shall be located at least ten feet from trees where feasible.

f. Alleys

- (1) Projects that rely on vehicular access from a public alley, shall be responsible for making pavement repairs from between the point of site access to the street(s) to which the alley connects.
- (2) Stop signs shall be installed at alley-street intersections in the direction of alley egress.

4. Building and Site Design Standards for Private Development

a. Building Design and Orientation

- (1) All Front and Street Side Facades. For all facades that face a front or street side property line with no intervening building, the following standards shall apply.

- (a) For each front and street side property line, one or more ground-floor building facades shall be built to within fifteen (15) feet of the front and street side property line for a distance not less than sixty-five percent (65%) of the property line's length, except where that would preclude: utilities, required building setbacks and/or allowable vehicle access.
  - (b) Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
  - (c) Windows with unobscured glass shall comprise not less than twenty-five percent (25%) of the upper-floor façade area.
  - (d) That part of bay windows (and associated walls) and/or balconies (and associated railings) that extend eighteen (18) inches or more from the facade shall comprise not less than ten percent (10%) of the upper-floor façade area.
  - (e) A horizontal cornice shall be constructed at a level that is above the floor of the uppermost level. The cornice shall extend beyond the façade by not less than three (3) inches for a height not less than eleven (11) inches.
- (2) Ground-Floor Commercial and Office Front Facades. For ground-floor facades that face a front property line with no intervening building, the following standards shall apply.
- (a) Entrances to a ground-floor commercial or office space shall have uninterrupted pedestrian access from a public sidewalk.
  - (b) An entrance to a ground-floor commercial or office space shall occur every 100 feet or less.
  - (c) Doors to a ground-floor commercial or office space shall be recessed at least 3 feet from the front façade.
  - (d) Not less than sixty percent (60%) of each ground-floor commercial or office façade shall be comprised of windows with clear glass and/or doors, within the façade area between 2.5 and 8 feet above grade. Ground-floor windows that count toward this requirement shall have clear glass and be accompanied by adjacent interior space that is unobstructed by walls or cabinets for a depth of at least 10 feet;

and/or a display window case having a depth of at least three (3) feet, and with recessed ceiling lights or ceiling-mounted lights.

- (e) Ground-floor entrances and windows shall be framed by columns and/or pilasters that are spaced not more than 25 feet apart.
  - (f) Ground-floor windows shall be set above a wall that is at least 18 inches in height.
  - (g) Ground-floor windows shall be sheltered from above by an exterior awning and/or rigid canopy, which extends horizontally at least three (3) feet from the front façade. The bottom of awnings and canopies shall be at least 8 feet above finished grade.
  - (h) A ground-floor commercial or office space shall have a depth of not less than twenty (20) feet as measured from front façade and have a minimum height of 15 feet measured from floor to ceiling.
  - (i) The top of a ground-floor commercial or office façade shall be accompanied by a horizontal cornice located between fifteen (15) feet and twenty-five (25) feet of finished grade. To comply with this requirement, the cornice shall extend vertically beyond the façade by not less than three (3) inches and have a height of not less than eleven (11) inches.
  - (j) A ground-floor commercial or office space shall include connections for water, wastewater and electricity, as well a vent for food service preparation.
- (3) Residential Front Facades. For residential facades that face a front property line with no intervening building, the following standards shall apply.
- (a) Residential entrances shall have uninterrupted access from a public sidewalk.
  - (b) Residential entrances shall be accompanied by one of the following: a porch covered entirely by a roof; a stoop with a doorway that is recessed by at least two (2) feet; or an interior lobby. The landing or floor for these features shall have an unobstructed (clear) width of not less than four (4) feet.

- (c) The elevation of the lowest residential floor shall be raised above finished grade by at least two (2) feet if within 5 feet of a front property line, and at least one (1) foot if within 10 feet of a front property line.
- (d) At least twenty-five percent (25%) of each residential ground-floor façade shall be comprised of clear windows and/or doors with windows. Ground-floor windows that count toward this requirement shall be clear.
- (e) Windows for residential ground-floor living space shall have a sill height of at least 3 feet above floor level.

b. Building Elements & Materials

(1) Windows

- (a) Exterior windows for inhabited space shall use clear glass having at least 90 percent light transmission within the visible spectrum, and shall not be mirrored or frosted, except for bathroom and utility room windows.
- (b) Window glass shall be recessed at least 2 inches from the adjacent trim or from the façade if no trim is used.
- (c) Window mullions shall not be behind glass when viewed from the outside.
- (d) Rooms with exterior windows shall include at least one operable window, except where fixed windows are required to mitigate noise or air quality impacts.

(2) Exterior Finishes

- (a) Where visible, the same exterior material shall be used around outer/convex corners in both horizontal directions for at least four (4) feet or until the material meets an interior/concave corner.
- (b) Where visible, corner boards, corner panels, L-channel metalwork, or other concealment shall be used at outer/convex

corners where board ends or veneer edges would otherwise be revealed.

- (c) Prohibited exterior finishes include: unfinished cinder block; unfinished cement block; corrugated metal siding; and mirrored glass.
- (d) An anti-graffiti coating shall be applied to the portions of ground floor walls within 15 feet of public sidewalks.

(3) Roofs.

- (a) Sloped roofs shall be accompanied by an eave that extends beyond the façade by not less than eighteen (18) inches.

(4) Roof-Mounted Mechanical Equipment

- (a) Mechanical equipment located on a roof, shall be entirely recessed within a sloped roof, and/or surrounded on all sides by an opaque parapet with a top edge as high as topmost point of the equipment.
- (b) The following are exempt: solar panels, wireless communications equipment, window cleaning systems, equipment required by fire departments and other public agencies, and appurtenances associated with the above.

C. Site Features

(1) Walls & Fences

- (a) Walls along interior property lines. A masonry wall that is 6 to 8 feet in height shall be erected along any interior side and rear property lines, except within fifteen (15) feet of the street-facing property line.
- (b) Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated fences are not permitted.

- (c) Where visible and within 15 feet of street, chain link and corrugated metal fences are prohibited.

(2) Mechanical Equipment

- (a) Mechanical equipment located in a street-facing building setback shall comply with utility provider standards and shall be in a vault that is entirely below finished grade; or surrounded on sides facing and perpendicular to the street by an opaque fence or gate, which have a height not less than 6 inches above topmost point of the equipment.
- (b) If utility provider requirement conflict with design standards, then utility provider requirements shall take precedence.

(3) Vehicle Access and Parking

- (a) Development sites with street frontage along El Camino Real or on Middlefield Road shall not provide a driveway from these streets if vehicle access can be provided by way of another public street or a public alley.
- (b) Driveways and garage entrances shall not exceed a width of 25 feet.
- (c) Surface parking spaces shall be set back at least 15 feet from a street right-of-way and shall be screened by a fence or wall that is at 3-4 feet in height, and/or shrubs expected to grow to a height of at least 3 feet at maturity.

(4) Refuse and Recycling Collection Areas

- (a) Every project shall have not less than one (1) refuse and recycling collection area.
- (b) Refuse and recycling collection areas shall not be less than ten (10) feet wide and ten (10) feet deep.

- (c) Refuse and recycling collection area shall be accompanied by a direct unobstructed access by collection crews along a paved path that is not less than five feet in width.
- (d) Refuse and recycling collection areas shall not be located within 20 feet of a street right-of-way, unless entirely enclosed within a building and where building openings for access are accompanied by a gate or doors.
- (e) Refuse and recycling collection areas that are not within a building shall be fully enclosed by a solid wall or opaque fence between six (6) feet and eight (8) feet in height, except to provide access on one side. Openings for access shall be accompanied by a gate not less than 4 feet in height.

(5) Loading Areas

- (a) One (1) on-site loading space is required for new retail sale, hotel, and/or theater space with a combined net floor area exceeding 10,000 square feet. For each additional 40,000 above 10,000 square feet, one additional loading space shall be provided.
- (b) Loading areas shall not extend into street rights-of-way, nor shall associated truck parking aprons.
- (c) Each required loading space shall be at least 10 feet wide and 25 feet long, exclusive of driveways, aiseways, or turnaround areas. Loading space access shall provide not be less than fifteen (15) feet of vertical clearance.

d. Utilities

- (1) All projects shall install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located not less than five (5) feet from trees being preserved.

e. Landscaping

- (1) Not less than 90% of those portions of site area that are within fifteen (15) feet of a street-facing property line and are not occupied by a building,

vehicle access, utilities, play areas, dining area, seating area, or required site feature, shall be landscaped.

- (2) Projects with a combined landscaped area exceeding 500 squarefeet shall be consistent with the County’s Water Efficient Landscape Ordinance.

### **8.130.070 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceedCounty Noise Ordinance standards.
2. Lighting. All exterior and interior lighting shall be designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building facade facing the public sidewalk.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from publicview.
4. Hazardous Materials. Storage of hazardous materials isprohibited.
5. Stormwater Management. Projects shall conform to San Mateo CountyStormwater Pollution Prevention Program’s C.3 Technical Guidance in the design and location of buildings and other site features.
6. Transportation. Development projects that generate at least 100 average daily trips (ADT) shall adhere to the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, which requires applicants to submit a TDM Checklist with their development application that lists measures to be implemented to mitigate traffic impacts at desired trip reduction target thresholds. San Mateo County staffwill notify C/CAG of any new development project within its purview that is estimated to generate at least 100 ADT within ten days of receipt of an application.
7. Mitigation Measures. Projects shall implement all applicable mitigation measures contained in the North Fair Oaks Rezoning and General Plan AmendmentProject Final EIR (2023).



### **8.130.080 - Farmers Market Standards.**

Farmers Markets are allowed in the NMU Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.
2. No market may operate continuously for more than six (6) hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation.
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market Manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable Federal, State and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

### **8.130.090 - Parking.**

Parking shall comply with all of the provisions of Chapter 8.344 of the Zoning Regulations, except for:

1. Section 8.344.030, Parking Spaces Required, which shall be governed by the following Table 1, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter.  
  
For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.
2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), in the NMU District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 feet in width by

16 feet in length. Parking stall height shall be no less than 7 feet and 2 inches from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the heights for all parking stalls with mechanical lifts.

3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.
- 4.

TABLE 1 REQUIRED PARKING		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking:	
	0-1 bedrooms	1 covered
	2+ bedrooms	1.5 covered
	Dwelling Unit Parking in a Mixed-Use Development:	
	Each dwelling unit	1 covered
	<b>Affordable Housing Parking:</b> (Developments eligible for density bonus pursuant to Section 8.436)	
0-1 bedrooms	0.5 covered or uncovered	
2 bedrooms	0.75 covered or uncovered	

	3+ bedrooms	1 covered or uncovered
	Bicycle Parking: Each Dwelling Unit	0.25
<b>2. Commercial/Office</b>		
All uses listed under the "Offices, Professional Services" in Section 8.130.040(3), Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Specialized Neighborhood Trades and Services" in Section 6393.3, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Retail Sales, Rental or Repair Establishments" in Section 8.130.040(3), Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Indoor Recreation Facilities" in Section 8.130.040(3), Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Food Services" in Section 8.130.040(3), Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take-Out Service)	Up to 100 sq. ft. and each 100 sq. ft. thereafter	1 covered or uncovered
Any Commercial, Office and/or Food Service Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1
<b>3. Institutional and Other Compatible Uses</b>		
All uses listed under the "Institutional Use Classification" in Section 8.130.040(4), Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Compatible Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	

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### 8.130.100 - Alternative Parking Approaches.

The total number of parking spaces required per Section 8.130.090 may be reduced in accordance with the following provisions.

1. Shared Parking.
  - a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 8.280.030 of the Zoning Regulations, an applicant may request shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
  - b. Analysis Required. In addition to the procedures established in Section 8.280.030 of the Zoning Regulations, requests for shared parking shall comply with this section's standards and criteria. A parking analysis shall be submitted as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:
    - (1) The intensity and type of activities and the composition of uses;
    - (2) Hours of operation of the uses;
    - (3) The rate of turnover for proposed shared spaces;
    - (4) Distances of shared parking spaces from the uses they serve;
    - (5) The anticipated peak parking and traffic loads for the site;
    - (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation; and

If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

- C. Findings Required. Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by this Chapter, if the deciding body issuing the Use Permit makes all of the following findings, in addition to the findings required in Section 6503:
- (1) The spaces to be provided will be kept available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide so that peak demand is greater than the parking provided;
  - (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if collective parking is not provided; and
  - (4) A written agreement between the property owner(s) and the County, in a form satisfactory to County Counsel, that includes:
    - (a) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking, and a guarantee that any change of use or property ownership of shared parking will require immediate written notification to the County Planning and Building Department;
    - (b) A guarantee among the property owner(s) for access to and use of the shared parking facilities, including provisions for transfer of shared parking rights to new property owners if property on which shared parking is located changes ownership;
    - (c) A provision that the County may require parking facilities in addition to those originally approved, upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
    - (d) A provision stating that the County, acting through the Planning Commission, may, for due cause and upon notice and hearing, modify, amend, or terminate the Use Permit and/or agreement at any time.

2. Off-Site Parking.

- a. Applicability. Subject to this section's standards and requirements and securing a Use Permit in accordance with the provisions of Section 6503 of the Zoning Regulations, required parking may be located on a parcel different than the primary use for which the parking is provided ("off-site parking").
- b. Standards Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for off-site parking shall comply with this section's standards and criteria.
- (1) Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, or termination of leases that infringe dedicated access to any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.
  - (2) Off-site parking shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.
  - (3) In the event that a shared parking entity has been formed and is fully operational, the documented parking spaces allocated to the parcel will count toward the vehicle parking requirement. Although allocated to a specified parcel, said spaces need not be specifically reserved for said specified parcel.
- c. Findings Required. A Use Permit for off-site parking may be approved if the following findings are made, in addition to the findings required in Section 8.280.030 of the Zoning Regulations:
- (1) The off-site spaces to be used to satisfy the project's parking obligation will be available as long as the uses requiring the spaces are in operation;
  - (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;

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

d. Exceptions. In addition to the ability to obtain a Use Permit for shared parking or off-site parking, the Director of Planning and Building may grant an exception to modify the number of spaces, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 6398. The Director of Planning and Building may grant an exception to modify the number of bicycle parking spaces required, the location of bicycle parking requirements, and/or the design of bicycle parking, if the applicant demonstrates that at least one of the following conditions exist:

- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the new building occupants.
- (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 8.130.100

(Prior Ch. 21C § 6390-6398 Ord. 4745: 11/03/15)

(Prior code § 6390-6398 repealed/replaced, §6399 added Ord. 4883: 10/17/23)

**CHAPTER 8.132 - NMU-ECR DISTRICT (NEIGHBORHOOD MIXED USE DISTRICT, EL CAMINO REAL – 5TH AVENUE, NORTH FAIR OAKS)**

**8.132.010 - Regulations For NMU-ECR District.**

The following regulations shall apply within those areas in North Fair Oaks which are zoned Neighborhood Mixed Use-El Camino Real (NMU-ECR).

**8.132.020 - Purposes.**

1. Provide commercial areas intended primarily for the location of locally and regionally- oriented trades and services to meet the needs of both surrounding residential areas and the broader region, as well as higher-density living options for residents.
2. Protect the viability of surrounding and/or adjacent residential land uses by restricting incompatible uses and regulating certain land uses which may otherwise have negative external impacts, and by requiring that commercial development meets minimum design standards.
3. Promote and enhance the creation of an attractive commercial mixed use district accessible by a variety of transportation modes, including private vehicles, transit, bicycling, and walking.
4. Protect the functional and economic viability of commercial mixed use areas by restricting incompatible land uses.
5. Support and strengthen the local economy by providing trade and employment opportunities.



6. Implement the policies of the North Fair Oaks Community Plan and the San Mateo County General Plan.

### 8.132.030 - Definitions.

1. Administrative, Professional and Business Offices. Establishments where management, administrative, professional or consulting services are conducted including, but not limited to, government, law, real estate, accounting and other business offices.
2. Alley. Alleys provide access for service vehicles and parking access, and are not designed for pedestrians.
3. Anti-graffiti coating. A paint or material that prevents paint and ink from bonding to surfaces and allows for easier removal.
4. Appurtenance. Structural and utility apparatus(es) associated with a principal feature or function.
5. Awning. A canopy made of canvas or rigid membrane, which projects from the exterior wall of a building, and helps to shade or shelter a window and/or door.
6. Bars. Commercial establishments engaged in the sale of alcoholic beverages to the general public for immediate consumption on the premises as a primary use, which may also offer food and entertainment on a limited basis, but not adult entertainment as defined in Section 8.04.030(15).
7. Bay. A horizontal module related to buildings, usually between two nearest vertical supports that may be columns or pilasters.
8. Bay Window. A window or group of windows that reside in a structural frame that projects outside of the main volume of a building.
9. Building Envelope. The outermost spatial extent permissible for construction, as determined by height, setback, and stepback requirements combined. A building envelope is the theoretical maximum volume allowed.
10. Building Opening. Any aperture within of a solid wall, which may be used to provide a window, a group of windows, a door, or garage door.

11. Child Care Centers (Institutional Day Care Facilities for Children). Licensed facilities including infant centers, pre-schools, and extended day care facilities, which regularly provide non-medical care, protection, and supervision of children in a non-residential setting.
12. Cinder Block. A type of concrete block made with cinder aggregate.
13. Clear Glass. Glass with not less than 90% light transmission in the visible spectrum. Not obscured glass.
14. Commercial and Office Ground Floor Façade. See Ground-Floor Façade, Commercial and Office.
15. Community Centers. Facilities used by local residents for civic activities, classes, meetings, performances, presentations or other purposes. Includes “clubs” (Section 8.04.030(30)) and “meeting halls” (Section 8.04.030(84)).
16. Community Gardens. An area of land used to grow and harvest food crops and/or non-food ornamental crops, such as flowers, for personal use, consumption, donation, or occasional sale, by individuals or collectively by members of a group.
17. Control Joints. A deep narrow recess provided within ridged materials to direct the location of cracking as thermal expansion and contraction occurs.
18. Corner Boards. A length of board that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
19. Corner (L-Channel) Metalwork. A length of metal that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
20. Corner Panels. A length of any material that is “L” shaped in cross section and used to conceal outer corners where pieces of material typically meet.
21. Concealed. A covered or hidden building feature.
22. Concealment. The act of covering or hiding a building feature.
23. Concrete Block. A modular building material made of concrete, which can be used structurally.

24. Curb Cut. A break in a vertical curb where there is a short ramp. A curb cut is generally where a driveway meets a public roadway.
25. Cornice. A horizontal projection on the exterior of a building, such as to accentuate the dividing line between a commercial ground-floor façade and upper-story façade, or to accentuate the top of a building when a parapet is used.
26. Display Window. A large window case for the display of merchandise or exhibits, typically located where store abuts a sidewalk.
27. Dwelling, Multiple. A building or portion thereof containing more than one dwelling unit, including apartment houses, condominiums, and flats.
28. Eave. The lower edge of a roof that overhangs the wall below.
29. Educational Facilities. Public or private educational facilities, or schools offering instruction, including academic or specialized instruction, to students.
30. Envelope. The outermost spatial extent permissible for a building, as regulated by height, setback, and stepback requirements, and is the theoretical maximum volume allowed.
31. Exterior Corridor. A shared passage that provides horizontal building circulation and is open except for floor and railings on one or both sides along its length.
32. Façade. The exterior wall of a building along with its associated windows, entryways, and projections.
33. Façade Area, Upper-Floor. Upper-floor façade area is measured in height from the floor of the second level to the ceiling of the uppermost level, and in width across all façade planes and parallel to the property line.
34. Farmers Markets. An outdoor market at a fixed location, open to the public, operated by a government agency, a non-profit corporation, or one or more Producers, in accordance with the San Mateo County Farmer's Market Guidelines, at which (a) at least 75 percent of the vendors sell Farm Products or Value-Added Farm Products and (b) at least 75 percent of the vendors who regularly participate during the market's hours of operation are Producers, or family members or employees of Producers.

- a. Farm Products – Fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey, or other bee products, flowers, nursery stock, livestock foodproducts (including meat, milk, cheese, and other dairy products), and fish.
  - b. Producer – A person or entity that raises or produces Farm Products on land that the person or entity farms and owns, rents, or leases.
  - c. Value-Added Farm Product – Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.
35. Financial Institutions. Establishments accepting deposits and providing services relating to the exchange, protection or lending of money including, but not limited to, banks, savings and loan institutions, or credit unions.
36. Finished Grade. The elevation of the finished surface of the ground.
37. Flat Roof. A roof that is not steeper than a 1:10 angle of inclination.
38. Food and Beverage Stores. Commercial establishments engaged in the retail sale primarily of various fresh and packaged foods and beverages for home preparation and consumption including, but not limited to, grocery stores, produce markets, bakeries and delicatessens.
39. Food Establishments Specializing in Take-Out Service. Commercial establishments engaged in the provision of prepared food to the general public primarily for consumption off the premises, which may include limited seating, walk up or drive- through take-out service, but not including businesses engaged exclusively in catering.
40. Home Occupations. Accessory businesses conducted in a dwelling solely by its occupants in a manner incidental to the residential use of the dwelling, in accordance with the provisions of the County's Home Occupation Regulations.
41. Hotels. Any building or portion thereof containing six (6) or more guest rooms used, designed, or intended to be used, let or hired out to be occupied.
42. Indoor Exercise and Leisure Facilities: Small. Facilities of 2,000 sq. ft. or less located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents including, but not limited to, exercise facilities, dance academies and martial arts studios.

43. Indoor Exercise and Leisure Facilities: Large. Facilities greater than 2,000 square feet located within a fully enclosed building providing leisure and recreation opportunities primarily for use by neighborhood residents, including but not limited to gyms, swimming pools, martial arts studios, and other exercise and recreational facilities.
44. Indoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all storage of such items within a fully enclosed, covered building.
45. Garage Opening. A form of building opening that provides access to motorized vehicles.
46. Ground-Floor. The inhabited floor of a building located nearest to the finished grade around the building, and not used for parking or storage.
47. Ground-Floor Façade. That part of the façade (exterior wall with associated elements) that is between the level of finished grade and the level of the second floor. The design composition of a ground-floor façade may extend to just below the lowest windows on the second floor.
48. Interior Corner. A concave corner that projects inward toward the building volume to which it is associated.
49. Inhabited Space. Building volumes and site areas where people regularly occupy, but not including circulation, storage, or parking.
50. Intervening Building. A building positioned between two features, such as between a property line and a building that is set back farther from the property line.
51. Ground Floor Façade, Commercial and Office. The façade that encloses a ground-floor use that is within the Commercial and Office Use Classification table for the applicable zoning district.
52. Limited Keeping of Pets. The raising or maintaining of domestic birds or animals that are customarily kept as pets for amusement or companionship, excluding exotic animals, horses, livestock and poultry, subject to the following limitations: (a) no more than two (2) dogs and two (2) cats, nor more than four (4) animals total of any type shall be kept per dwelling unit, or lawfully permitted and occupied second unit, or per business establishment. This use does not include “pet sitting” or “doggie day care” establishments where care and supervision is provided to pets that do not belong to the occupants of the dwelling unit or business establishment.

53. Liquor Stores. A retail establishment primarily engaged in selling beer, wine, and other alcoholic beverages.
54. Loading Area. Loading areas included sufficient area for truck parking on-site and for truck maneuverability on- and off-site.
55. Lobby. A semi-private antechamber between an outer door and interior parts of a building.
56. Massage Businesses. Massage or massage therapy businesses as defined in the San Mateo County Business Regulations Section 5.44.020.
57. Mechanical Equipment. Utility apparatuses that include air conditioning, heating, compressor, condensers, generators, transformers, and other assemblages with electronic and mechanical components.
58. Medical and Dental Offices. Establishments providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by licensed doctors, dentists and similar practitioners of medical and healing arts for humans, and which may include medical and dental laboratories and associated prescription pharmacies.
59. Metalwork. An object made of metal and/or metal pieces.
60. Metal Panel. A section of wall, gate, door, which are thin relative to the thickness of the frame to which they are connected.
61. Mixed-Use Development. A development in which a mix of uses is located in close proximity to each other on the same parcel, usually within the same building. The land uses may be stacked on top of each other (vertical) or placed next to each other (horizontal). Mixed-use development may include any combination of at least two of the following four land use categories: commercial (including retail sales and service, and personal services, but excluding motor-vehicle related uses), office (including professional services), residential (dwellings), and institutional uses.
62. Mobile Vending/Food Carts. Any vehicle, wagon, or pushcart that is self-propelled or can be pushed/pulled down a street or sidewalk that is regularly located on site, on which food is displayed, prepared, or processed for the purpose of selling food to a consumer, as defined in San Mateo County Ordinance Code, Chapter 5.52.
63. Mullion. A narrow length of wood or other material located between window lites, and including a narrow length of material applied to a single pane of glass to simulate individual window lites.

64. Non-Chartered Financial Institution. A use, other than a State or Federally chartered bank, credit union, mortgage lender, savings and loan association or industrial loan company, that offers deferred deposit transaction services or check cashing services and loans for payment of a percentage fee. The term “non-chartered financial institution” shall include, but is not limited to, deferred deposit transaction (payday loan) businesses that make loans upon assignment of wages received, check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, and motor vehicle title lenders who offer a short-term loan secured by the title to a motor vehicle. Non-profit financial institutions are not encompassed by the term “non-chartered financial institution.”
65. Obscured Glass. Glass that makes what is behind it indistinct from visual distortion of from less than 50% light transmission. Obscured glass is typically used to let light into interior space while making the space privacy.
66. Operable Window. A window that can be opened and closed.
67. Other Compatible Uses. Additional land uses that may be allowed if the Director of Planning and Building determines that the proposed use is consistent with the purpose of the district and compatible with other permitted land uses in the district.
68. Outdoor Retail Sales, Rental or Repair Establishments. Commercial establishments which serve the general public that are engaged in the sale, rental and/or repair of goods, merchandise and equipment with all or some storage of such items outside a fully enclosed, covered building.
69. Outer Corner. A convex corner that projects away from the building volume to which it is associated.
70. Parapet. A low wall at the edge of a roof, the front of which is typically in line with the façade below.
71. Parking Garage. Parking that is enclosed within a building, or structure with parking with two or more stories.
72. Parking Lots and Parking Garages. Public and private facilities which provide designated spaces for parking of operable and currently registered motor vehicles either in an open area or within a structure.

73. Personal Convenience Service Establishments. Commercial establishments providing services related to personal convenience where customers are typically served on the premises including, but not limited to, beauty salons, barber shops, massage establishments.
74. Pet Sales and/or Grooming Establishments. Establishments for the retail sale of pet animals, pet food and supplies, with all storage of such items within a fully enclosed, covered building. Pet sales and/or grooming establishments may offer pet bathing, grooming and obedience training conducted within a fully enclosed, covered building. Other than the animals held as inventory until sold, there shall be no boarding of animals overnight for compensation.
75. Pilaster. A vertical pier that is integrated with, and projects slightly forward from, a wall.
76. Porch. An outside landing immediately adjacent to a building entrance and sheltered by a roof.
77. Religious Facilities. Facilities or meeting places used for worship or religious instruction including, but not limited to, churches, synagogues, mosques, and temples.
78. Restaurants. Establishments with the primary purpose of serving food to the public for immediate consumption on the premises. A restaurant must have a working kitchen, able to prepare full meals from basic ingredients. The kitchen must be in operation and the restaurant must be serving the majority of its full menu during the entire hours of operation. Persons under 21 must be legally allowed on the premises during the entire hours of operation. Establishments which close the kitchen during some hours of operation and cease serving food, but remain open serving alcoholic beverages, are classified as bars and are subject to bar permitting requirements.
79. Retail Cleaning Establishments. Commercial establishments engaged in the washing or cleaning of clothing, linens and other fabrics including, but not limited to, dry-cleaning pick-up stores with limited equipment and laundromats where coin-operated washers and dryers are provided for self-service to the public.
80. Screened. To conceal, partly conceal, and/or separate an object to eliminate or reduce its visual prominence.
81. Service Area. An open or enclosed area principally used for refuse/recycling service and may also contain mechanical equipment and access by trucks for loading, maintenance, and building operations.
82. Shingle. A thin piece of material laid in overlapping rows to cover the roofs and walls of buildings.
83. Sloped roof. A roof that is not flat, and typically hipped or gabled.



84. Small Collection Facilities for Recyclable Materials. A small collection facility occupies an area of not more than 500 sq. ft., is intended for the collection of recyclable materials, and may include kiosks, igloos, bins, trailers or bulk reverse vending machines. These facilities are generally temporary and must be accessory to a primary use on the same parcel.
85. Spandrel Glass. Opaque glass that conceals what is behind it, often used to hide structural building components and utilities.
86. Standing Seam. A manner of joining flat panels with an interlocking edge that stands forward of the principal surface.
87. Stoop. An outside landing immediately adjacent to a building entrance but not sheltered by a roof.
88. Surface parking. Parking that is not enclosed at finished grade.
89. Theaters. Enclosed facilities used for the presentation of motion pictures, plays or other dramatic performances except adult motion pictures and live performances featuring sexually explicit behavior intended to arouse sexual excitement.
90. Upper-Story Façade. That part of the façade (exterior wall with associated elements) that is between the level of floor of the second floor and the level of the roof.
91. Vehicular Access. A driveway or other means of motor-vehicle approach onto property from a public right-of-way.
92. Vehicle Access, Allowable. Vehicle access that conforms to Vehicle Access and Parking standards, any other San Mateo County requirements, or as may be deemed necessary by the Planning and Building Department.
93. Veneer. A thin outer layer of material that conceals the main body of material.
94. Veterinary Hospitals for Small Animals. Establishments where cats, dogs and other domestic animals generally of the same size or smaller are treated by a person(s) trained and licensed to provide medical care for animals. Veterinary hospitals may hold animals overnight on a limited basis if necessary for their proper medical or surgical treatment.
95. Walking Distance. For purposes of off-site or shared parking, walking distance is defined as the total distance traveled by foot along the shortest feasible route between the parking

and the primary use. For the purposes of this section, walking distance shall be measured from the primary entrance of the primary use served, along a connection that meets Americans with Disabilities Act (ADA) requirements.

**8.132.040 Permitted Uses.**

1. Permitted development types and uses, and permit requirements for each type and use, are presented in the following table and as follows:
  - a. Nonresidential Development. All types of entirely non-residential development shall only be permitted upon approval of a use permit. All non-residential development above the ground floor shall only be permitted upon approval of a use permit.
  - b. Residential Development. All types of entirely residential development shall be allowed only upon approval of a Use Permit.
  - c. Mixed-Use Development. Mixed-Use Development with ground floor non-residential and residential above the ground floor is subject to the highest planning permit required for the specific non-residential uses in the development. If none of the discrete uses in the project require a planning permit, no such permit is required for the project.
  
2. For projects requiring no use permit, decisions on all associated approvals, including grading and land clearing permits, tree removal permits, and others shall be made at the staff level, based on the criteria established in the relevant regulations, and no hearings shall be required.

PERMITTED USES	REQUIRED PLANNING PERMIT FOR THIS DISTRICT
1. RESIDENTIAL USE CLASSIFICATION	
A. DWELLINGS	
1. Dwelling, Multiple	
a. Above the ground floor	None
b. Ground floor	Use Permit
2. COMMERCIAL AND OFFICE USE CLASSIFICATION	

<p>A. SPECIALIZED NEIGHBORHOOD TRADES AND SERVICES</p> <ol style="list-style-type: none"> <li>1. Personal Convenience Service Establishments</li> <li>2. Retail Cleaning Establishments</li> <li>3. Pet Sales and/or Grooming Establishments</li> <li>4. Veterinary Hospitals for Small Animals</li> <li>5. Massage Businesses</li> </ol>	<p>None None Use Permit Use Permit Use Permit</p>
<p>B. REGIONAL AND VISITOR SERVING TRADES AND SERVICES</p> <ol style="list-style-type: none"> <li>1. Hotels</li> <li>2. Theaters</li> </ol>	<p>Use Permit Use Permit</p>
<p>C. RETAIL SALES, RENTAL OR REPAIR ESTABLISHMENTS</p> <ol style="list-style-type: none"> <li>1. Food and Beverage Stores</li> <li>2. Liquor Stores</li> <li>3. Indoor Retail Sales, Rental or Repair Establishments</li> <li>4. Mobile Vending and Food Trucks</li> </ol>	<p>None Use Permit None Use Permit</p>
<p>REQUIRED PLANNING PERMIT FOR THIS DISTRICT</p>	
<p>PERMITTED USES</p>	
<p>D. FOOD SERVICES</p> <ol style="list-style-type: none"> <li>1. Bars</li> <li>2. Restaurants</li> <li>3. Food Establishments Specializing in Take-Out Service</li> <li>4. Farmers Markets</li> </ol>	<p>Use Permit None None Farmers Market Permit<sup>1</sup></p>
<p>E. OFFICES, PROFESSIONAL SERVICES</p> <ol style="list-style-type: none"> <li>1. Administrative, Professional and Business Offices Medical and Dental Offices</li> <li>2. Financial Institutions</li> </ol>	<p>None None None</p>

4. Non-Chartered Financial Institution	Use Permit <sup>2</sup>
F. INDOOR RECREATION FACILITIES	
1. Indoor Exercise and Leisure Facilities: Small	None
2. Indoor Exercise and Leisure Facilities: Large	Use Permit
3. INSTITUTIONAL USE CLASSIFICATION	
A. NEIGHBORHOOD INSTITUTIONAL FACILITIES	
1. Community Centers	Use Permit
2. Child Care Centers	None
3. Religious Facilities	Use Permit Use
4. Educational Facilities	Permit
4. ACCESSORY USE CLASSIFICATION	
A. RESIDENTIAL ACCESSORY USES Home Occupations	Home Occupation Certificate <sup>3</sup>
B. LIMITED KEEPING OF PETS Limited Keeping of Pets	None
REQUIRED PLANNING PERMIT FOR THIS DISTRICT	
PERMITTED USES	
5. SMALL COLLECTION FACILITIES FOR RECYCLABLE MATERIALS	None
6. OTHER USE CLASSIFICATION	
A. Community Gardens	None
B. PARKING Parking Lots and Parking Garages	Use Permit
C. OTHER COMPATIBLE USES Other Compatible Uses	To Be Determined by Director of Planning and Building

<sup>1</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.132.080 of these Zoning Regulations.

<sup>2</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.68.020(f)(8) of these Zoning Regulations.

<sup>3</sup>Subject to additional performance requirements including, but not limited to, those contained in Section 8.04.030(54) of these Zoning Regulations.

### **8.132.050 - Development Standards.**

All new development must meet the following minimum standards:

1. Minimum Parcel Area and Width. The minimum parcel area shall be 5,000 sq. ft. and the minimum parcel width shall be 50 feet, except for multi-family attached residential ownership development, which shall have no minimum required parcel area or width.
2. Maximum Residential Density. The maximum density of residential uses shall be governed by the standards in the North Fair Oaks Community Plan Chapter 2 -Land Use.
3. Maximum Nonresidential Building Floor Area. The maximum building floor area of nonresidential uses shall be 150 percent of the total parcel area. Maximum nonresidential building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel dedicated to nonresidential uses, excluding non-habitable space, as measured from the outside face of all exterior walls. Parking areas, including fully or partially enclosed areas dedicated to parking, shall be excluded from maximum nonresidential building floor area.
4. Building Setbacks and Stepbacks.
  - a. The minimum building setbacks shall be:
    - Front and Street Side Setbacks  
A minimum setback to provide a 10-foot wide sidewalk measured from back of curb.
    - Interior Side Setback

5 feet adjacent to R-1 district, otherwise 0.

- Rear Setback

10 feet.

- (1) Parcels facing El Camino Real, including corner parcels, must be developed with an El Camino Real frontage, with front and rear required setbacks and setbacks determined by this orientation.
- (2) Balconies, eaves, building bays and bay windows, may project up to 3 ft. into the required front setback of residential and mixed-use buildings above fifteen feet in building height, but may not obstruct the public right of way.
- (3) Parcels adjoining alley rights-of-way must have a minimum five-foot setback from the alley.
- (4) Signage and awnings may extend up to five feet into setbacks.

b. Rear Stepback. A minimum stepback shall be provided at or below 20 feet in building height that in combination with the ground floor setback measures at least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.

c. Setback and Stepback Exceptions.

- (1) At the Director of Planning and Building's discretion, minor exceptions to the required setbacks and setbacks described above may be granted, on the Director's finding that the combined setbacks and setbacks proposed meet, in aggregate, the intent and purpose of the setback and setback requirements, and the purpose of the North Fair Oaks Community Plan.
- (2) At the Director of Planning and Building's discretion, building elements intended to meet the façade articulation design intent of the North Fair Oaks Community Plan may be allowed to encroach into setbacks at and above the ground floor, if the Director finds that such encroachment is minor, and will not diminish the purpose of providing continuous public- rights-of-way.

5. Building Height. The maximum building height shall be 40 feet for all types of development. The minimum building height shall be three stories, except in the case that a Use Permit is secured.

Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height.

6. Signs

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

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

c. Maximum Number of Signs. The maximum number of signs allowed on a parcel is one sign per parcel, or one sign per each 200 feet of parcel street frontage, or one sign per use, whichever is greatest.

d. Maximum Total Sign Display Area. The maximum total display area for all signs on a parcel is three-quarters square foot per foot of parcel street frontage.

- e. Maximum Window Sign Area. Signs located within windows and visible to the public shall not exceed 25% of the area of the window within which the sign is located. Window sign area does not count towards Maximum Total Sign Display Area.
  
- f. Maximum Sign Height. The maximum height of signs on a parcel is as follows:
  - (1) Attached signs shall not exceed the height of the building or structure to which the sign is attached and shall not extend above the roofline.
  
  - (2) Freestanding signs shall not exceed fifteen (15) feet.
  
- g. Sign Projection. Attached signs shall not project more than five feet from the building or structure to which the sign is attached. Attached or freestanding signs shall not project beyond any parcel boundary except signs may project into the public right-of-way subject to the approval of the Director of Public Works, and on El Camino Real, subject to the approval of Caltrans.
  
- h. Sign Design. The design of signs on the parcel shall reflect the architectural design of the building or structure with which the sign is associated, and incorporate unifying colors, materials, and features.

### **8.132.060 - Design Standards.**

Development shall comply with the building and site design standards described in this section.

1. Minor Design Exceptions. A minor design exception from the standards in this section may be granted by the Director of Planning and Building upon a finding by the Director that the exception 1) is necessary for compliance with the building and site design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.15 will be compatible with the neighborhood surrounding the parcel, and 4) will not be detrimental to the public welfare. The Director may require modifications to the proposed exception, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission.
  
2. Major Design Exception. The Planning Commission, at a public hearing, may grant a Use Permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.
  
3. Public Right-of-Way Improvements Required of Private Development



a. Sidewalks

- (1) Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.
- (2) Provide a minimum 8-foot-wide sidewalk measured from back of curb.
- (3) Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.

b. Street Trees

- (1) Development shall provide street trees along public sidewalks that abut the project, consistent with the provisions of the Department of Public Works' Tree Planting Application. Developments shall provide the maximum number of street trees that are consistent with the Department of Public Works' standards. The number of required trees may be reduced at the discretion of the Director of Planning and Building.
- (2) Street tree species shall be selected from a street tree list that can be obtained from the Department of Planning & Building.
- (3) Street tree installation shall conform to San Mateo County standards, as established by the Department of Public Works.
- (4) Installed trees shall be watered for at least 3 years by Developer/Property Manager and maintained/replaced by Developer/Property Manager.
- (5) Sidewalks damaged/affected by trees planted as part of development, shall be replaced/repaired/maintained by Developer/Property Manager.

c. Curb Cuts and Driveways

- (1) Development sites with street frontage along Middlefield Road shall not provide new vehicular access from these streets if vehicular access can be provided via another public street or a public alley. Existing vehicular access may be retained and/or relocated if the total amount of access is not increased.
- (2) Curb cuts and driveways shall have a width of at least: 20 feet if used for commercial loading; 20 feet if the project has 11 or more on-site parking spaces; and 15 feet if not used for loading and the project has 10 or less on-site parking spaces.
- (3) The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.

d. Bike Racks and Refuse Receptacles

- (1) Bike racks shall be oriented so bikes will be parked parallel with the curb.

e. Utilities

- (1) Install any new distribution lines underground, including connections between buildings and utilities and modifications to existing utilities.
- (2) Utility trenches shall be located at least ten feet from trees where feasible.

f. Alleys

- (1) Projects that rely on vehicular access from a public alley, shall be responsible for making pavement repairs from between the point of site access to the street(s) to which the alley connects.
- (2) Stop signs shall be installed at alley-street intersections in the direction of alley egress.

4. Building and Site Design Standards for Private Development

a. Building Design and Orientation

- (1) All Front and Street Side Facades. For all facades that face a front or street side property line with no intervening building, the following standards shall apply.
  - (a) For each front and street side property line, one or more ground-floor building facades shall be built to within fifteen (15) feet of the front and street side property line for a distance not less than sixty-five percent (65%) of the property line's length, except where to do so would preclude: utilities, required building setbacks and/or allowable vehicle access.
  - (b) Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
  - (c) Windows with unobscured glass shall comprise not less than twenty-five percent (25%) of the upper-floor façade area.
  - (d) That part of bay windows (and associated walls) and/or balconies (and associated railings) that extend eighteen (18) inches or more from the facade shall comprise not less than ten percent (10%) of the upper-floor façade area.
  - (e) A horizontal cornice shall be constructed at a level that is above the floor of the uppermost level. The cornice shall extend beyond the façade by not less than three (3) inches for a height not less than eleven (11) inches.
- (2) Ground-Floor Commercial and Office Front Facades. For ground-floor facades that face a front property line with no intervening building, the following standards shall apply.
  - (a) Entrances to a ground-floor commercial or office space shall have uninterrupted pedestrian access from a public sidewalk.
  - (b) An entrance to a ground-floor commercial or office space shall occur every 100 feet or less.

- (c) Doors to a ground-floor commercial or office space shall be recessed at least 3 feet from the front façade.
  - (d) Not less than sixty percent (60%) of each ground-floor commercial or office façade shall be comprised of windows with clear glass and/or doors, within the façade area between 2.5 and 8 feet above grade. Ground-floor windows that count toward this requirement shall have clear glass and accompanied by: adjacent interior space that is unobstructed by walls or cabinets for a depth of at least 10 feet; and/or a display window case having a depth of at least three (3) feet, and with recessed ceiling lights or ceiling-mounted lights.
  - (a) Ground-floor entrances and windows shall be framed by columns and/or pilasters that are spaced not more than 25 feet apart.
  - (b) Ground-floor windows shall be set above a wall that is at least 18 inches in height.
  - (c) Ground-floor windows shall be sheltered from above by an exterior awning and/or rigid canopy, which extends horizontally at least three (3) feet from the front façade. The bottom of awnings and canopies shall be at least 8 feet above finished grade.
  - (d) A ground-floor commercial or office space shall have a depth of not less than twenty (20) feet as measured from front façade and have a minimum height of 15 feet measured from floor to ceiling.
  - (e) The top of a ground-floor commercial or office façade shall be accompanied by a horizontal cornice located between fifteen (15) feet and twenty-five (25) feet of finished grade. To comply with this requirement, the cornice shall extend vertically beyond the façade by not less than three (3) inches and have a height of not less than eleven (11) inches.
  - (f) A ground-floor commercial or office space shall include connections for water, wastewater, and electricity, as well a vent for food service preparation.
- (3) Residential Front Facades. For residential facades that face a front property line with no intervening building, the following standards shall apply.

- (a) Residential entrances shall have uninterrupted access from a public sidewalk.
- (b) Residential entrances shall be accompanied by one of the following: a porch covered entirely by a roof; a stoop with a doorway that is recessed by at least two (2) feet; or an interior lobby. The landing or floor for these features shall have an unobstructed (clear) width of not less than four (4) feet.
- (c) The elevation of the lowest residential floor shall be raised above finished grade by at least two (2) feet if within 5 feet of a front property line, and at least one (1) foot if within 10 feet of a front property line.
- (d) At least twenty-five percent (25%) of each residential ground-floor façade shall be comprised of clear windows and/or doors with windows. Ground-floor windows that count toward this requirement shall be clear.
- (e) Windows for residential ground-floor living space shall have a sill height of at least 3 feet above floor level.

b. Building Elements & Materials

(1) Windows

- (a) Exterior windows for inhabited space shall use clear glass having at least 90 percent light transmission within the visible spectrum, and shall not be mirrored or frosted, except for bathroom and utility room windows.
- (b) Window glass shall be recessed at least 2 inches from the adjacent trim or from the façade if no trim is used.
- (c) Window mullions shall not be behind glass when viewed from the outside.
- (d) Rooms with exterior windows shall include at least one operable window, except where fixed windows are required to mitigate noise or air quality impacts.

(2) Exterior Finishes

- (a) Where visible, the same exterior material shall be used around outer/convex corners in both horizontal directions for at least four(4) feet or until the material meets an interior/concave corner.
- (b) Where visible, corner boards, corner panels, L-channel metalwork, or other concealment shall be used at outer/convex corners where board ends or veneer edges would otherwise be revealed.
- (c) Prohibited exterior finishes include: unfinished cinder block; unfinished cement block; corrugated metal siding; and mirrored glass.
- (d) An anti-graffiti coating shall be applied to the portions of groundfloor walls within 15 feet of public sidewalks.

(3) Roofs

- (a) Sloped roofs shall be accompanied by an eave that extends beyond the façade by not less than eighteen (18) inches.

(4) Roof-Mounted Mechanical Equipment

- (a) Mechanical equipment located on a roof, shall be entirely recessed within a sloped roof, and/or surrounded on all sides by an opaque parapet with a top edge as high as topmost point of the equipment.
- (b) The following are exempt: solar panels, wireless communications equipment, window cleaning systems, equipment required by fire departments and other public agencies, and appurtenances associated with the above.

C. Site Features

(1) Walls & Fences

- (a) Walls along interior property lines. A masonry wall that is 6 to 8 feet in height shall be erected along any interior side and rear property lines, except within fifteen (15) feet of the street-facing propertyline.
- (b) Where visible and within 15 feet of street-facing property lines, fences shall not exceed 4 feet in height, masonry walls are not permitted, and chain link and corrugated fences are not permitted.
- (c) Where visible and within 15 feet of street, chain link and corrugated metal fences are prohibited.

(2) Mechanical Equipment

- (a) Mechanical equipment located in a street-facing building setback shall comply with utility provider standards and shall be: in a vault that is entirely below finished grade; or surrounded on sides facing and perpendicular to the street by an opaque fence or gate, which have a height not less than 6 inches above topmost point of the equipment.
- (b) If utility provider requirement conflict with design standards, then utility provider requirements shall take precedence.

(3) Vehicle Access and Parking

- (a) Development sites with street frontage along El Camino Real or on Middlefield Road shall not provide a driveway from these streets if vehicle access can be provided by way of another public street or a public alley.
- (b) Driveways and garage entrances shall not exceed a width of 25 feet.
- (c) Surface parking spaces shall be set back at least 15 feet from a street right-of-way and shall be screened by a fence or wall that is at 3-4 feet in height, and/or shrubs expected to grow to a height of at least 3 feet at maturity.

(4) Refuse and Recycling Collection Areas

- (a) Every project shall have not less than one (1) refuse and recycling collection area.
- (b) Refuse and recycling collection areas shall not be less than ten (10) feet wide and ten (10) feet deep.
- (c) Refuse and recycling collection area shall be accompanied by a direct unobstructed access by collection crews along a paved path that is not less than five feet in width.
- (d) Refuse and recycling collection areas shall not be located within 20 feet of a street right-of-way, unless entirely enclosed within a building and where building openings for access are accompanied by a gate or doors.
- (e) Refuse and recycling collection areas that are not within a building shall be fully enclosed by a solid wall or opaque fence between six (6) feet and eight (8) feet in height, except to provide access on one side. Openings for access shall be accompanied by a gate not less than 4 feet in height.

(5) Loading Areas

- (a) One (1) on-site loading space is required for new retail sale, hotel, and/or theater space with a combined net floor area exceeding 10,000 square feet. For each additional 40,000 above 10,000 square feet, one additional loading space shall be provided.
- (b) Loading areas shall not extend into street rights-of-way, nor shall associated truck parking aprons.
- (c) Each required loading space shall be at least 10 feet wide and 25 feet long, exclusive of driveways, aisleways, or turnaround areas. Loading space access shall provide not be less than fifteen (15) of vertical clearance.

d. Utilities

- (1) All projects shall install any required new distribution lines underground, including connections between buildings and utilities or modifications to



existing utilities. Utility trenches shall be located not less than five (5) feet from trees being preserved.

e. Landscaping

- (1) Not less than 90% of those portions of site area that are within fifteen (15) feet of a street-facing property line and are not occupied by a building, vehicle access, utilities, play areas, dining area, seating area, or required site feature, shall be landscaped.
- (2) Projects with a combined landscaped area exceeding 500 square feet shall be consistent with the County's Water Efficient Landscape Ordinance.

**8.132.070 - Performance Standards.**

No use may be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of evaluation shall be made at the limits of the property, unless otherwise specified.

1. Noise. No use will be permitted which generates noise levels that exceed San Mateo County Ordinance Code Noise Control standards (see Ordinance Code Chapter 4.88).
2. Lighting. All exterior and interior lighting shall be dark-sky compliant and designed and located so that direct rays and glare are confined to the premises, with the exception of lighting on the front building façade which may light the public sidewalk. Flood lights shall be prohibited, unless an applicant demonstrates to the satisfaction of the Director of Planning and Building that such additional lighting is necessary for public health and safety.
3. Trash and Debris. All trash, boxes, or similar debris shall be picked up on a regular basis and stored in refuse containers that are screened from public view.
4. Stormwater Management. Projects shall conform to San Mateo County Stormwater Pollution Prevention Program's C.3 Technical Guidance in the design and location of buildings and other site features.
5. Transportation. Development projects that generate at least 100 average daily trips (ADT) shall adhere to the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, which requires applicants to submit a TDM Checklist with their development application that lists measures to be implemented to mitigate traffic impacts at desired trip reduction target thresholds. San Mateo County staff will notify C/CAG of any new

development project within its purview that is estimated to generate at least 100 ADT within ten days of receipt of an application.

6. Mitigation Measures. Projects shall implement all applicable mitigation measures contained in the North Fair Oaks Rezoning and General Plan Amendment Project Final EIR (2023).

### **8.132.080 - Farmers Market Standards.**

Farmers Markets are allowed in the NMU-ECR Zoning District subject to a Farmers Market Permit and must meet the following standards:

1. All markets must be California Certified Farmers Markets. All markets must comply with the definitions and standards included in this Chapter.
2. No market may operate continuously for more than 6 hours.
3. Markets may locate on side streets, public spaces, plazas, or private open spaces such as parking lots or similar areas.
4. Markets must be open to the general public during all hours of operation.
5. All Farmers Markets and their vendors must obtain all required operating and health permits, licenses, and certificates of insurance, and these documents (or copies) shall be in the possession of the Farmers Market manager or the vendor, as applicable, on the site of the Farmers Market during all hours of operation.
6. All Farmers Markets must provide for composting, recycling, and waste removal in accordance with all applicable federal, state, and local laws, including but not limited to the San Mateo County Ordinance Code. The Farmers Market management is responsible for ensuring that the site is restored to a neat condition by no later than the end of the Farmers Market day.

### **8.132.090 - Parking.**

Parking shall comply with all of the provisions of Chapter 8.344 of the Zoning Regulations, except as provided below:

1. Section 8.344.030, Parking Spaces Required. Section 8.344.030 shall be governed by Table 1 in this Section 6569.8, which sets forth the minimum number of off-street parking spaces required. Parking spaces required by Table 1 may also be modified by the amounts set forth in the Shared Parking and Off-Site Parking regulations in this Chapter. For uses not listed in Table 1, the provisions of Section 8.344.030 shall apply.
  
2. Section 8.344.020(a), Size and Access. Notwithstanding Section 8.344.020(a), in the NMU-ECR District, a maximum of 25% of the parking spaces required by Table 1 may be compact parking spaces with an area of 128 sq. ft. and minimum dimensions of 8 ft. in width by 16 ft. in length. Parking stall height shall be no less than 7 ft. and 2 in. from the parking surface to ceiling fixtures, pipes, or structural elements. Accessible parking stalls shall have a height of no less than 8 feet and 4 inches to ceiling fixtures, pipes, or structural elements. The Director of Planning and Building shall approve the heights for all parking stalls with mechanical lifts.
  
3. The stacking of two or more automobiles via a mechanical car lift or computerized parking structure is permitted within enclosed parking areas. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and drive aisles ensures adequate provision for ingress and egress to all parking spaces in the platform system. The lift equipment or computerized parking structure shall meet all applicable building, mechanical, and electrical code requirements as approved by the Building Official.

TABLE 1 REQUIRED PARKING		
USE	PARKING GENERATING FACTOR	PARKING SPACES REQUIRED
1. Residential		
Townhouses Dwellings, Multiple	Dwelling Unit Parking:	
	0-1 bedrooms	1 covered
	2+ bedrooms	1.5 covered
	Dwelling Unit Parking in a Mixed-Use Development:	
Each dwelling unit	1 covered	
	<b>Affordable Housing</b>	
	<b>Parking:</b> (Developments eligible for density bonus)	
	0-1 bedrooms	0.5 covered or

	2 bedrooms	uncovered 0.75 covered or uncovered
	3+ bedrooms	1 covered or uncovered
	Bicycle Parking: Each Dwelling Unit	0.25
	Public Bike Parking: Each 35 feet of street frontage	2

2. Commercial/Office		
All uses listed under the "Office and Professional Services" in Section 8.132.040, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Specialized Neighborhood Trades and Services" in Section 8.132.040, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Retail Sales, Rental or Repair Establishments," in Section 8.132.040, Uses Permitted	Up to 400 sq. ft. and each 400 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Indoor Recreation Facilities" in Section 8.132.040, Uses Permitted	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
All uses listed under "Food Services" in Section 8.132.040, Uses Permitted (Restaurants, Bars, Food Establishments Specializing in Take- out Service)	Up to 200 sq. ft. and each 200 sq. ft. thereafter	1 covered or uncovered

Any Commercial, Office and/or Food Service Use in this subsection in a Mixed- Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,000 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2
<b>3. Institutional and Other</b>		
All uses listed under the "Institutional Use Classification" in Section 8.132.040, Permitted Uses	Up to 500 sq. ft. and each 500 sq. ft. thereafter	1 covered or uncovered
Any Institutional or Other Use in this subsection in a Mixed-Use Development	Up to 1,000 sq. ft. and each 1,000 sq. ft. thereafter	1 covered or uncovered
	Private Bicycle Parking: Each 1,500 sq. ft.	1
	<b>Public Bike Parking:</b> Each 35 feet of street frontage	2

### 8.132.100 - Alternative Parking Approaches.

The total number of parking spaces required per Section 6569.8 may be reduced in accordance with the following provisions.

1. Shared Parking

- a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 8.280.030 an applicant may apply for authorization for shared parking to meet the minimum parking requirements for shared parking facilities serving more than one use on a site, or for multiple uses that are located near one another, and which have different peak parking demands and/or operating hours.
- b. Analysis Required. In addition to the procedures established in Section 6503 of the Zoning Regulations, requests for shared parking shall comply with this Section's standards and criteria. A parking analysis shall be submitted

as part of the application which clearly establishes that the subject uses will use the shared parking spaces at different times of the day, week, month, or year. The analysis shall reference a shared parking study prepared by a qualified professional. A shared parking study shall, at a minimum address:

- (1) The intensity and type of activities and the composition of uses;
- (2) Hours of operation of each separate use;
- (3) The rate of turnover for proposed shared spaces;
- (4) Distances of shared parking spaces from the uses they serve; and
- (5) The anticipated peak parking and traffic loads for the site.
- (6) Parking spaces reserved for a specific tenant or dwelling unit shall not be included in the shared parking calculation.

If the shared parking spaces are located on a different parcel than the primary use(s) served, such off-site spaces shall be located within a walking distance no greater than 800 feet from the use served, unless the use being served is residential, in which case such off-site spaces shall be located within a walking distance no greater than 400 feet from the use served.

- c. Findings Required. Issuance of a Use Permit authorizing shared parking may reduce the total number of spaces required by this Chapter, if the deciding body issuing the relevant Use Permit makes all of the following findings, in addition to the findings required in Section 8.280.030 of the Zoning Regulations:

- (1) The spaces to be provided will be available as long as the uses requiring the spaces are in operation;
- (2) The peak hours of parking demand from all uses do not coincide in such a way that peak demand is greater than the parking provided;
- (3) The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if shared parking is not provided; and

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

2. Off-Site Parking

- a. Applicability. Subject to this section's requirements and the securing of a Use Permit in accordance with the provisions of Section 8.280.030, required parking may be located on a parcel different than the primary use for which the parking is provided ("off-site parking").
- b. Standards Required. In addition to the procedures established in Section 8.280.030 of the Zoning Regulations, requests for off-site parking shall comply with this Section's standards and criteria.
  - (1) Parking requirements may be satisfied by the provision of parking on another parcel, if dedicated access to the off-site spaces is demonstrated by ownership or a current lease. Changes in ownership, termination of leases that infringe dedicated access to

any of the required parking spaces, shall result in revocation of the Use Permit until the parking deficiency is remedied.

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

c. Findings Required. A Use Permit for off-site parking may be approved if the following findings are made, in addition to the findings required in Section 8.280.030:

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



- (c) A provision that the County may require parking facilities in addition to those originally approved, upon finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
  - (d) A provision stating that the County, acting through the Planning Commission, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the Use Permit and/or agreement at any time.
- d. Exceptions. In addition to the ability to obtain a Use Permit for shared parking or off-site parking, the Director of Planning and Building may grant an exception to modify the number of spaces, size, location, or design of required parking areas upon finding that extenuating and/or unusual circumstances exist that impair compliance with Section 8.132.090.

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

- (1) The number of spaces, location, and design of existing bicycle parking would adequately serve the newbuilding occupants.
- (2) Extenuating and/or unusual circumstances exist relating to property shape or location of development that impair compliance with Section 8.132.090.

(Prior Ch. 29.3C § 6569 – 6569.9 Ord. 4787: 11/21/17)

(Prior code § 6569 – 6569.9 repealed/replaced Ord. 4883: 10/17/23)

## ***CHAPTER 8.134 - RM DISTRICT (RESOURCE MANAGEMENT DISTRICT)***

### **8.134.010 - Purposes Of Resource Management District.**

The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

(Prior code § 6310 Amd. Ord. 3872; 01/19/99)

### **8.134.020 - Applicability Of Resource Management District.**

The Resource Management District (hereinafter the RM District) shall supplant and replace in name those F-1, A-1, and A-2 Districts that are combined with S-13 and S-11 Districts. The RM District may also be applied to other areas of the County when they are rezoned to such district.

These regulations shall not apply to a building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time these regulations, with which it does not conform, became effective.

All parcels 5 acres or larger in size which were legally in existence at the time of the enactment of this ordinance shall continue to be legal parcels. Parcels smaller than 5 acres in size shall continue to be legal parcels only if no adjacent property was in the same ownership at the time of enactment of this ordinance, or if a potable on-site water supply had been developed on the parcel at the time of enactment of this ordinance. When such parcels can be aggregated to a minimum of 5 acres, each 5-acre aggregation shall constitute one legal parcel.

### **8.134.030 - Elements Of District Regulations.**

The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 8.134.070 (2) Development Review Procedures and Criteria, as indicated in Section 8.296; (3) General Review Criteria, as indicated in Section 8.292.030 (4) Supplementary Review Criteria for Primary Resource Areas, as indicated in Section 8.292.100; (5) Supplementary Review Criteria for Special Hazards Areas, as indicated in Section 8.292.180; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

(Prior code § 6312 Amd. Ord. 3872; 01/19/99)

### **8.134.040 - Development Review Permit Requirement.**

All developments proposed for a location within a RM District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 8.296.

For purposes of Chapters 8.134, 8.292, and 8.293, but excluding those uses defined below, “development” shall mean the construction of any significant structure on land, or in or under water; the discharge or disposal of any significant dredged material or any gaseous, liquid, solid or thermal waste; the division or subdivision of land into two or more parcels; reconstruction or substantial alteration of any significant structure, including any facility of a private, public or quasi-public utility; and any major removal of vegetation.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 8.296.090 and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Chapter 8.408 of the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, chapter 8.412, quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 8.420; oil and gas well regulations, Chapter 8.424 and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 10.64, Regulation of Grading and Excavating Operations: agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses that did not require a permit prior to adoption of this ordinance, and harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, “Significant Structures” shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

(Prior code § 6313 Amd. Ord. 2347; 01/20/76)

(Prior code § 6313 Amd. Ord. 3872; 01/19/99)

### **8.134.050 - Officers: General Areas Of Responsibility.**

- (a) The Director of Planning shall be responsible for notifying and furnishing information to interested persons and agencies, for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors, for making recommendations relating to the overall design, and for assuring compliance with the provisions of this Ordinance.

- (b) The County Engineer and Road Commissioner shall be responsible for making recommendations pertaining to public and private roads, all such improvements within road rights-of-way including but not limited to storm drainage, sewer, water, traffic control, street lighting and public utilities facilities, and for making recommendations in connection with site development, grading erosion control, and matters related to soil stability and geology of the development. They shall be responsible for the review of reports, final maps and improvement plans required.
- (c) The County Health Officer shall be responsible for: (1) submission of a report stating the recommendations and conditions that must meet the standards and requirements pertaining to water supply, sewage disposal, and other environmental health matters, (2) certification that the quality and quantity of the domestic water supply meets County and State regulations, and (3) final approval of the method of sewage disposal, including consideration of state and local requirements.
- (d) The County fire authorities shall be responsible for making recommendations pertaining to fire prevention and means for protection from fires.
- (e) Officers shall submit their reports to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections with regard to the matters for which they are responsible to insure compliance with the requirements of this Chapter and the conditions of approval.

#### **8.134.060 - Maximum Permitted Development.**

The following provisions relating to use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and that areas hazardous to development or life are left in open or limited use. These provisions are maximum limits and, where applicable, more restrictive requirements imposed by the application of review criteria under Chapter 8.292 shall supersede Sections 8.134.070 through 8.134.090.

#### **8.134.070 - Permitted Uses.**

The following uses only shall be permitted in the RM District, except those subject to the provisions of Section 8..280 which require a Use Permit:

- (a) Agricultural uses and accessory structures, on-site sales of agricultural products.
- (b) Nurseries and greenhouses.

- (c)\* Temporary trailer parks and other housing for farm laborers.
- (d) Livestock raising and grazing.
- (e) Dairies.
- (f)<sup>1</sup> Kennels or catteries.
- (g)<sup>2</sup> Timber harvesting and commercial woodlots, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
  - (1) Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
  - (2) Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Chapter 8.360.
  - (3) Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of Title 8, of San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.

- (h)<sup>4</sup> Quarries and waste disposal sites.
- (i) Single-family residences.
- (j) Multi-family residences.
- (k)\* Hotels, motels and restaurants.

- (l)\* Churches.
- (m)\* Schools.
- (n)\* Fire stations.
- (o)\* Public and private clubs.
- (p) Public recreation.
- (q)\* Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches, and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.
- (r)<sup>3</sup> Oil and gas exploration, production and storage.
- (s) Home occupations.
- (t)\* Wineries; provided that the annual storage capacity shall not exceed 10,000 gallons, the annual fermentation capacity shall not exceed 5,000 gallons, and the annual bottling shall not exceed 2,500 cases of wine; the only retail sales permitted will be those of wines produced on the premises.
- (u)\* Exotic animals for which a Use Permit has been obtained in accordance with Chapter 6.08 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this Chapter.
- (v)\* Scientific/Technical Research and Test Facilities, provided a Use Permit shall only be issued for this use upon the following findings:
  - (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
  - (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
  - (3) That no manufacturing or industrial activities are involved.

- (4) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
  - (5) That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
  - (6) That the proposed use of facility does not create a potential for any health or safety hazard.
  - (7) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
- (w) Keeping of pets in association with a one-family dwelling.
  - (x) Limited keeping of pets in association with a second unit, farm labor housing unit or multiple-family dwelling unit.
  - (y) Animal fanciers.
  - (z)\* Veterinary hospitals for small animals.
  - (aa)\* Veterinary hospitals for large animals.
  - (ab) Keeping of confined animals.

\*Uses allowed subject to a use permit

<sup>1</sup>Allowed subject to a kennel/cattery permit

<sup>2</sup>Allowed subject to timber harvesting permit

<sup>3</sup>Allowed subject to oil well permit

<sup>4</sup>Allowed subject to quarry permit

(Prior code § 6315(f) Amd. Ord. 3449; 12/15/92

(Prior code § 6315(g) Amd. Ord. 3381; 04/14/92)

(Prior code § 6315(t) Ord. 2340; 04/12/77)

(Prior code § 6315(u) Ord. 2522; 07/18/78)

(Prior code § 6315(v) Ord. 2872; 01/17/84)

(Prior code § 6315(w) Ord.3449; 12/15/92)

(Prior code § 6315(x) Ord. 3449; 12/15/92)

(Prior code § 6315(y) Ord. 3449; 12/15/92)

(Prior code § 6315(z) Ord. 3449; 12/15/92)

(Prior code § 6315(aa) Ord. 3449; 12/15/92)

(Prior code § 6315(ab) & Footnote (ab)5 Rep. Ord. 4844; 05/04/21)

(Prior code § 6315(ab) Ord. 3791; 10/21/1997)

(Prior code § 6315(ac) Ord. 4075; 11/06/01)

### **8.134.080 - Second Dwelling Units.**

See Chapter 8.392 for provisions to allow second dwelling units to locate in the RM District.

(Prior code § 6316 Ord. 3038; 06/18/85)

### **8.134.090 - Maximum Density Of Development.**

In the RM District, for purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of that density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel, which has not yet been assigned a maximum density accumulation, shall be assigned a density of one dwelling unit per 5 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling units allowed is equal to or greater than .5, the total number of dwelling units allowed shall be rounded up to the next whole dwelling unit. If the fraction is less than .5, the fractional unit shall be deleted.

The provisions of this section will not apply to farm labor housing or other structures considered to be accessory to agriculture under the same ownership.



- (a) On lands falling within a 100-year floodplain as defined by USGS, dwelling units may be accumulated at a maximum of one unit per 40 acres. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply.
- (b) For remote lands, defined as those lands over one mile from an existing all-weather through public road, density accumulation shall be limited to one dwelling unit per 40 acres.
- (c) Density accumulation in agricultural preserves or the exclusive Agricultural Districts as defined in the adopted Resource Conservation Area Density Matrix policy, designated for the production of specialty and other crops, shall not exceed one dwelling unit per 40 acres.
- (d) For areas within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, "Landslide Susceptibility in San Mateo County," density accumulation shall be limited to one dwelling unit per 40 acres.
- (e) All areas located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active Faults," probably active faults, and associated fracture zones in San Mateo County shall be limited to a maximum density accumulation of one dwelling unit per 40 acres.
- (f) That portion of a parcel which has a slope in excess of 50% shall have density accumulation limited to one dwelling unit per 40 acres; that portion of a parcel having a slope in excess of 30% but not exceeding 50% shall have density accumulation limited to one dwelling unit per 20 acres; that portion of a parcel having a slope in excess of 15% but not exceeding 30% shall have density accumulation limited to one dwelling unit per 10 acres. Slope is determined by dividing the change in elevation between contours (lines of equal elevation) by the horizontal distance between the respective contours.
- (g) Lands within the adopted Skyline State Scenic Highway corridors shall be limited to a density accumulation of one dwelling unit per 10 acres.
- (h) Areas designated by the U.S. Department of Agriculture, Soil Conservation Service as Class I or II soils, or Class III soils rated "good" or "very good" for artichokes or Brussels sprouts and within the climatic zone suitable for artichokes and Brussels sprouts shall be limited to a maximum density accumulation of one dwelling unit per 10 acres.

Any map referenced in this section can be challenged for accuracy. Where maps referenced in this section can be proved inaccurate by more detailed study, the appropriate density accumulation shall be allowed.

### **8.134.100 - Conservation Open Space Easement.**

Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980). The boundaries of the conservation easement may be modified by the parties for purposes of health, safety and maintenance of the uses allowed at the time of the subdivision provided that the original intent and purposes of the conservation easement are maintained.

The land subject to a conservation easement is that land which is not designated for development under a Master Land Division Plan under the requirements of Chapter 8.296 (Development Review Procedure). The boundaries between the land designated as a conservation easement and the land available for development shall be chosen, at a minimum, so that improvements allowable at the time of subdivision may be made in areas outside the conservation easement, provided however, that no increase in density credits is implied or created and any development planned under this provision will be subject to the State laws and County regulations in place at the time the development is sought to be implemented. For purposes of Section 8.134.090(a), a "land division" does not include:

- (a) A lot line adjustment unless the proposed lot line adjustment will increase the intensity of use or density credits of the master parcel.
- (b) A land division resulting from a transfer of land to a public agency or non-profit organization for public recreation or open space purposes provided that the land acquired by the government agency or non-profit organization is dedicated as public open space or parkland in perpetuity.

(Prior code § 6317A Ord. 4388; 09/11/07)

### **8.134.110 - Development Bonuses.**

Where it is demonstrated that a development will further the goals and policies of the Open Space and Conservation Element of the San Mateo County General Plan, increases in the maximum allowable density may be permitted.

- (a) Developments where over 80% of the contiguous and compact parcel area is kept free from alteration (except as required for natural resource management purposes) and held in permanent common open space through appropriate forms of restrictions or public dedication, shall be encouraged by granting a bonus density of up to 10% beyond that permitted by the provisions of Section 8.134.090.
- (b) An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met:
  - (1) Auxiliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces or to preserve areas of special open space value.

- (2) Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area.
- (3) Housing units will be constructed of a type, price and in a location which would help promote the objectives of the Housing Element of the San Mateo County General Plan.

### **8.134.120 - Maximum Height Of Structures.**

In the RM District, no residential or commercial structure shall exceed three stories or 36 feet in height except as allowed by use permit provisions in Chapter 8.336 of the San Mateo County Ordinance Code.

### **8.134.130 - Minimum Yards.**

In the absence of more restrictive provisions within this ordinance and with the exception of setbacks determined under the provisions of Section 8.134.140 of this Ordinance Code, the minimum yards required in the RM District shall be as follows:

Front: 50 feet  
Side: 20 feet  
Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

(Prior code § 6319B Amd. Ord. 4496; 04/27/10)

### **8.134.140 - Criteria For Reduction Of Required Setbacks For Residential Projects In Urban Areas That Preserve Open Space.**

- (a) Decision Making Authority: In order to grant a reduction of the required setbacks as allowed by this section, the decision making authority of the Resource Management Development Review Permit, pursuant to Section 8.134.040 of this Chapter, must make the finding that the proposed development complies with the criteria listed in this section at the time of permit approval.
- (b) The front setback (yard) may be reduced to a minimum of 20 feet, and side setback(s) (yards) may be reduced to a minimum of 10 feet, if all of the following apply:

- (1) The project preserves an area of open space that significantly enhances the protection of visual, habitat, or open space resources. The preservation of open space is accomplished by a conservation easement.
- (2) The project is located in an urban area, as shown on Map 8.1M of the San Mateo County General Plan.
- (3) The home sites are located immediately contiguous to an existing developed area.
- (4) The reduced setbacks are appropriate to conform the proposed development to existing development, thereby helping to integrate the new development into the surrounding neighborhood.
- (5) The reduced setbacks will allow for increased open space by:
  - a) Reducing the front setback allows for shallower parcels, and thereby allowing for increased open space and/or conservation easement area to be preserved in the rear area of the project or subdivision, and/or
  - b) Reducing the side setback(s) will promote clustering of proposed residences thereby allowing more open space and/or conservation easement area to be preserved in the project or subdivision.
- (6) The project will comply with the following development standards:
  - a) Minimum Lot Width of 75 feet.
  - b) Maximum Building Site Coverage Ratio of 40%.
  - c) Accessory buildings and structures will comply with Chapter 8.348 (Detached Accessory Buildings) of this Ordinance Code, except that structures will maintain the minimum 20-foot rear setback and a minimum side setback of 10 feet.
- (7) The project will minimize grading.
- (8) The reduction of required setbacks does not adversely impact community character, public health, safety or welfare.

(Prior code §, 6310- 6319B, Chap 20A Ord 2229; 12/20/73)

(Prior code § 6319C Ord. 4496; 04/27/10)

## **CHAPTER 8.138 - RM-CZ DISTRICT (RESOURCE MANAGEMENT DISTRICT- COASTAL ZONE)**

### **8.138.010 – Purposes Of Resource Management-Coastal Zone District.**

The purposes of this chapter are to carry out the objectives and policies of those San Mateo County General Plan Chapters that fulfill the requirements for State-mandated Open Space and Conservation Elements, as well as other elements adopted as part of the General Plan of San Mateo County, to meet the requirements of Section 65910 of the Government Code of the State of California requiring formulation of an open space zoning ordinance, and to ensure consistency between the General Plan and the zoning ordinance.

(Prior code § 6900 Amd. Ord. 3877: 01/19/99)

### **8.138.020 – Applicability Of Resource Management-Coastal Zone District.**

The Resource Management-Coastal Zone District (hereinafter the RM-CZ District) shall supplant and replace in name those F-1, A-1, and A-2 Districts that are combined with S-13 and S-11 Districts. The RM-CZ District may also be applied to other areas of the County when they are rezoned to such district.

These regulations shall not apply to a building or structure or portion thereof or use of building or land which does not conform to the zoning regulations and which lawfully existed at the time these regulations, with which it does not conform, became effective.

All parcels 5 acres or larger in size which were legally in existence at the time of the enactment of this ordinance shall continue to be legal parcels. Parcels smaller than 5 acres in size shall continue to be legal parcels only if no adjacent property was in the same ownership at the time of enactment of this ordinance, or if a potable on-site water supply had been developed on the parcel at the time of enactment of this ordinance. When such parcels can be aggregated to a minimum of 5 acres, each 5-acre aggregation shall constitute one legal parcel.

### **8.138.030 – Elements Of District Regulations.**

The regulations of this district are included in seven (7) major ordinance elements: (1) Maximum forms of development and type of use, as indicated in Section 8.138.070 (2) Development Review Procedures and Criteria, as indicated in Chapter 8.292; (3) General Review Criteria, as indicated in Section 8.292.030 (4) Supplementary Review Criteria, for Primary Resource Areas, as indicated in Section 8.292.100; (5) Supplementary Review Criteria for Special Hazards Areas as indicated in Section 8.292.180; (6) Primary Resource Areas and Hazard Areas; and (7) the applicable portions of the Zoning District Map, as included in the San Mateo County Zoning Ordinance.

(Prior code § 6902 Amd. Ord. 3877; 01/19/99)

### **8.138.040 – Development Review Permit Requirement.**

All development proposed for location within an RM-CZ District shall require the issuance of a permit, pursuant to the Development Review Procedure specified in Chapter 8.296, and such proposed development shall comply with the California Environmental Quality Act (CEQA), Section 15020, or purposes of Chapters 8.134, 8.292, 8.296, and 8.138, but excluding those uses defined below, “development” shall mean the construction of any significant structure on land, or in or under water; the discharge or disposal of any significant dredged material or any gaseous, liquid, solid or thermal waste; the division or subdivision of land into two or more parcels; reconstruction or substantial alteration of any significant structure, including any facility of a private, public or quasi-public utility; and any major removal of vegetation.

Excluded from this definition of development and from Development Review Permits and Procedures are uses defined in Section 8.296.090 and commercial logging which is controlled under regulation of the Timber Harvesting Ordinance, Chapters 8.408 off the San Mateo County Ordinance Code; topsoil operations which are subject to regulations of the County Ordinance Code, Chapter 8.412 Topsoil Site Regulations, quarrying operations which are subject to regulation of the County Ordinance Code, Chapter 8.420, Quarries; oil and gas well regulations, Chapter 8.424, and grading and excavating operations which are subject to regulations of the County Ordinance Code, Chapter 10.64, Regulation of Grading and Excavating Operations; agricultural utility poles; single pump houses of less than 800 cubic feet in size, fences under 4 feet in height constructed of single wire or open wood rail, necessary repairs or maintenance of existing structures, agricultural uses which did not require a permit prior to adoption of this ordinance, and crop harvesting and conversion of land for agricultural use, unless said use or land falls within a Primary Wildlife or Primary Natural Vegetative Area, except that vegetation forming a significant part of the viewshed as seen from urban areas or public roads and trails shall be deleted from the definition of Primary Natural Vegetative Areas in consideration of conversion of land for agricultural use.

For purposes of this ordinance, “Significant Structures” shall be defined as a structure for human occupancy or use such as a single-family residence, multiple-family residences, trailer park structures, structures for overnight accommodations, restaurants, churches, private and public club structures, and schools, roads, bridges, public facilities and utilities, non-agricultural utility poles and structures, dams, breakwaters, mineral extraction buildings and constructs, harbors, docking facilities, recreation buildings and facilities, campground structures, dude ranch structures and similar types of structures.

(Prior code § 6903 Amd. Ord. 3877; 01/19/99)

### **8.138.050 – Officers: General Areas Of Responsibility.**

- (a) The Director of Planning shall be responsible for notifying and furnishing information to interested persons and agencies, for coordination, accumulation and presentation of data to the Planning Commission and Board of Supervisors, for making recommendations relating to the overall design, and for assuring compliance with the provisions of this ordinance.
- (b) The County Engineer and Road Commissioner shall be responsible for making recommendations pertaining to public and private roads, all such improvements within road rights of way including but not limited to storm drainage, sewer, water, traffic control, street lighting and public utilities facilities, and for making recommendations in connection with site development, grading erosion control, and matters related to soil

stability and geology of the development. They shall be responsible for the review of reports, final maps and improvement plans required.

- (c) The County Health Officer shall be responsible for: (1) submission of a report stating the recommendations and conditions that must meet the standards and requirements pertaining to water supply, sewage disposal, and other environmental health matters, (2) certification that the quality and quantity of the domestic water supply meets County and State regulations, and (3) final approval of the method of sewage disposal, including consideration of State and local requirements.
- (d) The County fire authorities shall be responsible for making recommendations pertaining to fire prevention and means for protection from fires.
- (e) Officers shall submit their reports to the Director of Planning for submission to the Planning Commission and Board of Supervisors. Each of said officers shall be responsible for making necessary inspections with regard to the matters for which they are responsible to insure compliance with the requirements of this chapter and the conditions of approval.

#### **8.138.060 - Maximum Permitted Development.**

The following provisions relating to use, density and intensity of development ensure that development is consistent with levels of services which reasonably can be provided, will conserve natural features and scenic values, and that areas hazardous to development or life are left in open or limited use. These provisions are maximum limits and, where applicable, more restrictive requirements imposed by the application of review criteria under Chapter 8.292 shall supersede Sections 8.138.070-8.138.100

#### **8.138.070 - Permitted Uses.**

The following uses only shall be permitted in the RM-CZ District, except those subject to the provisions of Section 6500 which require a use permit:

- (a) Agricultural uses and accessory structures, temporary roadstands for seasonal sale of produce grown in San Mateo County, providing that 1) sales activities are limited to less than a nine-month operating period per year, 2) all structures are of portable construction and shall be removed from the site within 10 days of the seasonal closure of the stand, 3) roadstand size shall be limited to 200 square feet and appearance, including signs, color and materials, is consistent with the policies of the certified LCP and meets the satisfaction of the Director of Planning and Building; and 4) access and parking requirements meet the satisfaction of the Director of Public Works, however, no impervious paving shall be required.
- (b) Nurseries and greenhouses.
- (c)\* Temporary trailer parks and other housing for farm laborers.

- (d) Livestock raising and grazing.
- (e) Dairies.
- (f)<sup>1</sup> Kennels or catteries.
- (g)<sup>2</sup> Timber harvesting and commercial woodlots, providing that no commercial timber harvesting shall occur within 1,000 feet of any legal dwelling in existence on June 18, 1991, except under the following circumstances:
  - (1) Timber harvesting operations for which all permits had been received on or before June 18, 1991, may complete operations in accordance with the terms and conditions of such permits.
  - (2) Timber harvesting operations may occur within the 1,000-foot buffer zone with prior written approval of the owner of the affected dwelling, subject to the prior recordation of the statement specified in Chapter 8.360.
  - (3) Normal forest maintenance may be conducted within the 1,000-foot buffer zone, but shall be limited to: (a) removing dead, dying, or diseased trees and snags; (b) salvaging downed wood; (c) cutting trees for the purposes of developing viewsheds or landscape aesthetics in accordance with other applicable provisions of this Part and of Division VII, San Mateo County Ordinance Code; or (d) clearing for firebreaks, in accordance with requirements of the County Fire Marshal or other applicable fire authority having jurisdiction.

Notwithstanding the above, access roads to the site of timber harvesting operations may be constructed, improved, and used within the 1,000-foot buffer zone. The limitation on harvesting within 1,000 feet of an existing dwelling shall not apply to a dwelling located on the parcel which is proposed for timber harvesting.

For the purpose of this section, the distance from a dwelling shall be measured along the surface of the ground.<sup>a</sup>

- (h)<sup>4</sup> Quarries and waste disposal sites.
- (i) Single-family residences.
- (j) Multi-family residences.

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<sup>a</sup>Not effective in the Coastal Zone unless and until certification without change by the California Coastal Commission. Certification had not occurred as of the reprinting date of this Chapter {July 1999}.



(k)\* Hotels, motels and restaurants.

(l)\* Churches.

(m)\* Schools.

(n)\* Fire stations.

(o)\* Public and private clubs.

(p) Public recreation.

(q)\* Commercial recreation, including but not limited to stables and riding academies, golf courses, campgrounds, dude ranches, and motorcycle parks in accordance with adopted policies on motorcycle parks and related facilities.

(r)<sup>3</sup> Oil and gas exploration, production and storage.

(s) Home occupations.

(t)\* Wineries.

(u)\* Exotic animals for which a use permit has been obtained in accordance with Chapter 6.08 of the San Mateo County Ordinance Code are permitted in addition to those animals otherwise permitted by this chapter.

(v)\* Aquaculture development.

(w)\* Repair, alterations, and additions to existing cemeteries.

(x)\* Scientific/technical research and test facilities, provided a use permit shall only be issued for this use upon the following findings:

- (1) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.

- (2) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
  - (3) That no manufacturing or industrial activities are involved.
  - (4) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Plan.
  - (5) That the proposed use does not impair existing or potential agricultural uses on the site or on surrounding properties. The applicant shall demonstrate how agriculture will not be impaired, including provisions for leasing portions of the site for agricultural uses.
  - (6) That the proposed use of facility does not create a potential for any health or safety hazard.
  - (7) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
- 
- (y)\* Corporation/maintenance yards for public purposes.
  - (z)\* Permanent roadstands for the sale of produce.
  - (aa) Keeping of pets in association with a one-family dwelling.
  - (ab) Limited keeping of pets in association with a farm labor housing unit or multiple-family dwelling unit.
  - (ac) Animal fanciers.
  - (ad)\* Veterinary hospitals for small animals.
  - (ae)\* Veterinary hospitals for large animals.
  - (af) Keeping of confined animals.

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\*Uses allowed subject to a use permit

<sup>1</sup>Allowed subject to a kennel/cattery permit

<sup>2</sup>Allowed subject to timber harvesting permit

<sup>3</sup>Allowed subject to oil well permit

<sup>4</sup>Allowed subject to quarry permit

(Prior code § 6905(a) Amd. Ord. 3263; 09/11/90)

(Prior code § 6905(f)(aa)-(ae) Amd. Ord. 03450 12/15/93)

(Prior code § 6905(g) Amd Ord. 3381; 04/92) - CA Coastal Commission certified Amd. 12/13/00, eff. In Coastal Zone 01/13/01)

(Prior code § 6905(t)&(u) Ord. 2781; 04/06/82)

(Prior code § 6905(w) Ord.2863; 12/13/83)

(Prior code § 6905(w) Amd. Ord.3276; 11/06/90)

(Prior code § 6905(x) Ord. 2872; 01/17/84)

(Prior code § 6905(x) Ord. 3128; 10/06/87)

(Prior code § 6905(x) Amd. Ord.3189; 10/24/89)

(Prior code § 6905(z) Ord. 3189; 10/24/89)

(Prior code § 6905(af) Ord. 4075; 03/20/02)

### **8.138.080 - Maximum Density Of Development.**

In the RM-CZ District, for purposes of determining the maximum total number of dwelling units permissible on any parcel, the following system shall be used:

The total parcel shall be compared against the criteria of this section in the order listed. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of dwelling credits allowed is equal to or greater than .5, the total number of dwelling credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this Section for both (a) existing uses, and (b) any

expanded or additional uses, and only where such development meets all other applicable policies of the Local Coastal Program.

#### Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving, Commercial Recreation and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

#### Residential Uses

For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

#### Non-Agricultural Uses Except Visitor-Serving Uses

For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures."

#### Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded visitor-serving, commercial recreation and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year.

This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

#### First Density Credit

For one density credit or the first density credit when multiple density credits are available, either 1 1/2 times the amount stated in Table 1.5 in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily

Water Use With Conservation Fixtures,” or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.

#### Additional Density Credits

For each additional density credit, the amount stated in Table 1.5 in the column headed “Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures.”

For the purpose of this provision, “visitor-serving, commercial recreation, and public recreation uses” shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.

As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

(a) Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 6351 (i.e., the number of acres of Prime Agricultural Land divided by 160).

(b) Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, “Landslide Susceptibility in San Mateo County” or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

(c) Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

(d) Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

(e) Land With Slope 30% but Less Than 50%

One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

(f) Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

(g) Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

(h) Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

(i) Land Within Agricultural Preserves or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within agricultural preserves or the exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

(j) All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections (a) and (j), the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

(Prior code § 6906 Amd. Ord. 3189; 10/24/89)

(Prior code § 6906 Amd. Ord. 3716; 06/04/96)

(Prior code § 6906 Amd. Ord. 3799; 11/18/97)

(Prior code § 6906(7) Amd. Ord. 3002; 07/03/84)

### **8.138.090 - Conservation Open Space Easement.**

Require, after any land divisions, that the applicant grant to the County (and the County to accept) a conservation easement containing a covenant, running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space (as defined in the California Open Space Lands Act of 1972 on January 1, 1980).

(Prior code § 6906.1 Amd. Ord. 2893; 06/05/84)

(Prior code § 6906.1 Amd. Ord. 3189; 10/24/89)

### **8.138.100 - Development Bonuses.**

Where it is demonstrated that a development will further the goals and policies of the Open Space and Conservation Element of the San Mateo County General Plan, increases in the maximum allowable density may be permitted.

- (a) Developments where over 80% of the contiguous and compact parcel area is kept free from alteration (except as required for natural resource management purposes) and held in permanent common open space through appropriate forms of restrictions or public dedication, shall be encouraged by granting a bonus density of up to 10% beyond that permitted by the provisions of Section 6906.
- (b) An additional bonus of up to 10% shall be granted if one or more of the following criteria are also met
  1. Auxiliary transportation modes will be used either to reduce the total land area devoted to structures and paved surfaces or to preserve areas of special open space value.
  2. Building and site design, structural systems and construction methods will be employed which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area.

**8.138.110 - Maximum Height Of Structures.**

In the RM-CZ District, no residential or commercial structure shall exceed three stories or 36 feet in height except: (1) as allowed by use permit provisions in Section 8.336.030 of the San Mateo County Ordinance Code, and (2) in the Midcoast LCP Update Project Area, as shown on the map that is part of this Chapter, no residential structure shall exceed 28 feet in height. If any portion of a structure is used for residential purposes, the height limit for the entire structure is 28 feet.

(Prior code § 6908A Amd Ord. 4564; 05/24/11 - CA Coastal Commission certified 08/24/12, eff. In Coastal Zone 09/07/12)

**8.138.120 - Minimum Yards.**

In the absence of more restrictive provisions within this ordinance, the minimum yards required in the RM-CZ District shall be as follows:

Front: 50 feet

Side: 20 feet

Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

(Prior code § 6908B Amd Ord. 4564; 05/24/11 - CA Coastal Commission certified 08/24/12, eff. In Coastal Zone 09/07/12)

**8.138.130 - Midcoast Residential Floor Area.**

- a. In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the maximum building floor area for residential uses shall be established according to the following table, except as provided by subsection b.

Parcel Size	Maximum Floor Building Area
2,500 – 4,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
4,750 – 4,999 sq. ft.	0.53 – ((5,000-parcel size) x 0.0002) x parcel size
5,000 – 11,698 sq. ft.	0.53 (parcel size)



More than 11,698 sq. ft.	6,200 sq. ft.
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The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a parcel. If any portion of a building is used for residential purposes, the floor area of the entire building is included. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

- b. In addition to the limitations set forth in subsection a., permit 250 sq. ft. bonus building floor area for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G") during the "voluntary merger period" described therein.

**8.138.140 - Midcoast Impervious Surface Area.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, the amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size. The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways, and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

- (a) Non-residential development, and
- (b) Residential development, only if the Director of Planning and Building determines that the exception is necessary for compliance with site planning and design requirements.

**8.138.150 - Midcoast Winter Grading.**

In the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter, development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior code § 6908C-6908E Ord. 4564; 05/24/11 - CA Coastal Commission certified 08/24/121, eff. In Coastal Zone 09/07/12)

## **CHAPTER 8.142 – TPZ, TIMBERLAND PRESERVE ZONE**

### **8.142.010 - Findings, Purpose, Intent And Policy.**

The Board of Supervisors finds and declares that the forest resources and timberlands of the County are among its most valuable natural renewable resources. The timberlands augment the economic base through provision of resources for forest products, watershed protection, encouragement of tourism and enhancement of the living environment. The provisions of this ordinance are enacted in the interest of the welfare of the people of San Mateo County, so that:

1. The timberlands of the County shall be protected and the ecological balance of such timberlands shall be preserved.
2. The public shall be protected from the environmental deterioration, hazards and costs of inappropriate development in the hills and forests.
3. A viable economy shall be fostered in the forests utilizing intensive forestry practice based on productivity of land rather than on its sale and development.
4. Relatively large land management units shall be encouraged for ease of timber production, recreation, and other uses compatible with maintaining timberlands in productive economic units.
5. The multiple uses of forest resources are integrated to achieve the goals of private ownership, while giving consideration and protection to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations.
6. The Board of Supervisors by enactment of this ordinance does not intend to take private property for public use without payment of just compensation.

### **8.142.020 – Additional Findings.**

The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the reasons listed above and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent as is consistent with the public interest, convenience and necessity.

### **8.142.030 - Applicability Of Timberland Preserve Zone.**

The Timberland Preserve Zone (hereinafter TPZ) shall replace a portion of the Resource Management District Zone. Any parcel rezoned from TPZ shall be placed in a zone consistent with the General Plan designation of the parcel.

### **8.142.040 - Definitions.**

In this ordinance, the following definitions apply, unless the context clearly requires otherwise:

1. "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit growing and harvesting timber, and shall include, but not be limited to, the following unless in a specific instance such a use would be contrary to the preceding definition of compatible use:
  - a) Watershed management including the management of all the natural resources of a watershed to protect, maintain, or improve its water quality and yield.
  - b) Management of lands for wildlife habitat.
  - c) Management for recreation:
    - i. Hunting, fishing, horseback riding, and hiking.
    - ii. Outdoor recreation uses requiring some development such as campgrounds, overnight shelters, or motorcycle parks.
  - d) A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, log storage areas, and minor portable sawmilling.
  - e) Grazing.
  - f) Mineral and hydrocarbon production.
  - g) Energy resource development.
  - h) The erection, construction, alteration or maintenance of gas, electric, water or communications, transmission facilities.

- i) Outdoor education activities or development.
- j) Residential housing.
- k) Scientific/Technical Research and Test Facilities, provided a Development Permit shall only be issued for this use upon the following findings:
  - i. That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
  - ii. That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
  - iii. That no manufacturing or industrial activities are involved.
  - iv. That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
  - v. That the proposed use does not impair existing or potential timber production uses on the site or on surrounding properties. The applicant shall demonstrate how timber production will not be impaired, including provisions for leasing portions of the site for timber production purposes.
  - vi. That proposed use of facility does not create a potential for any health or safety hazard.
  - vii. That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
- l) Second Dwelling Units. See Chapter 22.5 for provisions to allow second dwelling units to locate in the TPZ District.
- m) Keeping of pets in association with a one-family dwelling.
- n) Limited keeping of pets in association with a second unit or farm labor housing unit.
- o) Animal fanciers.

p) Kennels or catteries, subject to a kennel/cattery permit.

q) Keeping of confined animals.

(Prior code § 6710.1.17 Ord.3791; 10/21/97)

(Prior code § 6710.1.17 Rep. Ord.4844; 05/04/21)

(Prior code § 6710.1.18 Ord.4075; 11/06/01)

2. "Contiguous" means two or more legal parcels that are adjoining or neighboring or are sufficiently near to each other as determined by the Planning Commission, or on appeal of the Board, that they are manageable as a single forest unit.
3. "Development" means the construction of any significant structure on land or in or underwater; the discharge or disposal of any significant dredged material or any gases, liquid, solid or thermal waste; the grading, removal, dredging, mining or extraction of more than 300 cubic yards of any material cumulatively, or within any scenic corridor as defined in the Open Space and Conservation Element of the San Mateo County General Plan, 25 cubic yards of any material; the division of land; reconstruction or substantial alteration of any significant structure, including any facility of any private, public, or quasi-public utility; any manufacturing or motorized use which could cause significant environmental impacts; or any major removal of vegetation. Excluded from this definition of development are uses integrally related to the growing and harvesting of forest products including, but not limited to roads, skid roads, stream crossings, and log landings.
4. "Feasible" means capable of being successfully accomplished within a reasonable period of time, taking into account economic, environmental, social and technological factors.
5. "Assessor's parcel" means any piece of land the Assessor has separately numbered.
6. "Parcel" means that portion of an Assessor's parcel that is timberland.
7. "Legal parcel" means a parcel created according to the San Mateo County Subdivision Ordinance and the Subdivision Map Act.

8. "Director of Planning and Building" means the Director of Planning and Building of the County of San Mateo, including their authorized or appointed representatives. For the purposes of this ordinance, the Director of Planning and Building shall authorize or appoint a representative qualified and licensed in the field of forestry to provide the necessary technical assistance in its administration.
  
9. "Significant structures" means structures such as single-family or multi-family residences; structures for recreational use; private and public club structures; teaching structures; structures for overnight accommodations; roads; bridges; public facilities and utilities; utility poles and structures; pipelines; storage tanks; dams; mineral extraction buildings and constructs; drilling sites, structures and constructs; recreation buildings and facilities; campgrounds structures; dude ranch structures; and similar types of structures.
  
10. "Site" means a classification of productive potential of timberland into one of five (5) classes by State Board of Forestry regulation, consistent with normally accepted forest practice. Site I denotes sites of highest productivity, Sites II and III denote sites of intermediate productivity potential, Sites IV and V denote sites of lowest productivity potential.
  
11. "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees; it does not mean nursery stock.
  
12. "Timberland" means privately owned land which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses. It must also be capable of growing an average annual volume of wood fiber of at least 15 cubic feet per acre.
  
13. "Timber management plan" means a feasible plan for development and utilization of timber resources and compatible uses which assures compatibility of uses with growing and harvesting timber and including a reasonable rotation age and cutting cycle (Section 6770).

(Prior code § 6710.1.17 Ord.3791; 10/21/97)

(Prior code § 6710.1.17 Rep. Ord.4844; 05/04/21)

(Prior code § 6710.1.18 Ord.4075; 11/06/01)

# CHAPTER 8.146 - TPZ-CZ, TIMBERLAND PRESERVE ZONE, COASTAL ZONE

## 8.146.010 - Findings, Purpose, Intent And Policy.

The Board of Supervisors finds and declares that the forest resources and timberlands of the County are among its most valuable natural renewable resources. The timberlands augment the economic base through provision of resources for forest products, watershed protection, encouragement of tourism and enhancement of the living environment. The provisions of this ordinance are enacted in the interest of the welfare of the people of San Mateo County, so that:

1. The timberlands of the County shall be protected and the ecological balance of such timberlands shall be preserved.
2. The public shall be protected from the environmental deterioration, hazards and costs of inappropriate development in the hills and forests.
3. A viable economy shall be fostered in the forests utilizing intensive forestry practice based on productivity of land rather than on its sale and development.
4. Relatively large land management units shall be encouraged for ease of timber production, recreation, and other uses compatible with maintaining timberlands in productive economic units.
5. The multiple uses of forest resources are integrated to achieve the goals of private ownership, while giving consideration and protection to the public's need for watershed protection, fisheries and wildlife, and recreational opportunities alike in this and future generations.
6. The Board of Supervisors by enactment of this ordinance does not intend to take private property for public use without payment of just compensation.

## 8.146.020 – Findings

The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the reasons listed above and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent as is consistent with the public interest, convenience and necessity.

## 8.146.030 - Applicability Of Timberland Preserve Zone.

The Timberland Preserve Zone (hereinafter the TPZ) shall replace a portion of the Resource Management District Zone. Any parcel rezoned from TPZ shall be placed in a zone consistent with the General Plan designation of the parcel.

### **8.146.040 - Definitions.**

In this ordinance, the following definitions apply, unless the context clearly requires otherwise:

1. "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit growing and harvesting timber, and shall include, but not be limited to, the following rules unless in a specific instance such a use would be contrary to the preceding definition of compatible use:
  - a. Watershed management including the management of all the natural resources of a watershed to protect, maintain, or improve its water quality and yield.
  - b. Management of lands for wildlife habitat.
  - c. Management for recreation:
    - (i) Hunting, fishing, horseback riding, and hiking.
    - (ii) Outdoor recreation uses requiring some development such as campgrounds, overnight shelters, or motorcycle parks.
  - d. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, log storage areas, and minor portable sawmilling.
  - e. Grazing.
  - f. Mineral and hydrocarbon production.
  - g. Energy resource development.
  - h. The erection, construction, alteration or maintenance of gas, electric, water or communications, transmission facilities.
  - i. Outdoor education activities or development.
  - j. Residential housing.



- k. Scientific/Technical Research and Test Facilities, provided a Development Permit shall only be issued for this use upon the following findings:
    - (i) That the use is of a low-intensity nature with a minimum of permanent construction required, no permanent on-site personnel or permanent on-site vehicles.
    - (ii) That the nature of the operation requires an open, isolated, and radio frequency interference-free environment.
    - (iii) That no manufacturing or industrial activities are involved.
    - (iv) That the size, location and design of any proposed facility as well as level of activity on the site are compatible with the policies of the Local Coastal Program.
    - (v) That the proposed use does not impair existing or potential timber production uses on the site or on surrounding properties. The applicant shall demonstrate how timber production will not be impaired, including provisions for leasing portions of the site for timber production purposes.
    - (vi) That proposed use of facility does not create a potential for any health or safety hazard.
    - (vii) That the applicant for such a facility shall describe the manner in which other users might be accommodated in sharing the proposed facility so as to avoid the duplication of such facilities in the future.
  - l. Keeping of pets in association with a one-family dwelling.
  - m. Limited keeping of pets in association with a farm labor housing unit.
  - n. Animal fanciers.
  - o. Kennels or catteries, subject to a kennel/cattery permit.
  - p. Keeping of confined animals.
2. "Contiguous" means two or more legal parcels that are adjoining or neighboring or are sufficiently near to each other as determined by the Planning Commission, or on appeal of the Board, that they are manageable as a single forest unit.

3. "Development" means the construction of any significant structure on land or in or underwater; the discharge or disposal of any significant dredged material or any gases, liquid, solid or thermal waste; the grading, removal, dredging, mining or extraction of more than 300 cubic yards of any material cumulatively, or within any scenic corridor as defined in the Open Space and Conservation Element of the San Mateo County General Plan, 25 cubic yards of any material; the division of land; reconstruction or substantial alteration of any significant structure, including any facility of any private, public, or quasi-public utility; any manufacturing or motorized use which could cause significant environmental impacts; or any major removal of vegetation. Excluded from this definition of development are uses integrally related to the growing and harvesting of forest products including, but not limited to, roads, skid roads, stream crossings, and log landings.
4. "Feasible" means capable of being successfully accomplished within a reasonable period of time, taking into account economic, environmental, social and technological factors.
5. "Assessor's parcel" means any piece of land the Assessor has separately numbered.
6. "Parcel" means that portion of an Assessor's parcel that is timberland.
7. "Legal parcel" means a parcel created according to the San Mateo County Subdivision Ordinance and the Subdivision Map Act.
8. "Director of Planning and Building" means the Director of Planning and Building of the County of San Mateo, including their authorized or appointed representatives. For the purposes of this ordinance, the Director of Planning and Building shall authorize or appoint a representative qualified and licensed in the field of forestry to provide the necessary technical assistance in its administration.
9. "Significant structures" means structures such as single-family or multi-family residences; structures for recreational use; private and public club structures; teaching structures; structures for overnight accommodations; roads; bridges; public facilities and utilities; utility poles and structures; pipelines; storage tanks; dams; mineral extraction buildings and constructs; drilling sites, structures and constructs; recreation buildings and facilities; campgrounds structures; dude ranch structures; and similar types of structures.
10. "Site" means a classification of productive potential of timberland into one of five (5) classes by State Board of Forestry regulation, consistent with normally accepted forest practice. Site I denotes sites of highest productivity, Sites II and III denote sites of intermediate productivity potential, Sites IV and V denote sites of lowest productivity potential.
11. "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately or publicly owned land, including Christmas trees; it does not mean nursery stock.



<sup>1</sup>See Section 8.150.020 for precise lot area requirements in S-11 and S-12 Districts.

<sup>2</sup>See Chapter 8.154 for precise requirements in the S-17 District.

<sup>3</sup>For buildings on land zoned C-1/S-3 located in the Midcoast LCP Update Project Area, as shown by the Midcoast Project Area Zoning Map the following provisions shall apply:

- (a) Buildings with No Residential Units  
Maximum Height Permitted – 28 feet.
- (b) Buildings with Residential Units – One of the following provisions shall apply, as determined by the property owner:
  - (1) Maximum Front Yard Required – None.  
Maximum Height Permitted – 28 feet; or
  - (2) Maximum Front Yard Required – 20 feet.  
Maximum Height Permitted – 32 feet.

Maximum coverage limitations shall apply to all structures except:

- (a) Structures in C, H, M, or P Districts in which there are no dwelling facilities.
- (b) Greenhouses, lathhouses, or other structures used exclusively for flower growing.

(Prior code § Chapter 20 Amd. Ord. 1483 10/10/61)

(Prior code § 6300 Amd. Ord. 1681; 10/10/64)

(Prior code § 6300 Amd. Ord. 1706; 06/22/65)

(Prior code § 6300 Amd. Ord. 2012;12/11/69)

(Prior code § 6300 Amd. Ord. 2379; 07/20/76)

(Prior code § 6300 Amd. Ord. 2862; 12/13/83)

(Prior code § 6300 Amd. Ord. 2868; 12/20/83)

(Prior code § 6300 (Table 1 Con't) ) Rep. Ord. 3470; 02/02/93)

(Prior code § 6300 Amd. Ord. 4557; 05/24/11 Cert. by CA Coast Commission 08/08/12; eff in Coastal Zone 09/07/12)

**8.150.020 - Lot Slope Regulations.**

The following additional regulations for determining lot area requirements and lots per gross acre shall apply in S-11 and S-12 Districts.

TABLE 2					
LOT AREA REQUIREMENTS FOR S-11 DISTRICTS*					
Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area In Acres	Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area In Acres

	(1)	(2)		(1)	(2)
1 & under	1.14	1.00	26	1.91	1.52
2	1.16	1.00	27	1.97	1.61
3	1.18	1.00	28	2.02	1.69
4	1.20	1.00	29	2.08	1.77
5	1.22	1.00	30	2.14	1.86
6	1.24	1.00	31	2.21	1.94
7	1.26	1.00	32	2.28	2.03
8	1.29	1.00	33	2.36	2.12
9	1.31	1.00	34	2.44	2.19
10	1.33	1.00	35	2.53	2.27
11	1.36	1.00	36	2.62	2.36
12	1.39	1.00	37	2.72	2.45
13	1.42	1.00	38	2.83	2.55
14	1.44	1.00	39	2.95	2.66
15	1.47	1.00	40	3.07	2.78
16	1.51	1.00	41	3.21	2.91
17	1.54	1.00	42	3.37	3.05
18	1.57	1.00	43	3.54	3.20
19	1.61	1.00	44	3.72	3.38
20	1.65	1.00	45	3.93	3.57
21	1.68	1.09	46	4.16	3.79
22	1.73	1.18	47	4.42	4.03
23	1.77	1.26	48	4.71	4.31
24	1.81	1.34	49	5.05	4.63
25	1.86	1.43	50 & over	5.43	5.00

\*S-12 Districts shall be subject to this regulation when slope category indicates minimum lot size greater than 2 1/2 acres.

Slope category is determined by the average ground slope which is calculated by the following formula:

$$S = \frac{.00229 IL}{A}$$

A

Where I = interval of measured contours

S = average ground slope of parcel

- L = combined length of contours in feet  
(i.e., map measurement of contours in inches X scale)
- A = area of parcel in acres

Where a parcel being subdivided contains lands in excess of 50% slope, such lands may be treated separately from the rest of the parcel and the number of dwelling units permissible on the 50% and over lands may be added to the number permissible on the balance of the parcel to obtain the total permissible on the entire parcel.

For the purpose of providing flexibility of design in subdivisions, individual lots may be as much as fifteen percent (15%) smaller than indicated in Column Two, provided that the total number of lots within the parcel being subdivided does not exceed the number determined from Column One and provided further that no lot contains less than one (1) acre.

## ***CHAPTER 8.154 - S17 DISTRICT (COMBINING DISTRICT, MIDCOAST)***

### **8.154.010 - Regulations For “S-17” Combining District (Midcoast).**

The following regulations shall apply in any single-family residential district with which the “S-17” District is combined.

1. Building Site Width. The minimum building site width shall be an average of 50 feet.
2. Building Site Area. The minimum building site area shall be 5,000 sq. ft.
3. Building Setbacks. The minimum setbacks shall be:

<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>
20 feet	20 feet	For structures 16 feet in height or less: 5 feet each side.  For structures over 16 feet in height: combined total of 15 feet with a minimum of 5 feet on any side.

In any area where the “S-17” District is combined with the “DR” District, the minimum side yard setback may be reduced to provide for creative design concepts such as “zero” side yard setbacks provided that: (1) the Design Review Committee approves, (2) the application involves joint development of two or more adjacent parcels, (3) the total side yard requirement is met and (4) a minimum side yard of 5 feet is maintained adjacent to any parcel not included with the application.

4. Parcel Coverage. The maximum parcel coverage shall be:
  - a. For structures 16 feet in height or less: 50%.
  - b. For structures greater than 16 feet in height: 35%.

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

5. Building Floor Area.

- a. The maximum building floor area shall be established according to the following table, except as provided by subsection b.

Parcel Size	Maximum Building Floor Area
2,500 - 4,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
4,750 - 4,999 sq. ft.	$0.53 - ((5,000 - \text{parcel size}) \times 0.0002) \times \text{parcel size}$
5,000 - 11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

- b. Up to 200 sq. ft. of covered parking floor area shall not be counted toward the limitations set forth in subsection a. for any substandard lot that is (1) smaller than 4,500 sq. ft. in area, (2) not in common ownership with contiguous lots, and (3) developed with an affordable (very low, low, or moderate income) single-family residential unit, i.e., subject to income and cost/rent restriction contracts with San Mateo County.
- c. In addition to the limitations set forth in subsection a., permit 250 sq. ft. bonus building floor area for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G").

6. Building Height. The maximum building height shall be established, as follows:

- a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 feet.
- b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 feet, unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 feet for either:

- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 feet, maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 feet) with the maximum downslope wall height (33 feet).

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where the average slope of a parcel is greater than a one (1) foot fall in seven (7) feet distance from the established street grade at the front lot line and where a sewer connection must be made uphill from the building location, the maximum height allowed may be increased to 36 feet.

Where Zoning Regulations Chapter 8.300, Flood Hazard Areas, requires an elevated building, as defined in Section 8.300.030 (8), building height shall be measured as the vertical distance from the “base flood elevation,” as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

7. Impervious Surface Area. The amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size (not to exceed 1,170 sq. ft. for residential uses). Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building for select development upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. The applicant shall submit a professionally prepared site plan showing topography, drainage and calculations which demonstrates this finding can be made. The exception provision applies to:

- a. Non-residential development, and
- b. Residential development, only if the Director of Planning and Building determines that the exception is necessary for compliance with the site planning and design requirements.

8. Plate Height for Garages on Downhill Slopes. The maximum plate height for a garage on a downhill slope that is allowed by Section 6411 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.

9. Daylight Plane or Façade Articulation. New residential development shall conform to either the daylight plane or façade articulation options described in this section, as determined by the project applicant.

- a. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 feet, and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.



Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

- (1) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 feet.
- (2) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 feet.

b. Facade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

10. Noise Insulation and Avigation Easement. For new dwellings on those properties in Moss Beach, north of Half Moon Bay Airport, identified on County Zoning Maps 37-18 and 37-24, the following shall apply:
  - a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standards:
    - (1) Interior community noise equivalent levels (CNEL) with windows closed attributable to exterior sources shall not exceed an annual CNEL of 45 dBA in any habitable room.
    - (2) Design maximum noise levels (single event) shall not exceed 50 dBA in bedrooms and 55 dBA in other habitable rooms.
  - b. Construct residence in accordance with recommendation of acoustical analysis.
  - c. Grant to the County an avigation easement which (1) provides for aircraft use of airspace above grantor's property, and (2) protects the County from liability associated with aircraft operations.
11. Winter Grading. Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior code § 6300.2 Ord. 2699; 12/16/80)

(Prior code § 6300.2 Amd. Ord. 2788; 04/06/82)

(Prior code § 6300.2 Amd, Ord. 3057; 03/04/86)

(Prior code § 6300.2 Subsection 7 Ord. 3104; 04/14/87)

(Prior code § 6300.2 Amd. Ord. 3595; 09/20/94)

(Prior code § 6300.2 Amd. Ord. 3978; Eff: 09/20/01)

(Prior code § 6300.2.5 Amd. Ord. 4554; 05/24/11 Cert. by CA Coast Commission 08/08/12; eff in Coastal Zone 09/07/12)

(Prior code § 6300.2.7 Ord. 4554; 05/24/11 Cert. by CA Coast Commission 08/08/12; eff in Coastal Zone 09/07/12)

(Prior code § 6300.2.8-6300.2.10 Renumbered Ord. 4554; 05/24/11 Cert. by CA Coast Commission 08/08/12; eff in Coastal Zone 09/07/12)

(Prior code § 6300.2.11 Ord. 4554; 05/24/11 Cert. by CA Coast Commission 08/08/12; eff in Coastal Zone 09/07/12)

## ***CHAPTER 8.158 - S50 DISTRICT (COMBINING DISTRICT, NORTH FAIR OAKS)***

### **8.158.010 - Regulations For “S-50” Combining District (North Fair Oaks).**

The following regulations shall apply in specific two-family (R-2) and multiple-family (R-3) residential districts with which the “S-50” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

(Prior code § 6300.12 Ord. 3641; 03/28/95)

### **8.158.020 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

### **8.158.030 - Building Site Area.**

The minimum building site area shall be 5,000 sq. ft.

### **8.158.040 - Development Density.**

The maximum density of development shall be 17.4 dwelling units/net acre.

### **8.158.050 - Building Setbacks.**

The minimum building setbacks shall be:

Front:      **20 feet**

Sides:      **10 feet** -    **When the side property line fronts a public or private street**  
                 **5 feet** -    **All other cases**

Rear:        **20 feet**

#### **8.158.060 - Building Floor Area Ratio.**

The total floor area of all stories of all buildings on a parcel shall not exceed .45 (45%) of the total parcel area.

Floor area specifically includes: (1) the floor area of all stories, excluding uninhabitable attics, as measured from the outside face of all exterior perimeter walls, and (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends 4 or more feet from exterior walls, and (3) the area of all garages and carports.

#### **8.158.070 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .50 (50%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, and other similar uses which are 18 inches or more above the ground.

#### **8.158.080 - Building Height.**

The maximum building height shall be **28 feet, not to exceed two habitable stories**. Building height shall be measured as the vertical distance from any point on the **finished grade** to the topmost point of the building immediately above.

#### **8.158.090 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of **20 feet** from the existing grade and then inward at an **angle of 45 degrees** until a **maximum height of 28 feet** is reached.

Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **front and rear setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **15 feet** in length, and (2) they measure no more than a vertical distance of **24 feet** from the finished grade.

### **8.158.100 - Landscaping.**

The area within the required front yard setback and side yard setback (in the case of a corner parcel) shall be landscaped to **include ground cover, shrubbery, and trees** (minimum 10-gallon size) at the rate of **one tree per 50 feet of street frontage**.

When the determination of the number of trees results in a fractional number, any fraction of one-half or greater shall be rounded up to the next whole number. Any fraction less than one-half shall be disregarded.

**Landscape plans**, showing the location, type, and size of ground cover, shrubbery, and trees shall be subject to review and approval by the Director of Planning and Building. Surety deposits may be required to ensure installation and adequate maintenance of approved landscaping for up to a two-year period.

## ***CHAPTER 8.162 - S71 DISTRICT (COMBINING DISTRICT, DEVONSHIRE)***

### **8.162.010 - Regulations For “S-71” Combining District (Devonshire).**

The following regulations shall apply in any single-family residential district with which the “S-71” District is combined.

#### **8.162.020 – Building Site Width.**

The minimum building site width shall be an average of 50 feet.

#### **8.162.030 - Building Site Area.**

The minimum building site area shall be 5,000 sq. ft.

#### **8.162.040 - Development Density.**

The maximum density of development shall be 8.7 dwelling units/net acre.

**8.162.050 - Building Setbacks.**

The minimum setbacks shall be:

<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>
20 feet	20 feet	5 feet

**8.162.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .50 (50 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.162.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

<u>Building Site Area</u>	<u>Maximum Floor Area</u>
≤ 5,000 sq. ft.	2,000 sq. ft.
5,001 - 15,000 sq. ft.	.21 (building site area - 5,000) + 2,000 sq. ft.
>15,000 sq. ft.	4,100 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

**8.162.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

**8.162.090 – Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

### **8.162.100 - Building Height.**

The maximum building height shall be 30 feet. Building height shall be measured as the vertical distance from: (1) any point on the natural grade to the topmost point of the building immediately above, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the topmost point of the building immediately above.

If a building is remodeled and the cost is less than 50 percent of the total replacement value, the maximum building height may increase to a maximum of 36 feet. The appropriate maximum building height shall be determined by the Director of Planning and Building on a case-by-case basis.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

### **8.162.110 - Building Height For Garages On Downhill Slopes.**

The maximum building height for an attached or detached garage on a downhill slope that is allowed by Section 8.348.030 to extend into the front setback to ensure safe access is 28 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Maximum plate height for any portion of an attached or detached garage that extends into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins.

No second story shall be allowed above or below any portion of a garage on a downhill slope that is allowed to extend into the front setback.

### **8.162.120 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until reaching the permitted a maximum building height.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

(Prior code § 6300.3 Ord. 3319; 04/29/91)

## ***CHAPTER 8.166 - S72 DISTRICT (COMBINING DISTRICT, WEST MENLO PARK)***

## 8.166.010 - Regulations For "S-72" Combining District (West Menlo Park).

The following regulations shall apply in any single-family residential district with which the "S-72" District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

(Prior code § 6300.4 Ord. 3319; 04/29/91)

(Prior code § 6300.4 Amd. Ord. 3535; 01/25/94)

## 8.166.020 - Definitions.

1. Accessory Building. An accessory building is a detached building whose use is incidental to the use of the main building on the parcel, e.g., a garage, shed, pool house. A detached second dwelling unit is not an accessory building.
2. Building Floor Area. The building floor area is the maximum amount of interior floor area. Building floor area includes: (1) the area of all stories of all buildings and accessory buildings (exceeding 80 sq. ft.) on a building site as measured from the outside face of all exterior perimeter walls; (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four or more feet from exterior walls; and (3) the area of garages and carports, but excludes uninhabitable attics and uninhabitable sub-grade basements.

Where the first floor ceiling height, as measured at the plate line, exceeds 12 feet (excluding skylight wells) and the roof peak immediately above exceeds 20 feet, that portion of the floor area shall be doubled for the purposes of calculating building floor area.

3. Building Height. The building height is the maximum height of a building measured as the vertical distance from any point on the existing grade to a corresponding point immediately above at the top of the building. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.
4. Building Setback. A building setback is the minimum building distance as measured from a specified line parallel from the nearest parcel line. Building setback includes front, side, and rear (first and second story) setbacks.
5. Building Site Coverage Ratio. The building site coverage ratio is the maximum amount of parcel area that may be covered, expressed as a percentage of parcel size. Maximum building site coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground, except fences/walls.
6. Daylight Plane. A daylight plane defines a three dimensional volume of space in which a building may be constructed. Daylight planes shall be measured as a specified maximum vertical distance from a specified point on existing grade to the topmost point of the wall where it intersects the roof immediately above and then inward at a specified angle until the maximum building height is reached.
7. Daylight Plane Protrusion. A daylight plane protrusion is the portion(s) of the building that protrudes into each daylight plane, e.g., gables, dormers, or other architectural features. Daylight plane protrusions may be continuous or combined, but do not include the space between protrusions, when calculating protrusion length. Protruding chimneys, eaves, skylights, and similar features are not considered protrusions and shall not be included when calculating protrusion length. The maximum height of a daylight plane protrusion shall be measured from existing grade.

8. Existing Grade. The existing grade is the grade level that exists prior to any new grading or construction.
9. Story. A story is a habitable space in a building between the surface of any floor and the surface of the floor or roof immediately above, but not including any attic, or basement or under-floor space that is three (3) feet or less above existing grade.
10. Uninhabitable Attic. An uninhabitable attic is the area located between the ceiling joists and the roof rafters immediately above that may not be inhabited. An uninhabitable attic shall be unfinished and shall meet the following criteria: (1) no wall or ceiling drywall covering, (2) attic area floor joists may only be covered with an unfinished floor surface, (3) access to the area is only from the inside of the building, (4) electricity to the area is limited to that necessary for adequate light and not more than one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.
11. Uninhabitable Basement. An uninhabitable basement is the area located between the first floor joists and the lower floor at grade level that may not be inhabited. An uninhabitable basement shall meet the following criteria: (1) its ceiling height is no greater than six feet, six inches (6'-6"), (2) its area does not contribute to the visible bulk of the building and is not more than 3 feet above existing grade at any point, (3) its floor area may not be more than 50% of the first floor area, and (4) it shall be unfinished.
12. Upper Building Side Wall Length. The upper building side wall length is the maximum combined front to rear length(s) of a building along a line less than ten (10) feet inward from and parallel to a side setback line, measured at any point 17 feet or more above existing grade. Its rear-most point shall not extend beyond the second-story rear setback line.

#### **8.166.030 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

#### **8.166.040 - Building Site Area.**

The minimum building site area shall be 5,000 sq. ft.

#### **8.166.050 - Development Density.**

The maximum density of development shall be 8.7 dwelling units per net acre.

#### **8.166.060 - Building Setbacks.**

The minimum setbacks shall be:

Front: 20 feet

Sides: 10 feet - When the side property line fronts a public or private street

5 feet - All other cases



Rear: *First Story:*  
20 feet

*Second Story:*

Parcel Length

0 - 100 feet  
101 - 120 feet  
>120 feet

Rear Setback

20 feet  
40 - (121 - parcel length)  
40 feet

### **8.166.070 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .50 (50%).

### **8.166.080 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

Building Site Area

≤5,000 sq. ft.

>5,000 sq. ft.

Maximum Floor Area

2,800 sq. ft.

.26 (building site area - 5,000)  
+ 2,800 sq. ft.

### **8.166.090 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided the parcels are merged pursuant to the merger provisions of the County Subdivision Regulations.

### **8.166.100 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if any resultant parcel has a building site area less than the minimum required to maintain conformity with the required building floor area of this district.

### **8.166.110 - Building Height, Daylight Plane, And Upper Building Wall Length (Three Options).**

Development plans must conform to one of the following three options that regulate building height, daylight plane, and upper building side wall length. Interchanging or mixing elements from the three options is prohibited.

1. Option 1

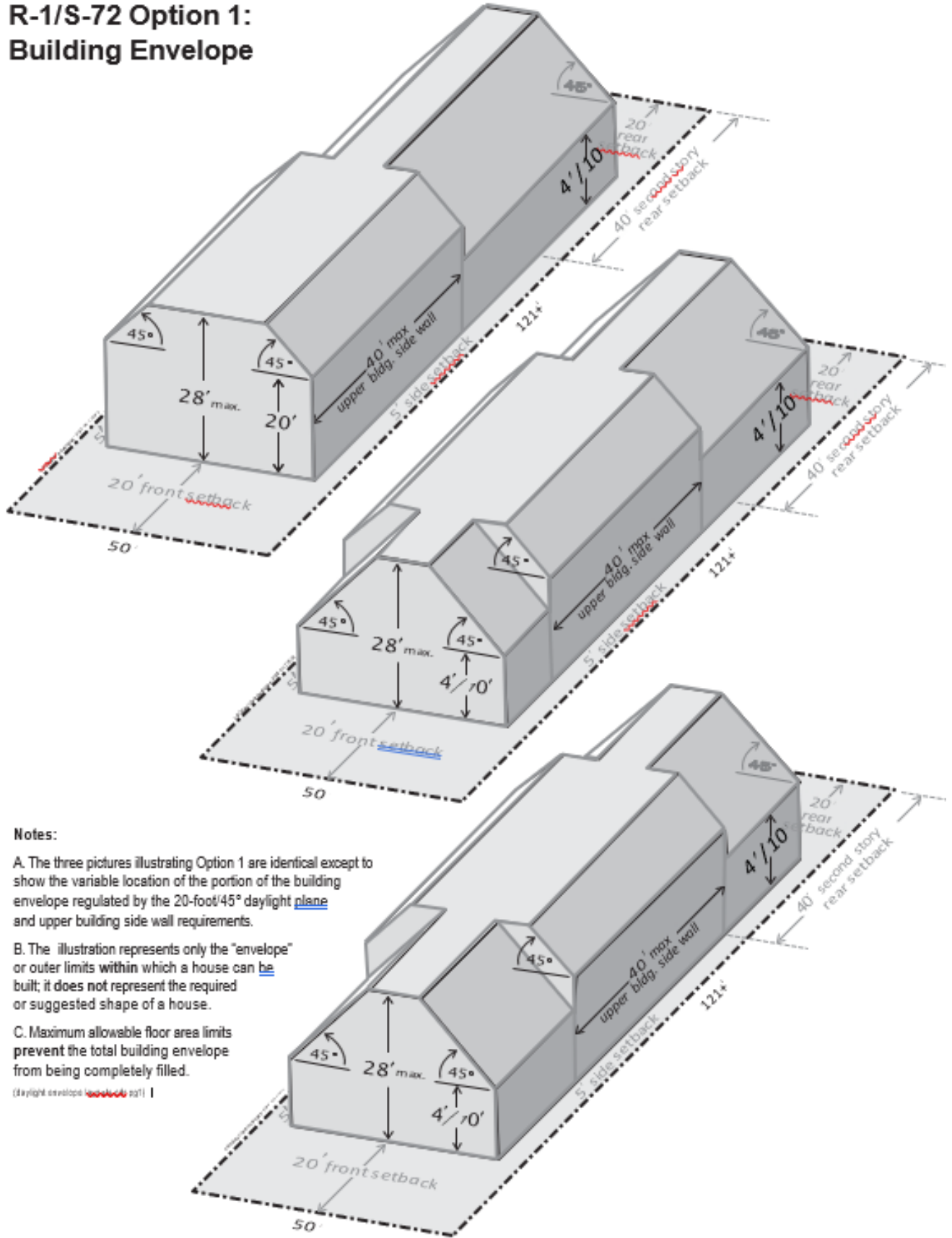
a. Requirements

- (1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.
- (2) Daylight Planes
  - (a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.
  - (b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.
- (3) Daylight Plane Protrusions. Daylight plane protrusions are prohibited.
- (4) Upper Building Side Wall Length. The length of each upper building side wall shall not exceed 40 feet.

b. Illustration. The regulatory limits of Option 1 requirements are illustrated on the diagram entitled: OPTION 1, BUILDING ENVELOPE.

# R-1/S-72 Option 1: Building Envelope



**Notes:**

- A. The three pictures illustrating Option 1 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.
- B. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.
- C. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(Daylight envelope ~~xxxxxx~~ pg1) |

2. Option 2

a. Requirements

(1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.

(2) Daylight Planes

(a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, facing the front and rear setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.

(b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.

(3) Daylight Plane Protrusions

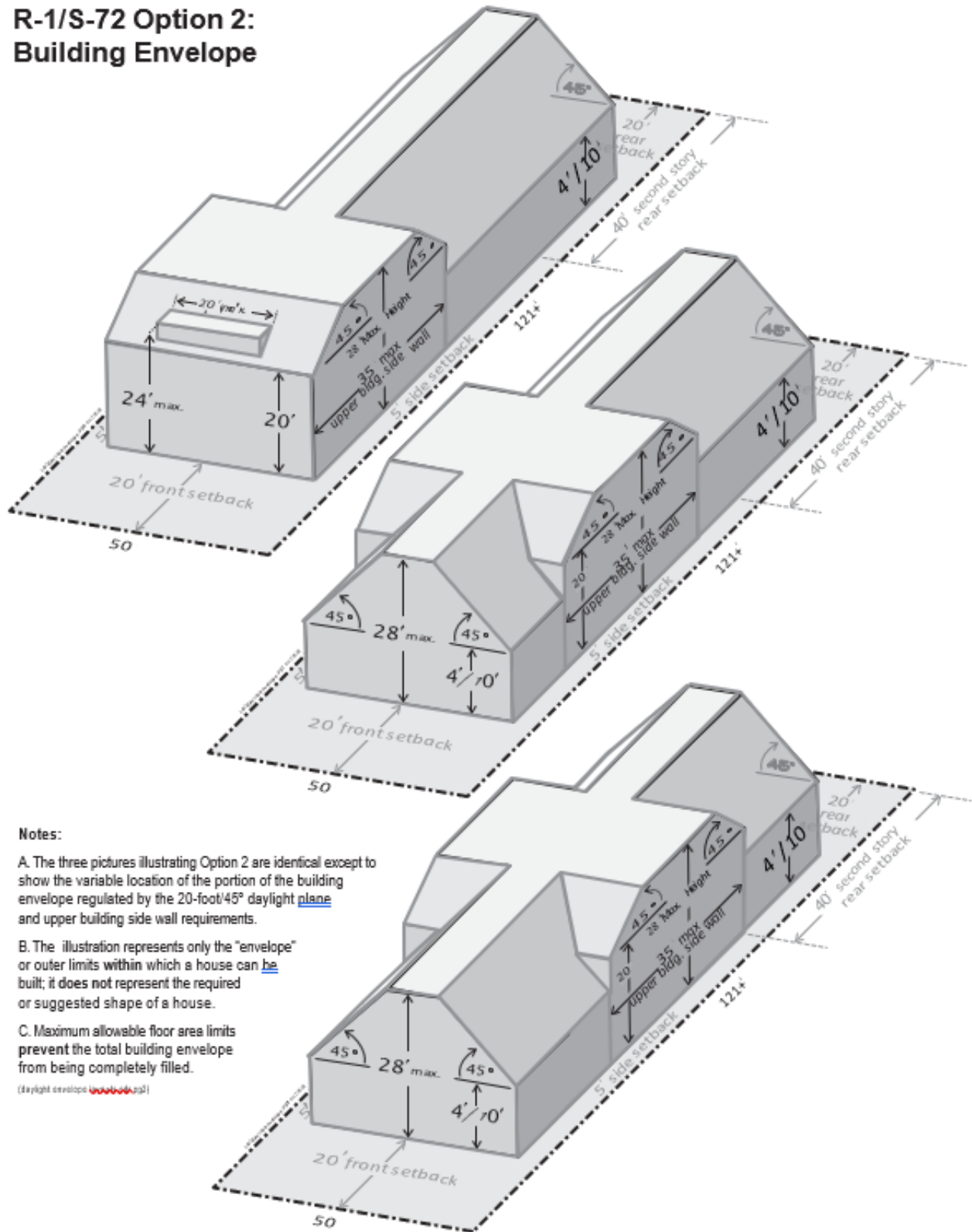
(a) 20-foot/45° Daylight Plane. Where the 20-foot/45° daylight plane is required, daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height, and shall be no closer than 5 feet from a side setback line.

(b) 4/10-foot/45° Daylight Plane. Where the 4/10-foot/45° daylight plane is required, daylight plane protrusions are prohibited.

(4) Upper Building Side Wall Length. The length of each upper building side wall shall not exceed 35 feet.

b. Illustration. The regulatory limits of Option 2 requirements are illustrated on the diagram entitled: OPTION 2, BUILDING ENVELOPE.

## R-1/S-72 Option 2: Building Envelope



### Notes:

A. The three pictures illustrating Option 2 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.

B. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

C. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

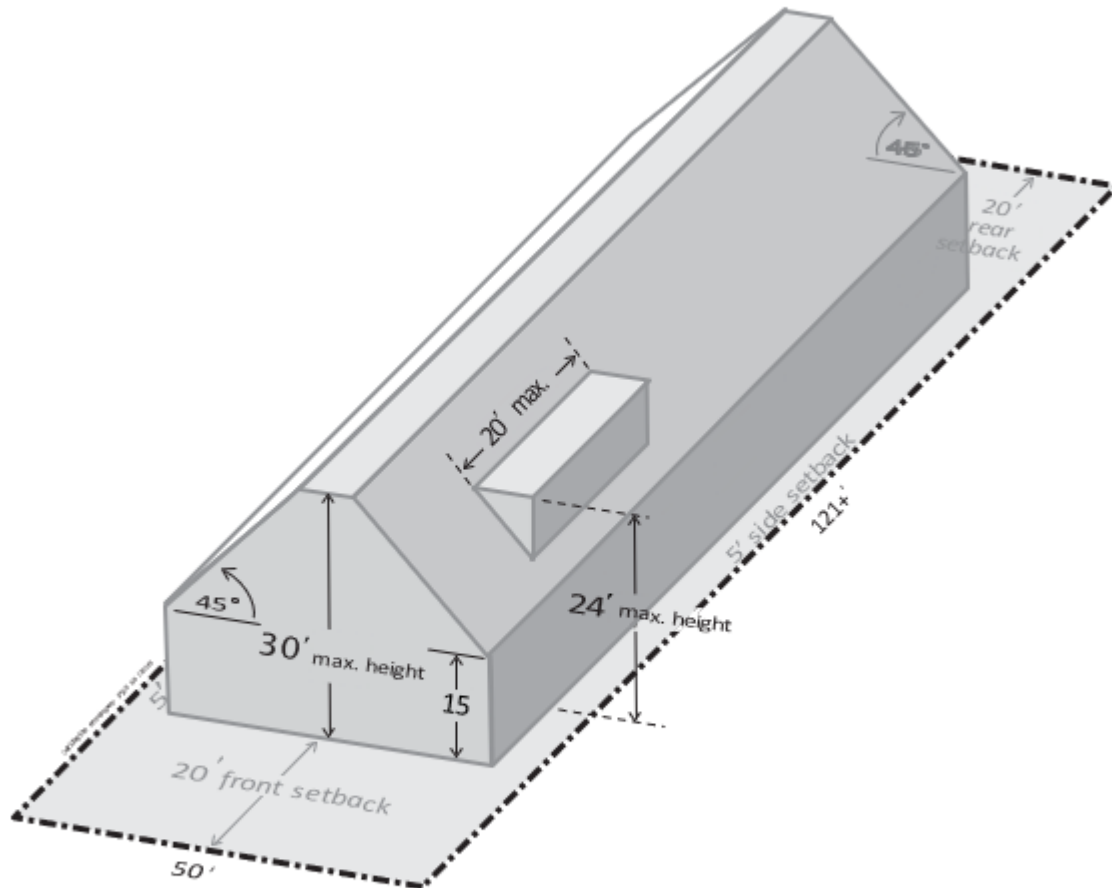
(Daylight envelope [www.ohio.gov](#))

### 3. Option 3

#### a. Requirements

- (1) Building Height. Maximum building height shall be 30 feet, not to exceed two stories.
  - (2) 15-foot/45° Daylight Plane. For all portions of the house, a 15-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 15 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.
  - (3) Daylight Plane Protrusions. Daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height.
  - (4) Floor Area Bonus. An additional 200 sq. ft. floor area bonus shall be granted in excess of the maximum building floor area or the maximum building site coverage ratio, whichever is less.
- b. Illustration. The regulatory limits of Option 3 are illustrated on the diagram entitled: OPTION 3, BUILDING ENVELOPE.

## R-1/S-72 Option 3: Building Envelope



### Notes:

A. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

B. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(Right envelope 8.166.120)

### 8.166.120 - Detached Accessory Buildings.

Detached accessory buildings shall be limited to one story, with a maximum 10-foot plate height and 14-foot building height. The area above the horizontal plate shall be accessible only from within the building. Roof dormers are prohibited.

Detached accessory buildings shall be subject to all other provisions of Chapter 8.348, of this Ordinance Code.

### **8.166.130 - Detached Second Units.**

A detached second dwelling unit may be constructed above an existing detached accessory building only if the unit maintains the same setback, height, and daylight plane requirements of the main dwelling. A new detached second dwelling unit constructed within an existing detached accessory building shall require a use permit in accordance with Chapter 8.280 of this Ordinance Code.

Second dwelling units shall be subject to all other provisions of Chapter 8.392 and 8.396 of this Ordinance Code.

## ***CHAPTER 8.170 - S73 DISTRICT (COMBINING DISTRICT, NORTH FAIR OAKS)***

### **8.170.010 Regulations For “S-73” Combining District (North Fair Oaks).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-73” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

#### **8.170.020. Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

#### **8.170.030 Building Site Area.**

The minimum building site area shall be **5,000 sq. ft.**

#### **8.170.040 Development Density.**

The maximum density of development shall be 8.7 dwelling units/net acre.

#### **8.170.050 Building Setbacks.**

The minimum building setbacks shall be:

Front:      **20 feet**

Sides:      **10 feet** -      **When the side property line fronts a public or private street**



5 feet - All other cases

Rear: 20 feet

### 8.170.060 Building Site Coverage Area Ratio.

The maximum building site coverage area ratio shall be .50 (50%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

### 8.170.070 Building Floor Area.

The maximum building floor area shall be established according to the following table:

<u>Building Site Area</u>	<u>Maximum Floor Area</u>
≤5,000 sq. ft.	2,600 sq. ft.
>5,000 sq. ft.	.26 (building site area - 5,000) + 2,600 sq. ft.

Floor area specifically includes: (1) the area of all stories of all main and accessory buildings on a building site as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends four or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft., but excludes uninhabitable attics and sub-grade basements.

### 8.170.080 Building Height.

The maximum building height shall be **28 feet, not to exceed two habitable stories**. Building height shall be measured as the vertical distance from any point on the **existing grade** to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.

### 8.170.090 Daylight Planes.

The daylight planes shall be established by measuring along the side setback lines a vertical distance of **16 feet** from the existing grade and then inward at an **angle of 45 degrees until a maximum height of 28 feet** is reached.

Daylight planes shall not be applicable to the side setback line of the street-facing side of a corner parcel.

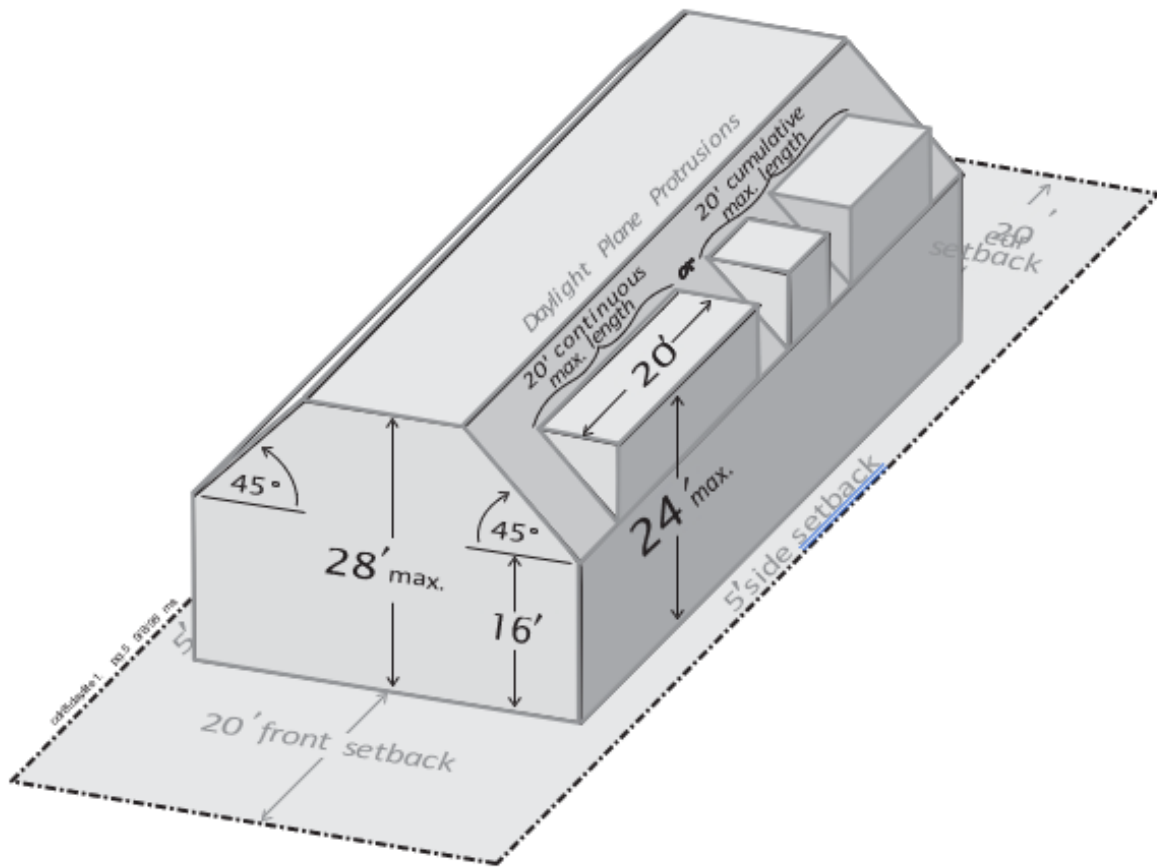
Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **side setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **20 feet** in continuous or cumulative length on each side, and (2) they measure no more than **24 feet in height** from the **existing grade**.

(Prior code § 6300.4.13 thru 6300.4.21 Ord. 3843; 08/04/98)

### R-1/S-73 Daylight Plane Requirement (16'/45°)



**CHAPTER 8.174 - S74 DISTRICT (COMBINING DISTRICT, SELBY NEIGHBORHOOD, SEQUOIA TRACT)**

**8.174.010 - Regulations For “S-74” Combining District (Selby Neighborhood, Sequoia Tract).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-74” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

**8.174.020 - Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

**8.174.030 - Building Site Area.**

The minimum building site area shall be **5,000 sq. ft.**

**8.174.040 - Development Density.**

The maximum density of development shall be 8.7 dwelling units/net acre.

**8.174.050 - Building Setbacks**

The minimum building setbacks shall be:

Front:	<b>20 feet</b>	
Sides:	<b>10 feet</b>	- <b>When the side property line fronts a public or private street</b>
	<b>5 feet</b>	- <b>All other cases</b>

Rear:               **20 feet**

**8.174.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be **.50 (50%)** and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

**8.174.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

<u>Building Site Area</u>	<u>Maximum Floor Area</u>
≤5,000 sq. ft.	2,600 sq. ft.
>5,000 sq. ft.	.26 (building site area - 5,000) + 2,600 sq. ft.

Floor area specifically includes: (1) the area of all stories of all main and accessory buildings on a building site as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends four or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft., but excludes uninhabitable attics and sub-grade basements.

**8.174.080 - Building Height.**

The maximum building height shall be **28 feet, not to exceed two habitable stories**. Building height shall be measured as the vertical distance from any point on the **existing grade** to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.

**8.174.090 - Daylight Planes.**

The daylight planes shall be established by measuring along the **side setback lines** a vertical distance of **16 feet** from the existing grade and then inward at an **angle of 45 degrees** until a **maximum height of 28 feet** is reached.

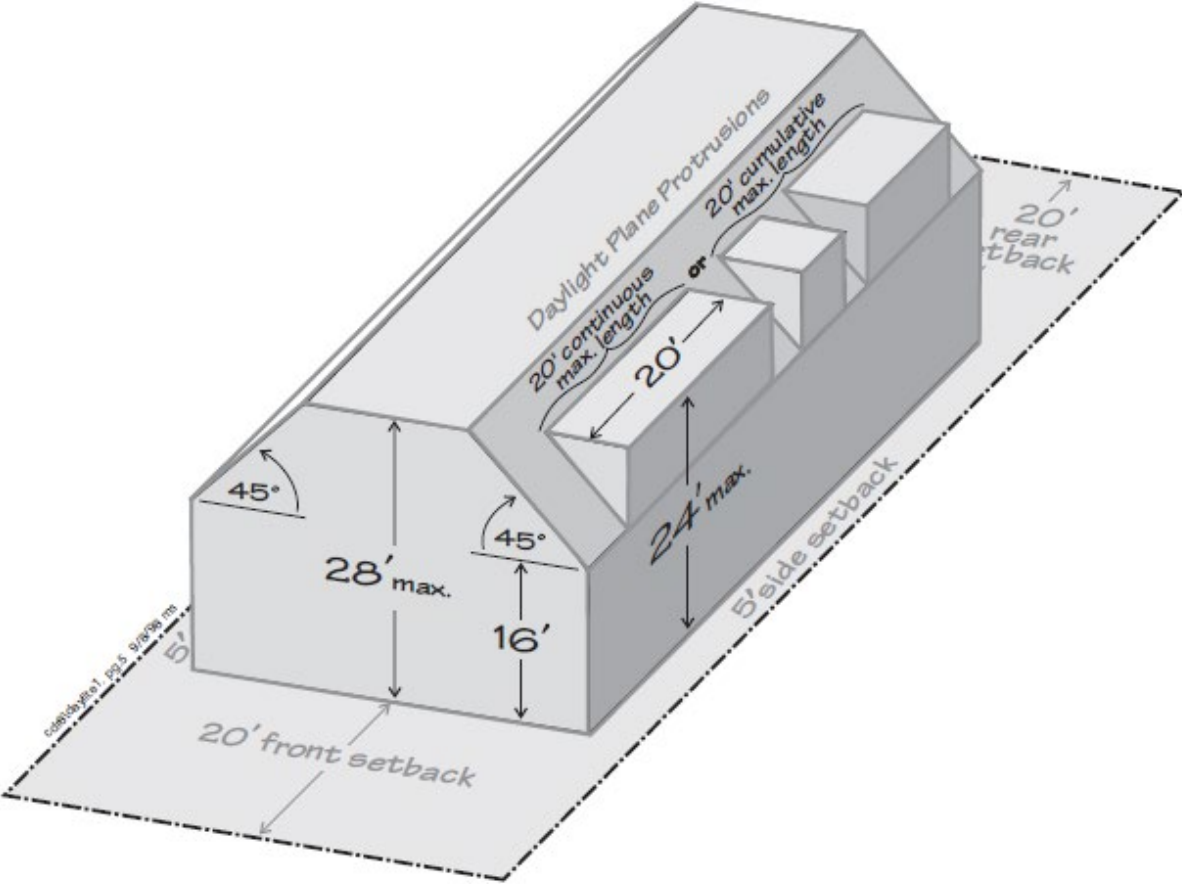
Daylight planes shall not be applicable to the side setback line of the street-facing side of a corner parcel.

Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **side setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **20 feet** in continuous or cumulative length on each side, and (2) they measure no more than **24 feet in height** from the **existing** grade.

R-1/S-74 Daylight Plane Requirement (16'/45°)



(Prior code § 6300.4.22 thru 6300.4.30 Ord. 241; 12/07/04)

## **CHAPTER 8.178 - S75 DISTRICT (COMBINING DISTRICT, WEEKEND ACRES)**

### **8.178.010 - Regulations For "S-75" Combining District (Weekend Acres).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the "S-75" District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.178.020 - Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

### **8.178.030 - Building Site Area.**

The minimum building site area shall be **5,000 sq. ft.**

### **8.178.040 - Development Density.**

The maximum density of development shall be 8.7 dwelling units/net acre.

### **8.178.050 - Building Setbacks.**

The minimum building setbacks shall be:

Front:	<b>20 feet</b>	
Sides:	<b>10 feet</b>	- <b>When the side property line fronts a public or private street</b>
	<b>5 feet</b>	- <b>All other cases</b>

Rear: **20 feet**

As specified in Board of Supervisors Resolution 50893, adopted October 11, 1988, the Director of Public Works shall require that new development on Bishop Lane maintain a building setback to allow for a 40-foot right-of-way. Therefore, the required building setback for new development on Bishop Lane is 30 feet.

Top of Side Slopes: No construction or creation of any building shall be allowed within the channel of San Francisquito Creek or within 15 feet of the top of the side slopes (as defined in Section 8.04.030(113) of the San Mateo County Zoning Regulations) of said creek. The top of side slope must be delineated by a licensed surveyor (or engineer, architect, or landscape architect) and approved by the Director of Planning and Building or their designee. Construction within the channel and on the banks of San Francisquito Creek, including the construction or creation of any structure, not including a building, including the placing of rubble, dirt or other such materials, is regulated by Board of Supervisors Resolution 26249, adopted April 15, 1969.

**8.178.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be **.50 (50%)** and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

**8.178.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

<u>Building Site Area</u>	<u>Maximum Floor Area</u>
<5,000 sq. ft.	2,800 sq. ft.
5,000 - 10,000 sq. ft.	.26 (building site area - 5,000) + 2,800 sq. ft.
>10,000 sq. ft.	.13 (building site area - 10,000) + 4,100 sq. ft.

Floor area specifically includes: (1) the area of all stories of all main and accessory buildings on a building site as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends four or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft., but excludes uninhabitable attics and sub-grade basements.

**8.178.080 - Building Height.**

The maximum building height shall be **28 feet**. Building height shall be measured as the vertical distance from any point on the **natural or finished grade, whichever is lower**, to the topmost point of the building immediately above,



except where a floor of the building is lower than the adjoining exterior natural or finished grade. Building height above any portion of a floor of a building that is lower than the adjoining exterior natural or finished grade, whichever is lower, shall be measured from such lower grade, and not from the floor of the building that is lower than the adjoining exterior natural or finished grade. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.

### **8.178.090 - Daylight Planes.**

The daylight planes shall be established by measuring along the **side setback lines** a vertical distance of **16 feet** from the existing grade and then inward at an **angle of 45 degrees** until a **maximum height of 28 feet** is reached.

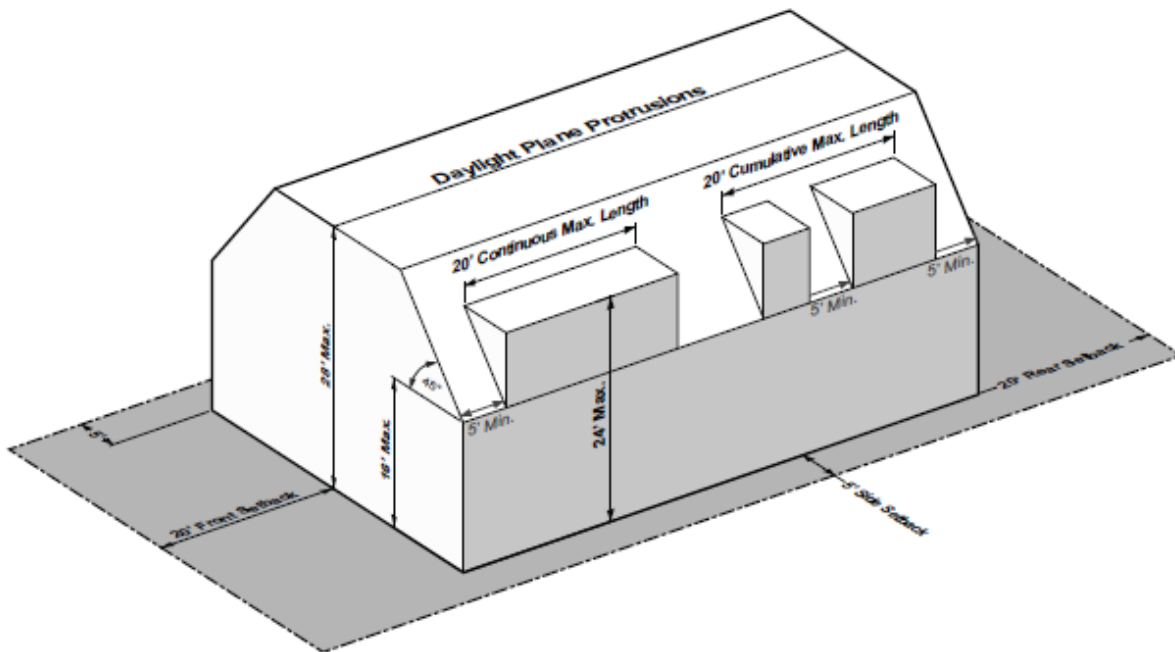
Daylight planes shall not be applicable to the side setback line of the street-facing side of a corner parcel.

Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **side setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **20 feet** in continuous or cumulative length on each side, (2) they measure no more than **24 feet in height** from the **existing** grade, (3) the horizontal distance between such features is a minimum of 5 feet, and (4) such features are set back at least 5 feet from both the front and rear building setback lines.

## R-1/S-75 Daylight Plane Requirement (16 7/45°)



### 8.178.100 - Parking.

As specified in Board of Supervisors Resolution 50893, adopted October 11, 1988, new residential development on Bishop Lane shall be required to provide two covered and two uncovered parking spaces on-site.

(Prior code § 6300.4.31 – 6300.4.40 Ord. 4632; 09/11/12 – repeals Urgency Interim Ord 4591; 10/11/12)

## **CHAPTER 8.182 - S81 DISTRICT (COMBINING DISTRICT, SAN MATEO HIGHLANDS).**

### **8.182.010 – Regulations For “S-81” Combining District (San Mateo Highlands).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-81” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.182.020 - Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

### **8.182.030 - Building Site Area.**

The minimum building site area shall be **9,000 sq. ft.**

### **8.182.040 - Building Setbacks.**

The minimum building setbacks shall be:

Front:	<b>20 feet</b>
Sides:	<b>5 feet</b>
Rear:	<b>20 feet</b>

### **8.182.050 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be 0.40 (40%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

### **8.182.060 - Building Height.**

The maximum building height shall be 36 feet, not to exceed three habitable stories.

(Prior code § 6300.4.100 thru 6300.4.150 Ord. 4387; 09/11/07)

## **CHAPTER 8.186 - S82 DISTRICT (COMBINING DISTRICT, WEST MENLO PARK)**

### **8.186.010 - Regulations For “S-82” Combining District (West Menlo Park).**

The following regulations shall apply in any single-family residential district with which the “S-82” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

(Prior code § 6300.5 Ord. 3319; 04/29/91)

(Prior code § 6300.5 Amd. Ord. 3535; 01/25/94)

### **8.186.020 - Definitions.**

1. Accessory Building. An accessory building is a detached building whose use is incidental to the use of the main building on the parcel, e.g., a garage, shed, pool house. A detached second dwelling unit is not an accessory building.
2. Building Floor Area. The building floor area is the maximum amount of interior floor area. Building floor area includes: (1) the area of all stories of all buildings and accessory buildings (exceeding 80 sq. ft.) on a building site as measured from the outside face of all exterior perimeter walls; (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four or more feet from exterior walls; and (3) the area of garages and carports, but excludes uninhabitable attics and uninhabitable sub-grade basements.

Where the first floor ceiling height, as measured at the plate line, exceeds 12 feet (excluding skylight wells) and the roof peak immediately above exceeds 20 feet, that portion of the floor area shall be doubled for the purposes of calculating building floor area.

3. Building Height. The building height is the maximum height of a building measured as the vertical distance from any point on the existing grade to a corresponding point immediately above at the top of the building. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.
4. Building Setback. A building setback is the minimum building distance as measured from a specified line parallel from the nearest parcel line. Building setback includes front, side, and rear (first and second story) setbacks.
5. Building Site Coverage Ratio. The building site coverage ratio is the maximum amount of parcel area that may be covered, expressed as a percentage of parcel size. Maximum building site coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground, except fences/walls.
6. Daylight Plane. A daylight plane defines a three dimensional volume of space in which a building may be constructed. Daylight planes shall be measured as a specified maximum vertical distance from a specified point on existing grade to the topmost point of the wall where it intersects the roof immediately above and then inward at a specified angle until the maximum building height is reached.
7. Daylight Plane Protrusion. A daylight plane protrusion is the portion(s) of the building that protrudes into each daylight plane, e.g., gables, dormers, or other architectural features. Daylight plane protrusions may be continuous or combined, but do not include the space between protrusions, when calculating protrusion length.

Protruding chimneys, eaves, skylights, and similar features are not considered protrusions and shall not be included when calculating protrusion length. The maximum height of a daylight plane protrusion shall be measured from existing grade.

8. Existing Grade. The existing grade is the grade level that exists prior to any new grading or construction.
9. Story. A story is a habitable space in a building between the surface of any floor and the surface of the floor or roof immediately above, but not including any attic, or basement or under-floor space that is three (3) feet or less above existing grade.
10. Uninhabitable Attic. An uninhabitable attic is the area located between the ceiling joists and the roof rafters immediately above that may not be inhabited. An uninhabitable attic shall be unfinished and shall meet the following criteria: (1) no wall or ceiling drywall covering, (2) attic area floor joists may only be covered with an unfinished floor surface, (3) access to the area is only from the inside of the building, (4) electricity to the area is limited to that necessary for adequate light and not more than one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.
11. Uninhabitable Basement. An uninhabitable basement is the area located between the first floor joists and the lower floor at grade level that may not be inhabited. An uninhabitable basement shall meet the following criteria: (1) its ceiling height is no greater than six feet, six inches (6'-6"), (2) its area does not contribute to the visible bulk of the building and is not more than 3 feet above existing grade at any point, (3) its floor area may not be more than 50% of the first floor area, and (4) it shall be unfinished.
12. Upper Building Side Wall Length. The upper building side wall length is the maximum combined front to rear length(s) of a building along a line less than ten (10) feet inward from and parallel to a side setback line, measured at any point 17 feet or more above existing grade. Its rear-most point shall not extend beyond the second-story rear setback line.

#### **8.186.030 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

#### **8.186.040 - Building Site Area.**

The minimum building site area shall be 7,500 sq. ft.

#### **8.186.050 - Development Density.**

The maximum density of development shall be 6.0 dwelling units per net acre.

#### **8.186.060 - Building Setbacks.**

The minimum setbacks shall be:

**Front:** 20 feet

**Sides:** 10 feet - When the side property line fronts a public or private street

5 feet - All other cases

**Rear:** *First Story:*

20 feet

*Second Story:*

Parcel Length

Rear Setback

0 - 100 feet

20 feet

101 - 120 feet

40 - (121 - parcel length)

>120 feet

40 feet

### **8.186.070 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .50 (50%).

### **8.186.080 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:Building Site Area

Maximum Floor Area

≤5,000 sq. ft.

2,800 sq. ft.

>5,000 sq. ft.

.26 (building site area - 5,000)  
+ 2,800 sq. ft.

### **8.186.090 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided the parcels are merged pursuant to the merger provisions of the County Subdivision Regulations.

### **8.186.100 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if any resultant parcel has a building site area less than the minimum required to maintain conformity with the required building floor area of this district.

### **8.186.110 - Building Height, Daylight Plane, And Upper Building Wall Length (Three Options).**

Development plans must conform to one of the following three options that regulate building height, daylight plane, and upper building side wall length. Interchanging or mixing elements from the three options is prohibited.

1. Option 1

a. Requirements

(1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.

(2) Daylight Planes

(a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.

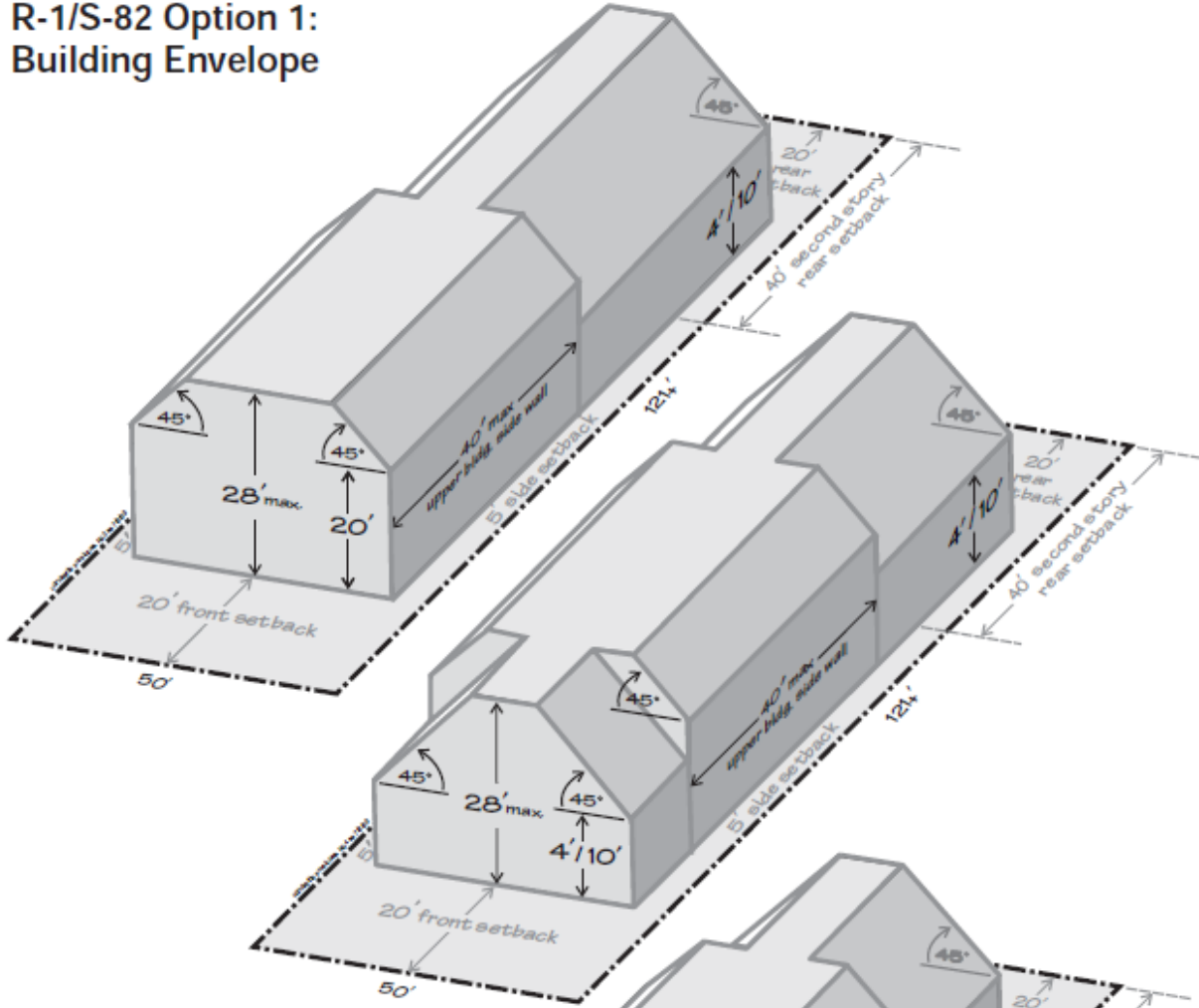
(b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.

(3) Daylight Plane Protrusions. Daylight plane protrusions are prohibited.

(4) Upper Building Side Wall Length. The length of each upper building side wall shall not exceed 40 feet.

b. Illustration. The regulatory limits of Option 1 requirements are illustrated on the diagram entitled: OPTION 1, BUILDING ENVELOPE.

# R-1/S-82 Option 1: Building Envelope



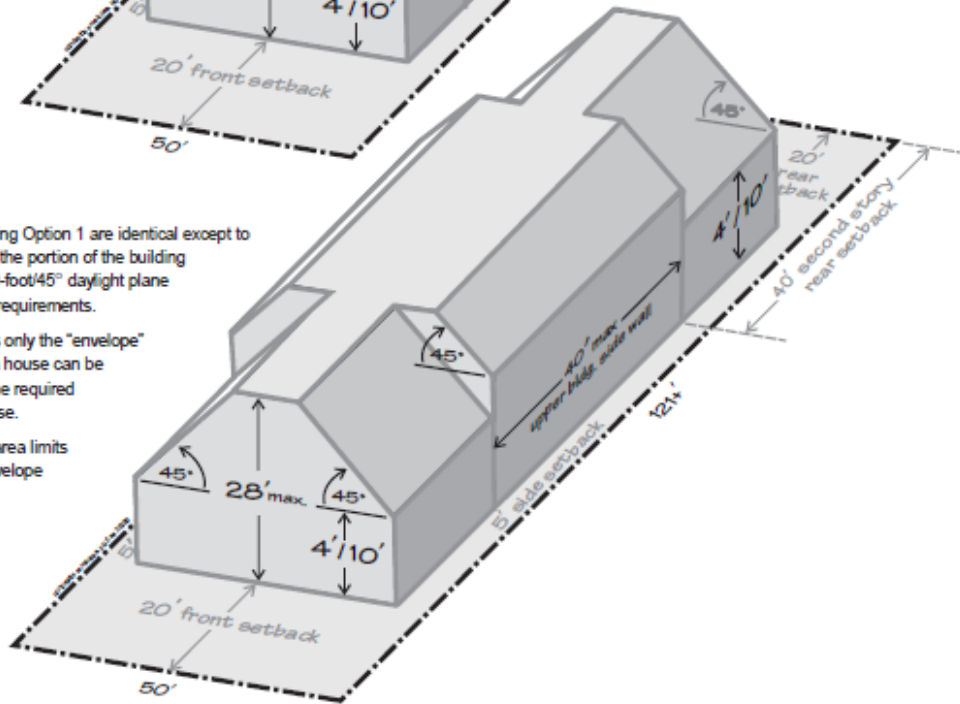
## Notes:

A. The three pictures illustrating Option 1 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.

B. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

C. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(slight envelope layouts.cdr pg 1)





a. Requirements

(1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.

(2) Daylight Planes

(a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, facing the front and rear setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.

(b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.

(3) Daylight Plane Protrusions

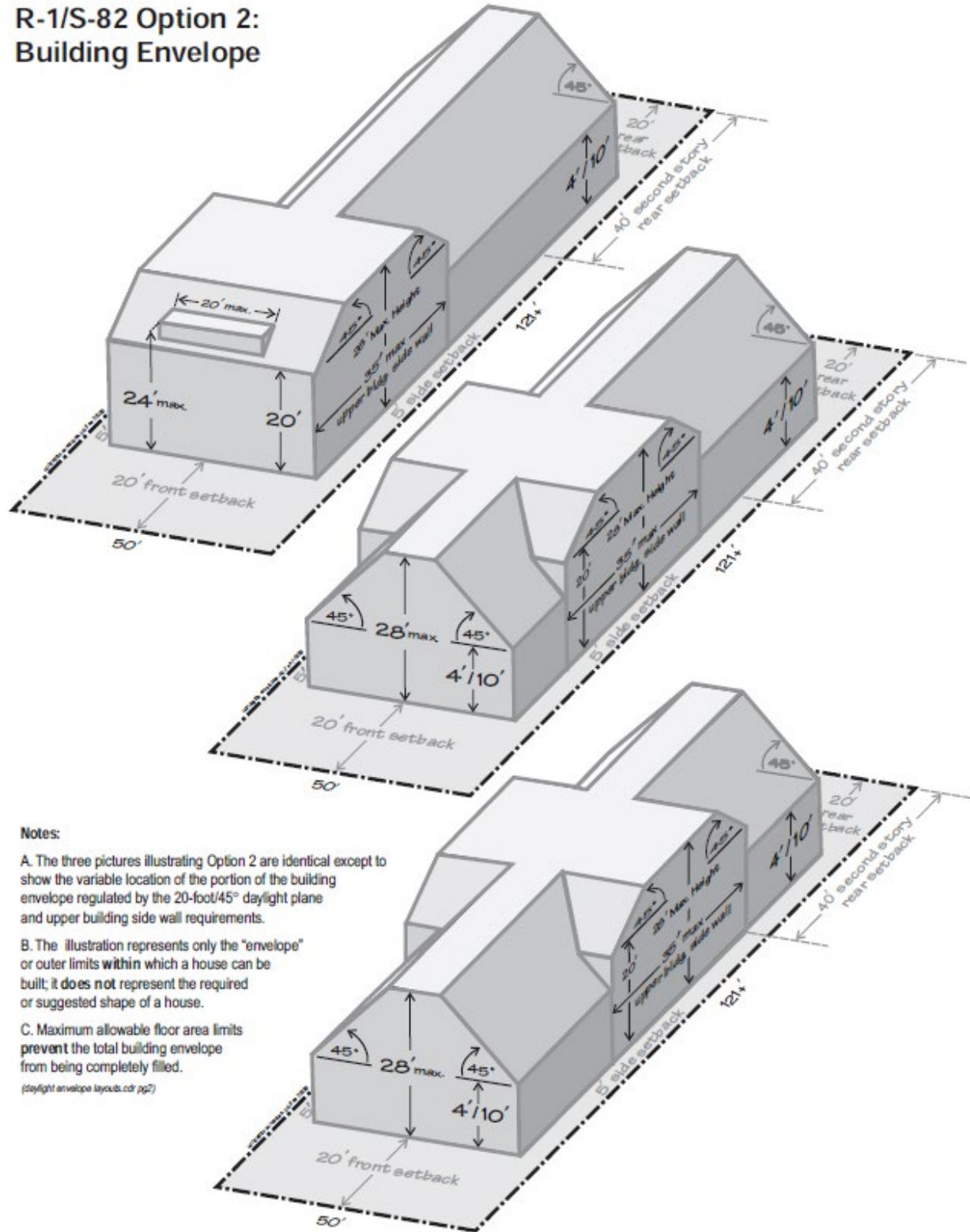
(a) 20-foot/45° Daylight Plane. Where the 20-foot/45° daylight plane is required, daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height, and shall be no closer than 5 feet from a side setback line.

(b) 4/10-foot/45° Daylight Plane. Where the 4/10-foot/45° daylight plane is required, daylight plane protrusions are prohibited.

(4) Upper Building Side Wall Length. The length of each upper building side wall shall not exceed 35 feet.

b. Illustration. The regulatory limits of Option 2 requirements are illustrated on the diagram entitled: OPTION 2, BUILDING ENVELOPE.

## R-1/S-82 Option 2: Building Envelope



### Notes:

A. The three pictures illustrating Option 2 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.

B. The illustration represents only the "envelope" or outer limits **within** which a house can be built; it **does not** represent the required or suggested shape of a house.

C. Maximum allowable floor area limits **prevent** the total building envelope from being completely filled.

(daylight envelope layouts.cdr pg2)

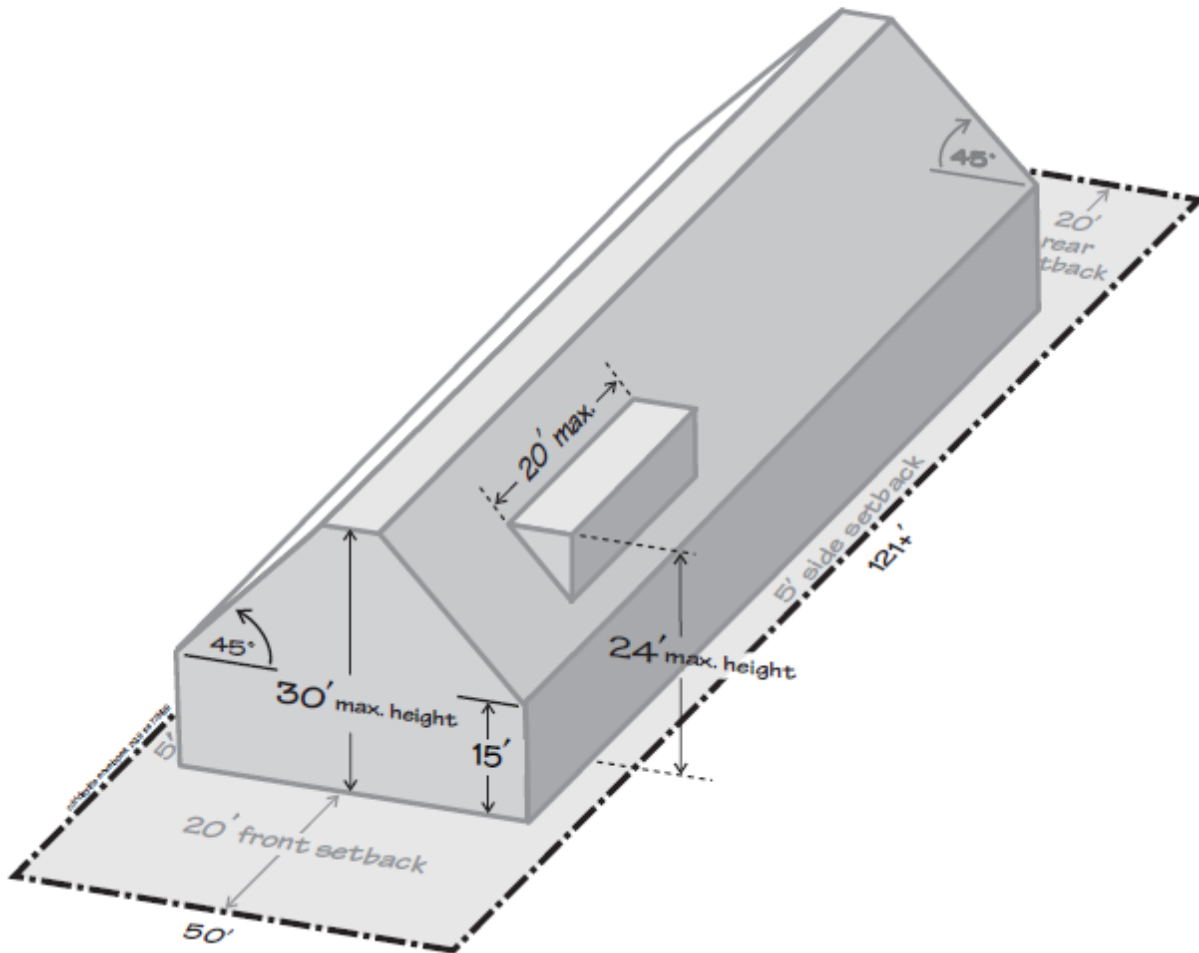
3. Option 3

a. Requirements

- (1) Building Height. Maximum building height shall be 30 feet, not to exceed two stories.
- (2) 15-foot/45° Daylight Plane. For all portions of the house, a 15-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 15 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.
- (3) Daylight Plane Protrusions. Daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height.
- (4) Floor Area Bonus. An additional 200 sq. ft. floor area bonus shall be granted in excess of the maximum building floor area or the maximum building site coverage ratio, whichever is less.

b. Illustration. The regulatory limits of Option 3 are illustrated on the diagram entitled: OPTION 3, BUILDING ENVELOPE.

## R-1/S-82 Option 3: Building Envelope



### Notes:

A. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

B. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(cityright envelope layouts.cdr pg.3)

### 8.186.120 - Detached Accessory Buildings.

Detached accessory buildings shall be limited to one story, with a maximum 10-foot plate height and 14-foot building height. The area above the horizontal plate shall be accessible only from within the building. Roof dormers are prohibited.

### **8.186.130 - Detached Second Units.**

New detached second dwelling units (either freestanding or above a detached accessory building) shall maintain the setback requirements of the main building.

A detached second dwelling unit within an existing accessory building that conforms with existing zoning requirements shall require use permit approval.

Detached second dwelling units shall maintain the same height and daylight plane requirements of the main building.

## ***CHAPTER 8.190 - S83 DISTRICT (COMBINING DISTRICT, LOS TRANCOS WOODS)***

### **8.190.010 - Regulations For "S-83" Combining District (Los Trancos Woods).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the "S-83" District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.190.020 - Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

### **8.190.030 - Building Site Area.**

The minimum building site area shall be **7,500 sq. ft.**

### **8.190.040 - Building Setbacks.**

The minimum building setbacks shall be:

Front: **20 feet**

Sides: **5 feet**

Rear: **20 feet**

**8.190.050 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be 0.40 (40%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

**8.190.060 - Building Height.**

The maximum building height shall be 36 feet, not to exceed three habitable stories.

**8.190.070 - Maximum Floor Area.**

The maximum floor area shall be 3,200 sq. ft., plus an additional amount equaling 10 percent of the amount of lot square footage in excess of 7,500 sq. ft.

(Prior code § 6300.5.200 thru 6300.5.260 Ord. 4384; 09/11/07)

***CHAPTER 8.194 - S90 DISTRICT (COMBINING DISTRICT, MENLO OAKS)***

**8.194.010 - Regulations For “S-90” Combining District (Menlo Oaks).**

The following regulations shall apply in any single-family residential district with which the “S-90” District is combined.

**8.194.020 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

**8.194.030 - Building Site Area.**

The minimum building site area shall be 10,000 sq. ft.

**8.194.040 - Development Density.**

The maximum density of development shall be 4.4 dwelling units/net acre.

**8.194.050 - Building Setbacks.**

The minimum setbacks shall be:

	Front Setback	Rear Setback	Side Setback
Bay Road/Ringwood	20 feet	20 feet	10 feet
All Other Areas	40 feet	20 feet	10 feet <sup>1</sup>

<sup>1</sup>The side setback may be 40 feet on corner lots. Refer to Zoning Maps.

### **8.194.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .30 (30 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

### **8.194.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

Building Site Area	Maximum Floor Area
£10,000 sq. ft.	3,000 sq. ft.
10,001 - 20,000 ft.	.30 (building site area)
>20,000 sq. ft.	6,000 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

### **8.194.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

### **8.194.090 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

### **8.194.100 - Building Height.**

The maximum building height shall be 30 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

#### **8.194.110 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until a maximum building height of 30 feet is reached.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

(Prior code § 6300.4 Ord. 3319; 04/29/91)

(Prior code § 6300.4 Renumbered to Section 6300.6 Ord. 3535; 01/25/94)

### ***CHAPTER 8.198 - S91 DISTRICT (COMBINING DISTRICT, PALOMAR PARK)***

#### **8.198.010 - Regulations For "S-91" Combining District (Palomar Park).**

The following regulations shall apply in any single-family residential district with which the "S-91" District is combined.

#### **8.198.020 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

#### **8.198.030 - Building Site Area.**

The minimum building site area shall be 10,000 sq. ft.

#### **8.198.040 - Development Density.**

The maximum density of development shall be 4.4 dwelling units/net acre.



**8.198.050 - Building Setbacks.**

The minimum setbacks shall be:

Front Setback	Rear Setback	Side Setback
20 feet	20 feet	10 feet

**8.198.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .30 (30 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.198.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

Building Site Area	Maximum Floor Area
£10,000 sq. ft.	2,600 sq. ft.
10,001 - 20,000 ft.	.30 (building site area - 10,000) + 2,600 sq. ft.
>20,000 sq. ft.	5,600 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

**8.198.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

**8.198.090 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

### **8.198.100 - Building Height.**

The maximum building height shall be 28 feet. Building height shall be measured as the vertical distance from: (1) any point on the natural grade to the topmost point of the building immediately above, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

### **8.198.110 - Building Height For Garages On Downhill Slopes.**

The maximum building height for an attached or detached garage on a downhill slope that is allowed by Section 8.348.030 to extend into the front setback to ensure safe access is 28 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Maximum plate height for any portion of an attached or detached garage that extends into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins.

No second story shall be allowed above or below any portion of a garage on a downhill slope that is allowed to extend into the front setback.

### **8.198.120 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until a maximum building height of 28 feet is reached.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 6406.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

(Prior code § 6300.5 Ord. 3319; 04/29/91)

(Prior code § 6300.5 Renumbered to Section 6300.7 Ord. 3535; 01/25/94)

## ***CHAPTER 8.202 - S92 DISTRICT (COMBINING DISTRICT, WEST MENLO PARK)***

## **8.202.010 - Regulations For “S-92,” Combining District (West Menlo Park).**

The following regulations shall apply in any single-family residential district with which the “S-92” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.202.020 - Definitions.**

1. **Accessory Building.** An accessory building is a detached building whose use is incidental to the use of the main building on the parcel, e.g., a garage, shed, pool house. A detached second dwelling unit is not an accessory building.
2. **Building Floor Area.** The building floor area is the maximum amount of interior floor area. Building floor area includes: (1) the area of all stories of all buildings and accessory buildings (exceeding 80 sq. ft.) on a building site as measured from the outside face of all exterior perimeter walls; (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four or more feet from exterior walls; and (3) the area of garages and carports, but excludes uninhabitable attics and uninhabitable sub-grade basements.  
  
Where the first floor ceiling height, as measured at the plate line, exceeds 12 feet (excluding skylight wells) and the roof peak immediately above exceeds 20 feet, that portion of the floor area shall be doubled for the purposes of calculating building floor area.
3. **Building Height.** The building height is the maximum height of a building measured as the vertical distance from any point on the existing grade to a corresponding point immediately above at the top of the building. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.
4. **Building Setback.** A building setback is the minimum building distance as measured from a specified line parallel from the nearest parcel line. Building setback includes front, side, and rear (first and second story) setbacks.
5. **Building Site Coverage Ratio.** The building site coverage ratio is the maximum amount of parcel area that may be covered, expressed as a percentage of parcel size. Maximum building site coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground, except fences/walls.
6. **Daylight Plane.** A daylight plane defines a three dimensional volume of space in which a building may be constructed. Daylight planes shall be measured as a specified maximum vertical distance from a specified point on existing grade to the topmost point of the wall where it intersects the roof immediately above and then inward at a specified angle until the maximum building height is reached.
7. **Daylight Plane Protrusion.** A daylight plane protrusion is the portion(s) of the building that protrudes into each daylight plane, e.g., gables, dormers, or other architectural features. Daylight plane protrusions may be continuous or combined, but do not include the space between protrusions, when calculating protrusion length. Protruding chimneys, eaves, skylights, and similar features are not considered protrusions and shall not be included when calculating protrusion length. The maximum height of a daylight plane protrusion shall be measured from existing grade.
8. **Existing Grade.** The existing grade is the grade level that exists prior to any new grading or construction.

9. Story. A story is a habitable space in a building between the surface of any floor and the surface of the floor or roof immediately above, but not including any attic, or basement or under-floor space that is three (3) feet or less above existing grade.
10. Uninhabitable Attic. An uninhabitable attic is the area located between the ceiling joists and the roof rafters immediately above that may not be inhabited. An uninhabitable attic shall be unfinished and shall meet the following criteria: (1) no wall or ceiling drywall covering, (2) attic area floor joists may only be covered with an unfinished floor surface, (3) access to the area is only from the inside of the building, (4) electricity to the area is limited to that necessary for adequate light and not more than one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.
11. Uninhabitable Basement. An uninhabitable basement is the area located between the first floor joists and the lower floor at grade level that may not be inhabited. An uninhabitable basement shall meet the following criteria: (1) its ceiling height is no greater than six feet, six inches (6'-6"), (2) its area does not contribute to the visible bulk of the building and is not more than 3 feet above existing grade at any point, (3) its floor area may not be more than 50% of the first floor area, and (4) it shall be unfinished.
12. Upper Building Side Wall Length. The upper building side wall length is the maximum combined front to rear length(s) of a building along a line less than ten (10) feet inward from and parallel to a side setback line, measured at any point 17 feet or more above existing grade. Its rear-most point shall not extend beyond the second-story rear setback line.

**8.202.030 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

**8.202.040 - Building Site Area.**

The minimum building site area shall be 10,000 sq. ft.

**8.202.050 - Development Density.**

The maximum density of development shall be 6.0 dwelling units per net acre.

**8.202.060 - Building Setbacks.**

The minimum setbacks shall be:

Front: 20 feet

Sides: 10 feet

Rear: *First Story:*

20 feet

*Second Story:*

Parcel Length

Rear Setback

0 - 100 feet	20 feet
101 - 120 feet	40 - (121 - parcel length)
>120 feet	40 feet

**8.202.070 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .50 (50 percent).

**8.202.080 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

Building Site Area	Maximum Floor Area
>5,000 sq. ft.	.26 (building site area - 5,000) + 2,800 sq. ft.

**8.202.090 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided the parcels are merged pursuant to the merger provisions of the County Subdivision Regulations.

**8.202.100 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if any resultant parcel has a building site area less than the minimum required to maintain conformity with the required building floor area requirements of this district.

**8.202.110 - Building Height, Daylight Plane, And Upper Building Wall Length (Three Options).**

Development plans must conform to one of the following three options that regulate building height, daylight plane, and upper building side wall length. Interchanging or mixing elements from the three options is prohibited.

1. Option 1
  - a. Requirements
    - (1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.
    - (2) Daylight Planes
      - (a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.

(b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.

(3) Daylight Plane Protrusions. Daylight plane protrusions are prohibited.

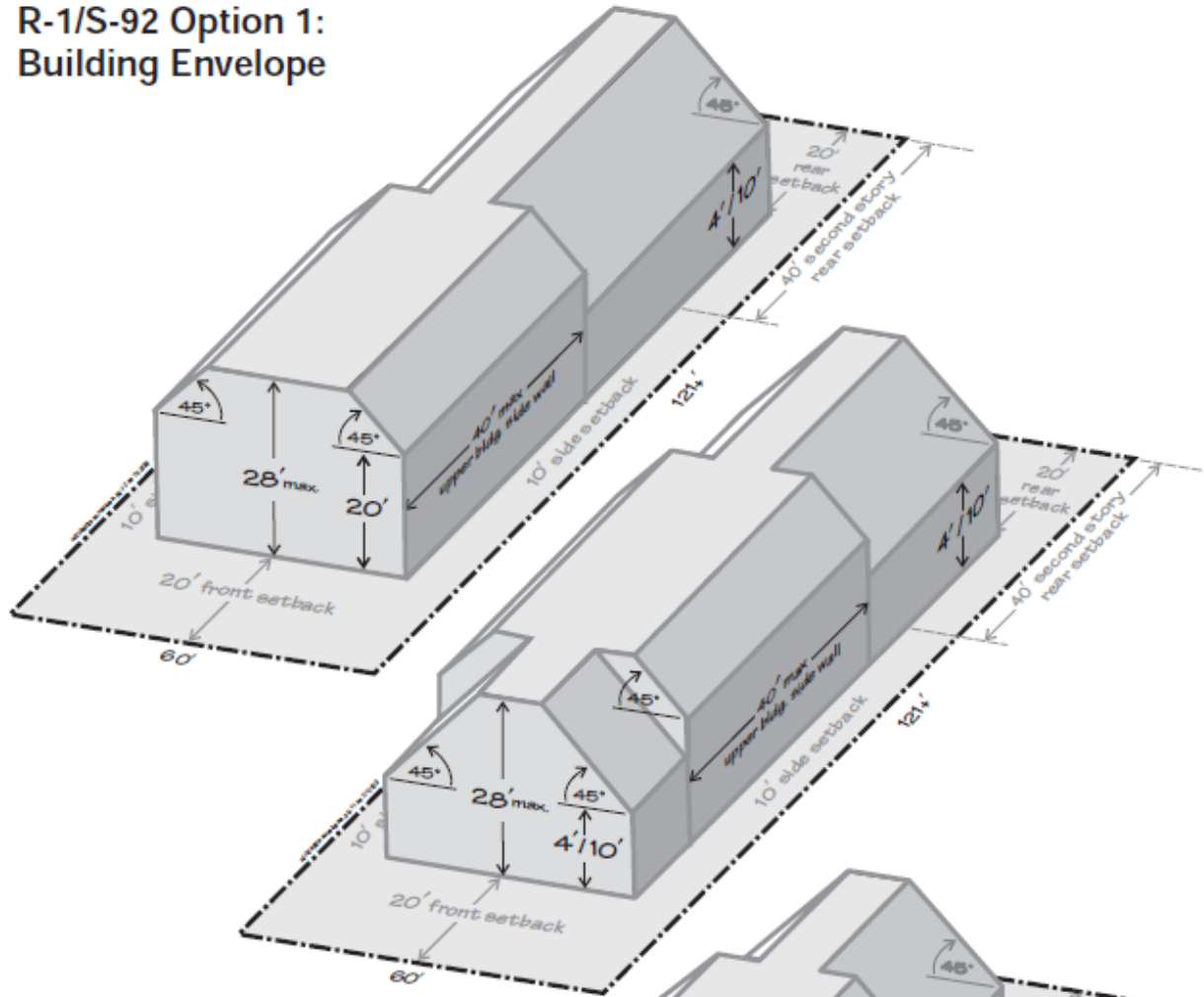
(4) Upper Building Side Wall Length. The length of each upper building side wall shall be as follows:

Parcel Length	Maximum Upper Building Side Wall
<130 feet	40 feet
>130 feet	45 feet

Its rear-most point shall not extend beyond the second-story rear setback line.

b. Illustration. The regulatory limits of Option 1 requirements are illustrated on the diagram entitled: OPTION 1, BUILDING ENVELOPE.

# R-1/S-92 Option 1: Building Envelope



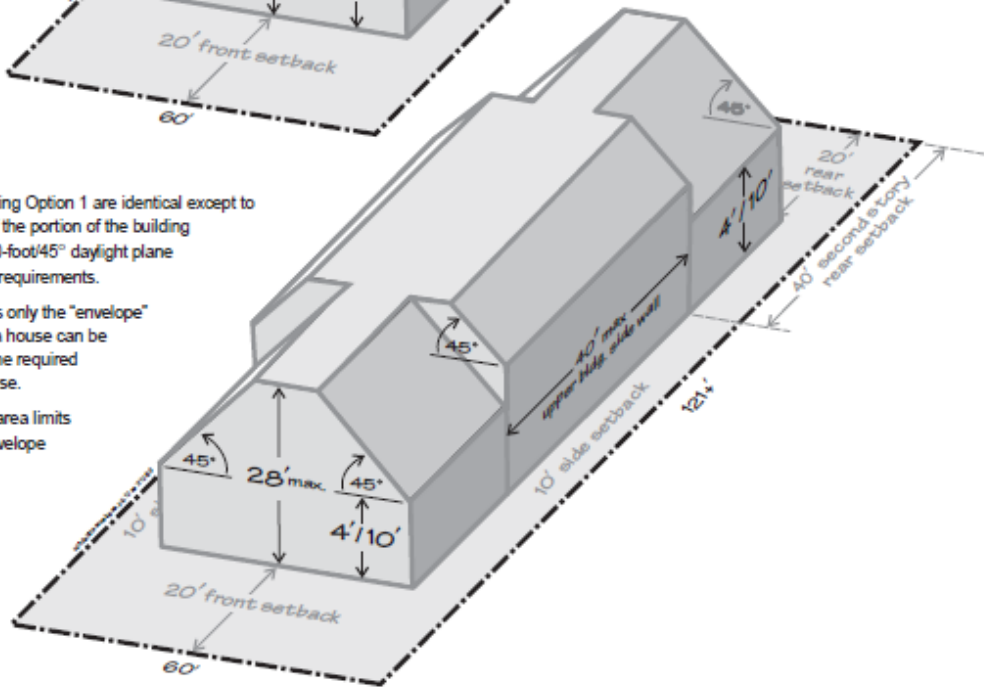
**Notes:**

A. The three pictures illustrating Option 1 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.

B. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

C. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(daylight envelope layouts.cdr pg5)



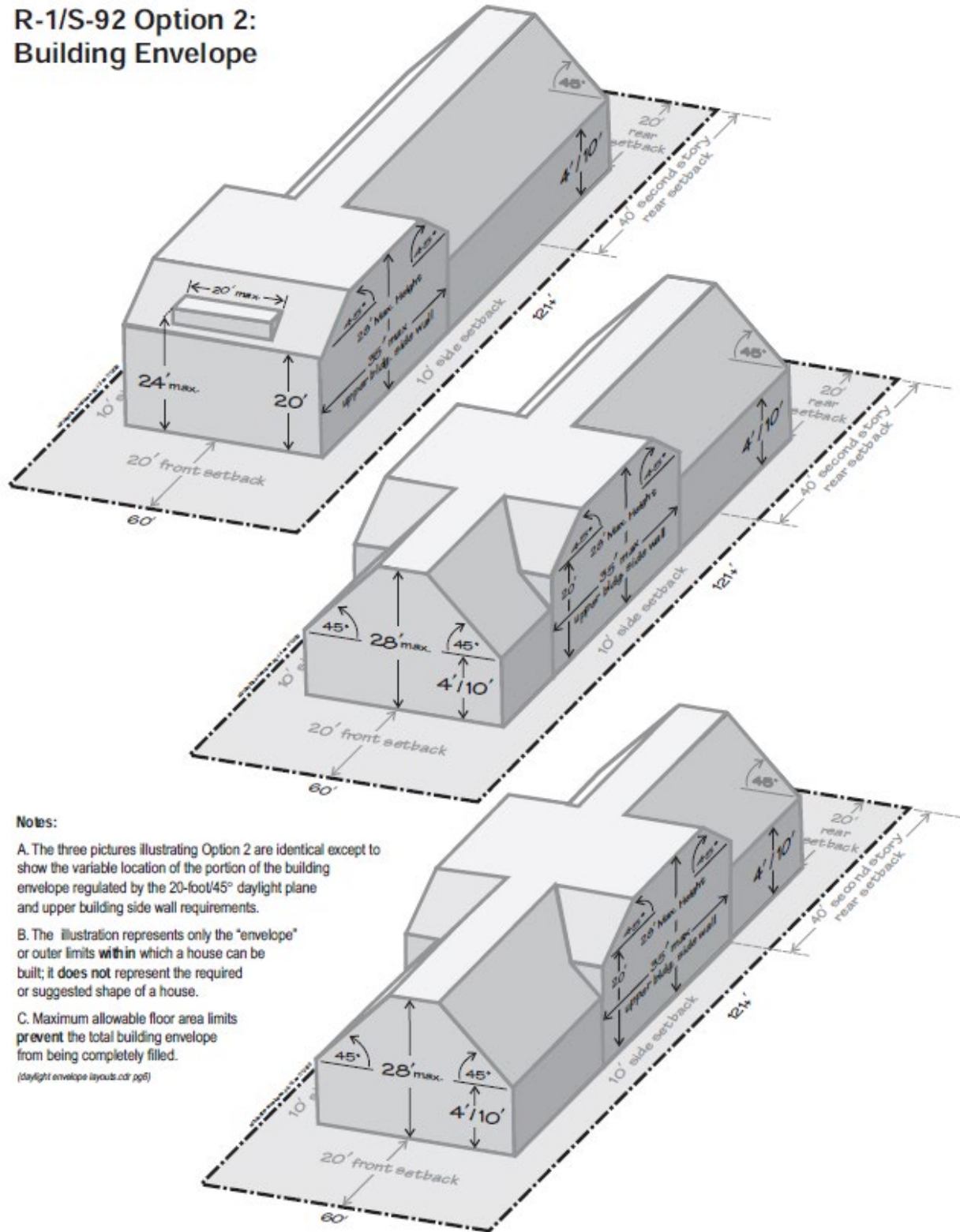
- 2. Option 2
  - a. Requirements

- (1) Building Height. Maximum building height shall be 28 feet, not to exceed two stories.
  - (2) Daylight Planes
    - (a) 20-foot/45° Daylight Plane. For all portions of the house located within that area regulated by the upper building side wall requirement, a 20-foot/45° daylight plane, facing the front and rear setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 20 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.

Pitched Roof. For that portion of the house regulated by this daylight plane, only hip, gambrel, and gable roofs shall be allowed. No sloped roof shall be less than 20°.
    - (b) 4/10-foot/45° Daylight Plane. For all portions of the house not regulated by the upper building side wall requirement, a 4/10-foot/45° daylight plane, beginning at the side facing building walls, shall be required as follows: The vertical portion of the daylight plane shall be determined by the combined heights of: (1) a maximum of 4 feet of under-floor/crawl space as measured from the existing grade to the top of the floor joist, and (2) a maximum of 10 feet of ceiling space as measured from the floor surface to that point where the wall intersects the roof or ceiling, and then inward at an angle of 45° until reaching the maximum building height.
  - (3) Daylight Plane Protrusions
    - (a) 20-foot/45° Daylight Plane. Where the 20-foot/45° daylight plane is required, daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height, and shall be no closer than 5 feet from a side setback line.
    - (b) 4/10-foot/45° Daylight Plane. Where the 14-foot/45° daylight plane is required, daylight plane protrusions are prohibited.
  - (4) Upper Building Side Wall Length. The length of each upper building side wall shall not exceed 35 feet.
- b. Illustration. The regulatory limits of Option 2 requirements are illustrated on the diagram entitled: OPTION 2, BUILDING ENVELOPE.



## R-1/S-92 Option 2: Building Envelope



### Notes:

A. The three pictures illustrating Option 2 are identical except to show the variable location of the portion of the building envelope regulated by the 20-foot/45° daylight plane and upper building side wall requirements.

B. The illustration represents only the "envelope" or outer limits **within** which a house can be built; it **does not** represent the required or suggested shape of a house.

C. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

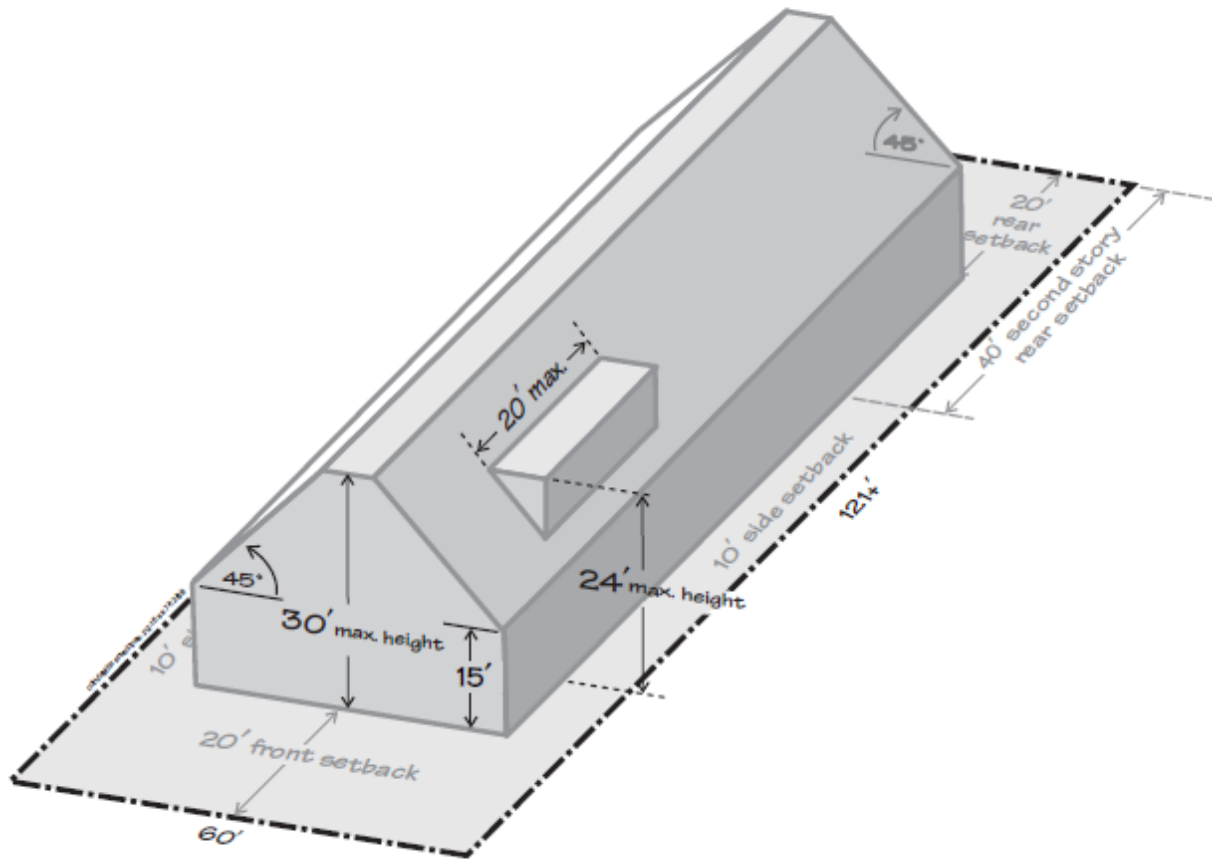
(daylight envelope layouts.cdr pg6)

a. Requirements

- (1) Building Height. Maximum building height shall be 30 feet, not to exceed two stories.
- (2) 15-foot/45° Daylight Plane. For all portions of the house, a 15-foot/45° daylight plane, beginning at the side setback lines, shall be required. The vertical portion of the daylight plane shall be determined by a wall height not to exceed 15 feet from the existing grade to that point where the wall intersects the roof, and then inward at an angle of 45° until reaching the maximum building height.
- (3) Daylight Plane Protrusions. Daylight plane protrusions are allowed but shall not exceed 20 feet in length and 24 feet in height.
- (4) Floor Area Bonus. An additional 200 sq. ft. floor area bonus shall be granted in excess of the maximum building floor area or the maximum building site coverage ratio, whichever is less.

b. Illustration. The regulatory limits of Option 3 are illustrated on the diagram entitled: OPTION 3, BUILDING ENVELOPE.

# R-1/S-92 Option 3: Building Envelope



## Notes:

A. The illustration represents only the "envelope" or outer limits within which a house can be built; it does not represent the required or suggested shape of a house.

B. Maximum allowable floor area limits prevent the total building envelope from being completely filled.

(daylight envelope layouts.cdr pg7)

## 8.202.120 - Detached Accessory Buildings.

Detached accessory buildings shall be limited to one story, with a maximum 10-foot plate height and 14-foot building height. The area above the horizontal plate shall be accessible only from within the building. Roof dormers are prohibited.

### **8.202.130 - Detached Second Units.**

New detached second dwelling units (either freestanding or above a detached accessory building) shall maintain the setback requirements of the main building.

A detached second dwelling unit within an existing accessory building that conforms with existing zoning requirements shall require use permit approval.

Detached second dwelling units shall maintain the same height and daylight plane requirements of the main building.

(Prior code § 6300.8 Ord. 3319; 04/29/91)

(Prior code § 6300.8 Amd. Ord . 3535; 01/25/94)

## ***CHAPTER 8.204 – S93 DISTRICT (COMBINING DISTRICT, NORTH FAIR OAKS)***

### **8.204.010 - Regulations For “S-93” Combining District (North Fair Oaks).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-93” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.204.020 - Building Site Width.**

The minimum building site width shall be an average of **50 feet**.

### **8.204.030 - Building Site Area.**

The minimum building site area shall be **10,000 sq. ft.**

### **8.204.040 - Development Density.**

The maximum density of development shall be 6.0 dwelling units/net acre.

### **8.204.050 - Building Setbacks.**

The minimum building setbacks shall be:

Front: **20 feet**

Sides: **10 feet**

Rear: **20 feet**

### **8.204.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .30 (30%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

### **8.204.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

Building Site Area	Maximum Floor Area
>5,000 sq. ft.	.26 (building site area - 5,000) + 2,600 sq. ft.

Floor area specifically includes: (1) the area of all stories of all main and accessory buildings on a building site as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies, or other areas covered by a waterproof roof which extends four or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft., but excludes uninhabitable attics and sub-grade basements.

### **8.204.080 - Building Height.**

The maximum building height shall be **30 feet, not to exceed two habitable stories**. Building height shall be measured as the vertical distance from any point on the **existing grade** to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend beyond the respective maximum height to a maximum of 36 feet as required for safety or efficient operation.

### **8.204.090 - Daylight Planes.**

The daylight planes shall be established by measuring along the side setback lines a vertical distance of **20 feet** from the existing grade and then inward at an **angle of 45 degrees until a maximum height of 30 feet** is reached.

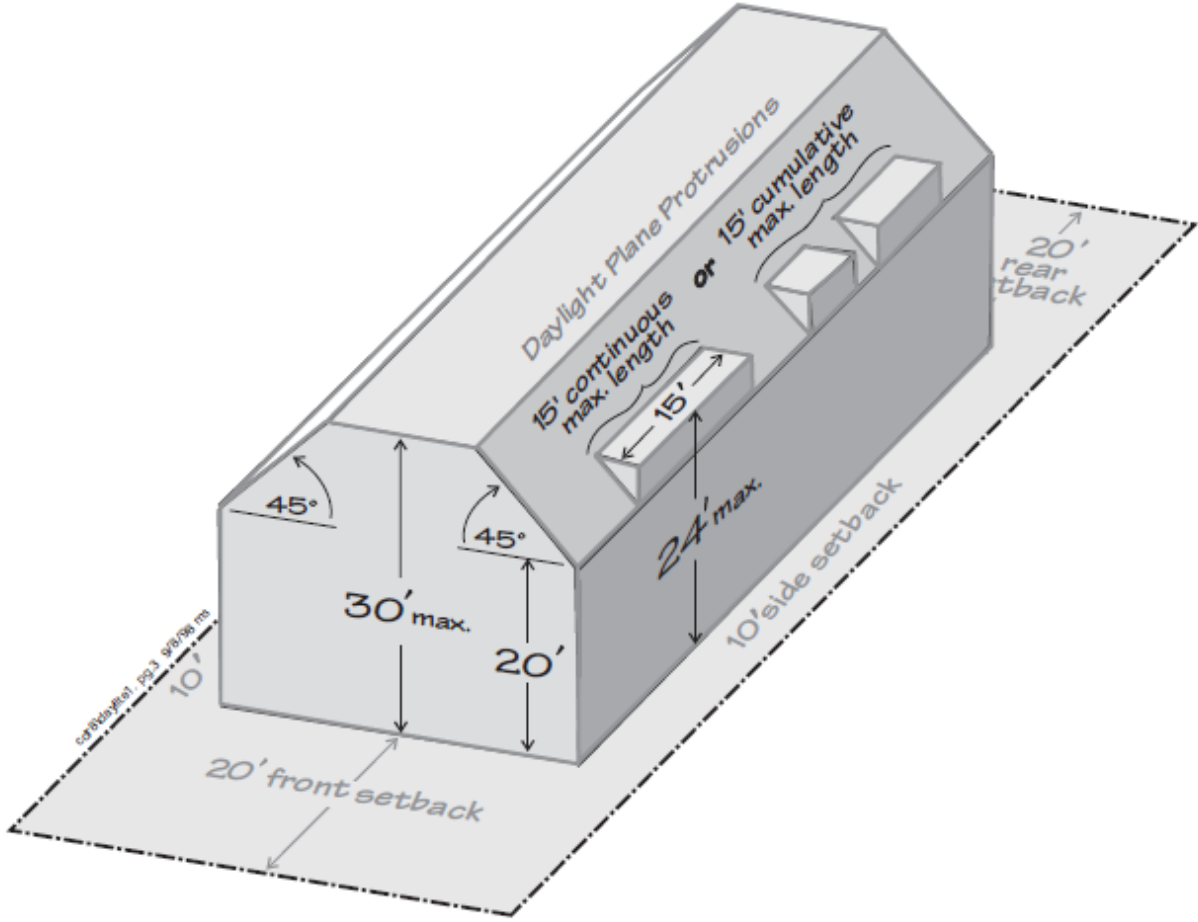
Daylight planes shall not be applicable to the side setback line of the street-facing side of a corner parcel.

Certain architectural features shall be allowed to extend into all yard setback areas according to the provisions of Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and other common facilities may extend into the daylight plane up to a maximum of **36 feet** as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the **side setbacks** provided that: (1) they measure perpendicularly to the daylight plane no more than **15 feet** in continuous or cumulative length on each side, and (2) they measure no more than **24 feet in height** from the **existing grade**.

**R-1/S-93 Daylight Plane Requirement (20'/45°)**



(Prior code § 6300.9 Ord. 3535; 01/25/94)

(Prior code § 6300.9.11 thru 6300.9.19 Ord. 3844; 08/04/98)

**CHAPTER 8.208 - S94 DISTRICT (COMBINING DISTRICT, MIDCOAST)**

**8.208.010 - Regulations For “S-94” Combining District (Midcoast).**

The following regulations shall apply in any single-family residential district with which the “S-94” District is combined.

**8.208.020 - Building Site Width.**

The minimum building site width shall be an average of 50 feet.

**8.208.030 - Building Site Area.**

The minimum building site area shall be 10,000 sq. ft.

**8.208.040 - Building Setbacks.**

The minimum setbacks shall be:

Front Setback	Rear Setback	Side Setback
20 feet	20 feet	10 feet

**8.208.050 - Parcel Coverage.**

The maximum parcel coverage shall be 0.30 (30%).

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.208.060 - Building Floor Area.**

a. The maximum building floor area shall be established according to the following table.

Parcel Size	Maximum Building Floor Area
2,500 - 9,749 sq. ft., or less than 45 feet parcel width	0.48 (parcel size)
9,750 - 9,999 sq. ft.	$0.53 - ((5,000\text{-parcel size}) \times 0.0002) \times \text{parcel size}$
10,000 - 11,698 sq. ft.	0.53 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding

uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

- b. Up to 200 sq. ft. of covered parking floor area shall not be counted toward the limitations set forth in subsection a. for any substandard lot that is (1) smaller than 4,500 sq. ft. in area, (2) not in common ownership with contiguous lots, and (3) developed with an affordable (very low, low, or moderate income) single-family residential unit, i.e., subject to income and cost/rent restriction contracts with San Mateo County.
- c. In addition to the limitations set forth in subsection a., permit 250 sq. ft. bonus building floor area for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G") during the "voluntary merger period" described therein.

(Prior code § 6300.9.11.60 Amd Ord. 4555; 05/24/11 - CA Coastal Commission certified 08/08/12, eff. In Coastal Zone 09/07/12)

### **8.208.070 - Impervious Surface Area.**

The amount of parcel area covered by impervious structures less than eighteen inches (18") in height is limited to ten percent (10%) parcel size (not to exceed 1,170 sq. ft. for residential uses). Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways, and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building for select development upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The runoff equivalent of 10% (parcel size) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

1. Non-residential development, and
2. Residential development, only if the Director of Planning and Building determines that the exception is necessary for compliance with site planning and design requirements.

(Prior code § 6300.9.11.70 Amd Ord. 4555; 05/24/11 - CA Coastal Commission certified 08/08/12, eff. In Coastal Zone 09/07/12)

### **8.208.080 - Building Height.**

The maximum building height shall be established, as follows:

1. West of Highway 1
  - a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 feet.
  - b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 feet, unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 feet for either:



- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 feet, maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 feet) with the maximum downslope wall height (33 feet).

2. East of Highway 1

- a. Parcels Smaller Than 10,000 sq. ft. Where the parcel area is less than 10,000 sq. ft., maximum building height is 28 feet.
- b. Parcels 10,000 sq. ft. or Larger. Where the parcel area is 10,000 sq. ft. or larger, maximum building height is 32 feet.

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where the average slope of a parcel is greater than a one (1) foot fall in seven (7) feet distance from the established street grade at the front lot line and where a sewer connection must be made uphill from the building location, the maximum height allowed may be increased to 36 feet.

Where Zoning Regulations Chapter 8.300 Flood Hazard Areas, requires an elevated building, as defined in Section 8.300.030(8) building height shall be measured as the vertical distance from the "base flood elevation," as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

### **8.208.090 - Plate Height For Garages On Downhill Slopes.**

The maximum plate height for a garage on a downhill slope that is allowed by Section 8.348.030 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.

(Prior code § 6300.9.11.10-6300.9.11.90 Ord. 3979; 08/08/00)

### **8.208.100 - Daylight Plane Or Façade Articulation.**

New residential development shall conform to either the daylight plane or façade articulation options described in this section, as determined by the project applicant.

1. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 feet, and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

- (a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 feet.
- (b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 feet.

## 2. Facade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

(Prior code § 6300.9.11.80-6300.9.11.100 Renumbered Ord. 4555; 05/24/11 - CA Coastal Commission certified 08/08/12, eff. In Coastal Zone 09/07/12)

### **8.208.110 - Winter Grading.**

Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

(Prior code § 6300.9.11.110 Ord. 4555; 05/24/11 - CA Coastal Commission certified 08/08/12, eff. In Coastal Zone 09/07/12)

## **CHAPTER 8.212 - S95 DISTRICT (COMBINING DISTRICT, LADERA)**

### **8.212.010 - Regulations For "S-95" Combining District (Ladera).**

The following regulations shall apply in any single-family residential district with which the "S-95" District is combined.

### **8.212.020 - Purposes.**

1. Control house mass and bulk to preserve privacy and sunlight, and to prevent significant change to the community's overall character.
2. Encourage houses that harmonize with the neighborhood's existing scale of development, rather than dominate or loom above adjacent structures.
3. Balance a property owner's need for larger living space with minimizing impacts on neighbors.
4. Encourage houses that respect and conform to natural landscape features, including topography.

### **8.212.030 - Definitions.**

1. Basement
  - a. Whole Basement. A whole basement is:
    - (1) A floor level where the undersides of the floor joists of the floor immediately above are not more than three (3) feet above the adjoining exterior natural or finished grade, whichever is lower, at any point along the perimeter of that floor level, or
    - (2) A floor level that in part meets the criterion described in (1) above, and for the portions of the floor level perimeter that do not meet this criterion, at least one of the following apply:
      - (a) Window wells and/or exterior stairwells are provided to the extent that: (1) they are required by the building code for minimum light, ventilation, and/or egress, and (2) individual wells do not exceed the minimum size required by the building code.
      - (b) A perimeter wall is entirely blocked from external view by other portions of the building.
  - b. Partial Basement. When a floor level partially meets 1.a above, the basement portion shall be determined as follows:
    - (1) Measure the outside perimeter of the floor level and designate it "A."

- (2) Measure the outside perimeter of the floor level that meets the criteria of 1.a above and designate it "B."
  - (3) Multiply the area of the floor level by B/A. This constitutes basement. The remaining area of the floor level does not constitute basement.
2. Building Setbacks. The minimum horizontal distance that must be maintained between a building and the specified parcel line.
  3. Daylight Plane. A series of planes defining a three-dimensional volume of space in which a building must be constructed.
  4. Finished Grade. The grade level that exists upon completion of all grading and construction.
  5. Maximum Building Floor Area. The maximum allowed amount of floor area of all buildings and accessory buildings on a parcel.
  6. Maximum Building Height. The maximum allowed vertical dimension of any building on a parcel.
  7. Maximum Parcel Coverage. The maximum amount of a parcel that may be covered, expressed as a percentage of parcel area.
  8. Natural Grade. The grade level that exists prior to any new grading or construction.
  9. Uninhabitable Attic. The area(s) located between the ceiling joists of the topmost floor level and the roof immediately above that meets all of the following criteria: (1) there is no wall or ceiling drywall covering, (2) the floor joists are only covered with an unfinished floor surface, (3) access to the area is only from the inside of the building by a trap door or pull-down ladder, (4) electricity to the area is limited to two lighting fixtures and one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.

**8.212.040 - Parcel Width.**

The minimum parcel width shall be an average of 50 feet.

**8.212.050 - Parcel Area.**

The minimum parcel area shall be 10,000 sq. ft.

**8.212.060 - Building Setbacks.**

The minimum building setbacks shall be:

Front	Rear	Side
20 feet	20 feet	10 feet

### 8.212.070 - Parcel Coverage.

The maximum parcel coverage shall be .30 (30 percent) and shall include all: (1) buildings, (2) accessory buildings, and/or (3) structures, including decks, balconies, and porches, that are eighteen (18) inches or more above finished grade. Maximum parcel coverage excludes fences and walls.

### 8.212.080 - Building Floor Area.

The maximum building floor area shall be established according to the following table:

Parcel Area (in square feet)	Maximum Building Floor Area (in square feet)
<8,000	2,800
8,000 - 16,000	.1 (parcel area - 8,000) + 2,800
16,001 - 40,000	.06 (parcel area - 16,000) + 3,600
>40,000	.04 (parcel area - 40,000) + 5,040

Building floor area includes: (1) the area of all stories of all buildings (including interior stairs) and accessory buildings requiring a building permit, as measured from the outside face of all exterior perimeter walls; and (2) the area of all garages and carports that exceeds 400 sq. ft. Building floor area excludes basements and uninhabitable attics.

### 8.212.090 - Building Height.

The maximum building height shall be established according to the following table:

Slope of Building Site*	Maximum Building Height
<15 percent	28 feet
>15 percent	30 feet

\*Measured as the average slope of area covered by the main residence.

Building height shall be measured from any point on the natural or finished grade, whichever is lower, to the topmost point of the building immediately above, except where a floor of the building is lower than the adjoining exterior natural or finished grade, whichever is lower.

Building height above any portion of a floor of a building that is lower than the adjoining exterior natural or finished grade, whichever is lower, shall be measured from such lower grade.

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond maximum building height to a maximum of 36 feet as required for safety or efficient operation.

**8.212.100 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 15 or 20 feet (depending on slope, see table below) from natural or finished grade, whichever is lower, and then inward at an angle of 45 degrees until the maximum building height is reached.

The vertical dimension of the daylight plane at the setback lines shall be established according to the following table:

Slope of Building Site*	Vertical Dimension of Daylight Plane
<15 percent	15 feet
>15 percent	20 feet
*Measured as the average slope of area covered by the main residence	

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Any portion of the building, including dormers, gables, or other architectural features, may protrude into the 45-degree portion of the daylight plane provided that: (1) the combined width of all protrusions into the daylight plane along any setback line does not exceed 15 feet, and (2) no protrusion measures more than a vertical distance of 24 feet from natural or finished grade, whichever is lower.

Cornices, canopies, eaves, chimneys, other architectural features, fire escapes, stairways, landing places, and uncovered porches may protrude into the daylight plane at any required yard, according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may protrude into the daylight plane to a maximum of 36 feet as required for safety or efficient operation.

**8.212.110 - Basement Extent.**

No basement, or portion thereof, shall be permitted to extend beyond the outside perimeter of the building above, except where necessary to meet the minimum requirements of the building code for light, ventilation, and egress.

(Prior code § 6300.9.11.100-6300.9.11.200 Ord. 3973; 07/11/00)

(Prior code § 6300.9.11.120.1.a Amd. Ord. 4003; 11/14/00)

***CHAPTER 8.216 - S100 DISTRICT (COMBINING DISTRICT, MENLO OAKS)***

**8.216.010 - Regulations For “S-100,” Combining District (Menlo Oaks).**

The following regulations shall apply in any single-family residential district with which the “S-100” District is combined.

**8.216.020 - Building Site Width.**

The minimum building site width shall be an average of 75 feet.

**8.216.030 - Building Site Area.**

The minimum building site area shall be 20,000 sq. ft.

**8.216.040 - Development Density.**

The maximum density of development shall be 2.2 dwelling units/net acre.

**8.216.050 - Building Setbacks.**

The minimum setbacks shall be:

Front Setback	Rear Setback	Side Setback
40 feet	20 feet	10 feet <sup>1</sup>

<sup>1</sup>The side setback is 40 feet on corner lots.

**8.216.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .25 (25 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.216.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

Building Site Area	Maximum Floor Area
£10,000 sq. ft.	3,000 sq. ft.
10,001 - 30,000 sq. ft.	.30 (building site area)
>30,000 sq. ft.	9,000 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or

other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

#### **8.216.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

#### **8.216.090 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

#### **8.216.100 - Building Height.**

The maximum building height shall be 30 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

#### **8.216.110 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until a maximum building height of 30 feet is reached.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

(Prior code § 6300.6 Ord. 3319; 04/29/91)

(Prior code § 6300.6 Renumbered to §6300.9 Ord. 3535; 01/25/94)

### ***CHAPTER 8.220 - S101 DISTRICT (COMBINING DISTRICT, PALOMAR PARK)***



**8.220.010 - Regulations For “S-101” Combining District (Palomar Park).**

The following regulations shall apply in any single-family residential district with which the “S-101,” District is combined.

**8.220.020 - Building Site Width.**

The minimum building site width shall be an average of 75 feet.

**8.220.030 - Building Site Area.**

The minimum building site area shall be 20,000 sq. ft.

**8.22.040 - Development Density.**

The maximum density of development shall be 2.2 dwelling units/net acre.

**8.22.050 - Building Setbacks.**

The minimum setbacks shall be:

Front Setback	Rear Setback	Side Setback
20 feet	20 feet	10 feet

**8.220.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .25 (25 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.220.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

Building Site Area	Maximum Floor Area
£10,000 sq. ft.	2,600 sq. ft.
10,001 - 30,000 sq. ft.	.30 (building site area - 10,000) + 2,600 sq. ft.
>30,000 sq. ft.	8,600 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable

attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

#### **8.220.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

#### **8.22.090 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

#### **8.22.100 - Building Height.**

The maximum building height shall be 28 feet. Building height shall be measured as the vertical distance from: (1) any point on the natural grade to the topmost point of the building immediately above, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

#### **8.22.110 - Building Height For Garages On Downhill Slopes.**

The maximum building height for an attached or detached garage on a downhill slope that is allowed by Section 8.348.030 to extend into the front setback to ensure safe access is 28 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Maximum plate height for any portion of an attached or detached garage that extends into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins.

No second story shall be allowed above or below any portion of a garage on a downhill slope that is allowed to extend into the front setback.

#### **8.220.120 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until a maximum building height of 28 feet is reached.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

(Prior code § 6300.7 Ord. 3319; 04/29/91)

(Prior code § 6300.7 Renumbered to §6300.10 Ord. 3535; 01/25/94)

## ***CHAPTER 8.224 - S102 DISTRICT (COMBINING DISTRICT, DEVONSHIRE)***

### **8.224.010 - Regulations For “S-102” Combining District (Devonshire).**

The following regulations shall apply in any single-family residential district with which the “S-102” District is combined.

### **8.224.020 - Building Site Width.**

The minimum building site width shall be an average of 75 feet.

### **8.224.030 - Building Site Area.**

The minimum building site area shall be 20,000 sq. ft.

### **8.224.040 - Development Density.**

The maximum density of development shall be 2.2 dwelling units/net acre.

### **8.224.050 - Building Setbacks.**

The minimum setbacks shall be:

<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>
20 feet	20 feet	10 feet

### **8.220.060 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be .25 (25 percent) and shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

### **8.224.070 - Building Floor Area.**

The maximum building floor area shall be established according to the following table.

<u>Building Site Area</u>	<u>Maximum Floor Area</u>
≤10,000 sq. ft.	2,600 sq. ft.
10,001 - 30,000 sq. ft.	.30 (building site area - 10,000) + 2,600 sq. ft.
>30,000 sq. ft.	8,600 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports that exceed 400 sq. ft.

### **8.224.080 - Parcel Merger To Establish Maximum Building Floor Area.**

Contiguous parcels may be combined to establish a building site area to be used to calculate the maximum building floor area provided those parcels are first merged pursuant to merger provisions of the County Subdivision Regulations.

### **8.224.090 - Parcel Division And Maximum Building Floor Area.**

A parcel may not be divided if such division would result in a building site area less than the minimum required to maintain conformity with the building floor area requirements of this district.

### **8.224.100 - Building Height.**

The maximum building height shall be 30 feet. Building height shall be measured as the vertical distance from: (1) any point on the natural grade to the topmost point of the building immediately above, or (2) any point on the lowest floor, if the lowest floor is below the natural grade, to the topmost point of the building immediately above.

If a building is remodeled and the cost is less than 50 percent of the total replacement value, the maximum building height may increase to a maximum of 36 feet. The appropriate maximum building height shall be determined by the Director of Planning and Building on a case-by-case basis.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond 28 feet to a maximum of 36 feet as required for safety or efficient operation.

### **8.224.110 - Building Height For Garages On Downhill Slopes.**

The maximum building height for an attached or detached garage on a downhill slope that is allowed by Section 8.348.030 to extend into the front setback to ensure safe access is 28 feet. Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Maximum plate height for any portion of an attached or detached garage that extends into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins.

No second story shall be allowed above or below any portion of a garage on a downhill slope that is allowed to extend into the front setback.

### **8.224.120 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 20 feet from the natural grade and then inward at an angle of 45 degrees until reaching the permitted maximum building height.

Certain architectural features shall be allowed to extend into all setback areas according to the provisions of Section 8.340.010

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Additionally, architectural features, such as dormers or gables, shall be allowed to extend into the daylight plane of the front and rear setbacks provided that: (1) they measure perpendicularly to the daylight plane no more than 15 feet in length and (2) they measure no more than a vertical distance of 24 feet from the natural grade.

Prior code § 6300.8 Ord. 3319; 04/29/91

(Prior code § 6300.8 Renumbered to §6300.11 Ord. 3535; 01/25/94)

## ***CHAPTER 8.228 - S104 DISTRICT (COMBINING DIESTRICT, LADERA)***

### **8.228.010 - Regulations For "S-104" Combining District (Ladera).**

The following regulations shall apply in any single-family residential district with which the "S-104" District is combined.

### **8.228.020 - Purposes**

1. Control house mass and bulk to preserve privacy and sunlight, and to prevent significant change to the community's overall character.

2. Encourage houses that harmonize with the neighborhood's existing scale of development, rather than dominate or loom above adjacent structures.
3. Balance a property owner's need for larger living space with minimizing impacts on neighbors.
4. Encourage houses that respect and conform to natural landscape features, including topography.

### **8.228.030 - Definitions**

1. Basement
  - a. Whole Basement. A whole basement is:
    - (1) A floor level where the undersides of the floor joists of the floor immediately above are not more than three (3) feet above the adjoining exterior natural or finished grade, whichever is lower, at any point along the perimeter of that floor level, or
    - (2) A floor level that in part meets the criterion described in (1) above, and for the portions of the floor level perimeter that do not meet this criterion, at least one of the following apply:
      - (a) Window wells and/or exterior stairwells are provided to the extent that: (1) they are required by the building code for minimum light, ventilation, and/or egress, and (2) individual wells do not exceed the minimum size required by the building code.
      - (b) A perimeter wall is entirely blocked from external view by other portions of the building.
  - b. Partial Basement. When a floor level partially meets 1.a above, the whole basement floor area shall be determined as follows:
    - (1) Measure the exterior perimeter (in lineal feet) of the floor level and designate it "A."
    - (2) Measure the exterior perimeter (in lineal feet) of the floor level that meets the criteria of 1.a above and designate it "B."
    - (3) Multiply the area of the floor level by B/A. This constitutes whole basement area. The remaining area of the floor level does not constitute whole basement area.
2. Building Setbacks. The minimum horizontal distance that must be maintained between a building and the specified parcel line.
3. Daylight Plane. A series of planes defining a three-dimensional volume of space in which a building must be constructed.
4. Finished Grade. The grade level that exists upon completion of all grading and construction.
5. Maximum Building Floor Area. The maximum allowed amount of floor area of all buildings and accessory buildings on a parcel.
6. Maximum Building Height. The maximum allowed vertical dimension of any building on a parcel.
7. Maximum Parcel Coverage. The maximum amount of a parcel that may be covered, expressed as a percentage of parcel area.

- 8. Natural Grade. The grade level that exists prior to any new grading or construction.
- 9. Uninhabitable Attic. The area(s) located between the ceiling joists of the topmost floor level and the roof immediately above that meets all of the following criteria: (1) there is no wall or ceiling drywall covering, (2) the floor joists are only covered with an unfinished floor surface, (3) access to the area is only from the inside of the building by a trap door or pull-down ladder, (4) electricity to the area is limited to two lighting fixtures and one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.

**8.228.040 - Parcel Width.**

The minimum parcel width shall be an average of 50 feet.

**8.228.050 - Parcel Area.**

The minimum parcel area shall be determined in accordance with the following:

Average Slope of Parcel (in percent)	Minimum Parcel Area (in square feet)
0 - 5	8,000
5 - 10	10,000
10 - 15	12,000
15 - 20	14,000
Above 20	16,000
<p>“Average slope of parcel” shall mean the percent of slope as computed by the following formula:</p> $S = (100IL) \div A$	
<p>Where S = average slope of parcel,            I = contour interval in feet,            L = summation of lengths of all contour lines in feet, and            A = area in square feet of parcel being considered.</p>	

**8.228.060 - Building Setbacks.**

The minimum building setbacks shall be:

Front	Rear	Side
25 feet for residences	20 feet	8 feet
15 feet for attached garages		

### 8.228.070 - Parcel Coverage.

The maximum parcel coverage shall be established according to the following table:

Building Height	Maximum Parcel Coverage
<20 feet	40% (forty percent)
>20 feet	30% (thirty percent)

Maximum parcel coverage includes all: (1) buildings, (2) accessory buildings, and/or (3) structures, including decks, balconies, and porches, that are eighteen (18) inches or more above finished grade. Maximum parcel coverage excludes fences and walls.

### 8.228.080 - Building Floor Area.

The maximum building floor area shall be established according to the following table:

Parcel Area (in square feet)	Maximum Building Floor Area (in square feet)
<8,000	2,800
8,000 - 16,000	.1 (parcel area - 8,000) + 2,800
16,001 - 40,000	.06 (parcel area - 16,000) + 3,600
>40,000	.04 (parcel area - 40,000) + 5,040

Building floor area includes: (1) the area of all stories of all buildings (including interior stairs) and accessory buildings requiring a building permit, as measured from the outside face of all exterior perimeter walls; and (2) the area of all garages and carports that exceeds 400 sq. ft. Building floor area excludes basements and uninhabitable attics.

### 8.228.090 - Building Height

The maximum building height shall be established according to the following table:



Slope of Building Site*	Maximum Building Height
<15 percent	28 feet
>15 percent	30 feet
*Measured as the average slope of area covered by the main residence.	

Building height shall be measured from any point on the natural or finished grade, whichever is lower, to the topmost point of the building immediately above, except where a floor of the building is lower than the adjoining exterior natural or finished grade, whichever is lower.

Building height above any portion of a floor of a building that is lower than the adjoining exterior natural or finished grade, whichever is lower, shall be measured from such lower grade.

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond maximum building height to a maximum of 36 feet as required for safety or efficient operation.

**8.228.100 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 15 or 20 feet (depending on slope, see table below) from natural or finished grade, whichever is lower, and then inward at an angle of 45 degrees until the maximum building height is reached.

The vertical dimension of the daylight plane at the setback lines shall be established according to the following table:

Slope of Building Site*	Vertical Dimension of Daylight Plane
<15 percent	15 feet
>15 percent	20 feet
*Measured as the average slope of area covered by the main residence.	

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Any portion of the building, including dormers, gables, or other architectural features, may protrude into the 45-degree portion of the daylight plane provided that: (1) the combined width of all protrusions into the daylight plane along any setback line does not exceed 15 feet, and (2) no protrusion measures more than a vertical distance of 24 feet from natural or finished grade, whichever is lower.

Cornices, canopies, eaves, chimneys, other architectural features, fire escapes, stairways, landing places, and uncovered porches may protrude into the daylight plane at any required yard, according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may protrude into the daylight plane to a maximum of 36 feet as required for safety or efficient operation.

**8.228.110 - Basement Extent.**

No basement, or portion thereof, shall be permitted to extend beyond the outside perimeter of the building above, except where necessary to meet the minimum requirements of the building code for light, ventilation, and egress.

Prior code § 6300.13.00-6300.13.100 Ord. 3972; 07/11/00)

(Prior code § 6300.13.20.1.a Amd. Ord. 4003;11/14/00)

***CHAPTER 8.232 - S105 DISTRICT (COMBINING DISTRICT, MIDCOAST)***

**8.232.010 - Regulations For “S-105” Combining District (Midcoast).**

The following regulations shall apply in any single-family residential district with which the “S-105” District is combined.

**8.232.020 - Building Site Width.**

The minimum building site width shall be an average of 75 feet.

**8.232.030 - Building Site Area.**

The minimum building site area shall be 20,000 sq. ft.

**8.232.040 - Building Setbacks.**

The minimum setbacks shall be:

<u>Front Setback</u>	<u>Rear Setback</u>	<u>Side Setback</u>
20 feet	20 feet	10 feet

**8.232.050 - Parcel Coverage.**

The maximum parcel coverage shall be 0.25 (25%).

Parcel coverage shall include all: (1) buildings, (2) accessory buildings, or (3) structures such as patios, decks, balconies, porches, bridges, and other similar uses which are eighteen (18) inches or more above the ground.

**8.232.060 - Building Floor Area.**

- a. The maximum building floor area shall be established according to the following table, except as provided by subsection b.

Parcel Size	Maximum Building Floor Area
2,500 - 11,698 sq. ft., or less than 17.5 feet parcel width	0.48 (parcel size)
More than 11,698 sq. ft.	6,200 sq. ft.

The maximum building floor area shall include the floor area of all stories of all buildings and accessory buildings on a building site. Maximum building floor area specifically includes: (1) the floor area of all stories excluding uninhabitable attics as measured from the outside face of all exterior perimeter walls, (2) the area of all decks, porches, balconies or other areas covered by a waterproof roof which extends four (4) or more feet from exterior walls, and (3) the area of all garages and carports.

- b. Up to 200 sq. ft. of covered parking floor area shall not be counted toward the limitations set forth in subsection a. for any substandard lot that is (1) smaller than 4,500 sq. ft. in area, (2) not in common ownership with contiguous lots, and (3) developed with an affordable (very low, low, or moderate income) single-family residential unit, i.e., subject to income and cost/rent restriction contracts with San Mateo County.
- c. In addition to the limitations set forth in subsection a., permit 250 sq. ft. bonus building floor area for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors’ Resolution No. 068386, Exhibit G.

(Prior code § 6300.14.50 Amd Ord. 4553; 05/24/11 - CA Coastal Commission certified 08/24/12, eff. In Coastal Zone 09/07/12)

**8.232.070 - Impervious Surface Area.**

The amount of parcel area covered by impervious structures less than eighteen inches (18”) in height is limited to ten percent (10%) parcel size (not to exceed 1,170 sq. ft. for residential uses). Impervious structures include, but are not limited to, non-porous driveways, decks, patios, walkways and swimming pools.

An exception to the limit may be granted by the Director of Planning and Building for select development upon finding that off-site project drainage, i.e., runoff, will not exceed that amount equivalent to 10% (parcel size). The runoff equivalent of 10% (parcel site) could be achieved by directing runoff to on-site porous areas or through the use of detention basins. The applicant shall submit a professionally prepared site plan showing topography, drainage, and calculations which demonstrates this finding can be made. The exception provision applies to:

- a. Non-residential development, and

- b. Residential development, only if the Director of Planning and Building determines that the exception is necessary for compliance with site planning and design requirements.

(Prior code § 6300.14.60 Amd Ord. 4553; 05/24/11 - CA Coastal Commission certified 08/24/12, eff. In Coastal Zone 09/07/12)

### **8.232.080 - Building Height.**

The maximum building height shall be established, as follows:

- a. Up to 30% Slope. Where the average slope of the parcel area covered by the main residence is less than 30%, maximum building height is 28 feet.
- b. 30% Slope or Greater. Where the average slope of the parcel area covered by the main residence is 30% or greater, maximum building height is 28 feet, unless increased by the Design Review Committee.

The Design Review Committee may increase the maximum building height to 33 feet for either:

- (1) The center 40% of the house, or
- (2) The downslope wall. Where the downslope wall height limit is increased to 33 feet, maximum building height for the house shall be the plane formed by connecting the maximum upslope wall height (28 feet) with the maximum downslope wall height (33 feet).

Building height shall be measured as the vertical distance from any point on the natural grade to the topmost point of the building immediately above.

Finished grade, measured at the outside face of exterior perimeter walls, shall not significantly deviate from the natural grade, to the satisfaction of the Design Review Committee.

Where Zoning Regulations Chapter 8.300, Flood Hazard Areas, requires an elevated building, as defined in Section 8.300.030(8), building height shall be measured as the vertical distance from the "base flood elevation," as identified on the applicable Flood Insurance Rate Map (FIRM), to the topmost point of the building immediately above.

Chimneys, pipes, mechanical equipment, antennae, solar panels and similar features may exceed the height limit to a maximum of 36 feet as required for safety or efficient operation.

### **8.232.090 - Plate Height For Garages On Downhill Slopes.**

The maximum plate height for a garage on a downhill slope that is allowed by Section 8.340.030 to extend into the front setback shall be 10 feet. Plate height shall be measured as the vertical distance from any point on the floor to the bottom of the lowest ceiling joist where the framing of the roof begins. No second story shall be allowed above or below any portion of such garage.

(Prior code § 6300.14.00-6300.14.80 Ord. 3980: 08/08/00)

### **8.232.100 - Daylight Plane Or Façade Articulation.**

New residential development shall conform to either the daylight plane or façade articulation options described in this section, as determined by the project applicant.

a. Daylight Plane Option

The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at natural grade, upward a vertical distance of 20 feet, and then inward at an angle of 45° until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

- (a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 feet.
- (b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 feet.

b. Façade Articulation Option

Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Façade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (1) all building facades are well articulated and proportioned, and (2) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

(Prior code § 6300.14.70-6300.14.90 Renumbered Ord. 4553; 05/24/11 - CA Coastal Commission certified 08/24/12, eff. In Coastal Zone 09/07/12)

### **8.232.110 - Winter Grading.**

Development related grading, e.g., site preparation, shall not occur between October 15 and April 15 in any given year unless the applicant demonstrates to the satisfaction of the Director of Planning and Building and Building Official that the development site will be effectively contained to prevent erosion and sedimentation, and that such site containment has been established and is ongoing. Site containment shall include, but not be limited to, covering stored equipment and materials, stabilizing site entrances and exposed slopes, containing or reducing runoff, and protecting drain inlets.

## ***CHAPTER 8.236 - S106 DISTRICT (COMBINING DISTRICT, LADERA)***

### **8.236.010 - Regulations For “S-106” Combining District (Ladera).**

The following regulations shall apply in any single-family residential district with which the “S-106” District is combined.

### **8.236.020 - Purposes**

1. Control house mass and bulk to preserve privacy and sunlight, and to prevent significant change to the community’s overall character.
2. Encourage houses that harmonize with the neighborhood’s existing scale of development, rather than dominate or loom above adjacent structures.
3. Balance a property owner’s need for larger living space with minimizing impacts on neighbors.
4. Encourage houses that respect and conform to natural landscape features, including topography.

### **8.236.030 - Definitions**

1. Basement
  - a. Whole Basement. A whole basement is:
    - (1) A floor level where the undersides of the floor joists of the floor immediately above are not more than three (3) feet above the adjoining exterior natural or finished grade, whichever is lower, at any point along the perimeter of that floor level, or
    - (2) A floor level that in part meets the criterion described in (1) above, and for the portions of the floor level perimeter that do not meet this criterion, at least one of the following apply:
      - (a) Window wells and/or exterior stairwells are provided to the extent that: (1) they are required by the building code for minimum light, ventilation, and/or egress, and (2) individual wells do not exceed the minimum size required by the building code.
      - (b) A perimeter wall is entirely blocked from external view by other portions of the building.
  - b. Partial Basement. When a floor level partially meets 1.a above, the whole basement floor area shall be determined as follows:

- (1) Measure the exterior perimeter (in lineal feet) of the floor level and designate it "A."
  - (2) Measure the exterior perimeter (in lineal feet) of the floor level that meets the criteria of 1.a above and designate it "B."
  - (3) Multiply the area of the floor level by B/A. This constitutes whole basement area. The remaining area of the floor level does not constitute whole basement area.
2. **Building Setbacks.** The minimum horizontal distance that must be maintained between a building and the specified parcel line.
  3. **Daylight Plane.** A series of planes defining a three-dimensional volume of space in which a building must be constructed.
  4. **Finished Grade.** The grade level that exists upon completion of all grading and construction.
  5. **Maximum Building Floor Area.** The maximum allowed amount of floor area of all buildings and accessory buildings on a parcel.
  6. **Maximum Building Height.** The maximum allowed vertical dimension of any building on a parcel.
  7. **Maximum Parcel Coverage.** The maximum amount of a parcel that may be covered, expressed as a percentage of parcel area.
  8. **Natural Grade.** The grade level that exists prior to any new grading or construction.
  9. **Uninhabitable Attic.** The area(s) located between the ceiling joists of the topmost floor level and the roof immediately above that meets all of the following criteria: (1) there is no wall or ceiling drywall covering, (2) the floor joists are only covered with an unfinished floor surface, (3) access to the area is only from the inside of the building by a trap door or pull-down ladder, (4) electricity to the area is limited to two lighting fixtures and one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.

(Prior code § 6300.15.20.1.a Amd. Ord. 4003: 11/14/00)

### **8.236.040 - Parcel Width.**

The minimum parcel width shall be an average of 75 feet.

### **8.236.050 - Parcel Area.**

The minimum parcel area shall be 20,000 sq. ft.

### **8.236.060 - Building Setbacks.**

The minimum building setbacks shall be:

Front	Rear	Side
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20 feet	20 feet	10 feet
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**8.236.070 - Parcel Coverage.**

The maximum parcel coverage shall be .25 (25 percent) and shall include all: (1) buildings, (2) accessory buildings, and/or (3) structures, including decks, balconies, and porches, that are eighteen (18) inches or more above finished grade. Maximum parcel coverage excludes fences and walls.

**8.236.080 - Building Floor Area.**

The maximum building floor area shall be established according to the following table:

Parcel Area (in square feet)	Maximum Building Floor Area (in square feet)
<8,000	2,800
8,000 - 16,000	.1 (parcel area - 8,000) + 2,800
16,001 - 40,000	.06 (parcel area - 16,000) + 3,600
>40,000	.04 (parcel area - 40,000) + 5,040

Building floor area includes: (1) the area of all stories of all buildings (including interior stairs) and accessory buildings requiring a building permit, as measured from the outside face of all exterior perimeter walls; and (2) the area of all garages and carports that exceeds 400 sq. ft. Building floor area excludes basements and uninhabitable attics.

**8.236.090 - Building Height.**

The maximum building height shall be established according to the following table:

Slope of Building Site*	Maximum Building Height
<15 percent	28 feet
>15 percent	30 feet
*Measured as the average slope of area covered by the main residence.	

Building height shall be measured from any point on the natural or finished grade, whichever is lower, to the topmost point of the building immediately above, except where a floor of the building is lower than the adjoining exterior natural or finished grade, whichever is lower.

Building height above any portion of a floor of a building that is lower than the adjoining exterior natural or finished grade, whichever is lower, shall be measured from such lower grade.

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.



Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond maximum building height to a maximum of 36 feet as required for safety or efficient operation.

**8.236.100 - Daylight Plane.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 15 or 20 feet (depending on slope, see table below) from natural or finished grade, whichever is lower, and then inward at an angle of 45 degrees until the maximum building height is reached.

The vertical dimension of the daylight plane at the setback lines shall be established according to the following table:

Slope of Building Site*	Vertical Dimension of Daylight Plane
<15 percent	15 feet
>15 percent	20 feet
*Measured as the average slope of area covered by the main residence.	

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Any portion of the building, including dormers, gables, or other architectural features, may protrude into the 45-degree portion of the daylight plane provided that: (1) the combined width of all protrusions into the daylight plane along any setback line does not exceed 15 feet, and (2) no protrusion measures more than a vertical distance of 24 feet from natural or finished grade, whichever is lower.

Cornices, canopies, eaves, chimneys, other architectural features, fire escapes, stairways, landing places, and uncovered porches may protrude into the daylight plane at any required yard, according to the provisions of Section 8.340.010.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may protrude into the daylight plane to a maximum of 36 feet as required for safety or efficient operation.

**8.236.110 - Basement Extent.**

No basement, or portion thereof, shall be permitted to extend beyond the outside perimeter of the building above, except where necessary to meet the minimum requirements of the building code for light, ventilation, and egress.

(Prior code § 6300.15.00-6300.15.100 Ord. 3974: 07/11/00)

***CHAPTER 8.240 - S108 DISTRICT (COMBINING DISTRICT, LOS TRANCOS WOODS)***

### **8.240.010 - Regulations For “S-108” Combining District (Los Trancos Woods).**

The following regulations shall apply in the single-family (R-1) residential zoning district with which the “S-108” District is combined.

In the case where a requirement, standard, or provision of this Chapter conflicts with another requirement, standard, or provision in the Zoning Regulations, including this Chapter, the most limiting provision shall take precedence and govern.

### **8.240.020 - Building Site Width.**

The minimum building site width shall be an average of **75 feet**.

### **8.240.030 - Building Site Area.**

The minimum building site area shall be **20,000 sq. ft.**

### **8.240.040 - Building Setbacks.**

The minimum building setbacks shall be:

Front: **20 feet**

Sides: **10 feet**

Rear: **20 feet**

### **8.240.050 - Building Site Coverage Area Ratio.**

The maximum building site coverage area ratio shall be 0.25 (25%) and shall include all: (1) buildings, (2) accessory buildings, and (3) structures such as patios, decks, balconies, porches and other similar uses which are 18 inches or more above the ground, except fences/walls.

### **8.240.060 - Building Height.**

The maximum building height shall be 36 feet, not to exceed three habitable stories.

### **8.240.070 - Maximum Floor Area.**

The maximum floor area shall be 3,200 sq. ft., plus an additional amount equaling 10 percent of the amount of lot square footage in excess of 7,500 sq. ft.

(Prior code § 6300.17.00 - 6300.17.60 Ord. 4384: 09/11/07)

## ***CHAPTER 8.244 - S110 DISTRICT (COMBINING DISTRICT, LADERA)***

### **8.244.010 - Regulations For “S-110” Combining District (Ladera).**

The following regulations shall apply in any single-family residential district with which the “S-110” District is combined.

### **8.244.020 - Purposes**

1. Control house mass and bulk to preserve privacy and sunlight, and to prevent significant change to the community’s overall character.
2. Encourage houses that harmonize with the neighborhood’s existing scale of development, rather than dominate or loom above adjacent structures.
3. Balance a property owner’s need for larger living space with minimizing impacts on neighbors.
4. Encourage houses that respect and conform to natural landscape features, including topography.

### **8.244.030 - Definitions**

1. Basement
  - a. Whole Basement. A whole basement is:
    - (1) A floor level where the undersides of the floor joists of the floor immediately above are not more than three (3) feet above the adjoining exterior natural or finished grade, whichever is lower, at any point along the perimeter of that floor level, or
    - (2) A floor level that in part meets the criterion described in (1) above, and for the portions of the floor level perimeter that do not meet this criterion, at least one of the following apply:
      - (a) Window wells and/or exterior stairwells are provided to the extent that: (1) they are required by the building code for minimum light, ventilation, and/or egress, and (2) individual wells do not exceed the minimum size required by the building code.

(b) A perimeter wall is entirely blocked from external view by other portions of the building.

b. Partial Basement. When a floor level partially meets 1.a above, the basement portion shall be determined as follows:

(1) Measure the outside perimeter of the floor level and designate it "A."

(2) Measure the outside perimeter of the floor level that meets the criteria of 1.a above and designate it "B."

(3) Multiply the area of the floor level by B/A. This constitutes basement. The remaining area of the floor level does not constitute basement.

2. Building Setbacks. The minimum horizontal distance that must be maintained between a building and the specified parcel line.

3. Daylight Plane. A series of planes defining a three-dimensional volume of space in which a building must be constructed.

4. Finished Grade. The grade level that exists upon completion of all grading and construction.

5. Maximum Building Floor Area. The maximum allowed amount of floor area of all buildings and accessory buildings on a parcel.

6. Maximum Building Height. The maximum allowed vertical dimension of any building on a parcel.

7. Maximum Parcel Coverage. The maximum amount of a parcel that may be covered, expressed as a percentage of parcel area.

8. Natural Grade. The grade level that exists prior to any new grading or construction.

9. Uninhabitable Attic. The area(s) located between the ceiling joists of the topmost floor level and the roof immediately above that meets all of the following criteria: (1) there is no wall or ceiling drywall covering, (2) the floor joists are only covered with an unfinished floor surface, (3) access to the area is only from the inside of the building by a trap door or pull-down ladder, (4) electricity to the area is limited to two lighting fixtures and one receptacle outlet, (5) no heating is provided to the area, and (6) no rough or finished plumbing is provided to the area.

(Prior code § 6300.19-20.1.a Amd. Ord 4003:11/14/00)

**8.244.040 - Parcel Width.**

The minimum parcel width shall be an average of 100 feet.

**8.244.050 - Lot Slope Regulations.**

The following regulations for determining lot area requirements and lots per gross acre shall apply in the S-11 District:

LOT AREA REQUIREMENTS					
Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area in Acres	Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area in Acres
	(1)	(2)		(1)	(2)
1 & under	1.14	1.00	26	1.91	1.52
2	1.16	1.00	27	1.97	1.61
3	1.18	1.00	28	2.02	1.69
4	1.20	1.00	29	2.08	1.77
5	1.22	1.00	30	2.14	1.86
6	1.24	1.00	31	2.21	1.94
7	1.26	1.00	32	2.28	2.03
8	1.29	1.00	33	2.36	2.12
9	1.31	1.00	34	2.44	2.19
10	1.33	1.00	35	2.53	2.27
11	1.36	1.00	36	2.62	2.36
12	1.39	1.00	37	2.72	2.45
13	1.42	1.00	38	2.83	2.55
14	1.44	1.00	39	2.95	2.66
15	1.47	1.00	40	3.07	2.78
16	1.51	1.00	41	3.21	2.91
17	1.54	1.00	42	3.37	3.05
18	1.57	1.00	43	3.54	3.20
19	1.61	1.00	44	3.72	3.38
20	1.65	1.00	45	3.93	3.57

LOT AREA REQUIREMENTS					
Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area in Acres	Slope Category In Percent	Gross Area Acres Per Dwelling Unit	Required Minimum Lot Area in Acres
	(1)	(2)		(1)	(2)
21	1.68	1.09	46	4.16	3.79
22	1.73	1.18	47	4.42	4.03
23	1.77	1.26	48	4.71	4.31
24	1.81	1.34	49	5.05	4.63
25	1.86	1.43	50 & over	5.43	5.00

Slope category is determined by the average ground slope which is calculated by the following formula:

$$S = \frac{.00229 IL}{A}$$

- Where
- I = interval of measured contours
  - S = average ground slope of parcel
  - L = combined length of contours in feet (i.e., map measurement of contours in inches X scale)
  - A = area of parcel in acres

Where a parcel being subdivided contains lands in excess of 50% slope, such lands may be treated separately from the rest of the parcel and the number of dwelling units permissible on the 50% and over lands may be added to the number permissible on the balance of the parcel to obtain the total permissible on the entire parcel.

For the purpose of providing flexibility of design in subdivisions, individual lots may be as much as fifteen percent (15%) smaller than indicated in Column Two, provided that the total number of lots within the parcel being subdivided does not exceed the number determined from Column One and provided further that no lot contains less than one (1) acre.

#### 8.244.060 - Building Setbacks.

The minimum building setbacks shall be:

Front	Rear	Side
50 feet	20 feet	20 feet

#### 8.244.070 - Parcel Coverage.

The maximum parcel coverage shall be .15 (15 percent) and shall include all: (1) buildings, (2) accessory buildings, and/or (3) structures, including decks, balconies, and porches, that are eighteen (18) inches or more above finished grade. Maximum parcel coverage excludes fences and walls.

### 8.244.080 - Building Floor Area.

The maximum building floor area shall be established according to the following table:

Parcel Area (in square feet)	Maximum Building Floor Area (in square feet)
<8,000	2,800
8,000 - 16,000	.1 (parcel area - 8,000) + 2,800
16,001 - 40,000	.06 (parcel area - 16,000) + 3,600
>40,000	.04 (parcel area - 40,000) + 5,040

Building floor area includes: (1) the area of all stories of all buildings (including interior stairs) and accessory buildings requiring a building permit, as measured from the outside face of all exterior perimeter walls; and (2) the area of all garages and carports that exceeds 400 sq. ft. Building floor area excludes basements and uninhabitable attics.

### 8.244.090 – Building Height.

The maximum building height shall be established according to the following table:

Slope of Building Site*	Maximum Building Height
<15 percent	28 feet
>15 percent	30 feet

\*Measured as the average slope of area covered by the main residence.

Building height shall be measured from any point on the natural or finished grade, whichever is lower, to the topmost point of the building immediately above, except where a floor of the building is lower than the adjoining exterior natural or finished grade, whichever is lower.

Building height above any portion of a floor of a building that is lower than the adjoining exterior natural or finished grade, whichever is lower, shall be measured from such lower grade.

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may extend beyond maximum building height to a maximum of 36 feet as required for safety or efficient operation.

**8.244.100 DAYLIGHT PLANE.**

The daylight plane shall be established by measuring along all setback lines a vertical distance of 15 or 20 feet (depending on slope, see table below) from natural or finished grade, whichever is lower, and then inward at an angle of 45 degrees until the maximum building height is reached.

The vertical dimension of the 536daylight plane at the setback lines shall be established according to the following table:

Slope of Building Site*	Vertical Dimension of Daylight Plane
<15 percent	15 feet
>15 percent	20 feet

\*Measured as the average slope of area covered by the main residence.

Slope of building site is calculated by (1) subtracting the lowest point of natural grade immediately adjacent to the house from the highest point of natural grade immediately adjacent to the house, and then (2) dividing the resulting number by the horizontal distance between those two points.

Any portion of the building, including dormers, gables, or other architectural features, may protrude into the 45-degree portion of the daylight plane provided that: (1) the combined width of all protrusions into the daylight plane along any setback line does not exceed 15 feet, and (2) no protrusion measures more than a vertical distance of 24 feet from natural or finished grade, whichever is lower.

Cornices, canopies, eaves, chimneys, other architectural features, fire escapes, stairways, landing places, and uncovered porches may protrude into the daylight plane at any required yard, according to the provisions of Chapter 8.340.

Chimneys, pipes, mechanical equipment, antennae and other common facilities may protrude into the daylight plane to a maximum of 36 feet as required for safety or efficient operation.

**8.244.110 - Basement Extent.**

No basement, or portion thereof, shall be permitted to extend beyond the outside perimeter of the building above, except where necessary to meet the minimum requirements of the building code for light, ventilation, and egress.

(Prior code § 6300.19-6300.19.100. Ord. 3975: 07/11/00)

**8.244.120 – District Changes**

- A. Each zoning district which is combined with a “B” District on the effective date of this section shall be combined with an “S” District as herein specified.



1. B-1 Districts shall become S-7 Districts.
2. B-2 Districts shall become S-8 Districts.
3. B-3 Districts shall become S-9 Districts.
4. B-4 Districts shall become S-10 Districts.
5. B-5 Districts shall become S-11 Districts.
6. B-6 Districts shall become S-S Districts in which the regulations shall be the same as those presently set forth for the B-6 District.
7. B-D Districts shall become S-S Districts in which the regulations shall be the same as those presently set forth for the S-S District.

B. Each zoning district not combined with a "B" District on the effective date of this section shall be combined with an "S" District as specified in the following table:

1. Each R-E District shall be combined with an S-7 District.
2. Each R-1 District shall be combined with an S-7 District.
3. Each R-2 District shall be combined with an S-5 District.
4. Each R-3 District shall be combined with an S-1 District.
5. Each F-1 District shall be combined with an S-13 District.
6. Each A-1 District shall be combined with an S-11 District.
7. Each A-2 District shall be combined with an S-11 District.
8. Each A-3 District shall be combined with an S-11 District.

9. Each H-1 District shall be combined with an S-3 District.
10. Each C-1 District shall be combined with an S-1 District.
11. Each C-2 District shall be combined with an S-1 District.
12. Each U-1 District shall be combined with an S-11 District.

**8.244.140 – Parcels With Insufficient Right of Way.**

When any parcel which meets the minimum lot size for the zoning district in which it is located fronts upon a street having insufficient right of way for the construction of County standard street improvements, said parcel shall continue to be a legal building site after the dedication or acquisition of the necessary additional right of way, provided that the area reduction does not exceed 15% of the original parcel area, and further provided that any building placed upon said parcel subsequent to said dedication shall maintain the front, side and rear yard setbacks required in said zoning district.

(Prior code § 6303 Ord. 1542: 10/16/62)

(Prior code § 6303 Amd. Ord. 2833: 06/14/83)

(Prior code § 6303 Amd. Ord. 3158\*: 09/13/88)

(Prior code § 6303) Amd Ord 3171\* by State Coastal Commission; 01/24/89)

(Prior code § 6303 Rep. Ord 3596; 09/20/94)

(Prior code § 6304 Ord. 2240: 04/09/10/74)

(Prior code § 6305, 6306 Ord. 2868: 12/20/83)

(Prior code § 6305, 3506 Rep. Ord 3470; 02/02/93)

\* Ordinance No. 3158 not enacted by State Coastal Commission. Replaced by Ordinance No. 3171, enacted by State Coastal Commission - March 8, 1989, effective 30 days thereafter.

***CHAPTER 8.248 - AO DISTRICT (AIRPORT OVERLAY DISTRICT)***

### **8.248.010 - Applicability Of A-O District.**

In any district which is combined with the Airport Overlay (A-O) District, the regulations specified in this Chapter shall apply.

### **8.248.020- Intent.**

The intent of the Airport Overlay (A-O) District is to provide a margin of safety at the ends of airport runways by limiting the concentration of people where hazards from aircraft are considered to be greatest.

### **8.248.030 - Uses Permitted.**

All uses permitted by the underlying district shall be permitted in the A-O District except residential or uses with more than three (3) persons occupying the site at any one time. Permitted uses shall be subject to a use permit.

### **8.248.040 Development Standards.**

All new development shall be subject to the development standards of the underlying zoning district.

### **8.248.050 Performance Standards.**

All new uses must meet the performance standards of the underlying zoning district.

### **8.248.060 Noise Insulation Requirements.**

All new development shall be subject to the following requirements:

- a. Submit an acoustical analysis, prepared by a qualified acoustical consultant, demonstrating that new construction has been designed to comply with the following standard:

1. Interior community noise equivalent levels (CNEL) with windows closed, attributable to exterior sources shall not exceed an annual CNEL of 55 dBA.

- b. Construct building in accordance with recommendation of acoustical analysis.

(Prior code § 18.6 Ord 2660; 07/08/80)

(Prior code § 18.6 Amd. Ord 3297; 03/12/91)

## **CHAPTER 8.252 - CD DISTRICT (COASTAL DEVELOPMENT DISTRICT)**

### **8.252.010 - Establishment And Purpose Of Coastal Development District.**

There is hereby established a Coastal Development (“CD”) District for the purpose of implementing the Coastal Act of 1976 (Division 20 of the Public Resources Code) in accordance with the Local Coastal Program of the County of San Mateo.

### **8.252.020 - Regulations For “CD” District.**

The regulations of this Chapter shall apply in the “CD” District. The “CD” District is an “overlay” district which may be combined with any of the districts specified in the chapters of Article 1 of Title 8, or other districts which may from time to time be added by amendment to this Part. The regulations of this Chapter shall apply in addition to the regulations of any district with which the “CD” District is combined.

### **8.252.030 - Location Of “CD” District.**

The “CD” District is and shall be coterminous with that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of San Mateo County.

### **8.252.040 - Definitions.**

For the purpose of this Chapter, certain terms used herein are defined as follows:

- (a) “Aggrieved person” means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on a Coastal Development Permit informed the County of their concerns about an application for such permit, or who for good cause was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.
- (b) “Applicant” means the person, partnership, corporation or State or local government agency applying for a Coastal Development Permit.
- (c) “Approving authority” means the County officer, commission or board approving a Coastal Development Permit.
- (d) “Coastal Commission” means the California Coastal Commission.

- (e) “Coastal Development Permit” means a letter or certificate issued by the County of San Mateo in accordance with the provisions of this Chapter, approving a project in the “CD” District as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all applicable materials, plans and conditions on which the approval is based.
- (f) “Coastal Policy Checklist” means a form prepared and completed by the Director of Planning and Building as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all Local Coastal Program policies, those policies with which the application does not comply and recommended conditions, if any, which could be imposed to bring the application into compliance.
- (g) “Coastal Zone” means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the unincorporated area of San Mateo County.
- (h) “Development” means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lots splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan, submitted pursuant to the provisions of the Z’berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).

As used in this section, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

- (i) “Emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services.
- (j) “Historic structure” means, in accordance with Health and Safety Code Section 18955, any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or State governmental jurisdiction. This shall include structures on existing or future national, State, or local historical registers or official inventories, such as the National Register of Historical Places, State Historical Landmarks, State Points of Historical Interest, and city or County registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.
- (k) “Local Coastal Program” means the County’s land use plans, zoning ordinances, zoning maps and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
- (l) “Major energy facility” means any energy facility as defined by Public Resources Code Section 30107 and exceeding \$25,000 in estimated cost of construction.

- (m) "Major public works project" means any public works project as defined by California Administrative Code Section 13012 and exceeding \$25,000 in estimated cost of construction.
- (n) "Other permits and approvals" means permits and approvals, other than a Coastal Development Permit, required by the San Mateo County Ordinance Code before a development may proceed.
- (o) "Overlay district" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the overlay district and the underlying district(s). The "CD" District is an overlay district.
- (p) "Permittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.
- (q) "Principal permitted use" means any use representative of the basic zone district allowed without a use permit in that underlying district.
- (r) "Project" means any development (as defined in Section 8.252.040(h)) as well as any other permits or approvals required before a development may proceed. Project includes any amendment to this Part, any amendment to the County General Plan, and any land division requiring County approval.
- (s) "Project appealable to the Coastal Commission" if approved by the Board of Supervisors means:
  - (1) Projects between the sea and the first through public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
  - (2) Projects in County jurisdiction located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream or within 300 feet of the top of the seaward face of any coastal bluff.
  - (3) Any project involving development which is not a principal permitted use in the underlying zone, as defined in Section 8.252.040(p).
- (t) "Project appealable to the Coastal Commission" if approved, conditioned, or denied by the Board of Supervisors means any project involving development which constitutes a major public works project or a major energy facility (as defined in Section 8.252.040).
- (u) "Scenic Road Corridor" means any scenic road corridor as defined and mapped in the Visual Resources Component of the Local Coastal Program.

(v) "Underlying district" means any district with which the "CD" District is combined.

(w) "Working day" means any day on which County offices are open for business.

(Prior Code Section 6328.3, subsections (i) through (v) - Redesignated as subsections (j) through (w); new subsection (i) added by Ordinance No. 3102 - April 14, 1987)

### **8.252.050 - Requirement For Coastal Development Permit.**

Except as provided by Section 8.252.060, any person, partnership, corporation or state or local government agency wishing to undertake any project, as defined in Section 8.252.040(r), in the "CD" District, shall obtain a Coastal Development Permit in accordance with the provisions of this Chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.

### **8.252.060- Exemptions.**

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section.

- (a) The maintenance, alteration, or addition to existing single-family dwellings; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
- (1) Improvements to a single-family structure on a beach, wetland or seaward of the mean high tide line.
  - (2) Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 50 feet of the edge of a coastal bluff.
  - (3) The expansion or construction of water wells or septic systems.
  - (4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of internal floor area of an existing structure, the construction of an additional story (including lofts) in an existing structure, and/or any significant non-attached structure such as garages, fences, shoreline protective works, docks or trees.
  - (5) In areas determined to have critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water using development not essential to residential use including but not limited to swimming pools, or the construction or extension of any landscaping irrigation system.

- (b) The maintenance, alteration, or addition to existing structures other than single-family dwellings and public works facilities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
- (1) Improvements to any structure on a beach, wetland, stream or lake, or seaward of the mean high tide line.
  - (2) Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff, or stream or in areas of natural vegetation designated as a sensitive habitat.
  - (3) The expansion or construction of water wells or septic systems.
  - (4) On property located between the sea and the first public road paralleling the sea or within 300 feet of the inland intent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in scenic road corridors, an improvement that would result in an increase of 10% or more of external floor area of the existing structure, and/or the construction of an additional story (including lofts) in an existing structure.
  - (5) In areas determined to have critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water using development including but not limited to swimming pools or the construction or extension of any landscaping irrigation system.
  - (6) Any improvement to a structure which changes the intensity of use of the structure.
  - (7) Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including but not limited to a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.
- (c) Maintenance dredging of existing navigation channels or moving dredged material from such channels to a disposal area outside the Coastal Zone, pursuant to a permit from the United States Army Corps of Engineers.
- (d) Repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance activities; however, the following classes of development shall require a permit because they involve a risk of adverse environmental impact:
- (1) Any method of repair or maintenance of a seawall, revetment, bluff retaining wall, breakwater, groin, or similar shoreline work that involves:



- a) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
  - b) The placement, whether temporary or permanent, of riprap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work;
  - c) The replacement of 20% or more of the materials of an existing structure with materials of a different kind; or
  - d) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area or bluff or within 20 feet of coastal waters or streams.
- (2) The replacement of 50% or more of a seawall, revetment, bluff retaining wall, breakwater, groin or similar protective work under one ownership.
- (e) Any category of development requested by the County as a Categorical Exclusion pursuant to Section 13241 of the Coastal Commission's Regulations and approved by the Coastal Commission pursuant to Section 13243 of the Regulations. Categorical Exclusions in effect on March 25, 1986, may be deleted or restricted by the Board of Supervisors, but they may not be increased, expanded, or otherwise altered without approval by a majority of the voters of San Mateo County, voting in a valid election. The Board of Supervisors may, by four-fifths vote, after consideration by the Planning Commission, submit the proposed amendment(s) to the voters.
- (f) The installation, testing, and placement in service or the replacement of any necessary utility connection between an existing service facility and any development provided that the County may, where necessary, require reasonable conditions to mitigate any adverse impacts on coastal resources, including scenic resources.
- (g) The replacement of any structure, other than a public works facility, destroyed by natural disaster. Such replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10%, and shall be sited in the same location on the affected property as the destroyed structure.

As used in this subdivision, "natural disaster" means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

As used in this subdivision, "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

- (h) Projects normally requiring a Coastal Development Permit but which are undertaken by a public agency, public utility or person performing a public service as emergency measures to protect life and property from imminent danger or to restore, repair or maintain public works, utilities and services during and immediately following a

natural disaster or serious accident, provided such projects are reported to the Director of Planning and Building and an application for a Coastal Development Permit is submitted within five days.

- (i) Lot line adjustments not resulting in an increase in the number of lots.
- (j) Harvesting of agricultural crops, including kelp.
- (k) Timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).
- (l) Land division brought about in connection with the purchase of land by a public agency for public recreational use.
- (m) Encroachment permits.
- (n) Street closure permits.

(Prior Code Section 6328.5, subsection (h) - Repealed by Ordinance No. 3102 - April 14, 1987)

(Prior Code Section 6328.5, subsections (i) through (n) - Redesignated as subsections (h) through (m) by Ordinance No. 3102 - April 14, 1987)

(Prior Code Section 6328.5 - Amended by Ordinance No. 3188 - October 31, 1989)

### **8.252.070 - Preapplication Conference.**

A prospective applicant, or their agent, may request a preapplication conference with the Director of Planning and Building or their designee prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Director of Planning and Building shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to their property, suggest improvements to the proposed development based on review of a sketch plan provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The sketch plan provided by the owner should be drawn approximately to scale and should contain, in a general manner, the information required by Section 8.252.080(c) for a site plan. The Director of Planning and Building shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties.

### **8.252.080 - Application Requirements.**

Application for a Coastal Development Permit shall be made to the Planning and Building Division on forms provided by the Director of Planning and Building. Where required by this Chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the San Mateo County Ordinance Code. The application for a Coastal Development Permit shall be accompanied by:

- (a) A nominal fee set by resolution of the Board of Supervisors.
- (b) A location map showing the lot to be developed in relation to nearby lots, streets, highways and major natural features such as the ocean, beaches, wetlands and major landforms.
- (c) A site plan, to scale, showing:
  - (1) Existing and proposed property lines of the lot to be developed, including all easements over or adjacent to the lot.
  - (2) Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed.
  - (3) All existing and proposed structures, roads, utility lines, signs, fences and other improvements.
  - (4) Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted.
  - (5) For projects proposed between the first through public road and the sea, indicate on the site plan existing and/or proposed public access to and along the shoreline.
- (d) Building elevations showing:
  - (1) All exterior walls.
  - (2) Type and color of roof and other exterior materials.
  - (3) Location and design of roof equipment, trash enclosures, fences, exterior lights, signs and other exterior structures and equipment.
- (e) For all proposed development requiring a domestic well water source, except single-family residences and any permitted use on a parcel of 40 acres or greater, demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.
- (f) Any additional information determined by the Director of Planning and Building to be necessary for evaluation of the proposed development.

(Prior Code Section 6328.7 - Amended by Ordinance No. 3801 - November 18, 1997)

### **8.252.090 - Referral Of Application.**

It shall be the duty of the Director of Planning and Building to forward an application for a Coastal Development Permit together with their recommendation thereon to the appropriate body specified in Section 8.252.100 for its action.

In so doing, the Director of Planning and Building shall instruct their staff to process any proposed development providing affordable housing ahead of other residential development proposals and shall forward applications for comment to other reviewing officials and/or agencies as may be required by Local Coastal Program policies.

### **8.252.100 - Action On Coastal Development Permit.**

Action to approve, condition or deny a Coastal Development Permit shall be taken only by the Director of Planning and Building (acting in that capacity or as the Zoning Administrator or as the Design Review Administrator), the Zoning Hearing Officer, the Planning Commission or the Board of Supervisors. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project, in accordance with the following procedures:

- (a) Where action on other permits or approvals is to be taken by the Director of Planning and Building, the Zoning Hearing Officer, the Planning Commission or the Board of Supervisors, then that person, commission, or board shall also act on the Coastal Development Permit.
- (b) Where action on other permits or approvals is to be taken by a County officer or body other than those specified in paragraph (a), the Director of Planning and Building shall act on the Coastal Development Permit prior to action by the appropriate body on the other required permits or approvals.
- (c) Should the project require no County permit or approval other than a Coastal Development Permit, the Planning Commission shall act on the Coastal Development Permit.\*
- (d) Where, in accordance with paragraphs (a) and (b), above, action on a Coastal Development Permit would be taken by the Director of Planning and Building, but Section 8.252.110(a)2 requires a public hearing, the Zoning Hearing Officer or Planning Commission, as appropriate, shall act in place of the Director of Planning and Building.

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\* By the operation of law, Ordinance No. 3022 returned subsection (c) to its state prior to the enactment of the ordinance, on February 21, 1987. Ordinance No. 3022 was in full force and effect for a 2-year period prior to February 21, 1987, during which subsection (c) read as follows: "If no building permit or other County permit or approval is required for the project, other than a Coastal Development Permit, the Board of Supervisors shall act on the Coastal Development Permit. In all other cases not otherwise provided for in this section, the Planning Commission shall act first on the Coastal Development Permit."

(e) Where final action on other permits or approvals requires the recommendation of one officer or body to another, as in the case of a Planning Commission recommendation to the Board of Supervisors, that officer or body shall make a concurrent recommendation on the Coastal Development Permit.

(Prior Code Section 6328.9(c) - Amended by Ordinance No. 3022 - January 22, 1985\*)

### **8.252.110 - Public Hearing And Comment.**

(a) The appropriate person or body specified in Section 8.252.100 shall hold a public hearing prior to any action on a Coastal Development Permit where any of the following apply:

(1) Action or recommendation on other permits or approvals required for the project require the holding of a public hearing.

(2) The permit is for a project appealable to the Coastal Commission, as defined in Section 8.252.040(r).

(3) The project is proposed by a public agency, including special districts or a public utility which requires no County permit or approval other than a Coastal Development Permit.

(b) A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project held by the appropriate person or body specified in Section 8.252.100.

(c) Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the notice required by Section 8.252.130(2). Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate person, commission, board, or applicant.

### **8.252.120 - Notice Of Developments Appealable To Coastal Commission.**

(a) Definition of development appealable to the Coastal Commission is that provided in Sections 6328.3(r) and (s).

(b) Contents of Notice:

(1) A statement that the development is within the Coastal Zone.

- (2) The date of filing of the application and the name of the applicant.
- (3) The number assigned to the application.
- (4) A description of the development at its proposed location.
- (5) The date, time and place at which the application will be heard by the local governing body or hearing officer.
- (6) A brief description of the general procedure of local governing body concerning the conduct of hearing and local actions.
- (7) The system for local governing body and Coastal Commission appeals, including any local fees required.

(c) Provision of Notice Prior to Public Hearing: Mail notice at least ten (10) calendar days before the first public hearing on the project to the following people and agencies:

- (1) Applicant.
- (2) Owner of the property.
- (3) All property owners and residents within 100 feet of the perimeter of the subject parcel.
- (4) All persons who have, within the past calendar year submitted a written request for notice of all Coastal Permit applications.
- (5) All persons who have requested, in writing, notices relating to the Coastal Permit in question.
- (6) The Coastal Commission.
- (7) Public agencies which, in the judgment of the Director of Planning and Building, have an interest in the project.

- (8) Newspaper of general circulation in the Coastal Zone. Notice to be published once.
  
- (d) Notice of Continued Public Hearings: If a decision of an appealable Coastal Development Permit is continued to a time which has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the same manner and within the same time limits as outlined in Sections 8.252.120(a), (b), (c).
  
- (e) Notice of Decision: On or before the fifth working day following action by the Zoning Hearing Officer or the Planning Commission, notice of the decision, including findings for approval and conditions (if any) on the project proposal shall be mailed to the following people:
  - (1) The applicant.
  
  - (2) The owner of the subject parcel.
  
  - (3) All persons who have submitted a written request for notification of action on this specific permit.
  
- (f) Notice of Final Local Decisions: On or before the fifth (5th) working day following action by the Board of Supervisors, notice of the decision, including findings for approval and conditions (if any) shall be mailed to the following people and agencies:
  - (1) The applicant.
  
  - (2) The owner of the subject parcel.
  
  - (3) All persons who have submitted a written request for notification of action on this specific permit.
  
  - (4) The Coastal Commission.

**8.252.130 - Notice Of Developments Not Appealable To The Coastal Commission.**

- (a) Notice of Projects for which Local Ordinance Requires a Public Hearing.
  - (1) Contents of Notice:

- a) A statement that the development is within the Coastal Zone.
  - b) The date of filing of the application and the name of the applicant.
  - c) The number assigned to the application.
  - d) A description of the development at its proposed location.
  - e) The date, time and place at which the application will be heard by the local governing body or hearing officer.
  - f) A brief description of the general procedure of local government concerning the conduct of hearing and local actions.
- (2) Provision of Notice: Notice of developments shall be given at least ten (10) calendar days before the first public hearing in the following manner:
- a) If the matter is heard by the Planning Commission, notice shall be published in a newspaper of general circulation or (if there is none) posted in at least three public places in the local jurisdiction.
  - b) Notice by first class mail to any person who has filed a written request therefore.
    - c) Notice by first class mail to property owners within 300 feet.
    - d) Notice by first class mail to the Coastal Commission.
- (b) Notice of Projects for which no Public Hearing is Required.
- (1) Contents of Notice:
- a) A statement that the development is within the Coastal Zone.
  - b) The date of filing of the application and the name of the applicant.
  - c) The number assigned to the application.



d) A description of the development and its proposed location.

e) The date the application will be acted upon by the local governing body or decision-maker.

f) The general procedure of the local government concerning the submission of public comments either in writing or orally prior to the local decision.

g) A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to the local decision.

(2) Provision of Notice: Notice of these development proposals shall be given within ten (10) calendar days of receipt of the application or at least seven (7) calendar days prior to the local decision date to the following people and agencies:

a) Applicant.

b) The owner of the property.

c) All property owners and residents within 100 feet of the perimeter of the subject parcel.

d) All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications.

e) All persons who have requested, in writing, notices relating to the Coastal Permit in question.

f) The Coastal Commission.

(c) Categorically Excluded Developments:

(1) Definitions: Any project exempted from Coastal Development District permit requirements pursuant to a Coastal Commission approved Categorical Exclusion.

(2) Notice Requirements: Those required by County Ordinance for any other permits and approvals required for the project.

- (3) Maintenance of Permit Records: A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review and shall include the following information for each permit: name of applicant, location of the project, and brief description of the project.

### **8.252.140 - Standards For Application Review.**

The officer, commission or board acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program, as stated in Sections 8.252.210 through 8.252.320f of this Chapter; the County General Plan; requirements of the underlying district; and other provisions of this Part. To assist this review, the Director of Planning and Building shall, as part of the recommendation required by Section 8.252.090 complete a Coastal Policy Checklist, as defined in Section 8.252.030.

### **8.252.150 - Precedence Of Local Coastal Program.**

Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the "CD" District, conflict with those of the underlying district, or other provisions of this Part, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.

### **8.252.160 - CONDITIONS.**

Approval of a Coastal Development Permit shall be conditioned as necessary to ensure conformance with and implementation of the Local Coastal Program. The approving authority may require modification and resubmittal of project plans, drawings and specifications to ensure conformance with the Local Coastal Program. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to the project.

For all proposed development requiring a domestic well water source and not subject to the provisions of Section 6328.7(e), require as a condition of approval demonstrated proof of the existing availability of an adequate and potable water source for the proposed development, and that use of the water source will not impair surface streamflow, the water supply of other property owners, agricultural production or sensitive habitats.

### **8.252.170 - Findings.**

A Coastal Development Permit shall be approved only upon the making of the following findings:

- (a) That the project, as described in the application and accompanying materials required by Section 8.252.080 and as conditioned in accordance with Section 8.252.160 conforms with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program.
- (b) Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).

- (c) That the project conforms to specific findings required by policies of the San Mateo County Local Coastal Program.
- (d) That the number of building permits for construction of single-family residences other than for affordable housing issued in the calendar year does not exceed the limitations of Policies 1.22 and 1.23 as stated in Section 8.252.210.

### **8.252.180 - Appeals.**

Development pursuant to an approved Coastal Development Permit shall not commence until all applicable appeal periods expire or, if appealed, until all appeals, including to the Coastal Commission, have been exhausted.

- (a) Action by the Director of Planning and Building, Zoning Hearing Officer or Planning Commission to approve, condition or deny any Coastal Development Permit may be appealed on or before the tenth working day following such action. Action by the Director of Planning and Building or Zoning Hearing Officer may be appealed only to the Planning Commission. Action by the Planning Commission may be appealed only to the Board of Supervisors.
- (b) Action by the Board of Supervisors to approve a Coastal Development Permit for projects defined in Section 6328.3(r) may be appealed to the Coastal Commission in accordance with Coastal Commission regulations.
- (c) Action by the Board of Supervisors to approve, condition, or deny a Coastal Development Permit for projects as defined in Section 8.252.030(s) may be appealed to the Coastal Commission in accordance with Coastal Commission regulations.
- (d) An appeal pursuant to this section may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person, or any two members of the Coastal Commission.
- (e) An appeal shall be filed with the Planning and Development Division on a form provided by the Director of Planning and Building. The appeal shall be accompanied by a fee set by resolution of the Board of Supervisors and statement of the grounds for the appeal.
- (f) It shall be the duty of the Director of Planning and Building to forward a Coastal Development Permit appeal, together with their recommendation thereon, to the appropriate body specified in Paragraph (a) or (b) for its action.

### **8.252.190 - Expiration Of Coastal Development Permit.**

A Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project require no

County permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire one year from its date of approval if the project has not been commenced during that time.

### **8.252.200 - Permit Amendment.**

Upon application by the permittee, a Coastal Development Permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this Chapter for initial approval of a Coastal Development Permit. All sections of this Chapter shall apply to permit amendments.

### **8.252.210 - Emergency Permits.**

- (a) Method of Application: Applications in cases of emergencies shall be made to the Director of Planning and Building by letter if time allows, and by telephone or in person if time does not allow.
  
- (b) Necessary Information: The information to be reported during the emergency, if it is possible to do so, or as soon as possible after the emergency shall include the following:
  - (1) The nature of the emergency.
  
  - (2) The cause of the emergency, insofar as this can be established.
  
  - (3) The location of the emergency.
  
  - (4) The remedial, protective or preventative work required to deal with the emergency.
  
  - (5) The circumstances during the emergency that appeared to justify the course(s) of action taken, including the probable consequences of failing to take action.
  
- (c) Verification of Emergency: The Director of Planning and Building shall verify the facts, including the existence and nature of the emergency insofar as time allows.
  
- (d) Criteria for Granting Permit: The Director of Planning and Building shall provide public notice of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself. The Director of Planning and Building may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the Director finds that:

- (1) An emergency exists and requires action more quickly than permitted by the procedures for ordinary permits and the development can be completed within 30 days unless otherwise specified by the terms of the permit;
  - (2) Public comment on the proposed emergency action has been reviewed if time allows; and
  - (3) The work proposed would be consistent with the requirements of the certified LCP.
- (e) Reporting of Emergency Permits: The Director of Planning and Building shall report emergency permits to the Planning Commission at their next regular meeting and to the Coastal Commission. The decision to issue an emergency permit is solely at the discretion of the Director of Planning and Building although subsequent coastal permits required for the project are subject to all applicable hearing requirements as specified in the certified LCP.

(Prior Code Section 6328.19\*\* - Amended LCP Policy 1.20 by Ordinance No. 2873 (Resolution No. 45327) - January 17, 1984)

(Prior Code Section 6328.19\*\* - Amended LCP Table 1.2 by Ordinance No. 2895 - June 5, 1984)

(Prior Code Section 6328.19\*\* - Amended LCP Table 1.3 by Ordinance No. 3002 - July 3, 1984)

(Prior Code Section 6328.19\*\* - Amended LCP Policies 1.13, 1.14, 1.15, 1.19 and Added Policies 1.27, 1.28, 1.29, 1.30 by Ordinance No. 2895 - June 5, 1984)

### **8.252.220 - Criteria For Locating And Planning New Development.**

(See Locating and Planning New Development Component. \*)

(Prior Code Section 6328.20\*\* - Amended LCP Policies 2.21, 2.23, and Table 2.7 by Ordinance No. 2873 (Resolution No. 45327) - January 17, 1984)

(Prior Code Section 6328.20\*\* - Amended LCP Policies 2.14, 2.22, 2.37 by Ordinance No. 2895 - June 5, 1984)

### **8.252.230 - Public Works Criteria.**

(See Public Works Component. \*)

(Prior Code Section 6328.21\*\* - Amended LCP Policy 3.22 by Ordinance No. 2895 - June 5, 1984)

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\* The components of the Local Coastal Program referred to on pages 20B.18 and 20B.19 are available as a separate document at the offices of the San Mateo County Planning Division.

**8.252.240 - Housing Criteria.**

(See Housing Component. \*)

**8.252.250 - Coastal Energy Development Criteria.**

(See Coastal Energy Component. \*)

(Prior Code Section 6328.23\*\* - Amended LCP Policy 5.14 by Ordinance No. 2895 - June 5, 1984)

**8.252.260 - Agricultural Criteria.**

(See Agriculture Component. \*)

**8.252.270 - Aquaculture Criteria.**

(See Aquaculture Component. \*)

(Prior Code Section 6328.25\*\* - Amended LCP Policy 7.18 by Ordinance No. 2895 - June 5, 1984)

**8.252.280 - Sensitive Habitat Criteria.**

(See Sensitive Habitat Component. \*)

(Prior Code Section 6328.26\*\* - Amended LCP Policy 8.22 and Added Policies 8.23, 8.33 and 8.34 by Ordinance No. 2895 - June 5, 1984)

**8.252.290 - Visual Resources Criteria.**

(See Visual Resources Component. \*)

(Prior Code Section 6328.27\*\* - Amended LCP Policies 9.2 and 9.9 by Ordinance No. 3002 - July 3, 1984)

**8.252.300 - Hazards Criteria.**

(See Hazards Component. \*)

**8.252.310 - Shoreline Access Criteria.**

(See Shoreline Access Component. \*)

### **8.252.320 - Criteria For Recreation/Visitor Serving Facilities.**

(See Recreation/Visitor Serving Component.\*)

### **8.252.330 - Commercial Fishing/Recreational Boating Criteria.**

(See Commercial Fishing and Recreational Boating Component.\*)

(Prior Code Chapter 20B, Sections 6328 through 6328.30 - Added by Ordinance No. 2693 - December 16, 1980)

(LCP Policies 1.15(d), 2.16, 2.19(a), 2.20, 2.21(a), 2.28, 2.29, 2.32(a), 2.33, 2.35(b), 2.41, 2.44(d), 2.59(c), 3.17, 3.18(b), 3.19(a), (b), (d), 3.23, 3.24, 3.26, 3.27(a), (b), 3.29, 4.3(a), 4.37, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.16, 7.9b, 7.18, 9.3(c), 9.10, 10.11(a), 10.30(c)(2), 11.1, 11.12(b), 11.14(c), (d), (e), (f), 11.15(a), 11.23(c), 11.26(a), 11.30(a) amended, and Policies 1.5(c), 1.8(b), 2.53, 3.13(a)(b), 3.18, 3.19(e)(f), 3.20, 3.21, 7.5(a), 11.26(c) deleted, and Policies 1.8(b)(c), 2.13, 2.19(b) (c) (d) (e) (f) (g), 3.13, 3.14, 3.15, 3.20, 3.21, 3.22, 3.25, 3.28, 3.34(c), 5.1(4)(5), 7.5(a), 7.15(b), 11.26(c), 11.30(b) added by Resolution No. 43219 - April 6, 1982.)

Because of added and deleted policies, certain policies were automatically renumbered within components. For a complete record of the renumbering of policies due to 1982 amendments to the LCP, the reader is referred to the Local Coastal Program Policies publication available at the offices of the San Mateo County Planning Division.

(Prior Code Chapter 20B, Sections 6328 through 6328.30 - Repealed and Replaced by Ordinance No. 2779 - April 6, 1982)

(Prior Code Sections 6328.19 through 6328.30 - Redesignated as Sections 6328.20 through 6328.31 respectively; new Section 6328.19 added by Ordinance No. 3102 - April 14, 1987)

## ***CHAPTER 8.256 - DR DISTRICTS (DESIGN REVIEW DISTRICTS)***

### **8.256.010 - Establishment And Purpose Of Design Review District.**

- A. In any district which is combined with the "DR" District, the regulations of this Chapter shall apply, except as qualified by Section 8.256.010(B).
- B. On parcels zoned Resource Management-Coastal Zone (RM-CZ) or Planned Agricultural District (PAD) located in the Midcoast LCP Update Project Area, as shown on the map that is a part of this Chapter,

the regulations of this Chapter shall apply only to residential development. If any portion of a structure is used for residential purposes, the entire structure is subject to Design Review.

- C. In addition to the regulations set forth in Chapter 27, Section 6550 et seq., proceedings for the determination of an area for the application of these regulations may also be initiated by a petition of the majority of the property owners in a given area. Upon receipt of such a petition, the Director of Planning and Building shall set a date of hearing thereof, and give a notice as set forth in Section 6551 of the San Mateo County Ordinance Code.
  
- D. In establishing the Design Review District, the Board of Supervisors hereby determines that:
  - 1. Many communities, neighborhoods and areas in this County have deteriorated through poor planning, neglect of proper design standards, and the erection of buildings and structures unrelated to the sites, incompatible with the character of the neighborhood and insensitive to the natural environment, especially in older undeveloped or partially developed platted areas, existing and proposed communities, clustered developments and areas with unique environmental and/or resource value.
  - 2. These conditions promote disharmony, reduce property values, and impair the public health, comfort, convenience, happiness and welfare.
  - 3. The lack of appropriate guidelines and criteria for the design of new buildings and structures contributes to these conditions.
  - 4. It is necessary and desirable to alleviate these conditions by providing appropriate guidelines and criteria for the maintenance and enhancement of property values, the visual character of especially fragile communities, the natural environmental resources and the public health, safety, comfort, convenience, happiness and welfare of the citizens of the County.
  - 5. The review procedures of this Chapter will more effectively preserve and enhance the property values, the visual character of especially fragile communities, the natural environmental resources, and the public health, safety, comfort, convenience, happiness, and welfare of the citizens of the County.
  
- E. The purposes of this Chapter are:
  - 1. To recognize the interdependence of land values and aesthetics and to provide a method by which the County may encourage builders to develop land so that its value and attractiveness will endure.
  - 2. To encourage development of private property in harmony with the desired character of the community or area in conformance with an adopted set of community design principles as well as the County General Plan, the Local Coastal Program (where applicable), and other Precise Plans.



3. To avoid and prevent community deterioration and to encourage the preservation and enhancement of property values and the visual character of communities and natural resources.
4. To improve the general standards of orderly and stable development in the County through review of the design of individual buildings, structures and their setting.
5. To improve and augment the regulations now included in ordinances related to planning, building and health in order to promote development which is in the best interest to the public health, safety and welfare of the County.
6. To establish standards and policies that will promote, preserve, and enhance building design, proper site development, and other environmental characteristics in communities and areas where previous planning and zoning controls have been found inadequate for these purposes and the economic and physical stability is threatened by new development.

It is not the purpose of this Chapter that regulation of design should be so rigidly interpreted that individual initiative is precluded in the design of any particular building or substantial additional expense is incurred. It is the intent of this Chapter that any regulation exercised shall be that necessary to achieve the overall objectives of this Chapter.

- F. Furthermore, it is the intent of this Board that, prior to the review of any application under the procedures set forth in this Chapter, a set of specific design review standards shall be developed for the communities in which the regulations of this Chapter apply. The design review standards shall be developed in accordance with procedures that will insure opportunity for the citizens of such communities to present their view. The design review standards so developed shall be incorporated as part of these regulations and shall be supplemental to the Community Design Manual approved and adopted by the Board of Supervisors as policy for the application of this Chapter.

(Prior code Section 6565.1.A - Amended by Ordinance No. 4566 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

(Prior code Section 6565.1.B - Added by Ordinance No. 4566 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

(Prior code Section 6565.1.D.2 - Amended by Ordinance No. 4500 - May 11, 2010)

### **8.256.020 - Establishment Of Design Review Committee, Design Review Administrator And Design Review Officer.**

- A. There is hereby established a Design Review Committee consisting of three members to be appointed by the Board of Supervisors.
  1. Appointments shall be for three-year terms, except that the initial members shall be appointed to a one-year, a two-year and a three-year term so that subsequently one appointment shall expire each year. The Board of Supervisors may adjust the terms of any appointment to assure such overlap in terms occurs.

2. Members shall be residents of San Mateo County. Two members shall be licensed architects or landscape architects. The third member shall be a resident of the unincorporated community in which the project being reviewed is located, as listed in Section 6565.7.2. For communities where an advisory council has been established by the Board of Supervisors, the advisory council shall make a recommendation on resident third member candidates prior to appointment by the Board of Supervisors. The terms of the residents designated to serve on the Design Review Committee shall be three years.
3. Two members present shall constitute a quorum and two votes shall be required for action.
4. The Board of Supervisors will appoint alternates for each member with the same terms and qualifications.
5. The Design Review Committee shall adopt rules for the conduct of its business and a conflict of interest code.
6. Members shall be paid \$50.00 per meeting not to exceed \$50.00 per month.

- B. The Director of Planning is the Design Review Administrator and may appoint in writing an assistant to act as the Design Review Officer, who may exercise all of the powers of the Design Review Administrator.

(Prior code Section 6565.2.1.B - Amended by Ordinance No. 3321 - April 29, 1991) (Section 6565.4 - Amended by Ordinance No. 3983 - August 8, 2000)

(Prior code Section 6565.6.2.I - Added by Ordinance No. 3321 - April 29, 1991)

### **8.256.030 - Requirement For Design Review And Approval. This**

Chapter shall apply in any district which is combined with the "DR" District, and shall apply to all new exterior construction which requires a building permit, grading or land clearing that requires a grading permit, or tree cutting that requires a tree cutting permit, unless the activity is determined to be exempt in accordance with Section 6565.4 below. All applicable activities shall be reviewed for conformance with this Chapter. No such applicable activity shall commence unless the design of the project has been approved.

### **8.256.040 - Exemptions.**

The Design Review Administrator (DRA) may exempt activities which otherwise require design review from the requirements of this Chapter when such activities, in the judgment of the DRA, are minor in nature and will not have an adverse effect on compliance with design standards or guideline or zoning regulations applicable to the property or structure in question. Applications for exemption shall be filed in the manner prescribed by the DRA and shall be accompanied by a fee set by resolution of the Board of Supervisors. Exemptions shall be documented by the DRA, whose decision of exemptions shall be final.

### **8.256.050 - Pre-Design Conference.**

Prior to beginning design of a project in the Design Review District and submitting an application for Design Review, the project designer and owner shall request and shall participate in a pre-design conference with the Design Review Administrator. During the pre-design conference, the Design Review Administrator shall provide the designer and owner with written copies of the zoning regulations and design review standards and guidelines applicable to the property and project in question, shall review same with the designer and owner and shall answer any questions concerning appropriate design of the project. The intent of the pre-design conference is to assure that the designer and owner are aware of the design standards and expectations of the County prior to commencing design of a project.

### **8.256.060 - Application Requirements.**

Applications for Design Review shall be submitted on forms supplied by the Design Review Administrator who may prescribe the form and scope of all applications and establish filing deadlines subject to any provisions of State statutes or County ordinances or policies.

The application for Design Review shall contain or be accompanied by the following information. (Plans and specifications submitted with an application for design review shall accurately reflect the entire exterior appearance of the proposal, but should be preliminary rather than construction drawings, as they may be subject to revision in whole or in part during the design review process.)

- A. Location map showing the building site, adjacent lots and streets. Indicate if adjacent lots are developed or vacant.
  
- B. Site plan, at a minimum scale of 1 inch = 20 feet, clearly showing:
  - 1. Property lines.
  - 2. Size of parcel.
  - 3. Existing and proposed ground contours.
  - 4. All existing trees and those to be removed and their size.
  - 5. Easements and utility lines.
  - 6. Percentage of lot coverage.
  - 7. Dimensions of setbacks.

8. All existing and proposed improvements, including buildings, structures, decks, paving, fences, signs, etc.
  9. Where applicable, proposed septic leach field lines.
- C. Building elevations, at a minimum scale of 1/4 inch = 1 foot, clearly showing:
1. All exterior walls.
  2. Natural grade in relation to all exterior walls.
  3. Building heights of all elevations.
  4. Roof equipment, trash enclosures, fences, signs, exterior lights, and other structures or fixtures.
  5. Type of roof and exterior materials to be used.
  6. Color of materials or finish.
- D. Landscape plans. All submitted landscape plans shall follow minimum standards set by the Director of Planning and Building available at the offices of the San Mateo County Planning Division.
- E. A written explanation of how and why the design of the project conforms to the standards and guidelines for design review applicable to the location of the project.
- F. Floor area ratio as specified in the Residential Hillside (RH) zoning district regulations (Emerald Lake Hills and Oak Knoll Manor only).
- G. Building floor area as specified in the S-70, S-90, and S-100 zoning district regulations (Palomar Park and Devonshire).
- H. All proposed grading (cut and fill) and the total amount of grading in cubic yards (Emerald Lake Hills and Oak Knoll Manor only).
- I. Any additional information as determined by the Design Review Administrator necessary for evaluation of the development plans.

J. Fees as set by resolution of the Board of Supervisors.

(Prior code Section 6565.6.7 - Added by Ordinance No. 3321 - April 29, 1991)

### **8.256.070 - Action On Application For Design Review.**

A. Review or action on an application for Design Review shall be taken by the Design Review Committee for projects located in the following communities:

1. Emerald Lake Hills and Oak Knoll Manor (areas zoned RH/DR only).
2. Palomar Park.
3. Devonshire.
4. Midcoast (residential development only), i.e., single-family or multiple-family residential construction, including residential/commercial mixed-use development on parcels in the Midcoast LCP Update Project Area, as shown on the map that is part of this Chapter.

In all other areas within the Design Review District, review or action shall be by the Design Review Administrator.

B. When the project in question requires another permit or approval, such as (but not limited to) a use permit, variance or subdivision, to be acted upon by the Zoning Hearing Officer, Planning Commission or Board of Supervisors, then the action of the Design Review Committee or Design Review Administrator shall be in the form of a recommendation to the decision-maker on the other permit(s), who shall act upon the application for design review only after receiving and considering such recommendation. In such cases, the decision-maker may refer any revisions to the design of the project back to the Design Review Committee or Design Review Administrator for further recommendation prior to taking action on the project.

C. The Design Review Committee or Design Review Administrator may refer any matter directly to the Planning Commission when, in their opinion, such action will be in the public interest.

D. Action on an application for Design Review shall be to: (a) approve the application and plans as submitted, (b) approve them with modifications, or (c) disapprove the application and plans.

(Prior code Section 6565.7 - Amended by Ordinance No. 3983 - August 8, 2000)

(Prior code Section 6565.7.1 - Amended by Ordinance No. 3321 - April 29, 1991)

(Prior code Section 6565.7.A - Amended by Ordinance No. 4566 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

### **8.256.080 - Public Hearing And Comment.**

- A. When action or recommendation on an application for Design Review is to be by the Design Review Committee, the Committee shall first hold a public hearing to receive comments on the project. Such hearings shall be sufficiently structured to assure that the comments of any interested person are considered and recorded prior to action, but shall be conducted in a manner which encourages the free and informal exchange of ideas between the project designer and the Design Review Committee.
  
- B. When action or recommendation is to be by the Design Review Administrator, the Administrator shall consider any comments received from any interested party prior to action and shall consult with the project designer or owner prior to taking any action or making any recommendation other than approval as submitted.

### **8.256.090 - Notice.**

- A. Public notice of each application for Design Review shall be provided at least ten (10) calendar days prior to any of the following:
  - 1. Public hearing and action by the Design Review Committee on a Design Review application.
  - 2. Public hearing and recommendation by the Design Review Committee to another decision-maker on a Design Review application.
  - 3. Action by the Design Review Administrator on a Design Review application.
  
- B. Notice required by Section 8.256.080, above, shall be provided by written mailed notice to:
  - 1. The owner of the property which is the subject of the application.
  - 2. The project applicant as listed on the application.
  - 3. The project designer as listed on the application.
  - 4. All owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet (or the notification area required for any other permit required for the project, whichever is greater) of the exterior limits of the property and any adjoining property owned by the same owner for which the application is proposed.

5. Any person who has requested notice of all Design Review applications within that community within the preceding year.
- C. A notice of pending applications for building or grading permits which require design review under this Chapter, and tree cutting permits shall be conspicuously posted at eye level at the front of the property nearest the street in a manner outlined in paragraph 1, above of this section. Such notices shall be on forms provided by the County.
- D. Written notice of the findings and the decision on an application for Design Review shall be mailed to the applicant by first-class mail at the address set forth in the application and to any other person who has filed a written request therefore with the Design Review Administrator.

### **8.256.100 - Findings.**

- A. The burden shall be on the property owner, project designer and permit applicant to demonstrate that the design of the project conforms to the standards and guidelines for design review applicable to the location of the project.
- B. In acting on an application for Design Review, the Design Review Committee, the Design Review Administrator or other decision-maker on the application shall make written findings stating how and why the project does or does not conform to the standards and guidelines for design review applicable to the location of the project.
- C. In making such findings, the decision-maker shall apply the following principles:
  1. Regulation of design should not be so rigidly enforced that individual initiative is precluded in the design of any particular building or substantial additional expense incurred. The regulation exercised should be that necessary to achieve the overall objectives as set forth in Section 8.256.010.
  2. Appropriate design is based upon the suitability of a building for its purposes, upon the appropriate use of sound materials and upon the principles of harmony and proportion in the elements of the building.
  3. Appropriate design is not based on economic factors alone.

### **8.256.110 - Appeals.**

- A. Decisions on Design Review made by the Design Review Committee, the Design Review Administrator or the Zoning Hearing Officer may be appealed to the Planning Commission within ten (10) working days only by aggrieved persons. Notice of the public hearing shall be provided as specified in Section 6565.9.

The Planning Commission shall review and consider points of appeal for each Design Review application. The decision of the Planning Commission may be appealed to the Board of Supervisors following the same procedures as for appeals to the Planning Commission.

- B. For purposes of this section, “aggrieved person” means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on an application for Design Review informed the County of their concerns about an application for such permit or who for good cause was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

(Prior code Section 6565.11 - Amended by Ordinance No. 4158 - February 25, 2003)

### **8.256.120 - Amendment.**

- A. Subsequent to the granting of a design approval pursuant to this Chapter, the Design Review Administrator may approve amendments to the approved plans which, in the judgment of the Design Review Administrator, are minor in nature, without the public notice, hearing or appeal otherwise required or authorized by this Chapter. Such approval shall be in writing. Other amendments shall be processed as for new applications.
- B. Minor amendments may include, but are not limited to: interior modifications; relocations of doors and windows; adjustments in roof pitch or design; minor relocations of walls, fences or signs; and other adjustments in design, all only to the extent that they will not, in the judgment of the Design Review Administrator, have an adverse effect on compliance with design standards or guidelines or zoning regulations applicable to the project.

### **8.256.130 - Expiration.**

- A. Design approvals granted pursuant to this Chapter shall expire five (5) years from the date of approval if all other permits required for the project have not been obtained and construction begun.
- B. Upon written request of the property owner, and for good cause, the Design Review Administrator may extend the expiration period for design approvals one year at a time.

### **8.256.140 - Inspection And Occupancy.**

Before an occupancy permit is issued, the completed building must be inspected for compliance with the decision on the Design Review application.



## **8.256.150 - Standards For Design In Emerald Lake Hills And Oak Knoll Manor (Areas Zoned RH/DR) And Devonshire.**

The following design standards shall apply within Emerald Lake Hills and Oak Knoll Manor (areas zoned RH/DR only) and within Devonshire.

### A. Site Planning

As much as possible, site new buildings on a parcel in locations that:

1. Minimize tree removal;
2. Minimize alteration of the natural topography;
3. Respect the privacy of neighboring houses and outdoor living areas;
4. Minimize the blockage of sunlight on neighboring buildings; and
5. Minimize alteration of streams and natural drainage channels.

### B. Architectural Styles

Design new buildings that are architecturally compatible with existing buildings by requiring them to reflect and emulate, as much as possible, the predominant architectural styles and the natural surroundings of the immediate area (e.g., bungalow, craftsman, ranch). Avoid revivalist historical styles.

### C. Building Shapes and Bulk

Design buildings with shapes that respect and conform to the natural topography of the site by requiring them to step up or down hillsides in the same direction as the natural grade. Control the bulk of buildings on hillsides by requiring them to be terraced up or down the hill at a uniform height.

### D. Unenclosed Spaces

As much as possible, avoid the creation of unattractive, useless space beneath buildings by prohibiting buildings that are predominantly built on stilts.

### E. Facades

Design well-articulated and proportioned facades by:

1. Avoiding the dominance of garages at street level;
2. Considering the placement and appearance of garages and the width of garage doors;
3. Prohibiting massive blank walls by creating aesthetic and proportioned patterns of windows and shadows; and
4. Relating the size, location, and scale of windows and doors to adjacent buildings.

F. Roofs

Design buildings using primarily pitched roofs. Design buildings with roofs that reflect the predominant architectural styles of the immediate area.

G. Materials and Colors

Make varying architectural styles compatible by using similar materials and colors which blend with the natural setting and the immediate area. Avoid the use of building materials and colors which are highly reflective and contrasting by requiring them to blend and harmonize with the natural woodland environment and vegetation of the area.

1. Use colors such as warm grays, beiges, natural woods, and muted greens. Prohibit the use of cool grays, blues, pinks, yellows, and white.
2. Encourage the use of building materials that are compatible with the predominant architectural styles of the immediate area. In areas where bungalow, craftsman, and ranch architectural styles are predominant, use real wood and stone building materials such as board and batten, wall shingles, fire-resistant roof shingles, flagstone, and rock. Avoid such materials as simulated stone and T-111 plywood. Ensure that all roof materials have Class "C" or better fire resistive ratings.

H. Utilities

Install all new service lines underground.

I. Signs

Control the use of signs so that their number, location, size, design, lighting, materials, and colors harmonize with their surroundings and are compatible with the architectural style of the building.

J. Paved Areas

As much as possible, keep the amount of visible paved areas (e.g., driveways, walkways, etc.) to a minimum.

(Prior code Section 6565.15.8 - Deleted by Ordinance No. 3321 - April 29, 1991)

**8.256.160 - Standards For Design In Palomar Park.**

The following design standards shall apply within Palomar Park.

A. Site Planning

As much as possible, site new buildings on a parcel in locations that:

1. Minimize tree removal;
2. Minimize alteration of the natural topography;
3. Respect the privacy of neighboring houses and outdoor living areas;
4. Minimize the blockage of sunlight on neighboring buildings; and
5. Minimize alteration of streams and natural drainage channels.

B. Architectural Styles

Design new buildings that are architecturally compatible with existing buildings by requiring them to reflect and emulate, as much as possible, the predominant architectural styles and the natural surroundings of the immediate area. Avoid revivalist historical styles.

C. Building Shapes and Bulk

Design buildings with shapes that respect and conform to the natural topography of the site by requiring them to step up or down hillsides in the same direction as the natural grade.

Control the bulk of buildings on hillsides by requiring them to be terraced up or down the hill at a uniform height.

D. Unenclosed Spaces

As much as possible, avoid the creation of unattractive, useless space beneath buildings by prohibiting buildings that are predominantly built on stilts.

E. Facades

Design well-articulated and proportioned facades by:

1. Avoiding the dominance of garages at street level;
2. Considering the placement and appearance of garages and the width of garage doors;
3. Prohibiting massive blank walls by creating aesthetic and proportioned patterns of windows and shadows; and
4. Relating the size, location, and scale of windows and doors to adjacent buildings.

F. Roofs

Design buildings using primarily pitched roofs. Design buildings with roofs that reflect the predominant architectural styles of the immediate area.

G. Materials and Colors

Make varying architectural styles compatible by using similar materials and colors which blend with the natural setting and the immediate area. Avoid the use of building materials and colors which are highly reflective and contrasting by requiring them to blend and harmonize with the natural woodland environment and vegetation of the area.

1. Use colors such as warm grays, beiges, natural woods, and muted greens.

2. Encourage the use of building materials that are compatible with the predominant architectural styles of the immediate area. In areas where bungalow, craftsman, and ranch architectural styles are predominant, use real wood and stone building materials such as board and batten, wall shingles, fire-resistant roof shingles, flagstone, and rock. Ensure that all roof materials have Class "C" or better fire resistive ratings.

H. Utilities

Install all new service lines underground.

I. Signs

Control the use of signs so that their number, location, size, design, lighting, materials, and colors harmonize with their surroundings and are compatible with the architectural style of the building.

J. Lighting

Exterior lighting should be subdued and indirect, and glaring fixtures should be avoided.

K. Retaining Walls

Retaining walls should be surfaced, painted, landscaped or otherwise treated to blend with their surroundings.

L. Paved Areas

As much as possible, keep the amount of visible paved areas (e.g., driveways, walkways, etc.) to a minimum.

(Prior code Section 6565.16 - Amended and Renumbered to Section 6565.17 by Ordinance No.

3321 - April 29, 1991)

(Prior code Section 6565.16 - Added by Ordinance No. 3321 - April 29, 1991)

### **8.256.170 - Standards For Design In Other Areas.**

The following design standards shall apply in other areas zoned Design Review.

- A. Proposed structures are designed and situated so as to retain and blend with the natural vegetation and landforms of the site and to ensure adequate space for light and air to itself and adjacent properties.
- B. Where grading is necessary for the construction of structures and paved areas, it blends with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site and does not create problems of drainage or erosion on its site or adjacent property.
- C. Streams and other natural drainage systems are not altered so as to affect their character and thereby causing problems of drainage, erosion or flooding.
- D. Structures are located outside flood zones, drainage channels and other areas subject to inundation.
- E. Trees and other vegetative land cover are removed only where necessary for the construction of structures or paved areas in order to reduce erosion and impacts on natural drainage channels, and maintain surface runoff at acceptable levels.
- F. A smooth transition is maintained between development and adjacent open areas through the use of natural landscaping and plant materials which are native or appropriate to the area.
- G. Views are protected by the height and location of structures and through the selective pruning or removal of trees and vegetative matter at the end of view corridors.
- H. Construction on ridgelines blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy.
- I. Structures are set back from the edge of bluffs and cliffs to protect views from scenic areas below.
- J. Public views to and along the shoreline from public roads and other public lands are protected.
- K. Varying architectural styles are made compatible through the use of similar materials and colors which blend with the natural setting and surrounding neighborhoods.
- L. The design of the structure is appropriate to the use of the property and is in harmony with the shape, size and scale of adjacent building in the community.
- M. Overhead utility lines are placed underground where appropriate to reduce the visual impact in open and scenic areas.
- N. The number, location, size, design, lighting, materials, and use of colors in signs are compatible with the architectural style of the structure they identify and harmonize with their surroundings.

- O. Paved areas are integrated into the site, relate to their structure, and are landscaped to reduce visual impact from residential areas and from roadways.

### **8.256.180 - Standards For The Design Of Commercial Structures On Middlefield Road In North Fair Oaks.**

The following design standards shall apply to commercial structures on parcels along Middlefield Road in North Fair Oaks.

These standards are intended to be used in combination with the Design Standards and Guidelines described in Chapter 7 of the North Fair Oaks Community Plan, with particular emphasis on Section 7.2, Design of the Private Realm. Chapter 7 provides a comprehensive set of guidelines for overall community design in North Fair Oaks, as well as design templates and examples for reference.

#### A. Site Planning

1. Locate development on a parcel so that: (1) commercial uses abut the front property line, with the exception of recessed entryways, and directly face the street, (2) pedestrians have direct access to retail uses from the street, and (3) storage areas are located toward the rear of the parcel.
2. Perpetuate the existing pattern of small scale commercial development by requiring 25-foot or 50-foot wide building or storefronts within larger buildings which face the street.
3. On corner parcels, locate development on both property lines; however, encourage the corner to be recessed up to a maximum of six (6) feet from the front and side property lines in order to create: (1) pedestrian plazas,  
  
(2) increased site distances, (3) prominent building entrances, and (4) more architecturally interesting buildings.

#### B. Mixed-Use Development

Encourage mixed-use development with commercial uses on the ground level and offices and/or residences on upper levels.

#### C. Architectural Styles

Encourage architecture that strongly enhances the overall appearance and downtown character of the street, while allowing varying architectural styles. Encourage continuity of bulk and scale in buildings, and harmony in the rhythm of building frontages and facades.

#### D. Building Scale and Height

Harmonize building scale and height of commercial buildings with any adjacent residential buildings on the same street frontage.

E. Building Facades

1. Design building facades with doors, windows, walls, and/or other elements that proportionately fit together and are humanly scaled in order to create a harmonious composition where no one element dominates or overwhelms another.
2. Encourage the use of door and window canopies and awnings.
3. Encourage recessed entryways.
4. Require that transparent windows which are seen by pedestrians be at least sixty (60) percent of the length of the building facade facing the street.
5. Prohibit opaque or reflective window tints and glazes.
6. Require all ground floor commercial uses to have non-reflective glass windows fronting onto sidewalks. When windows face southwest and west, they should be framed with protruding vertical and/or horizontal elements such as lintels, sills, and awnings to provide adequate protection from glare.
7. Encourage the use of special architectural features on corner buildings, including corner entries at ground level and projecting windows, towers, turrets, and cupolas on the corners of upper levels.

F. Materials and Colors

Use building materials and colors that are compatible with the design of the building and enhance surrounding development. Minimize the use of materials and colors that are highly contrasting and reflective.

1. Use building materials of durable quality.
2. Use exterior building materials that are in harmony with the surrounding neighborhood and enhance the building style, e.g., red brick or other masonry, painted or stained wood, or textured painted stucco surfacing materials. Prohibit the use of unfinished cinder or cement block or corrugated metal siding when visible from a public street or residential use.



3. Coordinate and harmonize the use of colors, and discourage colors that are highly contrasting and reflective, or that conflict with the character and color of adjacent buildings.

G. Off-Street Parking

1. Where possible, locate off-street parking at the rear of the parcel and behind buildings.
2. Screen off-street parking when visible from a public street or residential use.
3. Encourage the use of common driveways providing access to more than one parcel.

H. Signs

1. Limit the number, location, size, design, lighting, materials, and colors of signs so that they are compatible with the building style.
2. Require the content and design of signs, illustrations, and murals painted on exterior building walls to be compatible with the building and the surrounding environment.
3. In the case of illustrations and murals, encourage the use of local artists in creation of the illustration or mural.

I. Landscaping

Encourage the growing of:

1. Vines on walls and trellises; and
2. Flowers and ornamental trees in planter boxes or pots, to enhance the appearance of blank walls when visible from a public street or residential use.

J. Lighting

Require exterior lighting fixtures, standards, and all exposed accessory lighting to be compatible with building design.

K. Utilities

Install new distribution lines underground.

L. Mechanical Equipment

Require mechanical equipment to be screened with parapets or the roof form. Encourage roofs that are integral to the structure of the building and the design of the facade, rather than ornamental.

(Prior code Section 6565.18 - Added by Ordinance No. 3321 - April 29, 1991)

(Prior code Section 6565.18 - Amended by Ordinance No. 04745 - November 3, 2015)

**8.256.190 - Standards For Design In Planned Colma District.**

The following design standards shall apply to all land designated High Density Residential, Medium High Density Residential and Neighborhood Commercial (Residential Above) within the Planned Colma (PC) Zoning District (with the exception of emergency shelters, which are exempt from discretionary design review in the High Density and Medium High Density Residential areas):

A. Relationship to BART Station Area Specific Plan

The provisions of this section implement the BART Station Area Specific Plan. The BART Station Area Specific Plan provides further guidance in complying with the requirements of this section. The Specific Plan shall be used in conjunction with this section to design and evaluate development proposals.

B. Definitions

For the purposes of this subsection, the following terms are defined:

Courtyard Apartment Building. A multiple-story building containing multiple-family dwellings with shared entrances off a central courtyard.

Duplex. A building containing two-family dwellings with individual entrances.

Flat. A multiple-story building containing two-family or multiple-family dwellings with each dwelling on a separate floor.

Kiss-N-Ride Area. Designated curbside areas for passenger drop-off and pick-up.

Podium Apartment Building. A multiple-story building containing multiple-family dwellings with shared entrances over subsurface or ground floor parking.

Single-Family Home. A building containing a one-family dwelling.

Single-Loaded Apartment. Apartment unit configured to run the entire depth of a building from front to back.

Single-Story Commercial Building. A building containing commercial uses within one story.

Small Apartment Building. A multiple-story building containing multiple-family dwellings with shared entrances.

Townhouse. A multiple-story building containing one-family dwellings with each unit side-by-side and individual entrances.

C. General Residential Design Guidelines

The following guidelines shall apply to all building types.

1. Building Orientation

Require:

- a. Building entrances on streets, pedestrian ways, kiss-n-ride areas, central courtyards and parks and plazas rather than the interior of blocks or parking lots.
- b. Buildings to be placed along the frontage of the BART bus turnaround and kiss-n-ride area.

Encourage: Single-loaded apartments along the BART bus turnaround with service areas facing the BART area and active spaces facing an interior courtyard.

Prohibit: Street-facing facades consisting of a blank wall or an unbroken series of garage doors, or lined with off-street uncovered parking spaces.

2. Building Form

Require:

- a. Buildings to follow the natural topography by terracing up slopes.

- b. Variations in floor level, facades, roof patterns, architectural details, and finishes of large buildings to create the appearance of several smaller buildings.

Encourage:

- a. Unobstructed views along east-west street corridors, from the Planned Colma (PC) District to San Bruno Mountain and from surrounding areas to the area.
- b. Vertical, rather than horizontal, building forms.

### 3. Facades

Encourage:

- a. Grand entries, such as porches.
- b. Corner entries.
- c. Landmark features, such as towers, at corners of large buildings.
- d. Porches, patios, bays, solariums, and balconies.
- e. Vertical, rather than square or horizontal, windows.
- f. Casement or divided windows with individual panes of glass.
- g. High quality wooden windows and door frames.
- h. Windows and doors to be recessed one to three inches from the front facade.

Prohibit: Exterior stairs to upper floor units on street facing facades and the front half of side facades.

### 4. Roofs

Require: Mechanical equipment to be screened with parapets or the roof form.

Encourage:

- a. Roofs that are integral to the structure of the building and the design of the facade, rather than ornamental.
- b. Gable roofs.

Prohibit:

- a. Mansard roofs.
- b. Buildings covered entirely by a flat roof.

5. Materials

Encourage:

- a. Identical building materials on all sides of a building.
- b. Smooth-finish stucco.
- c. Horizontal wood siding.
- d. Light tints and bright accents, rather than earth tones.

Prohibit: Walls entirely of glass, reflective glass, textured stucco, and scored plywood.

6. Walls, Fences and Landscaping

Require: Trees to be planted every 30 feet in the setback along the frontage of the BART bus turnaround and kiss-n-ride area.

Encourage:

- a. Low walls or fences of light-colored stucco, concrete, masonry, or wood along front property lines.

- b. Low hedges along front property lines.

D. Specific Residential Design Guidelines

In addition to the General Design Guidelines, the following guidelines shall apply to specific residential building types.

1. Podium Apartments

Require:

- a. Street entries placed every 50 to 60 feet.
- b. Porches, patios, bays, solariums, and balconies overlooking streets to be placed every 25 to 30 feet.
- c. Where necessary, second floor residential bays to be placed a minimum of 3 feet above retail awnings.
- d. A minimum 20-foot by 20-foot open courtyard area on the podium above parking. A tree survey for development in the eucalyptus grove north of D Street and east of the Colma BART Station.

Encourage:

- a. One entrance to serve no more than 16 units.
- b. Courtyards to contain shared facilities and paths, surrounded by porches, patios, and entry porticos.
- c. Courtyard landscaping to provide both common and private open space.
- d. Steps to connect courtyards to the street.
- e. Ground-level open space where possible.

- f. Roof decks integrated into overall building design, with wind screens and landscaping.
- g. Preservation of existing eucalyptus trees.
- h. Openings between parking levels and podium courtyards for sunlight and ventilation.

2. Podium Apartments, Small Apartment Buildings and Courtyard Apartments

Encourage:

- a. Porches, patios, solariums, and balconies to be a minimum of 6 feet deep and 50 square feet in size.
- b. Porches and patios to be accessible directly from the street or courtyard.
- c. Second floor residential bays to be placed a minimum of 3 feet above retail awnings.

Prohibit: Open railings on balconies.

3. Small Apartment Buildings and Courtyard Apartments

Require:

- a. Street entries placed every 25 to 30 feet.
- b. A minimum 20-foot by 20-foot open space area as a combination parking and open space area.

Encourage:

- a. One entrance to serve no more than 16 units.
- b. Pavement patterns and material to emphasize the combined pedestrian and auto use of parking and open space areas.
- c. Hard-surface playgrounds in parking and open space areas.

4. Duplexes, Flats and Townhouses

Require: Street entries placed every 25 to 30 feet. Encourage:

- a. One entrance for every one to two units.
- b. Street-facing porches.
- c. Porches to be a minimum of 6 feet deep and 50 square feet in size.
- d. Porch support columns and roofs to appear integral to the structure of the building and the design of the facade, rather than ornamental.

E. Commercial Design Guidelines

The following guidelines shall apply to all commercial uses.

1. Building Orientation

Require: Buildings to face streets, pedestrian ways, kiss-n-ride areas, and parks and plazas rather than the interior of blocks or parking lots.

Encourage: Benches and small tables along ground floor retail frontages outside the public right-of-way.

Prohibit: Street-facing facades to consist of a blank wall.

2. Building Form

Require: Variations in floor level, facades, roof patterns, architectural details, and finishes of large buildings to create the appearance of several smaller buildings.

Encourage:

- a. Unobstructed views along east-west street corridors, from the Planned Colma (PC) District to San Bruno Mountain and from surrounding areas to the area.



- b. Vertical, rather than horizontal, building forms.

3. Facades

Require:

- a. Storefront floor to ceiling height of 12 feet.
- b. Street entries to ground floor retail shops placed every 25 to 30 feet.
- c. The design of residential entries to be clearly distinct from retail entries.
- d. Display windows of clear glass.
- e. Display windows to begin no higher than 30 inches above finished sidewalk grade.
- f. No more than 6 feet of blank, non-window, wall space in every 25 feet of storefront.

Encourage:

- a. Corner entries.
- b. Separate awnings for each shop, hanging 9 to 12 feet above the sidewalk.
- c. Columns or other vertical definition placed at least every 25 to 30 feet, alternating with entries.
- d. Storefront entries to be accented by 3- to 4-foot recesses for door swing space and associated display bays.

4. Roofs

Require: Mechanical equipment to be screened with parapets or the roof form.

Encourage:

- a. Roofs that are integral to the structure of the building and the design of the facade, rather than ornamental.
- b. Gable roofs.

Prohibit:

- a. Mansard roofs.
- b. Buildings covered entirely by a flat roof.

## 5. Materials

Encourage:

- a. Identical building materials on all sides of a building.
- b. Light tints and bright accents, rather than earth tones.

Prohibit: Glass curtain walls, reflective glass, textured stucco, and scored plywood.

(Prior code Section 6565.19 - Amended by Ordinance No. 04699 - May 6, 2014)

## **8.256.200 -Standards For Design For One-Family And Two- Family Residential Development In The Midcoast (El Granada, Miramar, Moss\_Beach, Montara).**

### **(A). BACKGROUND.**

#### 1. Application

The following design standards shall apply to all one-family (single-family) and two-family (duplex) development in all areas zoned "Design Review" (DR) within the urban Midcoast (El Granada, Miramar, Moss Beach, and Montara). Where used in this document, the terms "house," "home" and "single-family" shall also refer to two-family or duplex residential development.

#### 2. Setting

The Midcoast has a unique character that makes it a desirable place to live. Although it is only a few miles from the more heavily urbanized Bayside, the Midcoast has a coastal, semi-rural, small town, diverse character that residents value and want to preserve. It is a collection of five distinct communities (Montara, Moss Beach, El Granada, Princeton and Miramar), each with individual neighborhoods differing in architecture, size, scale and character. The individuality of each community is vital to the overall character of the Midcoast.

Residents and visitors alike also enjoy the area's many natural amenities, including the beaches and bluffs, creeks and streams, hillsides and mountains.

### 3. Purpose/Legislative Intent

The purposes of the Design Review Districts Chapter (Chapter 8.256) are contained in Section 8.256.010(D). Consistent with Section 6565.1.D, the purpose of the Midcoast design standards is to encourage new single-family homes and additions that have their own individual character, while ensuring that they are complementary with neighboring houses, the neighborhood character of each Midcoast community, and the surrounding natural setting.

The Midcoast design standards are intended for use by homeowners, builders, architects and designers, by neighbors, and by community groups in their consideration of new single-family homes and additions to existing homes. The Design Review Administrator, the Coastside Design Review Committee, the Planning Commission and the Board of Supervisors will also use these standards in their review of projects, as set forth in Section 8.256.070.

Each design topic in Sections 8.256.200(C) through (G) is divided into two sections: (a) a discussion with illustrations section, and (b) a design standards section. The discussion and illustration section is intended to explain the reasons for the standards and to provide further clarification of the standards'

objectives. The design standards section states the regulatory standards. Only the design standards section has the force of law and constitutes the regulatory criteria by which projects will be reviewed.

Consistent with Section 8.256.010, the design standards are not intended to preclude individual initiative in the design of any particular project, nor to require that substantial additional expense be incurred. There are a variety of creative ways in which a dwelling can be designed to comply with the standards, but still retain its own individual identity. By thoughtful application of the standards and balancing of the design objectives embodied in the standards, an architect or designer can achieve compliance with these design standards and reduce a project's potential to cause conflict, avoiding costly delays caused by subsequent project revisions.

When the term "to the extent feasible" is used, it shall mean that if a house can be designed to comply with that standard, without conflicting with other applicable design and zoning requirements, the house shall comply with the standard. If a house cannot be designed to comply with the standard, it shall be designed to substantially comply.

### 4. Relationship to Other County Regulations

The design standards are intended to implement the County General Plan and the Local Coastal Program (LCP). The design standards are separate from, but intended to complement, other required County ordinances including the Zoning Regulations, which establish development standards for single-family and two-family residential development.

Consistent with Section 6565.10, it shall be the responsibility of the applicant and home designer to comply with both the Design Standards and the Zoning Regulations development standards (e.g., height limit, maximum floor area, setbacks and maximum parcel coverage). The emphasis for design review will be on a home's appearance, not on its actual size or height. As such, compliance with design standards will be achieved by requiring design techniques consistent with zoning development standards and, where applicable, LCP policies, that make homes appear smaller, lower or less massive; house size or height reductions will not be required unless otherwise required by LCP policies.

Other relevant County ordinances include, but are not limited to: (1) the Building Regulations, which establish construction requirements including structural, mechanical, electrical, and plumbing requirements; (2) Public Works standards for driveways, curb cuts and other work in the public right-of-way; (3) the Heritage and Significant Tree Ordinances, which establish criteria for tree removal; and (4) the Grading Ordinance, which establishes standards for conducting grading activity.

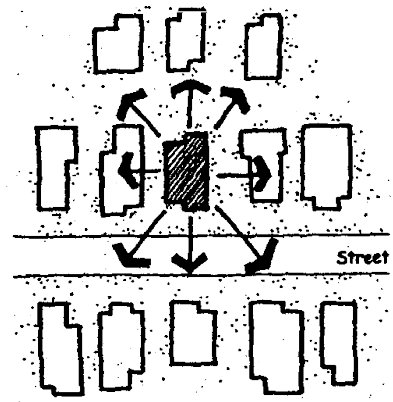
Where conflicts exist between the provisions of this section and the policies of the LCP, the policies of the LCP shall control.

## **(B). NEIGHBORHOOD DEFINITION AND NEIGHBORHOOD CHARACTER.**

### 1. Neighborhood Definition

#### a. Neighborhood Context

**Discussion:** What is a neighborhood? One of the first steps in designing a new home or an addition to an existing home is to understand the neighborhood in which the home is located. A neighborhood generally has two components: (1) the immediate context, or how a house relates to adjacent houses and natural features, and (2) the neighborhood



*Immediate Context*

context, or how a house relates to the visual character and scale of other houses and natural features in the vicinity.

b. Neighborhood Limits

**Discussion:** The process of defining a neighborhood begins by defining the area surrounding a house within 300 feet. Then, other factors may be considered that would further influence the limit of a neighborhood, making it larger or smaller, such as noticeable changes in topography, or proximity to open space or the urban/rural boundary.

**Definition:** A neighborhood is defined as the area within 300 feet of an existing or proposed house. Certain factors may



*Neighborhood Context*

be present which would further define or alter the limit of a neighborhood, making it larger or smaller, including, but not limited to, the following:

- (1) Significant changes in topography;
- (2) Changes in land use such as from residential to commercial;
- (3) Proximity to designated open space or urban/rural boundary;
- (4) Changes in the land subdivision pattern;
- (5) A wide street or natural feature such as a riparian corridor;
- (6) Noticeable changes in building type, such as from one-story to two-story homes;
- (7) Visibility from off-site vantage points in the vicinity of the project.

2. Neighborhood Character

**Discussion:** What is neighborhood character? Neighborhood character is the combination of qualities or features within a neighborhood that distinguishes it from another neighborhood. For the purposes of these design standards, the key qualities or features of single-family residential neighborhoods include the appearance of the homes (e.g., architectural style and elements), the collective appearance of the homes (e.g., pattern, scale, size), and the appearance of natural features (e.g., natural vegetation, landforms).

How does a house contribute to the visual character of a neighborhood? The architectural elements of a house such as its shape, the arrangement of its doors and windows, its roof style, and its architectural style all contribute to the appearance of the house, which in turn contributes to the collective appearance or character of the neighborhood. Some of the most common architectural

elements that contribute to the character of an individual house and the collective character of the neighborhood are listed below:

- a. How houses are sited on their lots;
- b. How houses blend with surrounding scenic and natural environments;
- c. Architectural style, including how house styles compare, contrast or complement each other;

- d. Scale, or the appearance or proportion of a house relative to others, including the number of stories;
- e. Arrangement/placement/massing of major building forms;
- f. Parking and garage patterns;
- g. Location of entries;
- h. Roof forms;
- i. Exterior materials and colors;
- j. Window type and placement;
- k. Landscaping;
- l. Older buildings or features having historic character.

**Definition:** Neighborhood character is defined as the combination of qualities or features within a neighborhood that distinguishes it from another neighborhood. The key qualities or features of single-family residential neighborhoods include the appearance of the homes (e.g., architectural style and elements), the collective appearance of the homes (e.g., pattern, scale, size) and the appearance of natural features (e.g., natural vegetation, landforms).

### **(C). SITE PLANNING AND STRUCTURE PLACEMENT.**

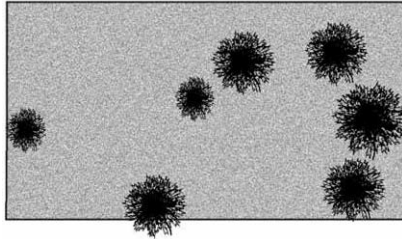
One of the key elements that define the visual character of an individual house and the neighborhood is how it is located or placed on its site. A single building out of context with its site or neighboring houses can appear disruptive.

#### 1. Integrate Structures with the Natural Setting

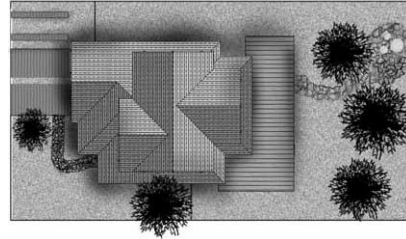
New houses, additions and accessory structures should be located, designed and constructed to retain and blend with the natural vegetation and natural landforms of the site, and should be complementary to adjacent neighborhood structures.

##### a. Trees and Vegetation

**Discussion:** When siting a new home or an addition on a parcel, the goal should be to disturb as little vegetation as possible, with priority placed on retaining healthy, native species and those trees that are heritage or significant trees by definition. Fire prevention measures should also be considered. Refer to County fire hazard prevention requirements.



*Undeveloped site*



*Sensitive site development to retain vegetation and other natural features*

**Standards:** To the extent feasible, site new buildings, additions, and associated infrastructure (wells, septic systems, water tanks, paved areas) on a parcel in locations that:

- (1) Minimize tree and vegetation removal to the extent necessary for the construction of the structures.
- (2) Retain heritage and significant trees, with priority placed on retaining healthy, native species. Blend new structures and landscaping with the remaining natural vegetative cover of the site.
- (3) Tree removal and replacement shall be in accordance with Section 6565.21, Standards for the Protection of Trees and Vegetation. Replacement trees and new trees shall be from the list specifying recommended/discouraged species for the Midcoast, adopted by the Board of Supervisors.

b. Grading

**Discussion:** As defined in the County Grading Ordinance, grading is any excavating, filling, or placement of earth materials or a combination of these activities. Excavation (or cutting) is the mechanical removal of earth material, while filling is the deposit of earth or waste material placed by artificial means. The following design standards are intended to regulate the aesthetic aspects of grading; the technical aspects of grading are regulated by the County Grading Ordinance. In the interest of retaining as much of the natural character of the site as possible, an effort should be made to place structures so that grading activity and the area disturbed by grading is limited; however, on sloping sites and where a basement is proposed, it is recognized that a certain amount of excavation may be necessary so that the end result is a house that blends into the site.



**Do This**



*Structure is designed to blend with the natural contours and features of the site. Only grading necessary for construction was used.*

**Not This**



*Structure is not suited to the terrain. Extensive grading was used to create building pad, and to terrace site beyond the immediate vicinity of the structure.*

**Standards:** To the extent feasible, site new buildings, additions, and associated infrastructure (wells, septic systems, water tanks, paved areas) on a parcel in locations that:

- (1) Minimize filling or placement of earth materials. Avoid raising the building pad for a new home or an addition above the existing grade, unless required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant.
- (2) Allow limited excavation when needed to blend the house into the site.
- (3) Limit grading to the footprint of the structure and its immediate vicinity, unless otherwise required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant.
- (4) Result in a finished grade beyond the structure and its immediate vicinity that is similar to the existing grade, unless otherwise required for technical or engineering reasons by a registered civil engineer, licensed architect or geotechnical consultant. Existing grade means:
  - (a) natural grade, or
  - (b) grade at time of house construction/enlarge- ment, providing that prior grading on the site was approved by the County or occurred before the County regulated grading activities.
- (5) Keep the height of freestanding retaining walls to a minimum. Retaining walls shall be surfaced, painted, landscaped or otherwise treated to blend with their surroundings.

c. Streams and Other Drainage Features

**Discussion:** The Midcoast communities are crossed by a number of streams. In addition, many less developed drainage features including swales, gullies and ditches cross the area. If there is a stream or other drainage feature on or adjacent to your property, you should consult the Local Coastal Program Sensitive Habitats Component for policies related to sensitive habitats, riparian corridors and wetlands to determine if these policies apply.

All streams and natural drainage features should be avoided when deciding where structures should be placed to protect them from erosion, siltation and polluted runoff. Man-made drainage features may be covered or relocated in order to conform with the design standards of this section, provided that: (1) sensitive habitats are not disturbed and (2) alterations are done pursuant to a drainage plan prepared by a registered civil engineer and reviewed and approved by the Planning and Building Division.

Builders should also take advantage of the opportunity to improve local storm drainage systems and protect streams and drainage features from erosion, siltation, and polluted runoff by improving water retention and movement on site, prohibiting runoff onto neighboring properties,

and preventing overloading of local stormwater systems. Please refer to Section 6565.20(E) for guidelines regarding landscaping and paved areas that should be used to enhance project appearance and stormwater pollution control. Please also refer to the County's Stormwater Pollution Prevention program publications, available at the Planning Counter, for further information and innovative ideas on this topic.

**Do This**



**Not This**



*Structure is set back to avoid alteration of natural drainage feature*

*Structure is too close to natural drainage feature*

Standards:

- (1) Avoid locating structures on or near streams and natural drainage features.
- (2) Permit alteration of man-made drainage features when necessary, providing that (a) LCP Sensitive Habitats Component policies are met, where applicable, and (b) alterations are done pursuant to a drainage plan prepared by a registered civil engineer and reviewed and approved by the Planning and Building Division.
- (3) Do not alter the site in a way that would cause significant drainage problems, erosion or flooding.
- (4) Locate structures outside of flood zones, drainage channels and other areas subject to inundation.

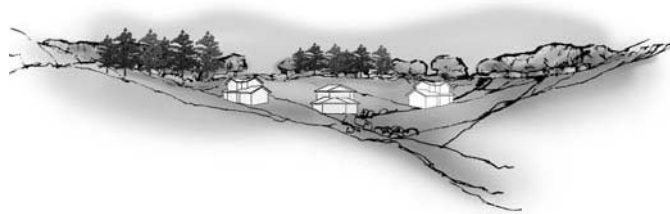
d. Ridgelines, Skylines and View Corridors

**Discussion:** The varied terrain of the Midcoast offers scenic views of both the ocean and the hills that should be protected. The LCP Visual Resources Component contains policies protecting ridgelines and skylines. As defined by LCP Policy 8.7, ridgelines are the tops of hills or hillocks normally viewed against a background of other hills. A skyline is the line where sky and land masses meet. The Cabrillo Highway Scenic Corridor offers perhaps the most significant public views in the Midcoast; however, other public views should be considered as well. A public view is a range of vision from a public road or other public facility. It is important to note that the LCP may require the maximum building height for structures located on a ridgeline or skyline to be lower than the maximum allowed by the Zoning Regulations.

**Existing**

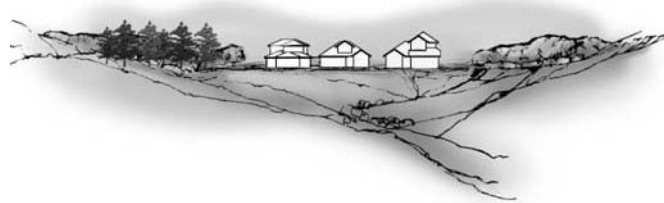


**Do This**



*Structures blend with existing landforms and vegetation.*

**Not This**



*Ridgeline silhouette has been destroyed through the removal of vegetative masses and natural landforms.*

Standards:

- (1) Please refer to LCP Policy 8.7.
- (2) If development is proposed on a ridgeline because there is no other developable building site on the parcel, ensure construction blends with the existing silhouette by maintaining natural vegetative masses and landforms and does not extend above the height of the forest or tree canopy.

e. Relationship to Open Spaces

**Discussion:** In some areas of the Midcoast, the neighborhood's proximity to designated open space is one of the factors which defines the neighborhood character, and special attention should be paid to those transition or buffer areas where residential and open space land uses meet.

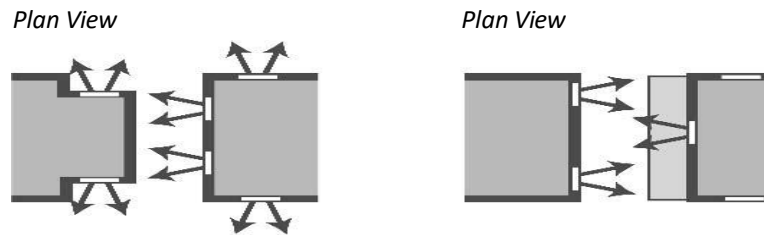
**Standards:** Consider how a new or remodeled home will appear as viewed from adjacent designated open space areas; the structure placement and design shall harmonize with the natural setting with regard to massing and materials.

2. Complement Other Structures in the Neighborhood

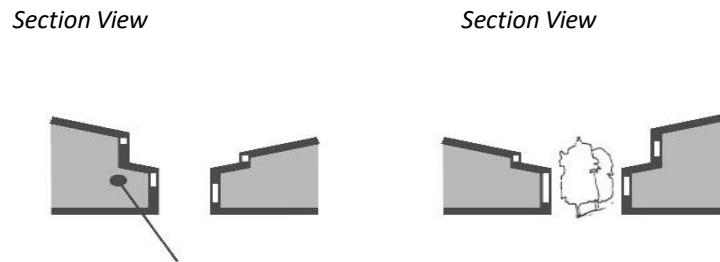
Most home building in the Midcoast takes place on “infill” lots - vacant parcels next to developed lots with existing homes. As such, careful attention must be paid to the placement, orientation and design of new homes and additions to ensure that they are complementary to other homes in the neighborhood.

a. Privacy

**Discussion:** Privacy is one of the keys to a property owner’s enjoyment of their property and their quality of life. The placement of a new home or an addition, and/or the location of windows on a new home or an addition, can have a significant impact on privacy, both for the neighbors and for the occupants of the new home. Decks and balconies can provide outdoor living space and add architectural interest to a home. However, they must be carefully designed to avoid substantially affecting neighbors’ privacy. It is particularly important to consider the impact the placement of a new structure and/or windows may have on privacy when setbacks are the minimum allowed by the Zoning Regulations. This may involve modifying a proposed floor plan or proposing other architectural solutions or landscaping to enhance privacy. To reduce the potential for future privacy conflicts, a project designer should also consider the probable location and intensity of development that is likely to occur on parcels in the vicinity of the proposed project.



*Windows are arranged and offset from neighbors to maximize privacy.*



*High windows and clerestory windows allow light inside with minimal privacy impacts.*

*Landscaping or obscure glass can also reduce privacy impacts.*

*Note: When using landscaping to create privacy also consider the potential view impacts that could occur from mature trees.*

**Standards:** To the extent feasible, site and design new buildings, additions, decks, balconies and associated infrastructure to respect the privacy of neighboring houses by:

- (1) Locating, orienting and designing windows, entrances, decks and balconies to minimize and mitigate direct views into neighboring houses and outdoor decks/patios.
- (2) Locating, orienting and designing high activity areas (kitchen, family room, patio) so that they are not adjacent to low-activity areas (bedrooms) on adjacent properties.
- (3) Proposing rooftop decks only when they are: (a) designed to avoid direct views into neighboring houses and outdoor decks/patios; (b) accessed by interior means and (c) integrated into the roof design.
- (4) Using appropriate landscaping and other architectural solutions such as clerestory windows or obscure glass.

b. Views

**Discussion:** Homes in the Midcoast enjoy a variety of views. Some are views of the ocean, others are of the hills, and others are vistas through the neighborhood. Views add value and enjoyment to a property; however, private views are not protected by existing regulations. Due to the configuration and size of some parcels and their topography, there may be no way to build without affecting someone else's view. However, when designing a new home or an addition, an effort should be made to minimize the effect on views from neighboring houses. Possible methods to minimize view blockage include: locating living space where it would have less view impact, increasing the setback of second stories, lowering roof plate heights, and choosing roof forms that minimize mass. To reduce the potential for future view conflicts, a project designer is encouraged to also consider the probable location and intensity of development that is likely to occur on parcels in the vicinity of the proposed project.

**Do this**



*A second story stepped back from the front and sides minimizes view blockage from neighboring homes.*

**Not This**



*A more massive second-story creates greater view blockage.*

**Standard:** When designing a new home or an addition, an effort should be made to minimize the effect on views from neighboring houses.

#### **(D). ELEMENTS OF DESIGN.**

One of the greatest challenges of residential construction in the Midcoast is the building of a contemporary home that is compatible with surrounding, older homes of varying styles built during previous eras when the construction of smaller homes, and sometimes homes of lower quality, was more typical. The architectural elements of a house can affect its apparent mass, architectural character, and the visual quality of the neighborhood. Every effort should be made, by following these guidelines, to place new structures so that they blend with those existing nearby and to achieve a higher quality of design and construction.

Elements of design explored further in this section include: (1) building mass, shape, and scale; (2) architectural styles and facades; (3) roof design; and (4) exterior materials and colors.

##### **1. Building Mass, Shape and Scale**

The apparent mass of a building is determined by the actual size of the building, and whether or not the building shapes and facades are simple or broken into more varied forms. With regard to actual size, new homes and additions must meet the building floor area standard set by the Zoning Regulations. However, even a home that complies with this standard may appear massive or bulky, if the building shape and/or facade is too simple. Simple forms often appear more massive and larger, while houses with more variety in their forms appear less massive and often more interesting. Likewise, long, blank walls appear more massive than walls with spaces and corners that create shadows and architectural interest. Finally, a house should appear to be proportional, or in “scale,” with other buildings in the



neighborhood. The following standards encourage building designs that reduce apparent mass and increase compatibility with the neighborhood.

a. Relationship to Existing Topography

**Discussion:** Many existing lots in the Midcoast are on steep slopes, and in many cases, the topography of a site is its key natural characteristic. New homes and major additions should be designed so that the structure will follow the existing contours of the land. A building's appearance of bulk can be reduced by shaping the building forms so that they harmonize rather than contrast with the existing topography.

While projects proposing the use of either manufactured homes or stock building plans are not prohibited, such projects may encounter difficulty in conforming to the existing topography and to other design standards.

Applicants for such projects should be prepared to the standards of this section.

**Do this**



*Building forms step down with the existing grade and there is no unused under-floor space.*

**Not This**



*Building forms do not step down with the existing grade.*

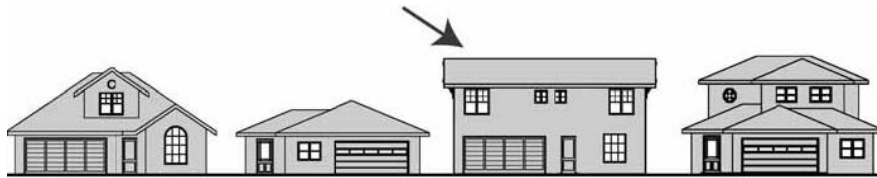
**Standards:** To the extent feasible, structures shall:

- (1) Conform to the existing topography of the site by requiring the portion of the house above the existing grade to step up or down the hillside in the same direction as the existing grade.
- (2) On downslope lots, minimize unused, enclosed space between the lowest floor and the grade below. When planning additions, consider converting existing under floor space to living area, rather than adding an additional story.
- (3) Minimize building extensions out over a slope supported on high stilts.

b. Neighborhood Scale

**Discussion:** "Scale" refers to a relative level or degree, or a proportion or relationship between two things. Neighborhood scale refers to the appearance of a home in relation to other homes in the neighborhood; is it properly

related in size, height or other characteristics (shape, level of detail or articulation, etc.) to other homes in the neighborhood? Or is it out of proportion to other homes? As mentioned previously, whether or not a house appears proportional to adjacent homes is determined by the size and height of the house and whether or not the building shapes and facades are simple or broken into more varied forms. For example, large homes generally look less massive if they have more varied, rather than simple building forms. As such, even homes of different sizes can be in scale with one another if they share other architectural characteristics including building shape, simplicity or complexity of building form, and architectural styles and details. Where adjacent homes are not built to conform to these design standards (e.g., they have little articulation and appear out of proportion, boxy or massive), project designers are encouraged to avoid repeating such mistakes in an effort to be in scale with the neighborhood.



*This house appears out of scale because its form is too simple.*



*The revised design became compatible with its neighbors by stepping back the second story and providing variation in the roof and building forms.*

Standards:

- (1) New and enlarged homes should respect the scale of the neighborhood through building dimensions, shape and form, façade articulation, or architectural details that appear proportional and complementary to other homes in the neighborhood.
- (2) On relatively level lots, avoid designs that incorporate more than two useable floors, excluding basements, within the maximum height limit, since this contributes to a massive or boxy appearance for the home and makes it more difficult to be in scale with surrounding one and two story homes. Multiple stories are allowed on sloping lots where it is necessary to ensure that the home steps up or down with the slope.

c. Second Stories

Most homes built today are two-story homes, and a common way to increase the size of existing homes is to add a second story. This presents a challenge, when the parcel being built on is surrounded primarily by one-story homes, or where a new two-story home or second-story addition has the potential to impact the privacy and views of existing homes. The following

sections describe how two-story homes and second-story additions can be designed to be compatible with, and have minimal impact on, existing homes.

(1) Second-Story Location

**Discussion:** Since a second-story over a portion of a house will visually emphasize that area of the home, placing the second-story over just one portion of the home can make it appear unbalanced. Placing the second story over the entire first story can make the home appear boxy. Locating the second story toward the center of the first story and away from property lines results in a more balanced, less boxy appearance and increases light into neighboring properties.



*These second stories held toward the center of the property allow greater sunlight into neighboring properties and help protect views and privacy.*

**Do This**



*This second story addition centered over the lower floor away from property lines appears less boxy.*

**Not This**



*This second story appears more boxy.*

**Not This**



*This second story located only over the garage appears out of balance.*

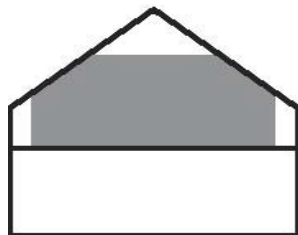
Standards:

- (a) Locate the primary portion of the second stories toward the center of the first story and away from property lines whenever feasible.
- (b) Avoid locating second stories only over the garage.
- (c) One story designs are strongly encouraged in areas where one- story homes are predominant. If a two-story design is chosen, minimize the size of the second story.
- (d) Where new homes or additions are to be located between one and two-story homes, consider split-level designs with the two- story portion of the home oriented toward other two-story homes.
- (e) Avoid designs where large areas or lengths of upper-story walls overhang or cantilever out over lower-story walls.

(2) Lowering the Eave Line

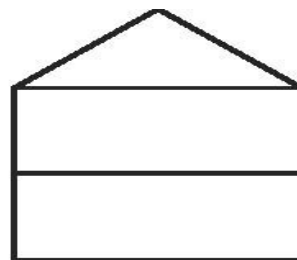
**Discussion:** One way to make a two-story home more compatible with its single-story neighbors is to lower the eave line of the second- story roof. Lowering the eave line also ties the two stories of a house together. Setting second-stories back into the area of rooflines is often a solution for meeting Daylight Plane requirements, and it generally will lower the apparent height of the home. Lowering the eave line of the second-story roof can also reduce the apparent building mass, which may result in the scale of the building being more compatible with its neighborhood.

**Do This**



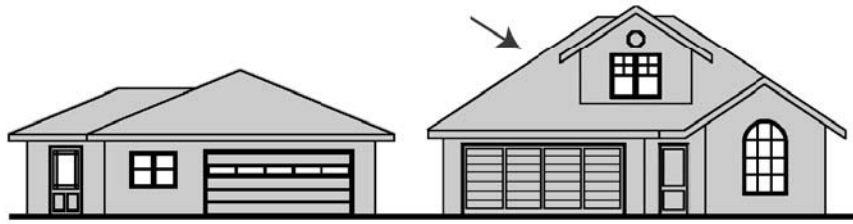
*Second floor rooms in attic space allow roofline to be lowered with minimal reduction in floor area.*

**Not This**



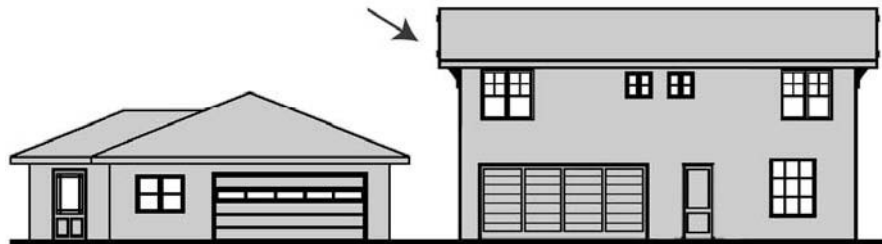
*Full height second story results in tall walls and a more massive appearance to the home.*

**Do This**



*Second floor stepped back from property line and held within the roofline of the main portion of the home.*

**Not This**



*Avoid creating tall two-story exterior walls that are less compatible with single-story neighbors.*

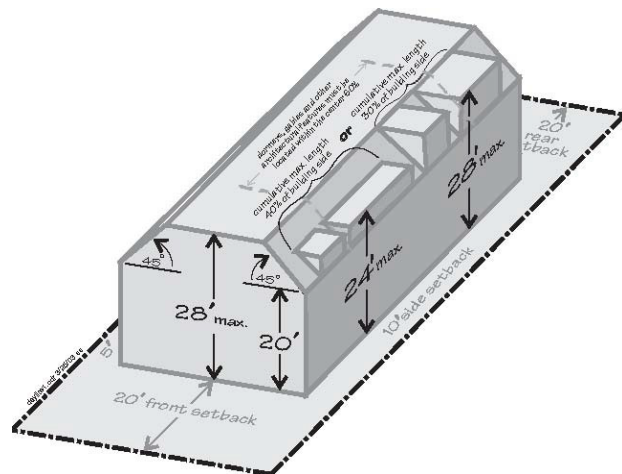
**Standard:** Consider bringing some portions of the roof down to the gutter or eave line of the first-story roof to reduce the apparent mass of the building.

d. Daylight Plane/Facade Articulation

**Discussion:** The Daylight Plane/Facade Articulation requirements contained in the County Zoning Regulations are included below as a starting point for designing a two-

story home or a second story addition. For more detail regarding facade articulation, please refer to Section 2, Architectural Styles and Facades.

**Standards:** New residential development shall conform to either the daylight plane or facade



articulation options described in this section, as determined by the project applicant.

- (1) Daylight Plane Option - The daylight plane shall be established on two opposite house sides, i.e., either from the front and rear setback lines, or from the side setback lines, as determined by the project applicant and approved by the Design Review Committee.

The daylight plane shall be measured from the setback line at existing grade, upward a vertical distance of 20 feet, and then inward at an angle of 45 degrees until the maximum building height is reached.

Cornices, canopies, eaves, roof overhangs, chimneys, fire escapes, stairways; landing places; uncovered porches, and similar architectural features may extend into the daylight plane at the front, side, or rear yard, to the extent allowed by Zoning Regulations Section 6406.

Chimneys, pipes, mechanical equipment, antennae, and similar equipment may extend into the daylight plane up to a maximum of 36 feet as required for safety or efficient operation.

Dormers, gables and other architectural features located in the center 60% of the house may extend into the angled portion of the daylight plane, subject to Design Review Committee approval, provided that:

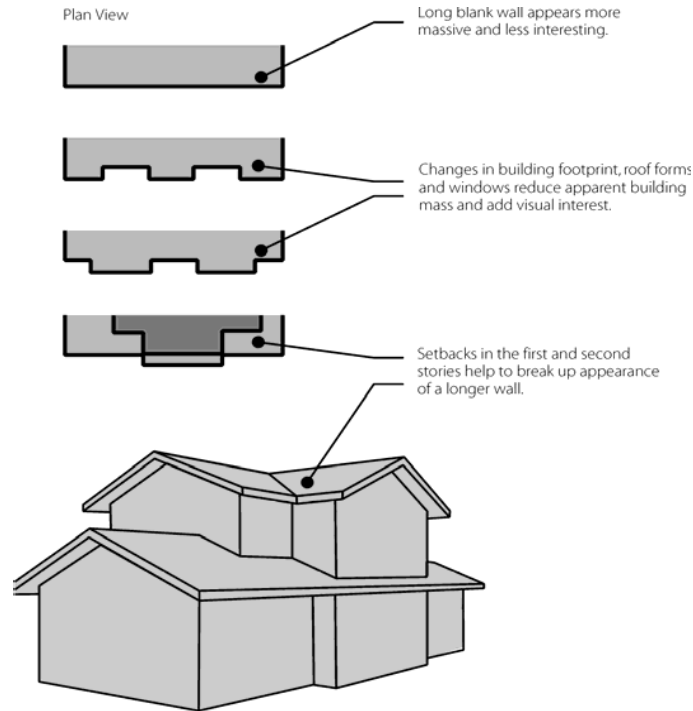
- (a) The combined length on any building side does not exceed 40% of the length of that building side, and the height of such features does not exceed 24 feet.
  - (b) The combined length on any building side does not exceed 30% of the length of that building side, and the height of such features does not exceed 28 feet.
- (2) Facade Articulation Option - Facade articulation shall be provided on all building sides, and is subject to approval by the Design Review Committee. Facade articulation is intended to break up the appearance of shear walls through the placement of projecting or recessing architectural details, including decks, bays, windows, balconies, porches, overhangs, and cantilevered features.

In order to approve proposed facade articulation, the Design Review Committee must find that: (a) all building facades are well articulated and proportioned, and (b) each building wall is broken up so as not to appear shear, blank, looming or massive to neighboring properties.

e. Wall Articulation



**Discussion:** Building wall gaps that articulate the walls of the house create shadows and contribute to the architectural character of the home. These changes to the form of a building can have a great affect on the apparent building mass. Longer flat walls generally appear more massive and less interesting. Adding steps and breaks to long or tall walls will reduce apparent mass and add visual interest. Likewise, changes in building materials or colors and appropriate architectural details can help break up long or tall walls and keep a house from appearing massive or boxy.



**Standards:** These standards apply in addition to either the Daylight Plane or Façade Articulation Options in the preceding section:

- (1) Require at least one step or off-set extending to grade on the long dimension of the house.
- (2) Projecting or recessing architectural details (decks, bays, windows, balconies) and changes in building materials or colors are also encouraged to visually break up building walls.

## 2. Architectural Styles and Features

Many architectural features can affect whether or not a house appears to be compatible with its neighborhood, including building bulk and height, which are discussed in the previous sections. Other important elements in defining compatibility include architectural style and architectural details, such as window, door, and garage patterns and types.

### a. Architectural Style

**Discussion:** When designing a new home or an addition, architectural style should be evaluated by considering what building elements define the architectural style of the house (e.g., building shape, roof design, exterior materials, window size and type, etc.), what defining elements are common to other houses in the neighborhood, and what elements characterize the natural setting (e.g., vegetation, landforms, etc.).

There are many different architectural styles present throughout the Midcoast communities. In some neighborhoods, the architectural style is more defined than in others and on some houses it is more apparent than on others. Designing a home and choosing a style that is complementary to adjacent homes can be challenging when the homes are of many different styles, have no defined architectural style or do not conform to these Design Standards (e.g., they have architectural details that are inconsistent, out of proportion, or inappropriate for the style). In that case, a project designer should strive for a style that at least is not jarring or disruptive in appearance when compared to adjacent homes, and foster compatibility through other elements of design such as similar building shapes, exterior materials or colors, window/door styles, and roof massing and design. While no particular architectural style is prohibited, a style that reflects the Midcoast's coastal, semi-rural, diverse, small town character (e.g., coastal craftsman) will more readily be found to be complementary to the neighborhood.

Finally, consideration should also be given to the natural setting, and a complementary style chosen depending on whether the site is, for example, steeply sloped, heavily wooded, or more open in character.

#### Standards:

- (1) Use an architectural style and design elements that complement the predominant style of nearby homes, only when such homes conform with the design standards. Likewise, avoid the architectural styles and design elements of nearby homes when such homes do not conform with the design standards. Where no predominant architectural style can be defined, encourage compatibility through the use of similar building shapes, exterior materials or colors or architectural features such as roofs, windows/doors, etc.
- (2) Architectural styles that complement the coastal, semi-rural, diverse small town character of the area, such as coastal craftsman are encouraged. Contemporary and uncommon styles can be compatible if building shapes and materials are carefully chosen to complement other homes in the neighborhood.
- (3) Architectural styles that complement the natural setting are encouraged.

#### b. Openings

**Discussion:** Windows and doors are often the most visually distinctive features on a house. They are a link between private and public space and can provide a sense of security for both. They also can establish an architectural rhythm and affect the apparent mass of the house. There may be a proportion to the openings - vertical or horizontal - that is common to

the house or the neighborhood. Dominant window/door materials or style - such as an arched shape or divided windows - should also be considered.

**Do This**



*Style and materials of new second-story windows match and appear compatible with the original first-story of the house.*

**Not This**



*These new second-story windows are of different shape and proportions and material (metal vs. original wood) than the original first-story and do not appear compatible.*

**Standards:**

- (1) Select windows and doors that are compatible with the dominant types on the house and in the neighborhood; when assessing compatibility consider the size and proportions of the openings, materials, and style or detailing.
- (2) When designing and placing windows and doors, consider their location, size and proportions and how they may relate to adjacent buildings; walls broken by proportioned patterns of windows are encouraged where neighbor's privacy can be protected.

c. Entries

**Discussion:** Front walkways, front doors and windows, and front porches that face the street make for safer neighborhoods by keeping "eyes on the street" and create a human-scaled appearance to a building. The design and prominence of entries in the neighborhood should also be considered.

**Do This**

**Not This**



*Scale of entry is compatible with other features of the house.*



*Entry is out of scale and has a commercial appearance.*

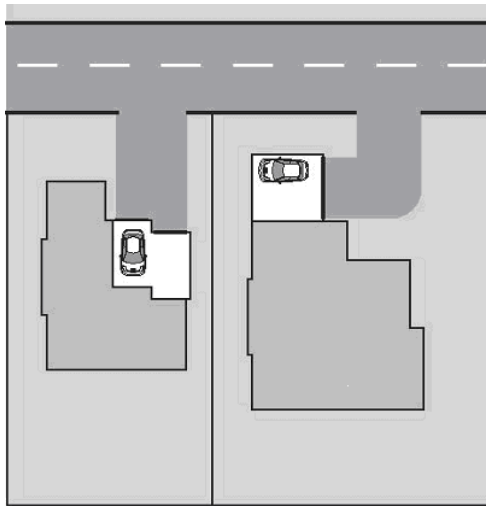
Standards:

- (1) Front Doors - Design front entries on a scale compatible with the other features of the house to maintain a residential rather than institutional or commercial appearance.
- (2) Front Porches - Where front porches are a part of the neighborhood pattern, a new house or new entry should consider including this feature similar in size and proportion to the other homes in the neighborhood.

d. Garages

**Discussion:** The location, size, position and appearance of a garage can have a great effect on the appearance of a home and should be designed with care. While in most cases it is preferable to emphasize the front entrance of a home, rather than the garage, a prominent garage may be unavoidable, particularly on steeply sloping lots. In some neighborhoods, there may be an established pattern in the size, position or appearance of garages. Examples of patterns that meet the design standards are garages with single rather than double garage doors, or garages facing away from or set back from the street. If there is no established pattern, greater flexibility in design and appearance of garages should be considered.

**Plan View**



*When a prominent garage is unavoidable, choose decorative garage doors that are consistent with the home's architectural style.*

*Garages appear less prominent when facing away from or set back from the street.*

Standards:

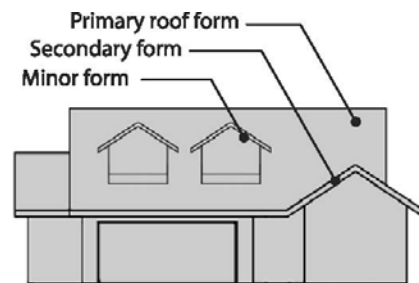
- (1) Avoid making the garage the dominant feature as seen from the street. Where it is unavoidable, for example on steeply sloping lots, pay special attention to garage appearance by choosing decorative doors (or two single rather than one large double door) that are consistent with the style of the house, and by articulation of the front garage facade.
- (2) Respect the existing pattern in the size, position or appearance of the garages in the neighborhood, providing that pattern conforms with the design standards.

3. Roof Design

Roof shape and type can be the most obvious elements in defining the appearance of a house and a neighborhood. When designing a new home or an addition, it is important to consider the massing of roof forms and neighborhood roof patterns and compatibility.

a. Massing and Design of Roof Forms

**Discussion:** The mass of a roof and how it is articulated into different shapes contributes to the character of a house. Most houses with sloped roofs, and many with flat roofs, have a primary roof form and smaller secondary and minor forms that contribute to the overall style of the house. Evaluate the massing of the roof form and determine how it will benefit the appearance of the house and be compatible with the neighborhood.



Standards:

- (1) When planning a new home or second story addition, begin with a primary roof form. Consider additions to the primary roof such as secondary roof forms and dormers that may serve to reduce the home's apparent mass and scale, provide visual interest and have an appropriate number of roof forms. Additional roof forms shall be architecturally compatible with the primary roof form's slope and material.

Pitched roofs are encouraged; flat roof designs may be acceptable if the height does not exceed 22 feet from existing grade for the flat roof portion, the flat roof portion does not exceed 20% of the total roof area, and it is compatible with neighboring homes.

- (2) Non-reflective roof materials and colors are encouraged. Solar panels are acceptable in appropriate locations where they will blend with the rest of the roof.

b. Design Compatibility

**Discussion:** Some neighborhoods have roof patterns that are distinctive and repeatable from home to home. Other neighborhoods have greater variety or less distinctive roof forms, and greater deviations from neighboring roof forms could appear acceptable. Roof patterns are created through the roof slope, materials and massing of roofs. Evaluate the pattern of roofs in the neighborhood.



*These two-story houses all display roof forms compatible with their architectural style and compatible with neighboring roof forms.*

**Standard:** If there is an established architectural style of roofs in a neighborhood, roof shape and types should be compatible with roofs in the neighborhood and with the existing home. Express this compatibility through roof forms, slope, materials and massing. Applicants may also consider alternate roof forms that improve the architectural quality of the house where the design enhances the character of the neighborhood.

4. Exterior Materials and Colors

**Discussion:** Exterior materials and colors should complement the style of the house and that of the neighborhood, and blend with surrounding natural features when viewed from a distance. These standards are not intended to interfere with individual initiative, but rather to encourage compatibility within neighborhoods and with the natural setting. When selecting materials and colors, consider the type and character of materials and colors, number of different materials and colors, the quality of materials, and how ornamentation is applied. While no building material or color is prohibited as a matter of policy, as with other design elements, the neighborhood context provides direction for the choice of materials and colors. Use of complementary materials and colors will help a house appear compatible with its neighbors and blend with its natural setting including surrounding vegetation and landforms. Darker rather than lighter exterior colors may be used to reduce the apparent mass of a home.



*The exterior materials and appropriate ornamentation of these houses complement the natural setting.*

Standards:

- a. Compatibility
  - (1) Use non-reflective exterior materials and colors that complement and improve the neighborhood and are compatible with the architecture of the house.
  - (2) Consider the exterior materials and colors used on neighboring houses; strive for complementary materials and colors on new and remodeled homes; avoid the use of materials and colors that are too similar, repetitive, or clashing.
  - (3) Use warm, muted colors and natural appearing materials on the house that blend with the surrounding natural features when viewed from a distance. While earth-tone colors are encouraged, along with darker colors used to reduce apparent mass, other colors may be appropriate based on the architecture, neighborhood and surrounding natural features.
- b. Quality - Use exterior materials and colors that are of a similar or better quality of those used in the neighborhood and are consistent with the architecture of the house; avoid T-111 siding unless necessary for additions to match the existing house.
- c. Quantity
  - (1) Use a number of exterior materials and colors that is consistent with the neighborhood and the architectural style of the house.
  - (2) Encourage the use of three or more colors on larger houses to reduce the appearance of bulk by emphasizing architectural features and trim.
  - (3) Discourage the use of a single exterior material or color in a large unbroken surface.
- d. Ornamentation - Use ornamentation or architectural details to reduce the appearance of bulk on larger homes. Apply ornamentation in a manner consistent with the style and size of the house; avoid using ornamentation in a manner that will make the house appear too plain or overly decorated.



**(E). ADDITIONAL SITE PLANNING AND DESIGN CONSIDERATIONS.**



*Vary the design of contiguous projects to avoid a repetitive appearance.*



*Avoid creating mirror-image or duplicate homes on adjoining parcels.*

Standards:

1. Multiple contiguous or nearby projects developed concurrently by one owner, applicant, developer, or builder shall:
  - a. Avoid similar or the same, but reversed, building elevations and/or floor plans located directly across the street from each other or on adjacent parcels.
  - b. Vary in structure placement enough to avoid a “tract home” appearance.
  - c. Vary in design style, exterior detail, rooflines, finish materials, and landscaping enough to avoid overly repetitive appearance.
  
2. To the extent feasible, structures should be located and designed to minimize the blockage of sunlight on neighboring buildings (see further discussion under “Second Stories”). Siting and design for energy conservation/generation purposes is encouraged.

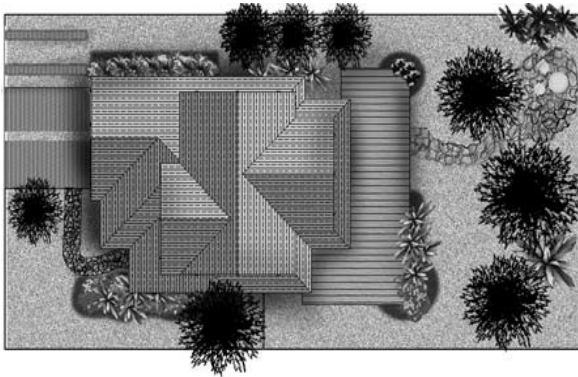
## **(F). LANDSCAPING, PAVED AREAS, FENCES, LIGHTING AND NOISE**

While the appearance of new residential structures is of primary importance, ancillary development on a residential site can also have a significant visual impact, and should be designed carefully to complement a new or remodeled home and to prevent adverse impacts to neighboring properties. The following section provides guidance and standards for landscaping, paved areas, fencing, lighting and noise.

### 1. Landscaping

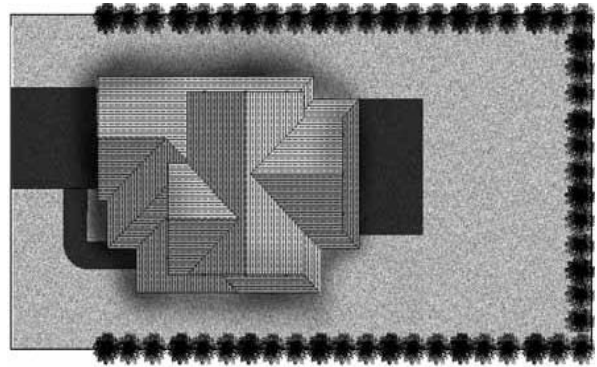
**Discussion:** Landscaping should complement and enhance the design of the home, while harmonizing with the overall landscape character of the neighborhood. New landscaping should also harmonize with existing trees and vegetation remaining on site. Landscaping should not be used in place of other more permanent architectural solutions, but should be used to accent or enhance architectural features. When developing a landscape plan, consideration should be given to water availability and the function of the landscaping - to provide shade or screening, or to protect privacy - and location and species should be selected accordingly. For more detailed landscape plan requirements and specifications, please see the County's Minimum Standards for Landscape Plans.

#### **Do This**



*New landscaping harmonizes with existing trees and natural character of the neighborhood.*

#### **Not This**



*Landscaping does not present a natural appearance.*

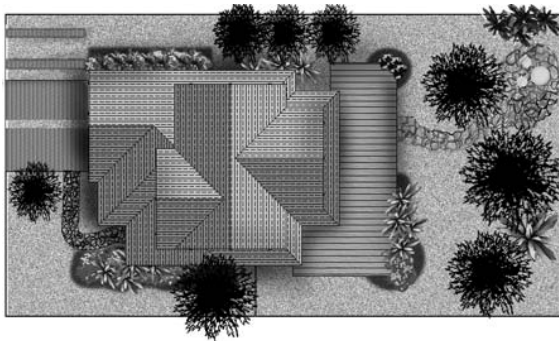
Standards:

- a. Require a landscape plan prepared according to the County's Minimum Standards for Landscape Plans.
- b. Finished landscape plans should be compatible with and enhance the design of the home and the trees and vegetation remaining on the site and in the surrounding neighborhood after construction.
- c. Tree removal and replacement shall be in accordance with Section 6565.21, Standards for the Protection of Trees and Vegetation. Replacement trees and new trees shall be from the list specifying recommended/discouraged species for the Midcoast, adopted by the Board of Supervisors. Native and drought-tolerant species are encouraged.
- d. Finished landscape plans shall include provisions for watering plants as needed to ensure initial plant growth. Different watering systems including low cost, low technology systems may be appropriate depending on the plants chosen. Drip irrigation systems are encouraged where appropriate.
- e. Landscaping along retaining walls is encouraged using planted areas along the bottom and top of the walls to reduce their apparent height and blend with their natural surroundings.
- f. All landscaping shall be drought-tolerant, and either native or non-invasive plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed. No plant species listed as "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property. The requirement for drought-tolerant landscaping shall not apply to fruit or vegetable gardens.
- g. A smooth transition between development and adjacent open areas should be maintained through the use of landscaping and plant materials which are native or appropriate to the area.
- h. Utilize vegetated swales and bio-retention cells to aid in treatment of stormwater and dry weather runoff, where appropriate.

2. Paved Areas

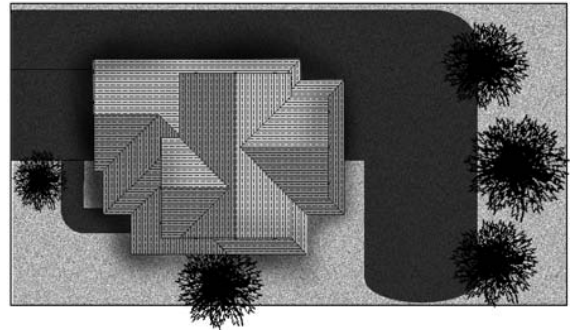
**Discussion:** Environmentally sensitive planning and design of paved or hardscape areas on site will produce a more natural appearance and prevent stormwater pollution by reducing the volume of surface runoff, increasing infiltration, and preventing pollutants from entering the creeks and ocean. Please refer to the County's Stormwater Pollution Prevention program publications, available at the Planning Counter, for further information and innovative ideas on this topic.

**Do This**



*Amount of hardscape and size of driveways, walkways and parking areas minimized; alternatives to asphalt and concrete used.*

**Not This**



*Directly connected impervious surface covers most of lot.*

**Standards:**

- a. Minimize the hardscape or impervious areas on site in order to maximize permeable surfaces that have a more natural appearance, reduce the volume and improve the quality of runoff into creeks and storm drains.
- b. Maximize the use of surfaces on site that have a more natural appearance than asphalt or concrete, decrease runoff and maximize absorption; alternative surfaces may include wood decks, special perforated paving systems, unmortared brick, stone or tile.
- c. Driveways, walkways and parking areas on site should be as small as possible within allowable standards, and should drain into adjacent onsite landscaped areas, where possible.
- d. Minimize directly connected impervious areas on site by means of landscaping or other permeable surfaces to soften the visual appearance, allow absorption into the soil and reduce runoff.

3. Fencing

**Discussion:** Site fencing should complement and enhance the design of the home, while harmonizing with the overall character of the neighborhood.

Fencing should be considered and designed as an integrated part of the project, not left as an afterthought when the project is completed. Fences and walls shall comply with the height limits specified in Chapter 8.332 of the Zoning Regulations.



*Fence designs enhance the homes' architectural style.*

**Standard:** The design of fences, walls and similar site elements shall be compatible with the architecture of the main buildings and should blend with the surrounding neighborhood.

4. Lighting

**Discussion:** The location and style of exterior and interior lighting chosen for a single-family home can have a significant impact on the home's design. It can also affect adjacent neighbors, or depending on topography, more distant views from scenic corridors. An appropriate lighting plan will complement the home's design and provide adequate light and security for the subject site. At the same time, the plan should prevent direct light and glare from extending in any direction, including upward, beyond the boundaries of the site. In general, low-level lighting directed toward the ground is preferred.

**Do This**

**Not This**

**Not This**



*Low-level light is directed toward the ground*

*Lighting is high intensity and is not confined to the site*

*Light and glare extend in all directions, including up*

Standards:

- a. Choose exterior lighting that is architecturally integrated with the home's design, style, material and colors.
- b. All exterior, landscape and site lighting shall be designed and located so that light and glare are directed away from neighbors and confined to the site. Low-level lighting directed toward the ground is encouraged.
- c. Exterior lighting should be minimized and designed with a specific activity in mind so that outdoor areas will be illuminated no more than is necessary to support the activity designated for that area.
- d. Minimize light and glare as viewed from scenic corridors and other public view corridors.

5. Noise

**Discussion:** Unwanted noise impacting neighboring properties can be avoided through proper placement and design of new homes, residential additions and ancillary equipment. For example, outdoor activity spaces should be located away from neighbor's bedrooms. Ancillary equipment, for example irrigation systems, pool equipment, generators and the like, should be located away from neighbors and be as quiet as possible. Walls, fences, and landscaping can also be used to buffer sound between neighboring properties.

Please note that all land uses shall conform to the County Noise Ordinance, administered by the Environmental Health Division. The Noise Ordinance limits unusually loud, uncommon noise that would disturb the neighborhood peace.

**Standard:** Design new homes, residential additions and ancillary equipment to reduce noise impacts on neighboring properties.

**(G). UTILITIES AND ANCILLARY STRUCTURES.**

Utilities and ancillary structures are a necessary, but often unsightly, component of residential construction. Consideration should be given to minimizing the visual impact of such facilities. Property owners and project designers are encouraged to coordinate building, utility and ancillary structure placement at the start of a project, so that all zoning, environmental health and design standards can be met.

Standards:

- a. Consistent with General Plan Policy 4.20, install all new service lines underground for the segment extending from the nearest existing distribution point/pole to the new home or addition.

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- b. All wells, storage tanks, exterior trash and storage areas, electric and gas meters, fire sprinkler valves, irrigation backflow prevention devices, transformers, and other ancillary structures shall be screened from view in a manner that is compatible with the building and site design. Screening materials shall be substantial and durable.
- c. To the extent feasible, all ancillary structures should be located to the rear or side of the site and/or away from the street.

**(H). SECOND UNITS.**

The development of second dwelling units in single-family residential neighborhoods is an efficient and effective way to increase affordable rental housing options. However, it is important that second units be designed and constructed to be compatible with surrounding homes, and so that they do not detract from the single-family character of the area.

**Standards:** The following design standards shall apply in addition to the design standards in this section (6565.20) and the standards for second dwelling units contained in Chapter 8.392 and 8.396 of the County Zoning Regulations:

- a. Required parking spaces for second dwelling units shall be in a location that can conveniently be used by occupants of the unit and to avoid a “parking lot” appearance.
- b. Due to the increased density, second units shall be designed to avoid substantially affecting the privacy of neighboring properties. The privacy standards contained in Section 6565.20(C) shall also apply to second units.

**(I). MIDCOAST DESIGN REVIEW GLOSSARY.**

- 1. **Arch** – A curved structural member typically spanning an opening such as a door, window or arcade.
- 2. **Ancillary** – Subordinate.
- 3. **Attic** – The area formed between the ceiling joists and rafters.
- 4. **Balcony** – A platform or deck projecting from the wall of a building above ground level, usually enclosed by a railing.
- 5. **Basement** – A level of a structure that is built either entirely below grade level (full basement) or partially below grade (daylight basement).

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6. **Bench Mark** – A reference point used by surveyors to establish grades and construction heights.
7. **Breezeway** – A covered walkway with open sides between two different parts of a structure.
8. **Cantilever** – Projected construction, a structural member or beam that is supported at only one end.
9. **Compatible** – Capable of existing together in harmony.
10. **Complementary** – Producing effects in concert different from those produced separately; completing.
11. **Corbel** – A projection from a wall, sometimes supporting a load and sometimes for decorative effect.
12. **Cornice** – The exterior detail at the meeting of a wall and a roof overhang; a decorative molding at the intersection of a wall and a ceiling.
13. **Crawl Space** – The area between the floor joists and the ground, usually a space that is not tall enough to stand in; also referred to as under-floor area.
14. **Dormer** – A structure protruding through the plane of a sloping roof, usually with a window and its own smaller roof.
15. **Easement** – An area of land, usually deed restricted, that in most cases cannot be built upon because it provides access to a structure or to utilities such as power, water, or sewer lines.
16. **Eave** – The part of the roof that overhangs or projects from the wall of a building.
17. **Elevation** – A drawing that views a building from any of its sides; a vertical height above a reference point such as above sea level.
18. **Excavation** – The mechanical removal of earth material (County Ordinance Code Section 8601.24).
19. **Façade** – The face or front of a building.



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20. **Fill** – A deposit of earth or waste material placed by artificial means (County Ordinance Code Section 8601.25).
21. **Floor Plan** – A drawing that shows the layout of a building, including the size, dimensions, and arrangement of the rooms.
22. **French Door** – Two doors, composed of small panes of glass set within rectangularly arrayed muntins, mounted within the two individual frames. Usually such doors open onto an outside terrace or porch.
23. **Grade** – The vertical location of the ground surface (County Ordinance Code Section 10.68.030(27)).
  - a. **Existing Grade** – The grade prior to or at the time of house construction/ enlargement, providing that any prior grading on the site was approved by the County or occurred before 1960 when the County began regulating grading activities.
  - b. **Finished Grade** – The final grade of the site that conforms to the approved plan (County Ordinance Code Section 10.68.030 (29)).
24. **Grading** – Any excavating, filling or placement of earth materials or combination thereof (County Ordinance Code Section 10.68.030(31)).
25. **Half-Timber** – A frame construction method where spaces between wood members are filled with masonry.
26. **Mullion** – A horizontal or vertical divider between sections of a window.
27. **Neighborhood** – The area surrounding an existing or proposed home as described in Section 8.256.200(B).
28. **Neighborhood Character** – The combination of qualities or features within a neighborhood that distinguishes it from other neighborhoods (see Section 6565.20(B)).
29. **Obscure Glass** – Glass that is not transparent.
30. **Ornamentation** – That which decorates or adorns; embellishment.

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31. **Parapet** – A portion of wall that extends above the edge of the roof.
32. **Perspective** – A type of drawing that gives a 3D view of a building or space using specific viewpoints and vanishing points.
33. **Pitch** – The slope of a roof or other plane, often expressed as inches of rise per foot of run.
34. **Private View** – A range of vision from private property.
35. **Public View** – A range of vision from a public road or other public facility (see General Plan Policy 4.10).
36. **Rafters** – The sloping roof-frame members, typically wooden, that extend from the ridge to the eaves and establish the pitch of the roof. In Craftsman and Bungalow style buildings, the ends of these, called “rafter tails,” are often left exposed rather than boxed in by a soffit.
37. **Ridgeline** – The tops of hills or hillocks normally viewed against a background of other hills (see LCP Policy 8.7).
38. **Rendering** – An artistic process applied to drawings to add realism.
39. **Rooftop Deck** – A platform incorporated into or forming the roof of a lower story, typically accessed from within an upper story.
40. Roof Styles:
  - a. **Flat** – A roof with a minimal roof pitch, usually about 1/8” per 12”.
  - b. **Gable** – A type of roof with two sloping surfaces that intersect at the ridge of the structure.
  - c. **Gambrel** – A type of roof formed with two planes on each side. The lower pitch is steeper than the upper portion of the roof.
  - d. **Hip** – A roof shape with four sloping sides that intersect to form a pyramidal or elongated pyramidal shape.
  - e. **Mansard** – A four-sided, steep-sloped roof.

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- f. **Shed** – A roof with a single pitch.
  
- 41. **Sash** – Window framework that may be fixed or moveable.
  
- 42. **Scale** – A relative level or degree, or a proportion or relation between two things (see Section 8.256.200(D)). Also, an instrument bearing ordered marks at fixed intervals used as a reference standard on measurement.
  
- 43. **Section (Cross Section)** – A type of drawing that cuts vertically through a building to show the interior and construction of a building.
  
- 44. **Sensitive Habitat** – (See LCP Policy 7.1.)
  
- 45. **Siding** – The narrow horizontal or vertical wooden boards that form the outer face of the walls in a traditional wood-frame building. Horizontal wooden siding types include shiplap and clapboard/weatherboard, while board-and-batten is the primary type of vertical siding. Shingles, whether of wood or composite material, are another siding type.
  
- 46. **Skyline** – The line where sky and land masses meet (see LCP Policy 8.7).
  
- 47. **Site Plan** – A drawing that shows the layout of a site including the topography, vegetation, surface water, etc., on a site.
  
- 48. **Split-Level** – A house that has two levels, one about a half a level above or below the other.
  
- 49. **Story** – A space in a building between the surface of any floor including a basement floor and the surface of the floor or roof next above but not including any attic or under-floor area (Zoning Regulations Section 6102.73). Typically, a story is a major section of a house that sits directly above or below other floors, while a “floor level” may be at a greater or lower height than other floors, but does not sit directly above or below them.
  
- 50. **Stucco** – A material, usually composed of cement, sand, and lime, applied to exterior walls to form a hard, uniform covering that may be either smooth or textured.
  
- 51. **Trim** – A piece of material which finishes the edge of a surface or opening. It is usually made of a different material or color from the adjacent surface.
  
- 52. **Vaulted** – An inclined ceiling area.

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53. **Veneer** – A thin outer covering or non-load bearing masonry face material.
54. Window Types:
- a. **Bay** – A rectangular, curved or polygonal window extending beyond the main wall of the building.
  - b. **Casement** – A window that is hinged on the side and opens in or out.
  - c. **Clerestory** – A window or group of windows which are placed above the normal window height.
  - d. **Double Hung** – A type of window in which the upper and lower halves slide past each other to provide an opening at the top or bottom of the window.
  - e. **Glider/Slider** – A window with two overlapping sashes that slide horizontally in tracks.
  - f. **Fanlight** – A window, often semicircular, over a door, with radiating muntins suggesting a fan.
  - g. **Louver(ed)** – A window with horizontal slats to allow for ventilation.
  - h. **Transom** – Horizontal window opening above a door or another window.

(Prior code Section 6565.20 - Amended by Ordinance No. 4212 - April 20, 2004)

(Prior code Section 6565.20 - Amended by Ordinance No. 4500 - May 11, 2010)

(Prior code Section 6565.20(l) - Added by Ordinance No. 4566 - May 24, 2011, certified by the California Coastal Commission on August 8, 2012 and effective in the Coastal Zone on September 7, 2012)

(Prior code Section 6565.20 - Renumbered to Section 6565.21 by Ordinance No. 4500 - May 11, 2010)

(Prior code Section 6565.20.C.1.b(2) - Amended by Ordinance No. 4516 - August 10, 2010)

### **8.256.210 - Standards For The Protection Of Trees And Vegetation**

The following standards shall apply in all areas zoned DR. In Emerald Lake Hills, Oak Knoll Manor, Palomar Park and Devonshire, the following standards shall apply to trees 6 inches or more in diameter or 19 inches

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or more in circumference (measured at 4 1/2 feet above the ground), while in all other areas the following standards shall apply to trees 12 inches or more in diameter or 38 inches or more in circumference (measured at 4 1/2 feet above ground).

A. Prohibit the removal of a tree unless:

1. There is no alternative building site for a house, driveway, or accessory structure, or
2. Except for any property in the Coastal Zone, tree removal is necessary: (a) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action, or (b) to allow reasonable economic or other enjoyment of the property, or
3. A tree: (a) is diseased, (b) could adversely affect the general health and safety, (c) could cause substantial damage, (d) is a public nuisance, (e) is in danger of falling, (f) is too closely located to existing or proposed structures,  
  
(g) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite, or (h) is a substantial fire hazard.

The Director of Planning and Building or other reviewing body for the project shall have the authority to request a written report substantiating the removal of any tree in accordance with this subparagraph.

B. The replacement of lost trees when required shall be in a manner prescribed by the Design Review Committee or Design Review Administrator, as is applicable, but shall not exceed the following specifications:

1. For each loss of a significant indigenous tree, there shall be a replacement with three (3) or more trees of the same species using at least five (5) gallon size stock.
2. For each loss of a significant exotic tree, there shall be a replacement with three (3) or more trees from a list maintained by the Director of Planning and Building. Substitutes for trees listed by the Director of Planning and Building may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.
3. Replacement trees for trees removed shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system)  
  
and maintenance. Maintenance shall be required for no less than two (2) and no more than five (5) years.

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4. Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at their expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.
  5. Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.
  6. Where a tree or trees have been removed on undeveloped lands and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.
  7. Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.
- C. Plant additional drought-tolerant trees from a list maintained by the Director of Planning and Building and shrubs as may be required for screening to minimize and soften the appearance and impact of development on the street, adjacent homes, and the community. Substitutes for trees listed by the Director of Planning and Building may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.
- D. On parcels with no or few trees, plant additional indigenous or other drought- tolerant trees and shrubs as may be required. All trees shall be at least five (5) gallon size stock unless otherwise required by the Design Review Committee or Design Review Administrator, as is applicable.
- E. Protect all existing significant and heritage trees (as defined in Parts Two and Three of Division VIII of the San Mateo County Ordinance Code) from damage during construction activities including grading. Additional protective measures shall be required for landscaping around significant or heritage trees. The following criteria are to be followed unless topography, proximity of proposed structures, or other valid reason determined by the Design Review Committee or Design Review Administrator, as is applicable, are found to restrict construction so much that protecting any particular significant or heritage tree is not practicable and would mandate less restrictive measures. Any exception to the below listed criteria shall be determined in advance by a licensed landscape architect and best management practices in lieu shall be presented to the decision maker for review and approval:
1. Compaction of soils within the dripline of the tree is to be avoided. Only very limited use of heavy equipment within the dripline shall be allowed and should be brought to the attention of the Design Review Administrator prior to such incursion.
  2. Grading in the vicinity of any indigenous significant or heritage oak, bay or madrone tree shall be done with detailed plans provided in advance by a licensed landscape architect.

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Under no circumstances will fill or excavation at the base of any significant or heritage oak, bay or madrone tree exceed four (4) inches from existing grade.

3. Additional protective measures such as fencing shall be required to prevent damage to the trunks and root systems of trees during grading and construction.
4. Trimming of low lying limbs of indigenous trees should be avoided by rerouting construction equipment or by bracing or guying such limbs out of the way of construction equipment. Any such work to shift limbs shall be done under the strict supervision of a licensed landscape architect or arborist.
5. The transplanting of significant sized or heritage trees is not considered practicable and is to be avoided.
6. Existing significant or heritage trees shall be protected from damage by construction equipment and during felling operations while trees are being removed. Any damage to such a tree shall require the immediate attention of a licensed landscape architect or arborist to determine the extent of the damage and to determine if replacement trees will be required in accordance with the provisions of subparagraph B, above, of this section. In order to assist construction crews in protecting existing trees, a licensed landscape architect or arborist will fence off the trees in advance of any construction work in order to meet the intent of this section. Any such required fencing shall be removed when all construction work has been terminated.
7. Existing significant or heritage trees shall be protected from improper landscape management practices. A program shall be developed by a licensed landscape architect or arborist intended to provide the landowner with guidelines for the care, maintenance and protection of any existing significant and heritage trees.

(Prior code Section 6565.21 - Renumbered to Section 6565.22 by Ordinance No. 4500 - May 11, 2010)

**8.256.220 - Drought.**

In the event that a declared drought and a water rationing program is instituted by the San Mateo County Board of Supervisors or by the purveyor or other provider of water in a water district, any landscaping required by this Chapter shall be held in abeyance until such time as the water rationing program is terminated and the drought is found to be over. Under such unusual circumstances, the Design Review Committee shall have the applicant enter into an agreement to postpone all landscaping activity for the duration of the declared water emergency and rationing program. Such postponement will terminate when the emergency is declared over and the water rationing program ended at which time the landowner shall install the approved landscape plan.

(Prior code Section 6565.22 - Renumbered to Section 6565.23 by Ordinance No. 4500 - May 11, 2010)

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**8.256.230 - Violations.**

Any tree cut, removed, trimmed, or otherwise seriously damaged in violation of this Chapter shall be considered a violation of the provisions of either Part Two (Heritage Tree Ordinance) or Three (Significant Tree Ordinance) of Division VIII of the San Mateo County Ordinance Code, whichever is applicable.

(Prior code Chapter 28.1, Sections 6565.1 through 6565.9 - Added by Ordinance No. 2378 -  
July 29, 1976)

(Prior code Chapter 28.1, Sections 6565.1 through 6565.9 - Amended by Ordinance No. 3191 - and Sections  
6565.10 through 6565.16 - Added by Ordinance No. 3191 - October 24, 1989)

(Prior code Chapter 28.1 - Amended by Ordinance No. 3499 - June 8, 1993)

(Prior code Chapter 28.1 - Repealed by Ordinance No. 3604 - September 27, 1994)

(Prior code Chapter 28.1 - Added by Ordinance No. 3604 - September 27, 1994)

(Prior code Chapter 28.1 "Coastal" - Repealed by Ordinance No. 4500 - May 11, 2010)

(Prior code Chapter 28.1, Section 6565.1.D.2 and 6565.20-3 as amended by Ordinance Nos. 4212, 4500,  
and 4516) - California Coastal Commission certified amendment on September 15, 2010, and it became  
effective on that date.)

(Prior code Section 6565.2 - Amended by Ordinance No. 3983 - August 8, 2000)

(Prior code Sections 6565.6, 6565.9, 6565.15.8 and 6565.16.5 - Amended by Ordinance No. 3228  
- May 15, 1990)

(Prior code Sections 6565.17 and 6565.20 - Added by Ordinance No. 3228 - May 15, 1990)

(Prior code Section 6565.17 - Renumbered to section 6565.19 by Ordinance No. 3321 - April 29, 1991)

***CHAPTER 8.260 - MH DISTRICTS (MOBILE HOME PARKS)***

**8.260.010 - Regulations For "MH" Districts.**

The following regulations shall apply in all "MH" Districts and shall be subject to all applicable provisions of Article 2 (Development Procedures) and Article 3 (General Development Standards) of Title 8.

**8.260.020 - Purpose.**



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The purpose of the “MH” District is to provide for development and operation of mobilehome parks, as a source of short- and long-term housing, on appropriate designated sites, subject to reasonable regulations to ensure the compatibility and safety of mobilehome parks for park residents and surrounding properties.

**8.260.030 - Definitions.**

1. "Mobilehome" includes a mobilehome as defined in California Health and Safety Code Section 18000 et seq. ("Manufactured Housing") and in California Civil Code Section 798 et seq., and any other form of mobile housing, including but not limited to recreational vehicles and trailers, regardless of time present in a park.
2. "Mobilehome Park" means any mobilehome or manufactured home park, as defined in California Civil Code Section 798 et seq., which constitutes an area of land where two or more mobilehome sites are rented, or held out for rent, to accommodate mobilehomes used for human habitation, and/or rents, leases, or sells mobilehome, trailer, or RV spaces in the unincorporated areas of San Mateo County.
3. "Mobilehome Park Owner" means the owner, lessor, operator or manager of a mobilehome park.
4. "Mobilehome Tenant" means any person entitled to occupy a mobilehome dwelling unit pursuant to ownership thereof or a lease or rental arrangement with the owner thereof.
5. "Mobilehome Park Permit" means a conditional use permit issued for the creation and/or operation of a mobilehome park under the provisions incorporated in this Chapter.
6. "Management" means the owner of a mobilehome park or an agent or representative authorized to act on their behalf in connection with matters relating to a tenancy in the park.
7. "Homeowner" means a person who has a tenancy in a mobilehome park under a rental agreement, as defined in Civil Code Section 798.9. For the purposes of this Chapter, a "resident" of a mobilehome park is synonymous with "homeowner."
8. "Rent" means the money or other consideration given for the right of use, possession, and occupation of property.

**8.260.040 - Uses Permitted.**

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1. The following uses shall be permitted in the “MH” District, upon the securing of a Mobilehome Park Permit, as provided in Sections 8.260.050 through 8.260.070 of this Chapter:
  - a. Mobilehome parks, subject to the standards, permitting procedures and requirements described in Sections 8.260.050 through 8.260.070.
  
2. The following uses shall be permitted in the “MH” District, upon the securing of a use permit, as provided in Chapter 8.280 of the Zoning Regulations:
  - a. Commercial uses ancillary to the operations of mobilehome parks, permitted only in conjunction with an existing or proposed mobilehome park, including but not limited to grocery and/or convenience stores, and stores selling goods accessory to the maintenance of and residence in mobilehomes.
  - b. Accessory uses and structures, such as managers’ offices, laundry facilities, severe weather shelters, tool or storage sheds, and other services for the residents of the park.
  - c. Display of mobilehomes and mobilehome accessories for on-site sale, provided the accessories are contained within a mobilehome or an approved permanent structure.
  - d. Clubhouses, swimming pools, and recreation facilities for the use of park residents and guests.
  - e. On-site signs in accordance with the requirements of the County Building Code, Title 10.
  - f. Childcare facilities exclusively serving mobilehome park residents.
  - g. Supportive housing, as defined in California Health and Safety Code Section 50675.14, “Multifamily Housing Program.”
  - h. Transitional housing, as defined in California Health and Safety Code Section 50801, “Emergency Housing and Assistance Program.”
  - i. Multifamily housing with long-term affordability restrictions, dedicated entirely to residents with extremely low, very low, and/or low incomes, as defined by the California Department of Housing and Community Development. A use permit for multifamily low-income housing shall only be granted on approval and certification of affordability restrictions by the Director of the Department of Housing.

### **8.260.050 - Applicable Regulations.**

All construction, installation, management, and operation procedures within the premises of a mobilehome park in this district shall be in accordance with the provisions of all applicable State and local laws and regulations, including those laws and regulations specified below, and as may be amended over time:

1. California Health and Safety Code Section 18000 et seq., “Manufactured Housing.”
2. California Code of Regulations, Title 25, Division 1, Chapter 2, “Mobilehome Parks and Installations.”
3. California Code of Regulations, Title 25, Division 1, Chapter 3, “Factory-Built Housing, Mobilehomes, and Manufactured Homes.”
4. California Civil Code Section 798 et seq.
5. San Mateo County Ordinance Code Chapter 1.30, “Mobilehome Rent Control.”

### **8.260.060 - Permits Required.**

1. Creation and/or operation of any mobilehome park in any zoning district in the unincorporated County, including but not limited to the MH zoning district, shall be contingent on issuance of a Mobilehome Park Permit, and shall be subject to the procedures, requirements, and standards of this Chapter.
2. Each application for any such permit shall be made to the Planning and Building Department on a form provided by the Department for such purpose. Such application shall be accompanied by the following information:
  - a. Data Required: Application for any Mobilehome Park Permit in the unincorporated area of San Mateo County shall set forth the following information:
    - (1) Name and address of mobilehome park operator or applicant.
    - (2) Name and address of owner of property on which mobilehome park is, or is proposed to be, located.

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- (3) Proposed name of the mobilehome park.
- (4) Legal description of the property proposed for the mobilehome park, and specification of all deed or lease restrictions.
- (5) Source of water supply and type of sewage disposal proposed. If located within a fire, lighting, sewer, or other special district, indicate same.
- (6) Total number of mobilehome spaces proposed.

b. Data Required on Plans: Four (4) copies of plans shall be provided showing the following:

- (1) Plot plan, at a scale no smaller than one inch (1") equals fifty feet (50') and giving scaled dimensions and showing exterior boundaries of the property for the proposed mobilehome park.
- (2) All public streets in the vicinity of such proposed mobilehome park.
- (3) All mobilehome sites, together with scaled sizes and proposed or existing boundaries of such spaces.
- (4) The location, width, and type of construction of all mobilehome park roads.
- (5) Plans and locations of all mobilehome park buildings.
- (6) Complete electrical plans.
- (7) Unpaved areas which are to be landscaped and planting plans.
- (8) Type of building construction, together with framing plan and elevation.
- (9) All field plumbing, showing drainage system pipe sizes and give other plumbing details as may be required by the County Building Inspector.
- (10) Storm water disposal facilities.

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- (11) Incinerator locations if any.
  - (12) Refuse and garbage disposal areas and facilities.
  - (13) Fire hydrants - if any - locations and sizes of outlet connections.
  - (14) Laundry and drying yard area and facilities.
  - (15) Fence location and detail of construction and materials.
  - (16) Grading plan showing existing topography and proposed grading.
  - (17) Show specific locations for parking mobilehomes offered for sale.
3. The submitted materials shall also be referred to the Departments of Environmental Health, Public Works, and Housing, and to the appropriate Fire District, for relevant comments on the existing or proposed mobilehome park.
  4. If it appears that the proposed mobilehome park will be in full conformance with this Chapter, and other applicable County rules and regulations and applicable State laws, a permit may be issued as herein specified. In issuing said permit the Planning Commission may specify such additional conditions as are necessary to insure that the operation of the mobilehome park will not adversely affect the character of the neighborhood in which the mobilehome park is located.
  5. A Mobilehome Park Permit is valid for five years from the date of approval, and must be renewed thereafter.
  6. Application for permit renewal shall be made by management of the mobilehome park on a form provided by the Planning and Building Department, and shall be subject to an application fee set by resolution of the Board of Supervisors.
  7. The mobilehome park requesting renewal must be in compliance with all provisions of the County's Mobilehome Rent Control Ordinance, including the periodic reporting requirement. Parks not in compliance may still be considered for renewal upon issuance of a waiver of compliance at the discretion of the Director of the Housing Department.

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8. The application for renewal shall be accompanied by any of the information listed in Section 8.260.060(2) that the Planning Commission may require. Applications may also be required to include a detailed description of any maintenance and repair program for the mobilehome park, and proposed or existing processes for addressing complaints or concerns by homeowners of the park, including the matters specified in this section, and the name, address and telephone number of the person acting on the management's behalf to whom communications are to be directed.
9. A hearing on the application for approval of a permit to operate a mobilehome park shall be commenced before the Planning Commission within ninety (90) days of receipt of the application. The Planning Commission shall give management fifteen (15) day notice of the hearing date and time. No later than ten (10) days before the date of the hearing, management of the mobilehome park shall provide notification to all homeowners of the mobilehome park, of the date, time and place of the hearing. Such notification shall be made by either mailing or hand delivering a copy of the notice of the hearing to each homeowner and posting a copy of the notice in a common area of the mobilehome park accessible to all homeowners of the mobilehome park.
10. Approval of an application for renewal of a permit to operate a mobilehome park shall be at the discretion of the Director of the Planning and Building Department. A hearing on the application for renewal of a permit may be required, at the discretion of the Director of the Planning and Building Department. In the case that a hearing is required, it shall be conducted by the provisions described in Section 8.260.060.(9).
11. At the hearing on the application for approval or renewal of the permit, the mobilehome park management and any homeowner residing in the mobilehome park shall have the opportunity to make a presentation to the Planning Commission. Such testimony may address, and the Planning Commission shall consider, issues concerning the operation of the mobilehome park including, but not limited to, the adequacy of the park management's program for maintenance and repair of common areas and other areas that are within the responsibility of the management to maintain and keep in good repair. In assessing the adequacy of the management's program for maintenance and repair, the Planning Commission may consider the amount of rent and other charges collected by the management, and in particular the portion of amounts collected which are used to develop and institute the management's program for maintenance and repair of common areas and other areas that are within the responsibility of the management to maintain and keep in good repair.
12. The Planning Commission, or in the case of an application for renewal, the Director of the Planning and Building Department, may deny the permit, approve the permit, or approve the permit with conditions designed to any address deficiencies in the mobilehome park management's program for maintenance and repair of common areas and other areas within the responsibility of the management. The Planning Commission, or in the case of an application for renewal, the Director of the Planning and Building Department, may include conditions requiring that the management commit to a dispute resolution procedure to address issues raised by park homeowners. At a minimum, this procedure will include a process by which homeowners may register their complaints or concerns regarding the management's maintenance and repair program for the mobilehome park, the opportunity for homeowners to participate in a meet and confer session with the management to resolve issues related to the management's maintenance and repair program, and a process for selecting a third party community-based mediator to mediate disputes related to the management's maintenance and repair program in the event that the dispute cannot be resolved through a meet and confer session.

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13. No rent increase may be imposed until such time that the mobilehome management has obtained the permit required by this Section.

**8.260.070 - General Standards For Mobilehome Parks.**

1. Title 25 Compliance. Mobilehome park design, layout, development, maintenance and management shall be governed by and subject to the California Code of Regulations Title 25, Division 1, Chapter 2, "Mobile Home Parks and Installations," or successor regulations.
2. Use of Mobilehomes. No mobilehome in this district shall be used for any purpose other than a dwelling.
3. Location of Mobilehomes. Each mobilehome in a mobilehome park shall be located on an approved mobilehome site.
4. Maximum Height.
  - a. The height of structures in all areas zoned MH shall be measured from the lower of natural or finished grade to the topmost point of the building immediately above.
  - b. The maximum height of mobilehomes, RVs, trailers, and other residential structures in a mobilehome park shall be 36 feet, except within the County's Coastal Zone, where the maximum height shall be 28 feet.
  - c. The maximum height of any conditionally permitted use described in Section 6538.2 (a), (b), (c), (d), (e), and (f) shall be 28 feet.
  - d. The maximum height of any conditionally permitted use described in Section 6538.2 (g), (h) and (i) may exceed 28 feet, up to a maximum of 60 feet, on issuance of a conditional use permit, except within the County's Coastal Zone, where the maximum height shall not exceed 28 feet.
5. Garbage Collection Locations. Trash and garbage disposal and collection sites shall be surrounded on 3 sides by 5-foot opaque fencing, with adequate access for collection vehicles.
6. Landscaping and Fencing.

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- a. All areas of a mobilehome park or trailer park not occupied by paved roadways or pathways, and not otherwise occupied by park facilities, shall be landscaped and maintained.
  - b. The outer boundaries of a mobilehome park shall be enclosed on all sides by a substantially constructed six foot (6') fence, the design of which shall be approved by the Planning Commission.
  - c. A hedge of plant material of a type acceptable to the Planning Commission may be substituted for such fence provided that proper maintenance is provided.
7. Parking. Provision shall be provided for a minimum of one individually accessible parking space per mobilehome. In addition, one visitor parking space shall be provided for each five (5) mobilehome units. Parking for conditionally permitted uses shall be provided in the amounts required by Chapter 3, Sections 6117 through 6121 of this Part.
8. Internal Street Access; Public Entrances. All mobilehomes and other occupancy spaces must be served by internal streets within the mobilehome park, and there shall be no direct vehicular access from a mobilehome space or a special occupancy space to a public street or alley.
9. Street Improvements. The Planning Commission may require fully improved streets which front on and provide ingress and egress to a mobilehome park, or improvements as prescribed by the Director of the Department of Public Works.
10. Dedication of Street Rights-of-Way. The Planning Commission may require dedication of certain street rights-of-way to the County.
11. Clearance from State Division of Highways. The Planning Commission may require the applicant to obtain clearance from the State Division of Highways before approving applications where the site is adjacent to a State Highway.
12. Parking of Mobilehomes for Sale. All mobilehomes offered for sale must be parked in an area approved by the Planning Commission.
13. Fire Hydrants. Wherever a public water system is available, a mobilehome park shall have a fire hydrant and connecting hose of a size and type approved by the County Fire Warden, or Fire District Chief.

(Prior code Ch. 26 Ord. 4782: 09/26/17)

(Prior code § 6541.4 Amd. Ord. 4793: 01/23/18)



## **CHAPTER 8.264 - GH DISTRICT (GEOLOGIC HAZARDS DISTRICT REGULATIONS)**

### **8.264.010 - Purpose Of The Geologic Hazards (“GH”) District.**

The purpose of the “GH” District is to safeguard life, limb, property and the public welfare by regulating land development in areas determined to be hazardous for development because of geologic factors.

### **8.264.020 - Regulations.**

The regulations of this Chapter shall apply in the “GH” District. The “GH” District is an “overlay” district which may be combined with any of the districts specified in Article 1 of the San Mateo County Ordinance Code, or other districts which may from time to time be added by amendment to Title 8. The regulations of this Chapter shall apply in addition to the regulations of any district with which the “GH” District is combined. Each Geologic Hazards District shall be numbered in chronological sequence as adopted by County.

### **8.264.030 - Uses Permitted.**

Land use and density shall be determined by the underlying zone except where the regulations of the GH District are more restrictive. In this case, land use and density shall be regulated by the requirements of the “GH” District.

### **8.264.040 - Geotechnical Investigations And Development Requirements.**

Prior to designating an area a GH District, a geotechnical report for the area shall be prepared by a certified engineering geologist under the direction of, or subject to review by, the County Geologist. This report shall meet the requirements set forth in Minimum Standards for Geotechnical Reports prepared by San Mateo County. Within the Coastal zone, applicable portions of the California Division of Mines and Geology publications shall also be incorporated into the report. These are #37 (Guidelines for Geologic/Seismic Reports), and #44 (Recommended Guidelines for Preparing Engineering Geologic Reports).

The conclusions and recommendations set forth in the geotechnical report shall become the standards for review in that GH District and shall govern development. Regulations necessary for safe development in each district will vary according to the geologic conditions of the area.

### **8.264.050 - Action On Building Permits.**

No building permit shall be approved in a “GH” District until:

- (1) It has been evaluated by the County Geologist and has met the criteria set forth in the district regulations. The County Geologist shall approve, approve with conditions, or disapprove any building permit in the “GH” District.

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- (2) The applicant has recorded the following restriction which binds the applicant and any successors in interest on the parcel deed:

This property is located in Zone \_\_\_\_ of the Seal Cove Geologic Hazards District established by Section 8.264.070 of the San Mateo County Ordinance Code. Maps of this district are on file with the County Geologist and the Planning Division, Department of Environmental Management, San Mateo County.

(Prior § 6295.4(2) Amd. Ord. 2890: 06/05/84)

### **8.264.060 - Modification Of Geologic Information.**

The geologic hazard zones, maps and conclusions may be modified upon receipt of new information following review and approval by the Board of Supervisors, Planning Commission and County Geologist.

### **8.264.070 - Geologic Hazard (“GH”) District - 1 (Seal Cove Area).**

#### **1. Area Of Geologic Hazard.**

Reference is hereby made to the Geotechnical Hazards Map for the Seal Cove Study Area prepared by William Cotton and Associates dated August 5, 1980, which is on file with the County Geologist and in the Planning Division, Department of Environmental Management, San Mateo County. Reference is further made to the three geotechnical hazard zones designated on the map; Zone 1, Zone 2 and Zone 3 which delineate areas ranging from most hazardous to least hazardous.

#### **2. Description Of Hazardous Zones In Seal Cove Area.**

- A. Zone 1. A potentially unstable area where risk to development is considered to be extremely high. It is reasonable to conclude that sea cliff retreat and associated landsliding will continue, resulting in property and structural damage. Rapid catastrophic slope failure of portions of the high, steep sea cliff located west of Ocean Boulevard is a possibility. Such an event could involve the loss of life as well as property damage. The feasibility of reducing the risk to acceptable levels in Zone 1 is extremely low.
- B. Zone 2. An area of questionable stability, risk to development in this area is considered to be moderate to high. The likelihood of eliminating the risk is very low; however, it may be possible to reduce the impact of the hazard by proper site development.
- C. Zone 3. The most stable part of the Seal Cove area; risk to development in this area is considered to be low to moderate. The major geologic hazard in this zone is the possibility of surface faulting along the main traces and subsidiary cross faults of the Seal Cove Fault system. These faults are considered to be

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active and capable of producing strong surface rupture and ground failure with associated strong ground shaking. The feasibility of reducing the risks to acceptable levels in this zone is considered generally high.

**3. Geotechnical Investigations And Development Requirements.**

The regulations of Table 1 shall be applicable in Zones 1, 2 and 3 as defined in the Geotechnical Hazards Map described in Section 8.264.070(1).

(Prior Ch. 19.5 § 6295,6296 Ord. 2777: 04/06/82)

<b>TABLE 1</b>		
<b>ZONE</b>	<b>REQUIREMENT OF GEOTECHNICAL INVESTIGATION</b>	<b>DEVELOPMENT REQUIREMENTS</b>
1 and 2	<p>Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above.</p> <p>Both investigations shall provide a detailed evaluation of the potential landslide hazards in this zone. In most cases, landslide studies will require extensive subsurface work in order to provide the necessary technical data to conduct a detailed slope stability analysis. The geotechnical analysis shall provide acceptable factors of safety to clearly demonstrate stability before construction is allowed in this zone.</p>	<p>No development shall be allowed in Zone 1 or 2 until the required geotechnical investigations have clearly demonstrated reasonable stability, in accordance with current professional standards of land structure.</p>
3	<p>Prior to any development, there shall be an engineering geologic investigation by a certified engineering geologist and a soil and foundation engineering investigation by a registered civil engineer, or a combined equivalent of the above, unless evidence is available to show that such investigations are not required.</p> <p>Engineering geologic investigation shall address the seismic hazards related to the master and branching traces of the Seal Cove fault. Particular emphasis of the engineering geologic investigations shall be placed on the evaluation of possible surface faulting. Investigative techniques within this area will require the use of subsurface trenching and possible geophysical traverses unless clear evidence is established to show that no active fault crosses the parcel in question.</p> <p>The soil and foundation engineering investigation shall address, but not necessarily be confined to, the following items: site preparation and grading, surface and subsurface, drainage, and design parameters for all proposed development.</p>	<p>Development shall be allowed in Zone 3 if suitable mitigation measures including, but not limited to, siting of homes away from active faults, structural and foundation design and adequate surface drainage plans are applied as recommended by any required geotechnical investigation.</p>

## ***CHAPTER 8.272 - E DISTRICT (ENTERTAINMENT OVERLAY DISTRICT)***

### **8.272.010 - Establishment And Purpose Of Entertainment District.**

There is hereby established an Entertainment (“E”) District for the purpose of providing additional control over the operation of bars, clubs, card rooms and meeting halls in areas where such uses have proven detrimental to the public health, safety and welfare.

### **8.272.020 - Exclusion Of Tax Exempt Church Property.**

Notwithstanding any other provisions of this ordinance, the terms bar, club, card room and meeting hall shall be interpreted to exclude any property, or portion thereof, for which a church property tax exemption has been applied for and granted as provided in Section 3 and 5 of Article XIII of the California Constitution and Article I (commencing with Section 201) of Chapter 1 of Part 2 of Division 1 of the Revenue and Taxation Code of the State of California.

### **8.272.030 - Exclusion Of Public Property.**

Notwithstanding any other provisions of this ordinance, the terms bar, club, card room and meeting hall shall be interpreted to exclude any property, or portion thereof, held in fee by a public entity as defined in Section 811.2 of the Government Code of the State of California.

### **8.272.040 - Regulations For “E” Districts.**

The regulations of this Chapter shall apply in all “E” Districts. The “E” District is an “Overlay” District which may be combined with any of the Districts specified in article 1 of the San Mateo County Ordinance Code, or other Districts which may from time to time be added to this Part. The regulations of this Chapter shall apply in addition to the regulations of any District with which the “E” District is combined. Where the regulations of the “E” District conflict with those of any District with which the “E” District is combined, or with other provisions of this Part, the regulations of the “E” District shall take precedence.

### **8.272.050 - Operation Of Bar, Club, Card Room Or Meeting Hall.**

After July 8, 1982, the provisions of Chapter 8.388 of Title 8 notwithstanding, no bar, club, card room, or meeting hall, including those in existence prior to July 8, 1982, shall be constructed, installed, expanded, operated, or maintained, except pursuant to the regulations stated in this Chapter and subject to obtaining a use permit. The operator of a bar, club, card room, or meeting hall which existed prior to July 8, 1982, shall have until August 7, 1982, to apply for a use permit as hereinafter provided. If such application is timely made, such bar, club, card room, or meeting hall may continue to operate, subject to the regulations stated in this Chapter, unless and until the application for use permit is denied and all administrative remedies, if any, are exhausted.

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The following regulations shall govern the operation of any bar, club, card room or meeting hall.

- A. Hours of Operation. No card room, club, or meeting hall shall be open between the hours of 11:00 p.m. on Monday through Thursday or 12:00 p.m. on Friday and Saturday, and 6:00 a.m. of the following day. No bar shall be open between 2:00 a.m. and 6:00 a.m. any day.
  
- B. Nuisance. No operator shall permit or otherwise allow any conduct, activity, or condition upon the premises (including parking areas) of a bar, card room, club, or meeting hall which singly or collectively are so noisy or otherwise offensive as to disturb the quiet and good order of the premises or of the neighborhood or so as to constitute a nuisance as defined in Section 8.04.030(88).

No operator of a bar, card room, club, or meeting hall shall harbor, admit, or permit to enter or remain on the premises any lewd or dissolute person, or any person under the influence of narcotics, or any intoxicated person.

- C. Beverages. No club, card room, club, or meeting hall may sell, give or deliver, or allow to be sold, given, delivered or consumed, any alcoholic beverages. No bar may sell, give or deliver, or allow to be sold, given, delivered or consumed, any alcoholic beverages, except in compliance with the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code.
  
- D. Access by Public Officials. No operator of a bar, club, card room, or meeting hall shall prevent any county, state, or federal peace or fire prevention officer, or building official or inspector, charged with the duty of enforcing the laws of their respective jurisdiction, from having free access to the premises at all times it is open to the public, and at all other reasonable times.

**8.272.060 - Procedures For Processing Bar, Club, Card Room And Meeting Hall Use Permits.**

Use permits for bars, card rooms, clubs, or meeting hall shall be processed in accordance with both Chapter 8.280 of this Part and the following procedures.

- A. Application. Each application for a bar, card room, club, or meeting hall use permit shall contain the following information in addition to that otherwise required for a use permit:
  - 1. Whether the premises are to be used as a bar, club, card room, or meeting hall, or combination thereof.
  
  - 2. If the application is for a bar, the application shall include a certificate or other formal statement from the Bureau of Alcohol Beverage Control stating that the applicant either possesses a currently valid license or the proposed use is exempt from the licensing requirement pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code.

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3. The true and complete name or names, addresses, and birth dates of the persons who will operate the bar, club, card room, or meeting hall, as follows:
    - a. If the proposed operator is an individual or individuals.
    - b. If the proposed operator is a partnership, the application shall set forth the full name of the partners and the name of the firm under which they do business, together with the residence and business address of all such partners.
    - c. If the proposed operator is a corporation, the application shall set forth the complete name of the corporation and the state within which it is incorporated, together with its home address and also its local address.
  4. A statement as to whether or not any of the persons required to be named in the application have at any time been convicted of any crime or crimes (other than minor traffic offenses) and, if so, the time, place, and nature of the offense with respect to each such conviction.
  5. A statement that the applicant understands and agrees that the application shall be considered only after a full investigation and report as provided herein have been made by the sheriff, fire marshal, and other county officials or their authorized representatives.
  6. A statement that the applicant understands and agrees that the sheriff, fire marshal and other county officials or representatives shall have reasonable access to the premises to make inspection of the proposed premises and access to the records of the applicants in order to properly conduct an investigation.
  7. Such other information as the applicant may consider pertinent or the Director of Planning and Building may require.
- B. Referral, Investigation and Reports. Upon receipt of a complete application, the Director of Planning and Building shall transmit a copy of the application to the sheriff, fire marshal, building department, and other departments they deems appropriate for review, report and recommendation. The sheriff is hereby authorized to obtain criminal history information for each of the persons herein required to be named in the application for the purpose of determining those who have been arrested or convicted for any crimes involving lotteries, gambling, larceny, perjury, bribery, extortion, or fraud or similar crimes involving moral turpitude, or crimes related to service or entertainment businesses. Each department to which an application is transmitted shall, within fifteen (15) days of receipt, report the following to the Director of Planning and Building, based on information obtained in the Department's investigation:
1. Whether the use as proposed complies with laws, ordinances and regulations for which the department has responsibility.

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2. The probable effect of the proposed use on the execution of the department's responsibilities.
  3. A recommendation on approval or denial of the requested use permit, reasons for the recommendation and any recommended conditions of approval.
- C. Action of Use Permit, Including Revocation. Action to approve, deny or revoke any use permit for a bar, club, card room or meeting hall in an "E" District shall be in accordance with the provisions of Chapter 8.280 of this Part, provided, however, that the permit shall be denied or revoked, as appropriate, if any of the following findings are made:
1. The operator made a material misstatement in the application for the permit.
  2. The operator has within five (5) years immediately preceding the date of filing of the application or the date of the initiation of any revocation or suspension proceedings, been convicted in a court of competent jurisdiction for the violation of any federal, state, or other law, ordinance, regulation, or requirement relating to alcohol, drugs, gambling, or crimes against a person.
  3. The operation as proposed by the operator would not comply with all applicable federal, state, and local laws or the actual operation of the premises or conduct by the operator does not comply with all such laws.
  4. The operator is lacking in the background and qualifications to conduct a bona fide bar, card room, club, or meeting hall.
  5. The applicant or operator has violated any provision of this Chapter, or any similar ordinance, law, rule, or regulation of another public agency which regulates the operation of bars, card rooms, clubs, or meeting halls.

(Prior Ch, 15.1 Ord.2792: 06/08/82)

**CHAPTER 8.276 - APPROVED SS & PUD DISTRICT REGULATIONS (SPECIAL DISTRICTS & PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS).**

**8.273.010 – Special Districts.**

<b><u>Special District</u></b>	<b><u>Regulations</u></b>
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**SS-101 Annexed to East Palo Alto**

**SS-102 Annexed to Daly City**

**SS-103**

Minimum Lot size required: 14,000 sq. ft.

Minimum yards required:

Front - 25 ft.

Side - 10 ft.

Rear - 25 ft.

Maximum height permitted:

Stories - 2-1/2

Feet - 35

**SS-104 Ordinance No. 2574 - March 17, 1979. Deleted and rezoned to S-104 by Ordinance No. 3971, July 11, 2000.**

**SS-105 Annexed to Portola Valley**

**SS-106 Annexed to Daly City**



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**SS-107**

Minimum lot size required: 5 acres.

Minimum yards required:

Front	-	50 ft.
Side	-	50 ft.
Rear	-	20 ft.

**SS-108 Foster City**

**SS-108 Edgewood Hills**

**SS-110 Annexed to Menlo Park**

**SS-111 Foster City**

**SS-112 Not enacted**

**SS-113 Foster City**

**8.273.020 – Planned Unit Development Districts.**

Planned Unit  
Development

<u>District</u>	<u>Regulations</u>
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**PUD-118 Ordinance No. 2100 - June 24, 1971. Deleted and rezoned to R-1/S-8 by Ordinance No. 2218, October 1, 1973.**

**PUD-119 Deleted and rezoned to A-1/S-12 and H-1/DR, by Ordinance #2455, September 13, 1977. [16.1]**

**PUD-120 Ordinance No. 2176 - January 16, 1973 [9.2]**

1. Development of this property shall be pursuant to the preliminary site plan on file in the San Mateo County Planning Office. Final development plans, including site plans, architectural elevations and any other plans or information deemed necessary shall be to the approval of the County Planning Commission.
  
2. Permitted uses:
  - a. Multiple-family residential.
  - b. Offices.
  - c. Retail commercial limited to the following:
    - (1) Art gallery and art supplies.
    - (2) Book store.
    - (3) Drugstore.
    - (4) Barber shop.
    - (5) Florist or gift shop.
    - (6) Grocery, fruit or vegetable store.
    - (7) Hardware store.
    - (8) Clothing store.
    - (9) Delicatessen.
    - (10) Photographic or camera shop.
    - (11) Self-service laundrette.
    - (12) Clothes cleaning agency.
  
3. Density shall not exceed one dwelling unit per 1,220 sq. ft. of lot area.

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4. Maximum height of this multiple-family structure shall not exceed 3 stories or 36 ft.
5. Maximum height of the commercial structure shall not exceed 1 story or 12 feet.
6. Off-street parking requirements shall comply with standards set forth in Section 8.344.030 of the San Mateo County Zoning Ordinance.
7. All signs shall conform to the appropriate sections of the San Mateo County Zoning Ordinance.
8. All areas not indicated for an approved use shall be landscaped and permanently maintained in a neat and orderly manner. At least 5% of all parking lot areas shall be landscaped according to a plan approved by the Planning Commission.

**PUD-121 Ordinance No. 2212 - August 14, 1973 [9.2]**

1. Development of this property shall be pursuant to site and development plans on file with this case in the San Mateo County Planning Commission Office. Final development plans, including site plans, architectural elevations and any other plans or information deemed necessary shall be to the approval of the County Planning Commission.
2. Permitted uses:
  - a. Multiple-family residential - no more than ten (10) dwelling units.
  - b. Offices, including post office.
  - c. Retail commercial area limited to 2,400 ft. and limited to the following activities:
    - (1) Art gallery and art supplies.
    - (2) Book store.
    - (3) Drugstore.
    - (4) Barber shop.
    - (5) Florist or gift shop.
    - (6) Hardware store.

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- (7) Clothing store.
- (8) Delicatessen.
- (9) Photographic or camera shop.
- (10) Self-service laundrette.
- (11) Clothes cleaning agency.
- (12) Other related commercial uses as may be approved by the Planning Commission and Board of Supervisors.

3. Minimum setback regulations:

Front and rear yards: 20 ft.

Side (interior): 5 ft.

Street side yard: 10 ft.

4. Maximum height of structure shall not exceed 36 ft.

5. Required setback areas shall not be used for parking except area adjacent to commercial portion of structure.

6. Off-street parking requirements shall comply with standards set forth in Section 8.344.030 of the San Mateo County Zoning Ordinance.

7. Any sign shall conform to regulations of the San Mateo County Zoning Ordinance.

8. All areas not indicated for an approved use shall be landscaped and permanently maintained in a neat and orderly manner. At least 5% of all parking lot areas shall be landscaped according to a plan approved by the Director of Planning and Building.

**PUD-122 Annexed to Menlo Park**

**PUD-123 Ordinance No. 2652 - June 10, 1980 [25.1]**

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1. Development of this property shall be in accordance with the approved site plan filed in the Planning Division. Final development plans if consistent with the preliminary site information may be approved by the Director of Planning and Building.
2. Property shall be developed with seven townhouse units, each on a parcel as approved in the accompanying subdivision map.
3. Rear yard setbacks for each unit shall be 20 ft.
4. Two parking spaces shall be provided for each unit, one of which will be an enclosed garage within the dwelling unit.
5. Maximum height of units shall be 25 ft.
6. Landscaped areas shall be provided in the common area as shown on the preliminary site plans and as approved by the Director of Planning and Building.
7. A homeowner's association shall be formed, and shall be responsible for maintenance and repair of all common areas including the driveways and landscaping.

**PUD-124 Ordinance No. 3089 - March 11, 1986. Rezoned to PUD 140.**

**PUD-125 Ordinance No. 3045 - November 12, 1985**

The following regulations shall govern use and development of property commonly known as 780 Second Avenue, Redwood City, California; more specifically, Lots 1, 2, 3, 19, 20, and 21, of Block 25, North Fair Oaks Subdivision No. 1, and Assessor's Parcel Numbers 060-012-010, -170.

1. Purpose

The purpose of this ordinance is to allow reasonable redevelopment of this property for light industrial use while protecting adjoining residential property from the adverse impacts of industrial uses.

2. Precise Plan

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All development shall conform to the precise plans for the property approved by the Board of Supervisors on November 12, 1985, and incorporated into this ordinance as Exhibits A-B. Determination of conformity shall be made by the Director of Planning and Building.

3. Use

a. The following uses only shall be allowed:

- (1) Indoor storage of non-toxic, non-hazardous goods.
- (2) Light manufacturing, machining, fabrication and assembly, other than snap riveting or any process used in cutting, bending, shaping or finishing which produces any annoying or disagreeable noises.
- (3) Administrative, research and professional offices, excluding doctors and dentists.
- (4) Contractor shops not involving on-site manufacturing or sales.
- (5) Wholesale businesses not involving on-site sales.
- (6) Such other uses determined by the Director of Planning and Building to be compatible with the above uses and with surrounding uses.

b. The provisions of paragraph “a” immediately preceding notwithstanding, no use shall be conducted in a manner which, in the determination of the Director of Planning and Building, does not meet the performance standards listed below. Measurement, observation or other means of determination necessary for the enforcement of performance standards shall be made at the limits of the property, unless regulations referenced in the standards specify other measurement location.

(1) Noise

Sound from sources on the property shall be subject to compliance with the regulations and standards specified in County Noise Ordinance 02803.

(2) Vibration

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No vibration shall be permitted which is discernible without instruments.

(3) Air Pollutants

No smoke, ash, dust, fumes, vapors, gases or other forms of air pollutants or contaminants shall be permitted from any source so as to constitute a nuisance, as determined by the Director of Planning and Building, or so as to exceed limits established by the Rules and Regulations of the Bay Area Quality Management District.

(4) Glare

No direct or reflected glare, whether from floodlights or other sources, shall be visible. This shall not preclude reasonable security lighting properly shielded so as not to fall onto adjoining property.

(5) Odors

No emission of odorous gases shall be permitted that can be readily detected without instruments.

(6) Hazardous Materials

Storage or use of materials, gases or chemicals that are explosive, highly flammable, or otherwise hazardous are prohibited. The use and storage of other chemicals and materials shall be allowed unless the Director of Planning and Building determines that they are being improperly stored or handled in a manner that constitutes a potential health or safety hazard.

(7) Uses to be Enclosed

All uses shall be conducted entirely within a building.

4. Height

To assure compatibility with adjoining residential uses, no precise plan amendment or any development shall be approved which would exceed 36 ft. in height.

5. Setbacks

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All development, with the exception of walls, fences, parking and landscaping approved by the Director of Planning and Building, shall maintain a minimum 3 ft. setback from adjoining property in residential use or zoning.

6. Parking

Off-street parking shall be provided as shown on the precise plans, or in such other manner determined by the Director of Planning and Building to be consistent with zoning regulation parking requirements for light industrial uses and adequate for the uses located on the property. To assure adequacy of off-street parking, the total number of owners, tenants and employees on the property shall at no time exceed twice the number of off-street parking spaces.

7. Hours of Operation

No activity which produces audible noise at the limits of the property, other than the arrival and departure of owners, tenants or employees, shall be conducted between the hours of 7:00 p.m. and 7:00 a.m.

8. Noise Barrier

There shall be erected at the time of initial development pursuant to the precise plan, a concrete block wall 6 feet in height adjacent to any adjoining property then in residential use or zoning and such wall shall be maintained in sound condition and good repair as long as adjoining property remains in residential use or zoning. The Director of Planning and Building may require reduction of the height of any such wall as it approaches street frontages so as to protect sight distances for vehicles entering or exiting the street.

9. Landscaping

Areas shown for landscaping on the precise plan, or equivalent area approved by the Director of Planning and Building, shall be landscaped in accordance with plans approved by the Director and shall be maintained in good condition.

10. Design Review

All development shall be subject to design review, pursuant to Chapter 8.256 or any successor design review regulation.

11. Alterations, Additions and Amendments

The Director of Planning and Building may approve reasonable alterations or additions to the precise plan, provided they find they are consistent with the purpose and intent of this regulation. If the Director



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determines that such alterations or additions, either individually or cumulatively, would constitute amendment of the precise plan, such amendment shall be processed in accordance with procedures for amending County zoning regulations.

12. Appeals

Any determination of the Director of Planning and Building made pursuant to this ordinance may be appealed to the Planning Commission, and subsequently to the Board of Supervisors, in accordance with the procedures for appealing use permits.

**PUD-126 Ordinance No. 3090 - April 11, 1986, rezoned to PUD-128, by Ordinance No. 3215 - April 24, 1990. See below.**

**PUD-127 Ordinance No. 3121 - July 28, 1987**

The following regulations shall govern use and development of a portion of the University Heights Subdivision in the unincorporated area of Menlo Park Assessor's Parcel Numbers 074-083-030, 074-083-170, 074-083-190, and 074-083-250.

1. Purpose

The following PUD-127 regulations shall govern the land use and development of Menlo Heights Condominiums, a 19-unit residential complex sited on a 1.1 acre parcel located between Avy Avenue and Harkins Avenue southwesterly of the Alameda de las Pulgas in the West Menlo Park area.

2. Development Plan

All development shall conform to the development plans for the property as approved by the Planning Commission on May 27, 1987, and by the Board of Supervisors on July 28, 1987, and on file in the office of the County Planning Division. Determination of conformity with the plan shall be made by the County Director of Planning and Building.

3. Permitted Use

The development shall be for residential use only and related parking, driveway and private recreational facilities as indicated on the Precise Plan.

4. Density

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The total number of dwelling units in the project shall not exceed 19.

5. Height

No structure shall exceed three stories with a maximum of 36 feet in height.

6. Setbacks

The condominium buildings shall be set back 20 feet from the front property line on Avy Avenue, 15 feet from Harkins Avenue (due to street dedication requirements), and 5 feet from the side property line. The pool equipment shed shall be set back 0 feet from the side property line. All setbacks shall be in accordance with those shown on the Precise Plan and tentative map approved by the Planning Commission.

7. Lot Coverage

Development coverage for buildings shall comply with the Precise Plan approved for the project. The remainder shall remain in common open space for landscaping, recreational facilities and common driveways.

8. Parking

Off-street parking shall be provided as shown on the approved Plan and shall not be less than two parking spaces per dwelling unit.

9. Landscaping

Areas shown for landscaping on the Precise Plan shall be landscaped in accordance with plans approved by the Director of Planning and Building.

10. Design Review and Amendments to the Precise Plan

The condominium project shall be constructed in accordance with approved plans. The exterior colors and materials shall be to the approval of the Director of Planning and Building. The Director of Planning and Building may approve reasonable alterations or additions to the approved development plan, provided they finds they are consistent with the purpose and intent of the Precise Plan and this PUD District.

**PUD 128 - Ordinance No. 3215 - April 24, 1990, ZR 89-4, SMJ 89-3**

Assessor's Parcel Numbers 060-291-170, -180, -190, -210, -220 and -230 rezoned from PUD-126 to PUD-128 (Planned Unit Development--38-unit residential use) to establish regulations for use and development of the property as follows:

1. Purpose.

The following PUD-128 regulations shall govern the land use and development of Atherton Place, an affordable and market rate residential condominium on a 53,119 sq. ft. parcel at the corner of Loyola and El Camino Real in unincorporated Redwood City. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

2. Development Plan.

All development shall conform to the development plans for the property as approved by the Planning Commission, and on file with the office of the County Planning Division. Determination of conformity with the plan shall be made by the County Director of Planning and Building.

3. Permitted Uses.

The following uses only shall be allowed: Thirty-eight (38) residential condominiums with underground parking facilities.

4. Density.

The total number of dwelling units shall include 7 one-bedroom units, 16 two-bedroom units and 15 three-bedroom units, with provision of six (6) of the 38 units (15%) to be reserved for affordable housing with one unit available for the handicapped.

5. Assurance of Project Completion.

The condominiums shall be constructed simultaneously and a Certificate of Occupancy for all structures shall be issued concurrently.

6. Height.

Heights of building shall conform to those shown in the precise plan and shall not exceed three-stories or 36 feet in height. The height of the two buildings backing onto the Atherton property line (Buildings #4

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and #5) shall not exceed 29.5 feet. Building height is defined in Section 8.04.030(52) of the County Zoning Ordinance. For the purposes of determining a building's height, the grade shall be taken as the current elevation of the natural grade or pavement at the mid-point of the property line the building backs up to.

7. Setbacks.

Distances of buildings from property lines shall be in accordance with the approved plans and tentative map.

8. Lot Coverage.

Development coverage for all buildings shall comply with the approved plans for the project. The elevated podium over the parking structure shall be considered as ground and not figured into the developed area. The remainder shall remain as either a portion of the individual residential units or in common open space.

9. Parking.

Off-street parking shall be provided as shown on the approved plans. Residential condominiums shall be provided with no less than one (1) parking space per one-bedroom unit, and two (2) parking spaces per two-bedroom unit with a minimum of eight (8) spaces reserved for guest parking and one (1) space designed and restricted to handicapped use. Parking shall be supervised by a resident unit manager of the condominium.

10. Landscaping.

Area shown for landscaping on the approved plan, including window planter boxes, shall be landscaped in accordance with plans approved by the Director of Planning and Building.

11. Design Review and Amendments to the Precise Plan.

The exterior colors and materials shall be constructed in accordance with approved plans. The Director of Planning and Building may approve reasonable alterations or additions to the approved development plan, provided they finds they are consistent with the purpose and intent of the precise plans and this PUD district.

12. Signage.

A signage program shall be developed for PUD-128 subject to review and approval of the Director of Planning and Building.

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13. Tree Removal.

No trees shall be removed until a building permit is obtained for the project. Approved removal of the following three trees (or additional non-heritage trees) subject to review and approval of the Director of Planning and Building: 42-inch redwood, 32- and 36-inch valley oaks.

14. Median Improvements.

Vehicular access improvements to the existing median on El Camino Real shall be provided by the developer prior to issuance of a Certificate of Occupancy, subject to the approval of CalTrans.

**PUD 129 - Ordinance No. 4047 - May 22, 2001, PLN 2000-00037**

The following regulations shall govern the use and development of the property located at the corner of Santa Cruz Avenue and Sand Hill Road in West Menlo Park. Assessor's Parcel Number 074-120-100:

The following PUD-129 regulations shall govern the land use and development of an administrative office development (described below) on a 16,467 sq. ft. parcel (Assessor's Parcel Number 074-120-100) located at 2101 Sand Hill Road at the corner of Santa Cruz Avenue, in the unincorporated West Menlo Park area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**1. Development Plan**

All development shall conform to the development plans (County File Number PLN 2000-00037) for the subject property as approved by the Planning Commission on March 14, 2001, and by the Board of Supervisors on May 22, 2001, and on file in the office of the County Planning Division. Those plans include the following specific elements: (a) the remodeling and renovation of the original 2-story 2,512 sq. ft. house (built 1902) for conversion to an office use, (b) construction of the new 2-story 1,406 sq. ft. structure also for office use, (c) construction of a 2-story building consisting of a 400 sq. ft. garage below with a 557 sq. ft. one-bedroom apartment above, (d) a parking area for 15 parking spaces, including one handicap space, (e) the preservation of all mature trees, (f) the provision and maintenance of all new and approved landscaping, and (g) the provision and maintenance of all parking area surface materials and drainage elements. No enlargements to these buildings shall be allowed and no building or site design modifications shall be allowed. Determination of conformity with the plan shall be made by the Director of Planning and Building.

**2. Restriction To Permitted Uses.**

Only the following uses shall be allowed: administrative office use within the converted old house and within the new building, parking facilities and a residential use restricted to the apartment over the garage.

**3. Maintenance Of Apartment/Residential Use.**

The apartment shall be maintained and utilized as a one-bedroom unit strictly for residential use.

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4. Height.

Heights of all the buildings shall conform to those shown in the approved plans.

5. Setbacks.

The minimum setbacks of all the buildings shall conform to those shown in the approved plans.

6. Lot Coverage.

The maximum lot coverage for all buildings shall comply with that shown on the approved plans.

7. Floor Area.

The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans.

8. Architectural Preservation Of Old House.

The original old house was built in 1902 by Mrs. Jane Stanford (wife of Leland Stanford, Sr.) as a residence for their secretary and companion, Bertha Berner. The house design is in the architectural style known as the "American Four Square." The architectural integrity of this structure shall be preserved in its present state as shown on the approved plans and shall not be modified in any way, except for necessary repairs and maintenance. All future exterior repairs and maintenance activities, including changes to exterior wall colors, shall be subject to the approval by the Director of Planning and Building, including where necessary, review and approval by the County Historic Resource Advisory Board.

9. Preservation Of Trees.

All mature trees indicated on the approved plans and identified on the arborist report shall be preserved and maintained in a healthy condition. Any proposed tree removal shall be accompanied by a report prepared by a professional arborist evaluating the health of the subject tree(s). Any trees approved for removal shall be replaced at a one-to-one basis, or as directed by the Director of Planning and Building.

10. Maintenance Of Landscaping.

All proposed landscaping (i.e., trees, shrubs, flowers, groundcover) shown on the approved landscape plan shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind.

11. Restriction Of Outdoor Lighting.

Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject parcel and shall not be visible from any adjacent residential use.

12. Maintenance Of Minimum Parking Provisions.

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Parking provisions for a minimum of 15 parking spaces (including one handicap space), and the minimum 24-foot back-up area, shall be provided and maintained as shown on the approved plans. The apartment tenant(s) shall be restricted to one parking space within the garage below their unit. Two of the parking spaces shall be signed and reserved for visitors. The internal back-up area shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

13. Restricted Hours For Deliveries.

Equipment, supply and other deliveries shall be restricted to weekdays and Saturdays between the hours of 8:00 a.m. and 7:00 p.m.

14. Trash Disposal And Recycling.

The office use shall participate fully with the local jurisdiction's trash disposal and recycling program (for recycling of all eligible glass, aluminum, steel, plastic, paper).

15. Entry/Exit Driveway.

The required safety sign at the driveway shall alert all exiting vehicles to watch out for oncoming traffic to their left (traveling westward on Sand Hill Drive) before they turn right (right turn only). This sign shall be maintained in good and readable condition.

16. Signage.

Only one business-identifying sign is allowed as shown on the approved plan. That sign may not be lit in any fashion. Its design shall be subject to the review and approval of the Director of Planning and Building.

**PUD-130 - Ordinance No. 04251, February 8, 2005.**

**1. PURPOSE.** The following PUD-130 regulations shall govern the land use and development of a multiple-family residential development (described below) on an 11,675 sq. ft. parcel (Assessor's Parcel Number 060-281-160) located at 81 Amherst Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2003-00294) for the subject property as approved by the Planning Commission on December 8, 2004, and by the Board of Supervisors on February 8, 2005, and on file in the office of the County Planning Division. Those plans include the following specific elements: (a) the creation of three parcels: 4,125 gross sq. ft. (Parcel 1), 3,907 gross sq. ft. (Parcel 2), and 3,643 gross sq. ft. (Parcel 3); (b) construction of three single-family dwellings on each new parcel with the following floor area sizes: 1,698 sq. ft. (Parcel 1), 1,698 sq. ft. (Parcel 2) and 1,898 sq. ft. (Parcel 3); (c) construction of an access driveway with five parking spaces; (d) the preservation of two mature oak trees; (e)

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the provision and maintenance of all new and approved landscaping; and (f) the provision and maintenance of all parking area surface materials and drainage elements. No enlargements to these buildings shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: Single-Family Residential.

**4. HEIGHT.** Heights of all the buildings shall conform to those shown in the approved plans.

**5. SETBACKS.** The minimum setbacks of all the buildings shall conform to those shown in the approved plans.

**6. LOT COVERAGE.** The maximum lot coverage for all buildings shall comply with that shown on the approved plans.

**7. FLOOR AREA.** The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans.

**8. PRESERVATION OF TREES.** The mature oak trees, shown in the south side yard setback, on the approved plans shall be preserved and maintained in a healthy condition. If these trees must be removed in the future, then the required tree removal application shall be accompanied by a report prepared by a professional arborist evaluating the health of the subject tree(s). Any trees approved for removal shall be replaced at a one-to-one basis, or as directed by the Director of Planning and Building.

**9. MAINTENANCE OF LANDSCAPING.** All proposed landscaping (i.e., trees, shrubs flowers, groundcover) shown on the approved landscape plan shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind.



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**10. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**11. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of eight parking spaces, and the minimum 25-foot backup area in front of each garage shall be provided and maintained as shown on the approved plans. Each garage depicted on the approved plans shall be reserved for the exclusive use of parking resident’s vehicles. No garage shall be used in such a manner as to prevent its use for parking. The internal back-up area and entry driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-131 - Ordinance No. 04283, November 8, 2005.**

**1. PURPOSE.** The following PUD-131 regulations shall govern the land use and development of a multiple family residential development (described below) on a 15,004 sq. ft. property (Assessor’s Parcel Numbers 060-091-090 and -100) located at 317 – 6th Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2004-00579) for the subject property as conditioned and approved by the Planning Commission on September 14, 2005, and by the Board of Supervisors on November 8, 2005, and on file in the office of the County Planning Division. Those plans include the following specific elements:

- (a) the creation of nine parcels:

LOT SIZE					
Lot 1	1,729 sq. ft.	Lot 5	1,727 sq. ft.	Lot 9	3,070 sq. ft.
Lot 2	1,351 sq. ft.	Lot 6	1,728 sq. ft.		
Lot 3	1,351 sq. ft.	Lot 7	1,350 sq. ft.		
Lot 4	1,349 sq. ft.	Lot 8	1,349 sq. ft.		

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- (b) construction of nine single-family townhouse-style dwellings on each new parcel with the following floor area sizes:

FLOOR AREA (includes garage)					
Lot 1	1,687 sq. ft.	Lot 5	1,687 sq. ft.	Lot 9	1,813 sq. ft.
Lot 2	1,687 sq. ft.	Lot 6	1,687 sq. ft.		
Lot 3	1,687 sq. ft.	Lot 7	1,687 sq. ft.		
Lot 4	1,687 sq. ft.	Lot 8	1,687 sq. ft.		

- (c) construction of an access driveway,
- (d) the provision of all new and approved landscaping, and
- (e) the provision and maintenance of all access driveway surface materials and drainage elements. No enlargements to these buildings shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: single-family residential. No secondary dwelling units are allowed within these approved single-family dwelling units.

**4. HEIGHT.** Heights of all the buildings shall conform to those shown in the approved plans.

**5. SETBACKS.** The minimum setbacks of all the buildings shall conform to those shown in the approved plans or as modified by conditions of approval.

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**6. LOT COVERAGE.** The maximum lot coverage for all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

**7. FLOOR AREA.** The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

**8. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers, groundcover) as required by the conditions of approval for this project shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**9. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**10. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 18 enclosed parking spaces (2 per unit), and the minimum 24-foot back-up area in front of each garage shall be provided and maintained as shown on the approved plans. Each garage depicted on the approved plans shall be reserved for the exclusive use of parking resident's vehicles. No garage shall be used in such a manner as to prevent its use for parking (e.g. – storage, etc.). The internal back-up area and access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-132 - Ordinance No. 04408, February 5, 2008.**

**1. PURPOSE.** The following PUD-132 regulations shall govern the land use and development of a multiple-family residential development (described below) on an 11,761 sq. ft. property (Assessor's Parcel Number 060-091-370) located at 301 – 6th Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

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**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2004-00273) for the subject property as conditioned and approved by the Planning Commission on September 13, 2006, and by the Board of Supervisors on January 29, 2008, and on file in the County Planning Department. Those plans include the following specific elements:

(a) The creation of six parcels:

LOT SIZE			
Lot 1	1,583 sq. ft.	Lot 4	1,563 sq. ft.
Lot 2	1,250 sq. ft.	Lot 5	1,422 sq. ft.
Lot 3	1,250 sq. ft.	Lot 6	1,313 sq. ft.

(b) Construction of six single-family townhouse-style dwellings on each new parcel with the following floor area sizes:

FLOOR AREA (includes garage)			
Lot 1	1,934 sq. ft.	Lot 4	1,934 sq. ft.
Lot 2	1,934 sq. ft.	Lot 5	1,934 sq. ft.
Lot 3	1,934 sq. ft.	Lot 6	1,575 sq. ft.

(c) Construction of an access driveway.

(d) The provision of all new and approved landscaping.

(e) The provision and maintenance of all access driveway surface materials and drainage elements. No enlargements to these buildings shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

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**3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: single-family residential. No secondary dwelling units are allowed within these approved single-family dwelling units.

**4. HEIGHT.** Heights of all the buildings shall conform to those shown in the approved plans.

**5. SETBACKS.** The minimum setbacks of all the buildings shall conform to those shown in the approved plans or as modified by conditions of approval.

**6. LOT COVERAGE.** The maximum lot coverage for all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

**7. FLOOR AREA.** The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

**8. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers, groundcover) as required by the conditions of approval for this project shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**9. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**10. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 12 enclosed parking spaces (two per unit), two additional unenclosed guest parking spaces, and the minimum 24-foot backup area in front of each garage shall be provided and maintained as shown on the approved plans. Each garage depicted on the approved plans shall be reserved for the exclusive use of parking resident's vehicles. No garage shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area and

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access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-133 - Ordinance No. 04359, January 23, 2007.**

**1. PURPOSE.** The following PUD-133 regulations shall govern the land use and development of a multiple-family residential development (described below) on an 18,000 sq. ft. property (Assessor’s Parcel Numbers 060-265-050, 060-265-060, and 060-265-070) located at 101 Fifth Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2005-00250) for the subject property as recommended for approval by the Planning Commission on November 8, 2006, and by the Board of Supervisors on January 23, 2007, and on file in the office of the County Planning Department. Those plans include the following specific elements:

(a) The creation of 11 parcels:

LOT SIZE			
Lot 1	1,356.61 sq. ft.	Lot 6	1,175 sq. ft.
Lot 2	1,180 sq. ft.	Lot 7	1,180 sq. ft.
Lot 3	1,180 sq. ft.	Lot 8	1,180 sq. ft.
Lot 4	1,180 sq. ft.	Lot 9	1,180 sq. ft.
Lot 5	1,175 sq. ft.	Lot 10	1,356.61 sq. ft.
Lot 11 (Common Lot)		5,852.52 sq. ft.	

(b) Construction of ten single-family townhouse-style dwellings on each new parcel with the following floor area sizes:

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<b>FLOOR AREA</b> <b>(includes garage)</b>			
Lot 1	2,773 sq. ft.	Lot 6	2,390 sq. ft.
Lot 2	2,400 sq. ft.	Lot 7	2,400 sq. ft.
Lot 3	2,400 sq. ft.	Lot 8	2,400 sq. ft.
Lot 4	2,400 sq. ft.	Lot 9	2,400 sq. ft.
Lot 5	2,390 sq. ft.	Lot 10	2,773 sq. ft.

(c) Construction of an access driveway.

(d) The provision of all new and approved landscaping.

(e) The provision and maintenance of all access driveway surface materials and drainage elements. No enlargements to these buildings shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**SECTION 3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: single-family residential. No secondary dwelling units are allowed within these approved single-family dwelling units.

**SECTION 4. HEIGHT.** Heights of all the buildings shall conform to those shown in the approved plans.

**SECTION 5. SETBACKS.** The minimum setbacks of all the buildings shall conform to those shown in the approved plans or as modified by conditions of approval.

**SECTION 6. LOT COVERAGE.** The maximum lot coverage for all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

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**SECTION 7. FLOOR AREA.** The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans or as modified by conditions of approval.

**SECTION 8. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers, groundcover) as required by the conditions of approval for this project shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**SECTION 9. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans or as modified by conditions of approval. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**SECTION 10. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 20 enclosed parking spaces (two per unit), and the minimum 24-foot backup area in front of each garage shall be provided and maintained as shown on the approved plans. Each garage depicted on the approved plans shall be reserved for the exclusive use of parking resident's vehicles. No garage shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area and access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-134 - Ordinance No. 04480, October 6, 2009.**

**1. PURPOSE.** The following PUD-134 regulations shall govern the land use and development of an office development (described below) on 20,562 sq. ft. (Assessor's Parcel Numbers 074-120-140 and 074-120-160) located at 2126 and 2128 Sand Hill Road, in the unincorporated West Menlo Park area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2008-00136) for the subject property as approved by the Planning Commission on August 26, 2009 and by the Board of Supervisors on October 6, 2009, and on file in the office of the County Planning Department. Those plans include the following specific elements: (a) the creation of one parcel through the merger of APN 074-120-140 (8,662 sq. ft.), and APN 074-120-160 (11,900 sq. ft.); (b) construction of the 12,600 sq. ft., two-story building for



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professional office use; (c) construction of underground parking garage with 50 parking spaces, including two handicapped spaces; (d) the provision and maintenance of all new and approved landscaping; and (e) the provision and maintenance of all parking area surface materials and drainage elements. No enlargements to this building shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: Office commercial. Office uses EXCLUDE manufacturing, retail sales, dental, medical and distribution. No more than a total of 40 employees may be working within the building at any time.

**4. HEIGHT.** Height of the building shall conform to the height shown on the approved plans.

**5. SETBACKS.** The minimum setbacks of the building shall conform to those shown on the approved plans.

**6. LOT COVERAGE.** The maximum lot coverage for the building shall comply with that shown on the approved plans.

**7. FLOOR AREA.** The maximum floor area for all floors of the building shall comply with that shown on the approved plans.

**8. MAINTENANCE OF LANDSCAPING.** All proposed landscaping (i.e., trees, shrubs, flowers, groundcover), shown on the approved landscape plan and specified in added conditions of approval, shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**9. RESTRICTION OF OUTDOOR LIGHTING.** All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

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**10. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 50 parking spaces shall be provided and maintained as shown on the approved plans. The tandem parking stall system, which accounts for 30 parking spaces, is to be used for employee parking only. Two parking spaces shall be handicapped spaces. The garage shall not be used in such a manner as to prevent its use for parking. The entry driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**11. RESTRICTED HOURS OF OPERATION.** All business entities shall operate during the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. From time to time, exceptions to these standard hours can be made for individual employees and special events.

**12. RESTRICTED HOURS FOR DELIVERIES.** Equipment, supply and other deliveries shall be restricted to weekdays between the hours of 8:00 a.m. and 6:00 p.m.

**13. TRASH DISPOSAL AND RECYCLING.** All occupants shall participate fully with the local jurisdiction's trash disposal and recycling program (for recycling of all eligible glass, aluminum, steel, plastic, paper). Sanitation vehicles shall operate in accordance with the Menlo Park Noise Ordinance. No noise in excess of 85 db is allowed prior to 8:00 a.m.

**14. ENTRY/EXIT DRIVEWAY.** The required safety sign at the driveway shall alert all exiting vehicles to watch out for oncoming pedestrian and bicycle traffic to their left (traveling westward on Sand Hill Road) before they turn right (right turn only). This sign shall be maintained in good and readable condition.

The required silent alert signal for pedestrians crossing the driveway shall be operational at all times and maintained in good condition.

**15. SIGNAGE.** Only one business-identifying sign is allowed. That sign may not be lit in any fashion. Its design shall be subject to the review and approval of the Director of Planning and Building.

**PUD-135 - Ordinance No. 04530, November 30, 2010.**

**1. PURPOSE.** The following PUD-135 regulations shall govern the land use and development of a winery and associated vineyard development (described below) on an approximately 166-acre property located at 19775 Skyline Boulevard, northeast of the unincorporated community of La Honda, within unincorporated San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2001-00786) for the subject property as approved by the Board of Supervisors on November 30, 2010, and on file in the office of the County Planning Department. Those plans include the following specific elements: (a) adjustment of the lot lines affecting APN 078-230-010 and APN 078-230-060, to exchange approximately 22.8-acre portions of the foregoing parcels, for the purpose of relocating potential future vineyards out of the Woodhams Creek Watershed, (b) construction and operation of a winery, capable of producing approximately 13,000 cases of wine per year, within the subterranean cave complex on the property, (c) planting, irrigation and cultivation of grapes on up to 62 acres of the property, together with all agricultural activities associated with commercial grape cultivation, (d) construction of the other agricultural buildings and improvements described in the approved plans, (e) provision and maintenance of all new and approved landscaping, vehicle parking areas and roads and surface materials and drainage improvements described in the plans. No enlargements or design modifications to the buildings shall be allowed unless they are determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the approved plans.

**3. RESTRICTION TO PERMITTED USES.** Only the following uses shall be allowed: Commercial agricultural production, commercial winery operations (including harvesting, processing, fermenting, bottling, storage and sale of wine in accordance with valid state licenses), and residential occupation of the property as described in the plans. Commercial group tours, commercial events such as weddings and corporate parties, and retail wine-tasting operations open to the public are not permitted.

**4. HEIGHT, SETBACKS, FLOOR AREA AND LOT COVERAGE.** Heights of buildings, improvement setbacks, building floor area and lot coverage shall conform to the approved plans.

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**5. MAINTENANCE OF LANDSCAPING.** All proposed non-agricultural landscaping (trees, flowers, shrubs, groundcover) shown on the approved landscape plan shall be maintained in a healthy condition. Dead landscape elements shall be replaced promptly.

**6. RESTRICTION OF OUTDOOR LIGHTING.** All light glare shall be contained on the subject property and shall not project onto or at any adjacent residential use.

**SECTION 7. SIGNAGE.** Direction signs sufficient to guide commercial agricultural deliveries to the Clos de la Tech Winery shall be maintained at all road and driveway intersections, in order to restrict winery vehicle traffic to the proper routes along public roads and private driveways. No winery direction signs may be illuminated, and their dimensions shall be subject to approval by the Director of Planning and Building.

**8. WATER EXTRACTION LIMITS.** Prior to the planting of any new vineyard acreage, the applicant shall, at their expense, drill a well to monitor groundwater levels in the area near Tunnel Springs. The location and monitoring protocol for said well shall be established in consultation with the San Mateo County Planning Department and the Environmental Health Services Division of the San Mateo County Health Department. If the monitoring well is to be located on land to be transferred to an owner other than the applicant, then the applicant shall establish an easement that would allow for maintenance of the monitoring well and its equipment. Results of the monitoring shall be transmitted to the San Mateo County Director of Planning and Building and the Environmental Health Services Division of the San Mateo County Health Department on an annual basis. If water levels in the monitoring well drop below a threshold (to be determined as part of the monitoring protocol), then the applicant shall cease pumping of their wells until such time as water levels in the monitoring well return to the threshold level.

**9. SOLAR PANEL RESTRICTION.** Solar energy collection panels, with the exception of small panels powering meteorological and similar equipment, are prohibited.

**10. PROTECTED HABITAT AREA.** 80 acres of the 166-acre property located outside of the footprint of the winery and associated vineyard development as delineated on the Development Plan (“Protected Habitat Area”) shall be preserved in their current undeveloped condition as potential habitat. The attached map titled “Protected Potential Habitat Area” outlines the maximum envelope within which the 80-acre Protected Habitat Area shall occur.

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Within the Protected Habitat Area the following uses and activities are prohibited:

- (a) Unseasonable watering; use of fertilizers, pesticides, biocides, herbicides or other agricultural chemicals; weed abatement activities; and incompatible fire protection activities.
- (b) Use of off-road vehicles and use of any other motorized vehicles except on existing roadways.
- (c) Agricultural activity of any kind.
- (d) Recreational activities, including, but not limited to, horseback riding, biking, hunting or fishing except for personal, non-commercial, recreational activities of the owner of the affected property and their guests.
- (e) Commercial, industrial, residential, or institutional uses.
- (f) Any legal or de facto division, subdivision or partitioning of the Protected Habitat Area except for the purposes of environmental preservation.
- (g) Construction, reconstruction, erecting or placement of any building, billboard or sign.
- (h) Depositing or accumulation of soil, trash, ashes, refuse, waste, bio-solids or any other materials.
- (i) Planting, introduction or dispersal of non-native or exotic plant or animal species.
- (j) Filling, dumping, excavating, draining, dredging, mining, drilling, removing or exploring for or extracting minerals, loam, soil, sand, gravel, rock or other material on or below the surface of the Protected Habitat Area, or granting or authorizing surface entry for any of these purposes.
- (k) Altering the surface or general topography of the Protected Habitat Area, including, but not limited to, any alterations to habitat, building roads or trails, paving or otherwise covering the Protected Habitat Area with concrete, asphalt or any other impervious material.
- (l) Removing, destroying, or cutting of trees, shrubs or other vegetation, except as required by law for (i) fire breaks, (ii) maintenance of existing foot trails or roads, or (iii) prevention or treatment of disease.
- (m) Impounding or altering any natural water course, body of water or water circulation on the Protected Habitat Area, and any activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters.

**11. PURPLE NEEDLEGRASS GRASSLAND RESTORATION.** The owner of the affected property shall restore five (5) acres of purple needlegrass grassland within the Protected Habitat Area. The purple needlegrass grassland acreage shall be of high-density, meaning at least twenty (20) percent coverage.

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The affected property owner shall:

- a) Ensure that transplanting, planting, and seeding includes local, native purple needlegrass at densities that are appropriate for the site and recommended by a qualified biologist. The sources of plugs and seeds shall be from on-site or another local source to maintain the genetic integrity of the on-site population.
- b) For the first five (5) years of the restoration efforts, provide an annual report to the County, to be prepared by a qualified biologist or botanist, documenting how the restoration is meeting the coverage criteria.
- c) Provide Funding assurances acceptable to the County that will be sufficient to guarantee successful performance success of the restoration and monitoring.

**12. NOISE MAKING DEVICES.** The use of noise making devices for bird/pest control within the vineyards shall be prohibited. Said prohibition shall be incorporated into the final PUD ordinance language.

**13. PROHIBITION OF COMMERCIAL AGRICULTURE IN WOODHAMS CREEK WATERSHED.** Commercial agriculture by the owners and successors of the property governed by this PUD ordinance is prohibited within the Woodhams Creek Watershed.

**PUD-136 - Ordinance No. 04544, March 15, 2011.**

**1. PURPOSE.** The following PUD-136 regulations shall govern the land use and development (described below) on an 11,185 sq. ft. property (Assessor's Parcel Number 054-262-310) located at 2625 Marlborough Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**2. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2010-00172) for the subject property as conditioned and approved by the Planning Commission on February 9, 2011, and by the Board of Supervisors on March 15, 2011, and on file in the County Planning and Building Department. Those plans include the following specific elements: (a) construction of 9,624 sq. ft. building for a

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gymnasium/ recreation center, a two-bedroom caretaker apartment, and office space for a Sheriff's substation; (b) the provision and maintenance of all new and approved landscaping and surface materials; (c) and provision and maintenance of all parking area surface materials and drainage elements. No enlargements to this building shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**3. RESTRICTION TO PERMITTED USES.** This PUD shall be for the limited operation of a gym/recreation facility, Sheriff's substation, with one residential caretaker apartment. The facilities located on the property that is the subject of this PUD shall not be used as a residence or allow for sleep anywhere in the building except the designated caretaker's unit/apartment. The gymnasium/recreation center that is located on the property that is the subject of this PUD shall be limited to conducting no more than four (4) special events per year. For purposes of this Section 3, "special event" means a public activity held for the purpose of amusement, education, or entertainment of the participants or the public to publicize or aid an organization or commemorate an event or occasion. These events would include, for example, a volunteer appreciation dinner, holiday toy drive, etc., each will have a scheduled time and duration that may impact the normal operation of the adjacent areas.

**4. HEIGHT.** Heights of all the buildings shall conform to those shown in the approved plans as adopted by the Board of Supervisors.

**5. SETBACKS.** The minimum setbacks of all the buildings shall conform to those shown in the approved plans or as modified by conditions of approval as adopted by the Board of Supervisors.

**6. LOT COVERAGE.** The maximum lot coverage for all buildings shall comply with that shown on the approved plans or as modified by conditions of approval as adopted by the Board of Supervisors.

**7. FLOOR AREA.** The maximum floor area for all floors of all buildings shall comply with that shown on the approved plans or as modified by conditions of approval as adopted by the Board of Supervisors.

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**8. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers, groundcover) as required by the conditions of approval for this project shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in perpetuity by that of a like kind immediately. The Director of Planning and Building should determine when landscaping is considered of “like kind.”

**9. RESTRICTION OF OUTDOOR LIGHTING.** All outdoor lighting glare shall be contained on the subject parcel and shall not project onto or at any adjacent residential use.

**10. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** The facility located on the premises that is subject of this PUD shall maintain a minimum of 24 on-site bike parking spaces and a minimum of 37 vehicle off-street parking spaces, as shown on the approved plans. The internal backup area and access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation.

**11. RESTRICTION ON HOURS OF OPERATION.** Administrative staff and the San Mateo County Sheriff’s staff at the Siena Youth Center may be on-site at any time. The hours of operation for members/clients visiting the Siena Youth Center shall be from 9:00 a.m. to 9:00 p.m., Sunday through Thursday, and from 9:00 a.m. to 10:00 p.m., Friday and Saturday. The operator of the Center shall ensure that the facility is promptly closed and all members/clients shall disperse from the site within one-half hour of closure.

**12. OPERATING PROCEDURES.**

In regard to the four yearly special events, as defined in Section 3, the operator shall notice Current Planning Staff and all adjacent neighbors/ property owners within a 300’ radius of said special events. The applicant shall include in the notice a description of the event, date, and duration of the event, at minimum 14 days prior to the event.

The facility operator or an appointed, identified, responsible adult representative shall be present and remain at all events to ensure that all applicable conditions of the PUD are met. This person shall be present at all special events and/or organized games and shall regularly walk the surrounding area to ensure that proper parking etiquette is observed, bringing violations to the attention of the attendees.



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The operator shall supply to the Current Planning Section a monthly schedule of events that provides a daily breakdown of uses and hours. This calendar shall also be posted in a conspicuous location at the exterior of the building.

All associated calendars, fliers, event notifications, etc., shall include the following language in Spanish and English: Due to the limited amount of parking availability in the area we encourage visitors to either bicycle, carpool, or walk to activities at this facility, where possible.

**PUD-137 – Ordinance No. 04721, November 18, 2014**

**A. PURPOSE.** The following PUD-137 regulations shall govern the land use and development of a multiple-family residential development (described below) on an 18,000 sq. ft. property (Assessor's Parcel Numbers 060-265-050, 060-265-060, and 060-265-070) located at 101 and 105 5th Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**B. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2014-00118) for the subject property as recommended for approval by the Planning Commission on October 8, 2014, and by the Board of Supervisors on November 18, 2014, and on file in the office of the County Planning Department. Those plans include the following specific elements:

- (a) The construction of a single two-story, 16 unit apartment building, with a total floor area of 13,376 sq. ft.
- (b) Construction of an access driveway.
- (c) The provision of all new and approved landscaping.
- (d) The provision and maintenance of all access driveway surface materials and drainage elements. No enlargement to this building shall be allowed and no building or site design modifications shall be allowed

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unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**C. HEIGHT.** Heights of the proposed building shall conform to those shown in the approved plans.

**D. SETBACKS.** The minimum setbacks of the proposed building shall conform to those shown in the approved plans or as modified by conditions of approval.

**E. LOT COVERAGE.** The maximum lot coverage on the project site shall comply with that shown on the approved plans or as modified by conditions of approval.

**F. FLOOR AREA.** The maximum floor area for all floors of the proposed building shall comply with that shown on the approved plans or as modified by conditions of approval.

**G. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers, groundcover) as required by the conditions of approval for this project shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**H. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans or as modified by conditions of approval. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**I. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 16 uncovered parking spaces, or as modified by conditions of approval, shall be provided and maintained as shown on the approved plans. No parking space shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area and access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-138 – Ordinance No. 04748, November 17, 2015**

**SECTION A. PURPOSE.** The following PUD-138 regulations shall govern the land use and development of a multiple-family residential development (described below) on a 13,988 sq. ft. property (Assessor's Parcel Numbers 054-263-030 and 054-263-040) located at 2626 and 2642 Marlborough Avenue in the unincorporated North Fair Oaks area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**SECTION B. DEVELOPMENT PLAN.** All development shall conform to the development plans (County File Number PLN 2015-00263) for the subject property as recommended for approval by the Planning Commission on October 14, 2015, and by the Board of Supervisors on November 17, 2015, and on file in the office of the County Planning and Building Department.

Those plans include the following specific elements:

- (a) The construction of a single three-story, 15-unit apartment building, with a total floor area of 18,802 sq. ft.
- (b) Construction of an access driveway.
- (c) The provision of all new and approved landscaping.
- (d) The provision and maintenance of all access driveway surface materials and drainage elements. No enlargement to this building shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**SECTION C. HEIGHT.** Heights of the proposed building shall conform to those shown in the approved plans.

**SECTION D. SETBACKS.** The minimum setbacks of the proposed building shall conform to those shown in the approved plans or as modified by conditions of approval.

**SECTION E. LOT COVERAGE.** The maximum lot coverage on the project site shall comply with that shown on the approved plans or as modified by conditions of approval.

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**SECTION F. FLOOR AREA.** The maximum floor area for all floors of the proposed building shall comply with that shown on the approved plans or as modified by conditions of approval.

**SECTION G. MAINTENANCE OF LANDSCAPING.** All landscaping (i.e., trees, shrubs, flowers and groundcover), as required by the conditions of approval for this project, shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in like kind immediately.

**SECTION H. RESTRICTION OF OUTDOOR LIGHTING.** Outdoor lighting (i.e., number, location and type of fixtures) shall be restricted to that on the approved plans or as modified by conditions of approval. All light glare shall be contained to the subject parcel and shall not project onto or at any adjacent residential use.

**SECTION I. MAINTENANCE OF MINIMUM PARKING PROVISIONS.** Parking provisions for a minimum of 20 parking spaces (18-resident and 2-guest), or as modified by conditions of approval, shall be provided and maintained as shown on the approved plans. No parking space shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area and access driveway shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**PUD-139 - Ordinance No. 04803, September 4, 2018**

**SECTION A. PURPOSE.**

The following regulations shall govern the land use and development of a residential elderly care development (described below) on six properties, Assessor's Parcel Numbers 060-271-060, 060-271-070, 060-271-080, 060-271-090, 060-271-100, and 060-271-110, located at the northern corner of El Camino Real and East Selby Lane in the unincorporated North Fair Oaks area of San Mateo County. The six properties will be merged to create one 61,726 sq. ft. (1.42 acres) property for the residential elderly care development. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning Regulations) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**SECTION B. DEVELOPMENT PLAN.**

All development shall conform to the approved development plans (approved plans) or as modified by conditions of approval (County File Number PLN 2017-00251) for the subject properties as recommended for approval by the Planning Commission on July 25, 2018, approved by the Board of Supervisors on September 4, 2018, and on filed in the County Planning and Building Department. Those plans include the following specific elements:

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1. Demolition of all existing development on the six properties.
2. Construction of a two- and three-story, 90 unit, 78,026 sq. ft. building for a residential elderly care use.
3. Construction of a 63-space, 38,153 sq. ft. underground parking garage within the building.
4. A driveway from East Selby Lane to access a pick up/drop off area and ramp to access the underground parking garage.
5. An access road and delivery area along the western property line accessed from El Camino Real.
6. The removal of fourteen (14) significant-sized trees.
7. The preservation of fourteen (14) significant-sized trees.
8. The planting of fourteen (14) trees of at least 15-gallon size each, and every coast live oak tree removed shall be replaced with a coast live oak tree of at least 48-inch box size each.
9. The provision and maintenance of all new and approved landscaping.
10. The provision and maintenance of all access driveway and road surface materials and drainage elements.

No enlargement to this building shall be allowed and no building or site design modifications shall be allowed unless determined to be minor and approved by the Director of Planning and Building. The Director of Planning and Building shall make any necessary determination of conformity with the plan.

**SECTION C. RESTRICTION TO PERMITTED USE.**

Only the residential elderly care use shall be allowed.

**SECTION D. DENSITY.**

The total number of dwelling units shall not exceed 90 dwelling units.

**SECTION E. HEIGHT.**

The maximum height of the proposed building shall conform to that shown in the approved plans or as modified by conditions of approval.

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**SECTION F. SETBACKS.**

The minimum setbacks of the proposed building shall conform to those shown in the approved plans or as modified by conditions of approval.

**SECTION G. LOT COVERAGE.**

The maximum lot coverage on the project site shall comply with that shown on the approved plans or as modified by conditions of approval.

**SECTION H. FLOOR AREA.**

The maximum floor area for all floors of the proposed building shall comply with that shown on the approved plans or as modified by conditions of approval.

**SECTION I. DESIGN REVIEW AND AMENDMENTS TO THE PRECISE PLAN.**

The exterior colors and materials shall be constructed in accordance with the approved plans or as modified by conditions of approval. The Director of Planning and Building may approve reasonable alterations or additions to the approved plans, provided it is determined that they are consistent with the purpose and intent of the approved plans and this PUD district.

**SECTION J. TREES.**

Fourteen (14) significant-sized trees as indicated on the approved plans have been approved for removal. Removal of any other tree(s) with a diameter equal to or greater than 12 inches as measured 4.5 ft. above the ground shall require a tree removal permit, pursuant to the processing and requirements of the County Significant and/or Heritage Tree Ordinance. Every significant-sized tree removed shall be replaced with a tree of at least 15-gallon size stock each. Every coast live oak tree removed shall be replaced with a coast live oak tree of at least 48-inch box size each. If Tree #1 (30.4-inch diameter at breast height (dbh) coast live oak tree), as shown in the approved plans, requires removal, this tree shall be replaced with a coast live oak tree of appropriate size. Fourteen (14) significant-sized trees as indicated on the approved plans shall be preserved and maintained in a healthy condition. All tree protection measures from the arborist report and all addendums to the arborist report shall be followed, unless modification is approved by the project arborist. The project arborist shall observe, document (photo, video, and written, where best prescribed), and report to the County that the procedures and processes outlined in the arborist report and all addendums to the arborist report are

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conducted properly.

**SECTION K. MAINTENANCE OF LANDSCAPING.**

All proposed landscaping shown on the approved plans shall always be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in kind immediately.

**SECTION L. RESTRICTION OF OUTDOOR LIGHTING.**

Outdoor lighting (i.e., number, location, and type of fixtures) shall be restricted to that on the approved plans. All light glare shall be contained to the subject properties and shall not be visible from any adjacent residential use.

**SECTION M. MAINTENANCE OF MINIMUM PARKING PROVISIONS.**

Parking provisions for a minimum of sixty-three (63) covered parking spaces, twenty-five (25) private bicycle parking spaces, six (6) public bicycle parking spaces, and four (4) electrical vehicle charging stations, or as modified by conditions of approval, shall be provided and maintained as shown on the approved plans. No parking space shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). The internal backup area, the access driveway from East Selby Lane and the access road from El Camino Real, shall be kept free of any permanently parked vehicles, and shall be reserved for vehicle circulation and temporary deliveries.

**SECTION N. SIGNAGE.**

Only two (2) business-identifying signs are allowed as shown on the approved plans. The designs shall be subject to the review and approval of the Director of Planning and Building.

**SECTION O. UTILITIES.**

All new utility lines from the street or nearest existing utility pole to the proposed building shall be placed underground.

**PUD-140 – Ordinance No. 04830.5, July 21, 2020**

**SECTION A. PURPOSE.**

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The following regulations shall govern the development of the residential affordable housing project described below on Assessor's Parcel Number 037-022-070 (project parcel), located at the north-easterly corner of Carlos and Sierra Streets in the unincorporated Moss Beach area of San Mateo County. To the extent that the regulations contained herein conflict with other provisions of Part One, Division VI (Zoning Regulations) of the San Mateo County Ordinance Code, the regulations contained herein shall govern.

**SECTION B. DEVELOPMENT PLAN.**

All development shall substantially conform to the plans presented to the San Mateo County Planning Commission on January 22, 2020, approved by the Board of Supervisors on July 21, 2020, and on filed in the County Planning and Building Department. Those plans include the following elements:

1. Grading of the site (including removal of remnant foundations from previously demolished buildings) for new buildings, roads and other infrastructure improvements as shown on the Conceptual Grading Plan.
2. Construction of 18 two-story residential apartment buildings to be restricted to low income households (defined as households earning up to 80 percent of the Area Median Income (AMI)), with the exception of the manager's apartment.
3. Construction of a community building. Construction of a minimum of 142 uncovered surface parking spaces.
4. A driveway from Carlos Street into the project parcel.
5. Construction of sidewalks and pathways to provide pedestrian access into and within the project parcel.
6. Planting and maintenance of landscaping.
7. The provision and maintenance of all access driveways and road surface materials and drainage elements.
8. Installation of all new utilities (water, sewer, electrical, telephone, cable, etc.) underground.



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No site disturbance associated with construction of the PUD shall occur unless and until Design Review, Grading, and Coastal Development Permits have been approved and issued, along with any other necessary County permit.

**SECTION C. PERMITTED USES.**

1. Multi-family housing for low income households.
2. A Community building that will house a community room, property management/resident services offices, and such amenities as computer lab, laundry room and after-school program space.
3. Outdoor recreational uses for residents of the housing complex, such as tot lots, community garden, barbecue and play areas.
4. Publicly accessible open space with amenities such as trail, benches, and an exercise course.

**SECTION D. DENSITY.**

The total number of dwelling units shall not exceed 71 dwelling units.

**SECTION E. HEIGHT.**

The maximum building height shall be 28 feet, not to exceed two habitable stories. Building height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above.

**SECTION F. SETBACKS.**

The minimum setbacks of the proposed buildings shall conform to those shown on the plans reviewed by the Board of Supervisors on July 21, 2020, or as modified by Coastal Development Permit conditions of approval.\

**SECTION G. LOT COVERAGE.**

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The maximum lot coverage on the project site shall comply with that shown on the plans reviewed by the Board of Supervisors on July 21, 2020, or as modified by Coastal Development Permit conditions of approval.

**SECTION H. FLOOR AREA.**

The maximum floor area for all floors of all proposed buildings shall comply with that shown on the plans reviewed by the Board of Supervisors on July 21, 2020, or as modified by Coastal Development Permit conditions of approval.

**SECTION I. MAINTENANCE OF LANDSCAPING.**

The final landscape plan shall be subject to the County's Water Efficient Landscape Ordinance (WELo). Once approved and installed, the landscape plan shall be maintained in a healthy condition. Any dead or dying landscaping elements shall be replaced in kind as soon as possible.

**SECTION J. RESTRICTION OF OUTDOOR LIGHTING.**

All outdoor lighting (i.e., number, location, and type of fixtures) shall be subject to review by the Coastside Design Review Committee as part of the consideration of a Coastal Development Permit. All light and glare shall be contained to the project site.

**SECTION K. MAINTENANCE OF MINIMUM PARKING PROVISIONS.**

A minimum of 142 un-covered parking spaces shall be provided and maintained as shown on the conceptual plans. No parking space shall be used in such a manner as to prevent its use for parking (e.g., storage, etc.). All internal access roads shall be kept free of any permanently parked vehicles and shall be reserved for vehicle circulation and temporary deliveries.

## ARTICLE 2 - DEVELOPMENT PROCEDURES

### CHAPTER 8.280 - USE PERMITS.

#### 8.280.010 - When a Permit May Be Issued.

Use permits, conditional use permits, revocable use permits, and use permits valid for a term of one year, may be issued for any of the following:

- (a) Any of the uses or purposes for which such permits are required or permitted by the provisions of Title 8.
- (b) Location of electric power, gas, water and oil lines; public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare, except that a use permit shall not be required for local distribution lines.
- (c) Location of the following uses in any district outside the Coastal Zone, except the R-1/CCP District, when found to be necessary for the public health, safety, convenience or welfare:
  - 1. Airport.
  - 2. Cemetery.
  - 3. Hospital.
  - 4. Rest Home.
  - 5. Sanitarium.
  - 6. Institution of a philanthropic or charitable nature.
  - 7. Quarries subject to the provisions of Chapter 8.420.
  - 8. Topsoil sites subject to the provisions of Chapter 8.412.
  - 9. Waste disposal sites and large collection facilities for recyclable materials.
  - 10. Directional signs subject to standards as established by the Planning Commission.
  - 11. Golf Courses.
  - 12. Small boat harbors with related facilities.
  - 13. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size.
  - 14. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area for the sale of agricultural products grown on the premises, or elsewhere within San Mateo County by the operator or members of their immediate family, provided the following findings can be made:

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- a. That the use is not in conflict with the County General Plan.
  - b. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.
  - c. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (d) Location of the following uses in any district, within the Urban Areas of the Coastal Zone, when found to be necessary for the public health, safety, convenience or welfare:
1. Hospital.
  2. Rest Home.
  3. Sanitarium.
  4. Institution of a philanthropic or charitable nature.
  5. Directional signs for public information purposes only (i.e., hospitals, schools, park locations, etc.). Signs shall be distinctive in their design, easy to understand, and uniform in format.
  6. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size
  7. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises or elsewhere within San Mateo County by the operator or members of their immediate family, provided the following findings can be made:
    - a. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.
    - b. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (e) Location of the following uses in any district, within the Rural Areas of the Coastal Zone, when found to be necessary for public health, safety, convenience or welfare:
1. Directional signs for public information purposes only (i.e., hospitals, schools, park locations, etc.). Signs shall be distinctive in their design, easy to understand, and uniform in format.

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2. The keeping of domestic livestock or farm animals in conjunction with 4-H or similar projects on parcels of land not less than one acre in size.
  3. Roadside stand, for a period of one year, subject to annual review and reapplication, in a district where it is not otherwise permitted, not to exceed four hundred (400) square feet in floor area for the sale of agricultural products grown on the premises, or elsewhere within San Mateo County by the operator or members of their immediate family, provided the following findings can be made:
    - a. That the character of the surrounding area will not be adversely affected by the stand itself or by its secondary impacts.
    - b. That there are exceptional circumstances requiring the placement of the stand in the district in question rather than in an RM, C-1, or C-2 District.
- (f) Additional Requirements in the Coastal Zone. Use permits issued in the Coastal Zone will be subject to the hearing, notification, and appeal requirements outlined in Sections 6328.10, 6328.11, and 6328.16 of the Coastal Development District regulations. Approved uses in the Coastal Zone shall be consistent with the policies and standards of the San Mateo County Local Coastal Program.
- (g) Uses in Historic Structures and Districts. Location of uses not allowed by the zoning district regulations but determined by the Planning Commission to be compatible in structures listed in the National Register of Historic Places, or County Historic Landmarks and/or Historic Districts as designated by Chapter 8.428 of the County Zoning and Development Code and subject to the permit requirements of that Chapter and, in the Coastal Zone, also subject to the permit requirements of Chapter 8.252 (Coastal Development District).
1. The Historic Resources Advisory Board shall review all applications and report to the Planning Commission prior to its public hearing on the compatibility and appropriateness of the use in the historic landmark and/or historic district.
  2. The Planning Commission shall make the following findings prior to approving any permit:
    - a. The use will contribute to the preservation of the historic landmark.
    - b. The use is compatible with the design of the structure and will not require alterations which will destroy or alter its historic character.
    - c. The use is compatible with surrounding land use and the character of the area.
    - d. It is demonstrated that the impacts of the use on the surrounding area, including noise and traffic, can be mitigated.
    - e. The use is not detrimental to the public health, safety, or welfare.

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3. In the Coastal Zone, the Planning Commission shall make the following additional findings prior to approving any permit:
  - a. In rural areas (as designated in LCP Policy 1.7):
    - (1) Density of use shall not exceed that permitted under Policy 1.8(b) of the San Mateo County Local Coastal Program.
    - (2) Water use for the permitted use shall not exceed that provided for under “priority uses” in Policy 1.8(c) of the San Mateo County Local Coastal Program. Priority uses are allocated a maximum daily water use of 615 gallons per density credit.
    - (3) Uses allowed shall be limited to the following: (a) single-family residential, (b) multiple-family residential, (c) schools, public and private, (d) libraries, (e) community centers, (f) conference centers, (g) clubs, public and private, (h) professional offices, (i) art galleries, (j) art studios, (k) museums, (l) shops and boutiques, (m) book stores, country inns and hotels, and (n) restaurants and cafes, bars.
  - b. In urban areas (as designated in LCP Policy 1.4):
    - (1) Uses allowed shall be limited to the following: (a) single-family residential, (b) multiple-family residential, (c) schools, public and private, (d) libraries, (e) community centers, (f) conference centers, (g) clubs, public and private, (h) professional offices, (i) art galleries, (j) art studios, (k) museums, (l) shops and boutiques, (m) book stores, country inns and hotels, and (n) restaurants and cafes, bars.
  - c. The use is consistent with the resource protection policies of the San Mateo County Local Coastal Program.

(Prior code Section 6500(c) - Amended by Ordinance No. 1402 - June 8, 1960)

(Prior code Section 6500(c) - Amended by Ordinance No. 1922 - July 23, 1968)

(Prior code Section 6500(c) - Amended by Ordinance No. 2314 - May 27, 1975)

(Prior code Section 6500(c) - Amended by Ordinance No. 2370 - June 1976)

(Prior code Section 6500(c) - Amended by Ordinance No. 2708 - December 16, 1980)

(Prior code Section 6500(c) - Amended by Ordinance No. 3565 - April 5, 1994)

(Prior code Section 6500(c)9 - Amended by Ordinance No. 3131 - December 15, 1987)

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(Prior code Section 6500(c)9 - Amended by Ordinance No. 3157 - September 13, 1988)

(Prior code Section 6500(d) - Added by Ordinance No. 2709 - December 16, 1980)

(Prior code Section 6500 - Amended by Ordinance No. 2892 - June 5, 1984)

(Prior code Section 6500(c)(9) - Amended by Ordinance No. 3131 - December 15, 1990)

**8.280.020 - Topsoil Sites.**

- (a) Topsoil sites may be operated in any portion of the County subject to the securing of an annual use permit and subject to the posting of a corporate surety bond, the amount to be determined by the San Mateo County Engineer and approved by the Planning Commission for the faithful performance of the conditions of the permit.
- (b) The provisions of Chapter 8.412 of the San Mateo County Ordinance Code shall apply to all topsoil site applications.
- (c) General regulations for topsoil sites.

1. Erosion Control

The depth of topsoil left on the site shall comply with the conditions of each permit.

Topsoil shall not be removed from slopes steeper than those specified in any permit.

The topsoil site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain.

As directed by the Planning Commission, the topsoil site shall be fertilized, mulched, and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion. Said cover shall be established within time limits specified in each permit.

All surface drainage existing or developing by or through the topsoil site shall be controlled by dikes, barriers, or drainage structures to prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on State or County roads or private property. All provisions to control natural drainage or floodwater shall meet with the approval of the County Engineer.

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(d) Drainage of Premises

The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of stormwaters or natural seepage.

(e) Maintenance and Operation

1. The premises of the topsoil site shall be maintained at all times in a neat and orderly manner.
2. The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition providing such surfacing or other treatment deemed necessary by the Planning Commission.

(Prior code Section 6502(b) - Amended by Ordinance No. 2067 - August 25, 1970)

**8.280.030 - Procedure.**

Applications for any use permit permissible under the provisions of this Chapter, except as otherwise provided for quarry and topsoil sites, shall be made in writing to the Planning Commission on forms provided by said Commission. Applications shall be signed and verified by the owner of the land involved or by their authorized agent and shall be accompanied by a plan of the proposed development. If application is made by a person other than the owner, written authorization to act on behalf of the owner shall be submitted with such application. Applications may also be made on behalf of one who is or will be plaintiff in an action in eminent domain to acquire the premises involved.

Upon receipt of any such application, the Planning Commission may hold a public hearing or public hearings thereon, if it deems such hearings necessary. If a hearing or hearings are held, notice shall be given by:

- (a) One (1) publication in a newspaper of general circulation in the County, within ten (10) days next preceding the date of said hearing; and
- (b) Posting notices in the same manner as set forth in Chapter 27 for a proposed amendment; or
- (c) Mailing a postal card notice not less than ten (10) days prior to the date of the hearing to the owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property or properties which is the subject of the application for the use permit.



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At such hearings, the applicant may present testimony and other evidence in support of their application, and other interested persons may be heard and/or present evidence on the matter.

In order to grant the use permit as applied for or conditioned, the findings of the Planning Commission must include that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In order to grant a use permit for development of a non-conforming parcel (as defined in Section 8.388.020), the following findings must also be made:

- (a) The proposed development is proportioned to the size of the parcel on which it is being built,
- (b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible, and
- (d) Use permit approval does not constitute a granting of special privileges.

Notwithstanding the provisions of Section 8.280.030 no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Midcoast.

In approving the granting of any use permit, the Planning Commission shall designate such conditions in connection therewith, as will, in its opinion, secure substantially the objectives of the San Mateo County Ordinance Code as to light, air, and the public health, safety, morals, convenience and general welfare. Such Commission shall require such evidence and guarantees, including bonds, as it may deem to be necessary to obtain compliance with the conditions designated in connection therewith.

In any case where a bond to secure the faithful performance of conditions designated by the Planning Commission has been posted, and the Commission has reasonable grounds for believing that the conditions of said bond have not been complied with, the Commission may hold a hearing to determine whether there has been a non-compliance with the conditions or any part of them. Notice of the time and place of such hearing shall be served upon the person posting said bond by registered mail or by personal service at least ten (10) days prior to the date set for said hearing. If at said hearing the Commission finds that the conditions of the bond or any part of them have not been complied with, it may declare all or part of said bond forfeited. In the event the determination is to declare all or part of said bond forfeited, the person posting said bond may appeal said decision to the Board of Supervisors in the same manner as provided for appeals taken on the application or revocation of use permits. When such forfeiture has been declared and the determination has become final by failure to file an appeal within the time prescribed or otherwise, the Planning Commission may request that the County Counsel take the steps

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necessary to make such forfeiture effective.

(Prior code Section 6503 - Amended by Ordinance No. 1919 - July 9, 1968)

(Prior code Section 6503 - Amended by Ordinance No. 3594 - September 20, 1994)

(Prior code Section 6503 - Amended by Ordinance No. 3673 - September 12, 1995)

(Prior code Section 6503 - Amended by Ordinance No. 4062 - August 21, 2001)

(Prior code Section 6503(b) - Amended by Ordinance No. 3673 - September 12, 1995)

**8.280.040 - Appeal To Board Of Supervisors - Use Permits.**

The applicant or any interested property owner aggrieved by a determination of the Planning Commission may appeal to the Board of Supervisors within ten (10) working days from the date of such determination. Said appeal shall be taken by filing a notice of appeal with the Planning Commission, on a form provided by said Commission. Upon the filing of such notice of appeal, the Planning Commission shall immediately transmit same, together with its minutes and all other records in the matter, to the Board of Supervisors.

The Board of Supervisors may, upon receiving a notice of appeal:

- (a) Review the record and transcript or minutes of the proceedings held before the Planning Commission and either affirm or reverse the action of said Commission, or it may refer the matter back to the Planning Commission for further proceedings; or
- (b) Set the matter for hearing before itself. At such hearing, the Board of Supervisors shall hear (and decide the matter de novo as if no other hearing had been held), and shall have all the powers of the Planning Commission in this connection.

In deciding an appeal, the Board of Supervisors shall not hear or consider any evidence of any kind other than the evidence contained in the record received from the Planning Commission, nor any argument on the merits of the case other than that contained in the notice of appeal, unless it sets the matter for hearing before itself, as provided in this section, and gives the same notice of hearing as is required for hearings before the Planning Commission.

The decision of the Board of Supervisors upon an appeal is final and conclusive in the matter.

(Prior code Section 6504 - Amended by Ordinance No. 4158 - February 25, 2003)

**8.280.050 - Revocation Of Use Permits.**

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- (a) In the event any person, firm, or corporation holding a use permit for any of the uses or purposes for which such permits are required or permitted by the terms of Title 8 or any other law or ordinance, shall fail to make any use of said permit for a period of one year after the granting of said permit, or shall violate the terms of the use permit, or shall conduct or carry on said use in such a manner as to materially affect adversely the health, welfare, or safety of persons residing, or working in the neighborhood of the property of the said permittee, or shall conduct or carry on said use so that the said use is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Planning Commission shall revoke or suspend said use permit.
- (b) Procedure for Revoking Use Permit. No use permit shall be revoked or suspended until a hearing is held by the Planning Commission. Written notice of such hearing shall be served upon the permittee, either personally or by registered mail, and shall state:
1. The grounds for complaint or reasons for the revocation or suspension, in clear and concise language.
  2. The time when, and the place where, such hearing is to be held. Such notice shall be served by registered mail or personal service on the permittee at least five (5) days prior to the date set for said hearing. At any such hearing, the permittee shall be given an opportunity to be heard and defend themselves, and they may call witnesses and present evidence in their behalf. Upon conclusion of such hearing, the Planning Commission shall determine whether or not the permit shall be suspended or revoked. In the event the determination is to suspend or revoke said permit, the permittee may appeal such decision to the Board of Supervisors in the same manner as provided hereinabove for appeals taken on applications for the granting of such permits.

(Prior code Section 6501(a) - Amended by Ordinance No. 2370 - July 22, 1976)

(Prior code Section 6501 - Repealed by Ordinance No. 2767 - February 9, 1982)

(Prior code Section 6505(a) - Amended by Ordinance No. 1404 - June 21, 1960)

## ***CHAPTER 8.284 – LEGAL LOT REQUIREMENT, ZONING & BUILDING VIOLATIONS***

### **8.284.010 - Legal Lot Requirement.**

No permit for development shall be issued for any lot which is not a legal lot. For purposes of this ordinance, development does not include non-structural uses of property including but not limited to roads, fences or water wells.

**8.284.020 - Zoning And Building Violation.**

Except as provided in Sections 8.284.030 and 8.284.040 below, no permit for development shall be issued for any lot that has an existing zoning or building violation.

**8.284.030 - Preliminary Determination Of Violation By Director of Planning and Building Or Chief Building Official.**

- (a) When an application for a permit for development, other than a building permit, is submitted, the Director of Planning and Building shall make a preliminary determination as to whether any building or zoning violations are present on the lot for which the permit is sought. When an application for a building permit is submitted, the Chief Building Official shall make a preliminary determination as to whether any building or zoning violations exist on the lot for which the permit is sought.
- (b) If the Director of Planning and Building or Chief Building Official finds that there is evidence that a building or zoning violation exists on the lot, they shall issue a Notice of Preliminary Determination of Violation by first class mail to the record owner of the lot and the applicant specifying with particularity the violations on the lot. The notice shall provide a thirty (30) day period for the owner and/or applicant to submit, in writing, any information which may bear on the determination of the existence or non-existence of a violation on the lot.
- (c) The Director of Planning and Building or Chief Building Official, as appropriate, shall consider any information submitted by the owner and/or the applicant, and make a final staff determination as to whether any building or zoning violation exists on the lot for which the permit is sought. If the Director of Planning and Building or Chief Building Official determines that there is insufficient evidence to establish that such violation exists, the owner and applicant shall be so informed in writing. If the Director of Planning and Building or Chief Building Official determines that there is sufficient evidence that such a violation exists, a Notice of Staff Determination of Violation shall be issued by first class mail to the record owner of the lot and the applicant specifying with particularity the violations on the lot. The notice shall also state that the existence of a building or zoning violation on the lot may serve as the basis to deny any permit or permits for development on the lot.
- (d) In those instances where the Director of Planning and Building or Chief Building Official determines that the violation or violations are minor in nature, and do not represent a threat to the health or safety of persons or property, they may, in lieu of issuing a Notice of Staff Determination of Violation, elect to address the violation in any other manner authorized by other provisions of this Code.
- (e) A determination by the Director of Planning and Building or Chief Building Official that there is insufficient evidence to establish that a violation exists on the lot shall not be conclusive, and shall not preclude the County from exercising any authority it otherwise has to abate any subsequently discovered building or zoning violation on the lot.

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- (f) Notwithstanding other provisions of this section, in the event that the applicant for a permit demonstrates to the satisfaction of the Director of Planning and Building or Chief Building Official that (1) they are the owner of a property right in the lot for which the permit is sought, separate and apart from a fee interest in the lot, (2) the granting of the permit being sought will further such property right, (3) the violation or violations do not relate to such property interest, and (4) the applicant is not responsible, directly or indirectly, for the violation(s), the application may be considered and approved notwithstanding the presence of the violation(s).

**8.284.040 - Determination Of Violation By Decision Maker.**

- (a) In all instances where the Director of Planning and Building or the Chief Building Official has made a determination that a violation exists on a lot proposed for development, and has issued a Notice of Staff Determination of Violation, any hearing held to consider whether to grant or deny the permit for development shall include consideration of whether such violation exists, as set forth in this section. In those instances where a hearing on a permit to develop would not otherwise be required by any other provision of this Code, a hearing shall be held as follows:
- (1) If the permit is normally issued by the Director of Planning and Building without a hearing, a hearing shall be held by the Zoning Hearing Officer. The Zoning Hearing Officer shall consider all issues relevant to a decision on the permit de novo. Notice and an opportunity for the applicant and owner to be heard shall be provided in the same manner as any other proceeding before the Zoning Hearing Officer.
  - (2) If the permit is normally issued by the Chief Building Official, a hearing shall be held before the Board of Building Permit Appeals. The hearing before the Board of Building Permit Appeals shall be limited to the question of whether the building permit should be issued or denied because of the presence of a building or zoning violation or violations on the lot. Notice and an opportunity for the applicant and owner to be heard shall be provided in the same manner as any other proceeding before the Board of Building Permit Appeals.
- (b) At any hearing held to determine whether a permit for development should be granted or denied, the decision maker shall consider whether or not a building or zoning violation is present on the lot. In addition to any other standards of review, findings, or other determinations applicable to the consideration of a permit for development, the presence of a zoning or building violation on a lot proposed for development may provide the basis for denying a permit for development on that lot. If the decision maker determines that a violation or violations exist, the decision maker shall deny the permit or permits, or alternatively may approve the permit or permits after granting a waiver under subsections (c), (d), (e) or (f) below.
- (c) Notwithstanding any other provisions of this Chapter, if the applicant or owner of the lot establishes, to the satisfaction of the decision maker, (1) that the violation was not caused by the applicant and/or current owner of the lot, and (2) that the violation occurred without the knowledge of the applicant and/or current owner of the lot, the decision maker may waive the requirement that the violation be abated as a precondition to approving the permit for development. If such a waiver is granted, the

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applicant and/or owner shall be required to correct the outstanding building and/or zoning violation at the same time as the applicant undertakes the proposed development, and no final inspection or certificate of occupancy shall be issued until the violation is corrected.

- (d) Notwithstanding any other provisions of this Chapter, if the applicant or owner of the lot establishes, to the satisfaction of the decision maker, that the development for which a permit is sought is necessary to protect the health or safety of persons or property, the decision maker may waive the requirement that the violation be abated as a precondition to approving the permit for development. If such a waiver is granted, the applicant and/or owner shall be required to correct any outstanding building and/or zoning violations either at the same time as the applicant undertakes the approved development, or immediately thereafter.
- (e) Notwithstanding any other provisions of this Chapter, the decision maker may waive the requirement that a violation be corrected as a precondition to approving a permit for development if the decision maker determines that (1) the violation is minor in nature, and (2) the violation was not caused by, or with the knowledge of, the current owner or the applicant for development. Any waiver granted under this subsection shall not act as a waiver of any other remedy the County has under any other provision of law.
- (f) Notwithstanding any other provisions of this Chapter, the decision maker may waive the requirement that a violation be corrected as a precondition to approving a permit for development if the applicant or owner establishes, to the satisfaction of the decision maker, (1) that the violation was not caused by or with the knowledge of the applicant and/or current owner of the lot, or if caused by the applicant and/or current owner, was caused without knowledge that it constituted a violation; and (2) that the applicant and/or owner has taken substantial steps to abate the violation, and obtained any necessary permits to do so. If such a waiver is granted, the applicant and/or owner shall be required to continue to correct the outstanding building and/or zoning violation at the same time as the applicant undertakes the proposed development, and no final inspection or certificate of occupancy shall be issued until the violation is corrected.
- (g) A decision on a development permit which does not include a determination that a building or zoning violation exists on the lot shall not be conclusive on the issue of whether any violation actually exists on the lot. The County may exercise any authority it otherwise has to abate any subsequently discovered building or zoning violation on the lot.

**8.284.050 - Definitions.**

- (a) For purposes of this Chapter, “permit for development” means any permit issued under the provisions of Title 8 (Zoning & Development Code) or Title 9 (Building Regulations).
- (b) For purposes of this Chapter, “lot” means any lot established as legal pursuant to the State Subdivision Map Act, the County’s Subdivision Regulations, or any prior law regulating the creation of lots for development, and shall include a lot for which development has been previously approved by the County.

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- (c) For purposes of this Chapter, “Director of Planning and Building” shall include any employee of the Planning and Building Division delegated the authority to review, investigate and make recommendations with respect to permits to develop.
- (d) For purposes of this Chapter, “decision maker” means the individual or body designated by the zoning or building regulations to hear a specified permit for development, and any body designated to hear an appeal of a decision on a permit for development.

(Prior Code Chapter 1.5 - Added by Ordinance No. 3776 - June 17, 1997)

***CHAPTER 8.288 - MAJOR DEVELOPMENT PRE-APPLICATION PROCEDURES.***

**8.288.010 - Purpose.**

The purpose of the pre-application procedures process is to foster early public involvement and input on major development projects and, to the extent feasible, resolve potential issues before the formal County review process begins.

**8.288.020 - General Requirement.**

A proposal shall comply with the pre-application procedures described in Sections 8.288.010-8.288.040, if the proposal requires consideration at a public hearing, and involves:

- (a) Major subdivision, i.e., a proposal to create five (5) or more new parcels,
- (b) Lot line adjustment that reconfigures at least five (5) or more existing parcels,
- (c) Residential development involving ten (10) or more new dwelling units,
- (d) Visitor-serving development (e.g., hotels, hostelries, restaurants) involving or requiring:
  - (1) Ten (10) or more new hotel or hostelry lodging units, or

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- (2) Sixty (60) or more new restaurant and/or bar area seats, or
- (3) Two (2) or more density credits (rural Coastal Zone only),
- (e) Institutional development, including, but not limited to, educational, religious, cultural, health care or community care facilities that would typically result in forty (40) or more people congregating on the property at any one time,
- (f) Any development proposal involving more than ten thousand (10,000) square feet of new structural floor area,
- (g) Any development proposal which, in the opinion of the Director of Planning and Building, is similar in type and size as those projects in (a) - (f), and warrants early neighborhood input due to potential environmental impacts, or
- (h) Any General Plan or Local Coastal Program land use map amendment that would increase the allowable land use density or intensity.

A development permit application for a proposal involving one of the development types identified in Section 8.288.010 will not be deemed complete pursuant to the State Permit Streamlining Act (Government Code Section 65920 et seq.) if such proposal has not complied with the pre-application requirements of Sections 8.288.010 - 8.288.040

**8.288.030 - Early Assistance Meeting.**

Prior to submitting a development permit application for a proposal involving one of the development types identified in Section 8.288.010, the applicant shall request an early assistance meeting with County planning staff to allow staff to explain the land use planning issues, policies, and process applicable to the proposed development.

The early assistance meeting required by this section is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061 (General Rule) and 15306 (Information Gathering), due to the fact that the required early assistance meeting is solely for information gathering purposes and has no potential for causing any effect on the environment.

The applicant shall provide staff with a preliminary plan and descriptive materials necessary to convey a general understanding of the tentative proposal.



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The staff shall (a) acquaint the applicant with the significant land use planning issues, key general plan policies, and zoning and other development regulations applicable to the proposal, (b) suggest changes to the proposal that would result in better compliance with the County requirements, (c) describe any additional County expectations related to the proposal, (d) explain the permit review and decision process, and (e) describe applicable fees.

Within ten (10) days of the early assistance meeting, staff shall provide the applicant with a brief written summary of the key points discussed at the meeting.

### **8.288.040 - Public Workshop.**

After the early assistance meeting, but prior to submitting the required application forms and fees for the development permits for one of the development types identified in Section 8.288.010 the applicant shall request, in writing, that staff sponsor a pre-application public workshop.

The public workshop is intended to allow community members and public agency representatives the opportunity to provide the applicant with project input before the preparation of final development plans. Similar to the “scoping” function (CEQA Guidelines Section 15083), the public workshop may result in pre-application project modifications, and solve problems that would otherwise arise in more serious forms later in the review process.

The public workshop is for informational purposes only and shall not confer or imply any approval or rejection of the proposed project by the County of San Mateo.

The public workshop required by this section is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061 (General Rule) and 15306 (Information Gathering), due to the fact that the required public workshop is solely for information gathering purposes and has no potential for causing any effect on the environment.

When requesting a pre-application public workshop, the applicant shall provide staff with the following materials which would convey a preliminary description of the tentative proposal:

- (a) A Vicinity Map, to scale, showing the area surrounding the proposed development site, including all existing development located 500 feet beyond the site boundary.
- (b) A Natural Setting Map, to scale, showing the location of existing environmental conditions on the development site, including the following features as applicable:
  - (1) Topography (elevations, slope contours).
  - (2) Drainage (perennial/intermittent creeks or streams).

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- (3) Vegetative cover (amount and type of predominant trees and plants).
  - (4) Sensitive habitats (wetlands, riparian corridors, and endangered species as defined in the General Plan).
  - (5) Geological hazards (earthquake faults, landslide susceptibility areas).
  - (6) Scenic features (scenic road view corridors, public view sheds).
- (c) A Site Plan, to scale, showing the location of the following existing and proposed features, as applicable:
- (1) Parcel boundaries.
  - (2) Land uses and other site activities (including approximate area covered).
  - (3) Buildings and structures (including approximate dimensions/square footage).
  - (4) Circulation areas (roads, streets, driveways, sidewalks, foot paths).
  - (5) Parking and loading areas.
  - (6) Utility easements.
  - (7) Landscape, open space and recreation areas (including major landscape features).
- (d) Elevations showing the front, rear and side view of proposed buildings and significant structures to illustrate approximate building scale and character.
- (e) An explanation of the intensity of all proposed land uses and activities on the site, e.g., number of people or vehicles on the site at full utilization.
- (f) An explanation of the sequence or phasing of the proposed development.

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- (g) A completed Environmental Information Form (to be submitted for project description, rather than CEQA compliance purposes).
- (h) Fee for Major Development Pre-application Procedure, as set by resolution of the Board of Supervisors.

Staff shall schedule the public workshop to be held in the evening at a location in or near the community where the development is proposed. At least fifteen (15) calendar days before the event, staff shall send a written notice announcing the workshop to the following persons or groups:

- (a) All property owners within five hundred (500) feet of the project site boundary.
- (b) All recognized community advisory organizations, including established community councils, advisory committees, homeowner, property owner or business associations with jurisdiction or membership in the notification area in (a), above.
- (c) All persons who have requested to receive a notice of such workshops, a list of which shall be maintained by the Planning Commission Secretary.
- (d) All public agencies that may be affected by or have an interest in the proposed development, including utility and service providers.
- (e) The members of the Planning Commission and Board of Supervisors.

Written notice of the public workshop shall contain at least the following information:

- (a) The date, time and place of the public workshop.
- (b) The name and mailing address of the applicant and owner of the property where the development is proposed.
- (c) The location of the project.
- (d) A short, general description of the preliminary development proposal, with an emphasis on the types of land uses and structures that would result.

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- (e) The name and phone number of the staff planner to contact in order to request a copy of the maps, plans, elevations and other descriptive materials submitted by the applicant for the pre-application workshop.

Staff shall conduct the public workshop which would observe the following format:

- (a) Staff presentation of: (1) the purpose of the public workshop, (2) a brief summary description of the preliminary development proposal, (3) the basic general plan, zoning and other development provisions applicable to the proposal, (4) the next steps in the development review process, and (5) introduce the applicant.
- (b) Applicant presentation of a more detailed description of the preliminary development proposal, with an emphasis on potential community impacts and how these will be mitigated.
- (c) Public input to present any comments, questions and suggestions it may have regarding the proposal, including comments related to potential project impacts and suggestions for project revisions to address them.
- (d) The applicant may respond to the comments, questions or suggestions posed in the manner of their choosing, including: (1) by providing an oral response to a question at the workshop or subsequently in writing, (2) by incorporating a comment or suggestion into the project design, or (3) by providing no formal response, but recognizing that the comment, question or suggestion was offered in the spirit of advisement, and could resurface during subsequent review, public hearings and deliberations by County decision makers.
- (e) Staff will record all comments, questions or suggestions posed by the public, and may incorporate them in the final development permit staff report. The complete list of comments, questions or suggestions shall be available to any interested party.
- (f) When the public workshop is complete, staff shall provide the applicant with a written statement of each planning permit that is required, including the relevant application materials.

Should the Director of Planning and Building determine that the proposal has significantly changed and is substantially different from that presented at the public workshop (other than to meet the concerns expressed), the Director of Planning and Building may require an additional public workshop.

Should more than two years lapse between the date of the public workshop and the date of submitting an application for development permits, and the Director of Planning and Building has determined that neighborhood composition has changed significantly enough to warrant another workshop, the Director of Planning and Building may require an additional public workshop.

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The applicant may, at their option, convene additional public workshops to address community concerns prior to submitting permit applications. Staff should be informed of any additional workshops convened by the applicant.

(Prior code Sections 6415.0-6415.4 - Added by Ordinance No. 3871 - January 19, 1999)

## ***CHAPTER 8.292 - RM DEVELOPMENT REVIEW CRITERIA***

### **8.292.010 - Purpose.**

The purpose of this Chapter is to require the submission for review of all developments proposed within the Resource Management District.

The intent is to simplify and improve the procedure by which developments are reviewed by bringing to bear all of the required criteria and reviews in a single procedure, incorporating to the extent possible the zoning review, subdivision review and environmental impact review procedures.

### **8.292.020 - Applicability.**

All developments, as defined in Section 8.134.030, proposed for location within the RM District, shall be required to obtain a Development Review Permit, pursuant to the provisions of Chapter 8.296 of this Ordinance Code.

### **8.292.030 - General Review Criteria For RM District.**

The General Review Criteria included in this Chapter shall apply in addition to the general permit review criteria specified in Chapter 8.296, except where required to be modified for reasons of public health and safety, whenever a development within the RM District is proposed.

### **8.292.040 - Environmental Quality Criteria.**

All development shall comply with all applicable criteria and standards of this Chapter and of local, State and federal agencies and must secure all required permits.

- (a) All developments should be designed and located to conserve energy resources, and thereby reduce the impacts of energy consumption on air, land, water, and living resources. Such efforts might include the clustering or location of development to reduce paving, grading, runoff, and driving times, and structural designs which maximize use of solar energy and reduce use of electricity and fossil fuels.

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- (b) Standards for emission of air pollutants must be met, for protection of crops, the natural environment, and public health.
- (c) Where local climatic and topographic factors are conducive to airshed pollutant concentration, the location and arrangement of land uses and population density shall reflect such conditions.
- (d) No use or development may introduce significant levels of noxious odors into the environment.
- (e) Pesticides and other chemicals used should be of the types and amounts that will have no significant or persistent adverse effects upon the environment.
- (f) Use and discharge of chemical agents, particularly including pesticides and heavy metals, which concentrate in the food chain and interrupt or destroy the primary biological network or threaten the survival of endangered species shall be prohibited.
- (g) Developments resulting in long term noise levels which may have a substantial detrimental effect on resources or the quality of the environment shall be prohibited.
- (h) When an extensive change in vegetative cover is proposed, it must be demonstrated that the change will provide for minimal adverse impact on micro-climatic conditions, and similar protection from erosion as that provided by the existing vegetation.
- (i) No use or development shall have a significant adverse environmental impact upon primary wildlife or marine resources. Development shall clearly demonstrate a high degree of compatibility with, and minimal adverse impact on, wildlife habitat areas.

**8.292.050 - Site Design Criteria.**

- (a) Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surrounding is maintained to the maximum extent practicable.
- (b) All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing land forms and natural characteristics. Primary Designated Landscape Features defined in the Open Space and Conservation Elements of the San Mateo County General Plan shall not be damaged.
- (c) Small, separate parking areas are preferred to single large parking lots.

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- (d) No use, development or alteration shall: 1) create uniform, geometrically-terraced building sites which are contrary to the natural land forms; 2) substantially detract from the scenic and visual quality of the County; or 3) substantially detract from the natural characteristics of existing major water courses, established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats.
- (e) All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.
- (f) The applicant shall demonstrate that the development will not contribute to the instability of the parcel or adjoining lands and that all structural proposals including excavation, and proposed roads and other pavement have adequately compensated for adverse soil engineering characteristics and other subsurface conditions.
- (g) In forested areas, no structure or appurtenance shall exceed the height of the forest canopy.
- (h) The development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. In forested areas, all exterior construction materials shall be of deep earth hues such as dark browns, greens and rusts. Materials shall absorb light (i.e., dark, rough textured materials). Exterior lighting shall be minimized, and earth-tone colors of lights used (e.g., yellow, brown toned lights, rather than blue toned fluorescents). In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.
- (i) Wherever possible, vegetation removed during construction shall be replaced. Vegetation for the stabilization of graded areas or for replacement of existing vegetation shall be selected and located to be compatible with surrounding vegetation, and should recognize climatic, soil and ecological characteristics of the region.
- (j) Removal of living trees with trunk circumference of more than 55 inches measured 4-1/2 feet above the average surface of the ground is prohibited, except as may be required for development permitted under this Ordinance, or permitted under the timber harvesting ordinance, or for reason of actual or potential danger to life or property.
- (k) With the exception of trails and paths, and related appurtenances, no structural development shall be permitted where such development will adversely affect a perennial stream and associated riparian habitat.
- (l) Sand dunes should be preserved in their natural state and detrimental activities shall not be permitted.

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- (m) Wherever possible, development in the Skyline Area shall be located in proximity to existing development.

**8.292.060 - Utilities.**

- (a) Public utility structures, including building signs, overhead wires and utility poles, shall be of minimum bulk and height and designed to have an uncluttered appearance and remain subordinate to the setting.
- (b) Underground utility lines shall be required for planned unit developments and subdivisions where required by State law or the County Subdivision Ordinance, except where such undergrounding would result in significant adverse environmental impacts; surface power line superstructures shall be painted to disguise or mottle their appearance as much as possible; and revegetation programs shall be used to mitigate adverse impacts in power line construction swaths.
- (c) There must be either a public water supply available or the existence of an adequate local water supply must be demonstrated.
- (d) Suitability for septic tank installation or other treatment facility must be demonstrated where no sewer system exists. Where a development is proposed to utilize an existing public or community sewer system, it must be demonstrated that sufficient capacity exists to serve the proposed development.

**8.292.070 - Water Resources Criteria.**

- (a) Solid and liquid waste discharge and disposal shall not be permitted to contaminate water resources or otherwise adversely affect a marine, aquatic or riparian environment. All discharges which might effect a water body shall comply with discharge requirements as established by the Regional Water Quality Control Board.
- (b) Discharge of water containing organic nutrients shall be shifted from the aquatic environment to land environments whenever possible when such shift will produce less detrimental effects.
- (c) To ensure minimal impact on hydrologic processes, grading and other landscape alteration shall be kept to a minimum and the present configuration of landforms shall be maintained to the maximum extent practicable.
- (d) Site preparation procedures and construction phasing shall be carefully controlled to reduce erosion and exposure of soils to the maximum extent possible.



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- (e) Projects shall utilize methods to maintain surface water runoff at or near existing levels.
- (f) Development, with the exception of agricultural uses and public works and public safety projects, which might cause significant adverse impacts upon the natural course or riparian habitat of any stream, shall not be permitted. All developments shall be required to perform all feasible measures to mitigate possible impacts upon such areas.
- (g) Excessive inter-basin transfers of water resources which may result in adverse impacts on water regimen stability and water quality shall not be permitted.
- (h) Projects shall clearly demonstrate methods to be employed for management of vegetative cover, surface water runoff, groundwater recharge, and erosion and sedimentation processes to assure stability of downstream aquatic environments.
- (i) Development in the Skyline Area shall minimize the use of irrigation on the site by landscaping with drought-tolerant vegetation.

**8.292.080 - Cultural Resources Criteria.**

- (a) Whenever there is substantial indication that an archaeological or paleonto-logical site (hereinafter “site”) may exist within a project area, an appropriate survey by qualified professionals shall be required as a part of the Environmental Setting Inventory.
- (b) Sites are often not known prior to commencement of construction for a development. When an archaeological site is discovered during construction, all work which could damage the site shall be suspended pending site investigation by qualified professionals. Such investigation shall commence within 15 days or construction may be continued. If no significant site is found, excavation shall be completed within 30 days of discovery of the site. If a significant site is found, excavation shall be completed within 90 days of discovery of the site.
- (c) Once known, sites shall be evaluated against the Cultural Resources Policies of the Open Space and Conservation Element of the San Mateo County General Plan prior to development. Primary sites shall not be destroyed; other sites shall be excavated under the direction of qualified professionals prior to development which might damage such sites.

**8.292.090 - Hazards To Public Safety Criteria.**

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- (a) Reasonable and appropriate setbacks from hazardous areas shall be provided within hazardous areas defined within the Conservation, Open Space, Safety, and Seismic Safety Elements of the San Mateo County General Plan.
- (b) No development shall disrupt the natural erosion and transport of sand or other beach material from coastal watersheds into the coast's littoral circulation system where such disruption will significantly accelerate shoreline erosion.
- (c) Notwithstanding the permitted development density under this Ordinance, areas shall not be used for placement of structures: 1) which are severely hazardous to life and property due to soils, geological, seismic, hydrological, or fire factors; 2) whose development would pose a severe hazard to persons or property outside the proposed development; or 3) for which elimination of such hazards would require major modification of existing land forms, significant removal or potential damage to established trees or exposure of slopes which cannot be suitably revegetated.
- (d) No noxious chemical, petroleum or other flammable liquids, or other potentially hazardous materials shall be stored or manufactured in any hazard area as defined in Section 8.292.180.
- (e) No electric substations, domestic water pumping facilities, sewage treatment, pumping, or disposal facilities shall be located in any hazards areas indicated in Section 8.292.180 unless the County Engineer certifies that direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s).
- (f) No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large. To determine the appropriateness of development the following shall be considered:
  - 1. The danger to life and property due to the designated hazards caused by excavation, fill, roads, and intended uses.
  - 2. The danger that structures or other improvements may slide or be swept onto other lands or downstream to the injury of others.
  - 3. The adequacy of proposed water supply and sanitation systems, and the ability of those systems to prevent disease, contamination and unsanitary conditions during or following a hazardous event or condition.

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4. The susceptibility of the proposed facility and its contents to potential damage, and the effect of such damage to the property.
5. The importance of the services provided by the proposed facility to the community.
6. The availability of a sufficient amount of water, as defined by the fire protection agency, for fire suppression purposes.
7. The availability of alternative locations, not subject to hazards.
8. The relationship of the proposed development to the Safety, Seismic Safety, and Open Space and Conservation Elements of the San Mateo County General Plan.

**8.292.100 - Supplementary Review Criteria For Primary Resource Areas.**

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the Conservation and Open Space Element of the San Mateo County General Plan. These criteria are in addition to all other Development Permit Review criteria.

**8.292.110 - Primary Scenic Resources Areas Criteria.**

The following criteria shall apply within Scenic Corridors and other Primary Scenic Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts. Development visible from Scenic Corridors shall be so located and designed as to minimize interference with ridgeline silhouettes.
- (b) Clear cutting or removal of existing vegetation from rights-of-way is prohibited, except in those areas required for road and shoulder alignment or as required for reasons of safety, or permitted under subsections (h) and (i).
- (c) Within a corridor, pathway pavements should be colored or selected to blend in with the surrounding landscape.
- (d) In forested areas, development, including all access roads and parking areas, shall be visually screened from Scenic Corridors.

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- (e) Curved approaches to Scenic Corridors shall be used in conjunction with native planting to screen access roads from view. Additional planting may be required where existing planting is considered insufficient. Planting shall be placed so that it does not constitute a safety hazard.
- (f) The number of access roads to a Scenic Corridor shall be minimized wherever possible. Development access roads shall be combined with the intent of minimizing intersections with scenic roads, prior to junction with a Scenic Corridor unless severely constrained by topography. Traffic loops shall be used to the maximum extent possible so that dead-end roads may be minimized.
- (g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors.
- (h) Selective clearing of vegetation which allows the display of important public views may be permitted.
- (i) Scenic Corridor development should include vista points and roadside rests which provide an opportunity to view scenic amenities and natural features.
- (j) No off-premise outdoor advertising shall be permitted. Other permitted signs shall be carefully designed to harmonize with the scenic qualities of Scenic Corridors.
- (k) No development, with the exception of agricultural uses, shall be permitted on grass and/or brush land in Scenic Areas unless such development will be screened effectively from existing or proposed public viewing areas or Scenic Corridors.
- (l) No development shall be permitted on a Designated Primary Landscape Feature.
- (m) No development shall be permitted to obstruct or significantly detract from views of any Scenic Area or Landscape Feature from a Scenic Corridor.
- (n) Screening as required under this section should not consist of solid fencing, rather it should be of natural materials of the area, preferably natural vegetation in conjunction with low earth berms.

**8.292.120 - Primary Fish And Wildlife Habitat Areas Criteria.**

The following criteria shall apply within Primary Fish and Wildlife Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Significant reduction of primary habitat areas shall be prohibited.

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- (b) Ecological characteristics, including the food chain, of primary wildlife habitat areas shall not be changed in a manner that would have substantial adverse impact on the quantity or quality of marine and other wildlife.
- (c) The direct removal of primary habitat areas shall be avoided by clustering uses on other portions of the property.
- (d) Spawning and nesting areas shall not be subject to development, including intensive public recreational use.
- (e) The filling or dredging of tidal marshes, estuaries or marine waters is not permitted.
- (f) Watersheds whose streams are used for fish spawning grounds and fish nurseries shall be managed to maintain the flow of fresh water necessary for those purposes.
- (g) Public access to primary wildlife habitat areas shall be controlled to allow for compatible recreational use, without over-utilization and disturbance to wildlife populations or over-collection of species.

**8.292.130 - Primary Agricultural Resources Area Criteria.**

The following criteria shall apply within agricultural preserves, primary Agricultural Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan, and designated agricultural districts as defined in the adopted Resource Conservation Area Density Matrix Policy.

- (a) Only agricultural and compatible uses shall be permitted. Agricultural uses are lands used for the production of an agricultural commodity for commercial purposes. Compatible uses shall include all uses permitted under the use provisions of the RM District, provided that such uses would not substantially reduce the agricultural potential of the land.
- (b) Clustering of uses shall not be permitted unless and until a finding is made by the Planning Commission that such clustering would promote the use or potential use of the land for agricultural purposes.
- (c) Where possible, structural uses shall be located away from prime agricultural soils.

**8.292.140 - Primary Water Resources Area Criteria.**

The following criteria shall apply within Primary Water Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) It shall be demonstrated that withdrawals from groundwater basins will not be in such quantity that a continued supply would be jeopardized or would result in salt water intrusion.
- (b) Construction, including placement of impermeable surfacing or compaction, shall not significantly disrupt or diminish natural patterns of groundwater recharge.
- (c) Watersheds whose streams are used for spawning grounds and fish nurseries shall be managed to maintain the flow of fresh water necessary to their maintenance for these purposes.
- (d) No use, development or alteration shall be undertaken unless the applicant demonstrates that such use, development or alteration will not interfere with the existing capacity of any water body, will not substantially increase erosion, will not increase the amounts of silt or chemical nutrient pollutants, or do anything else that will contribute to the deterioration of the quality of water in any water body.
- (e) All development and associated access roads near existing and future lakes and reservoirs whose maximum design water surface area exceeds 5 acres shall be constructed at least 50 feet from the high water line. Development may not deny reasonable access to the shoreline.

**8.292.150 - Ocean Shoreline Criteria.**

The following criteria shall apply along the entire ocean shoreline of the RM District:

- (a) Public access from state or local roads or trails to the ocean shoreline shall be provided to the maximum extent practicable. Access shall be located to minimize harm to the environment, and to prevent trespass over private lands.
- (b) For land divisions and planned unit developments, a public access easement, extending inland no more than 100 feet from the mean high tide line, shall be dedicated along the ocean shoreline before private development is to be permitted. The Planning Commission may decrease this width to a reasonable degree where justified by topography, public safety, site security or parcel configuration.
- (c) The applicant shall demonstrate that reasonable alternative non-ocean shoreline sites are not available or suitable for the development, and that the proposed development will not cause significant harm to:

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1. the water quality of the adjacent waters;
2. the natural beauty of the area, including views from public places, roads, and trails;
3. navigation, safety or health; or
4. public use of the adjacent waters or underlying lands.

**8.292.160 - Primary Mineral Resources Area Criteria.**

The following criteria shall apply within Primary Mineral Resources Areas defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Plans for rehabilitation, enhancement and reuse of mineral extraction areas shall be made a part of any proposal for an extractive development.
- (b) Potential impacts of mineral extraction on open space values, including scenic resources, skylines and natural terrain, should be considered in the review of all extractive development. Any activity that produces permanent, large visible surface scars should be considered incompatible with the goal of maintaining the scenic quality of open space.
- (c) Potential impacts of mineral extraction on the values of water resources and wildlife habitat areas should be considered in the review of all extractive development. Any activity that would have a significant adverse impact on water resources or wildlife habitat areas should be considered incompatible with the maintenance of open space values.
- (d) Permanent or long-term uses which may interfere or be incompatible with existing or potential mineral extraction activities should not be permitted within Mineral Resource Areas.

**8.292.170 - Primary Natural Vegetative Areas Criteria.**

The following criteria shall apply within Primary Natural Vegetative Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan.

- (a) Significant reduction of vegetation shall be prohibited.
- (b) The direct removal of vegetation shall be avoided by clustering uses on other portions of the property.

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- (c) Public access to vegetative areas shall be controlled to allow for compatible recreational use, without over-utilization and disturbance to vegetation or over-collection of species.

**8.292.180 - Supplementary Review Criteria For Special Hazard Areas.**

These Permit Review Criteria shall apply to developments that fall within the Special Hazard Areas defined in appropriate sections of the Conservation and Open Space Element or within the adopted Resource Conservation Area Density Matrix policy.

**8.292.190 - Flood Plain Area Criteria.**

The following criteria shall apply within designated floodways:

- (a) No land shall be developed which is held unsuitable for its proposed use by reason of flooding, or other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community at large. In determining the suitability of the site for its intended use, the following shall be considered: the danger to life and property due to the increased flood heights or velocities caused by excavation, fill, roads, and intended uses; the requirements of the development for a waterfront location; the safety of access to the property for emergency vehicles in times of flood; the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (b) No development shall be permitted unless it is demonstrated that such development will not: 1) interfere with the existing capacity, substantially increase the erosion, siltation, or chemical nutrients, or anything else that might contribute to the deterioration, of any watercourse or the quality of water in any water body included in this district; 2) require storage of material, construction of any substantial flood or erosion control works, or substantial grading or placement of fill, within this area; or 3) cause adverse disturbance to any dunes or beaches.
- (c) The following uses which have low flood damage potential and do not threaten other lands during times of flood shall be permitted within this area provided they are not prohibited by any other ordinance: agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting; uses such as loading or parking areas; private and public recreational uses such as beaches, beach cabanas not suitable for use as dwellings, boardwalks and steps to permit access across dunes, beaches, and other fragile resources, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale of food and refreshments, arts and crafts; residential uses such as lawns, gardens, parking areas and play areas.



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- (d) The following shall be permitted provided that they are not otherwise prohibited or do not threaten other lands during the times of flood: extraction of sand, gravel, oyster shells and other materials; marinas, yacht clubs, boat rentals, lighthouses, docks, piers, wharves, groins, bulkheads, seawalls, jetties, harbor works, and erosion control devices; railroads, streets, bridges, utility transmission lines and pipelines.
- (e) Buildings (temporary or permanent) shall not be designed or used for human habitation; shall be designed with low flood damage potential; shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters; and shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (f) Service facilities such as electrical and heating equipment shall be flood-proofed or constructed at or above the 100-year flood elevation for the particular area.
- (g) Storm drainage facilities shall be designed to store and convey the flow of surface waters without damage to persons or property using the following criteria: 1) Major channels or creeks (a watershed area of four or more square miles) with a 50-year average recurrence interval; 2) Secondary channels (a watershed area of one through four square miles) with 30-year average recurrence interval; and 3) Minor channels or storm drain systems (a watershed area of less than one square mile) with a 10-year average recurrence interval. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (h) Installation of sewage disposal facilities requiring soil absorption systems shall be prohibited where such systems might not function due to high groundwater, flooding or unsuitable soil characteristics.
- (i) All water systems including individual wells located in this area, whether public or private, shall be flood-proofed to a point at or above the flood protection elevation.
- (j) Flood-proofing systems plans must be adequate and may include: anchorage to resist flotation and lateral movement; installation of watertight doors, bulkheads, and shutters, or similar methods of closure; reinforcement of walls to resist water pressures; use of paints, membranes or mortars to reduce seepage of water through walls, addition of mass or weight to structures to resist flotation; installation of pumps to lower water levels in structures; construction of water supply and waste treatment systems so as to prevent the entrance of flood waters; building design and construction to resist rupture or collapse caused by water pressure or floating debris; installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of seepage and storm waters into building or structures; location and installation of all electrical equipment, circuits and electrical appliances so that they are protected from inundation by a 100-year flood; location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the 100-year flood elevation; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials.

### **8.292.200 - Tsunami Inundation Area Criteria.**

The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

- (a) The following uses, structures, and development shall not be permitted: publicly-owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.
- (b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:
  - 1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.
  - 2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.
  - 3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of sub-section b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.
  - 4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.

### **8.292.210 - Seismic Fault/Fracture Area Criteria.**

The following criteria shall apply within all areas designated on the Fault and Associated Fracture Zones Areas Map:

- (a) The following uses shall be prohibited within this area: structures designed or intended for relatively dense human occupancy, including but not limited to multiple residential uses, schools and hospitals; critical public services and high-risk facilities, including but not limited to fire and police stations, emergency relief storage facilities, water storage tanks, dams and power plants.

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- (b) This area may contain areas suitable for low-density residential uses, such as occasional single-family detached residential dwellings. However, such developments shall not be permitted unless the applicant demonstrates, through detailed geologic site investigations and adequate engineering design, that proposed sites are suitable for the uses proposed, and that direct damage to such uses or indirect threat to public health and safety would be unlikely in the event of a major seismic event. No structure for human occupancy shall be permitted to be placed across the trace of an active fault. The area within fifty (50) feet of any trace of an active fault shall be assumed to be underlain by active branches of that fault unless and until proven otherwise by an appropriate geologic investigation and submission of a report by a geologist registered in the State of California.
- (c) Public and private transmission facilities, including but not limited to electric transmission lines, water supply systems, sewer collection and transmission systems, gas mains and oil transmission lines, shall not be permitted within or across this district unless: reasonable alternative routes are not available and the facility is determined to be of overriding public need and benefit. In the event that such facilities are to be permitted, their design shall include provision for valves, switches, and other equipment appropriate to ensure minimal adverse impact on adjacent and surrounding areas and to facilitate restoration of service in the event of a major fault displacement.

**8.292.220 - Slope Instability Area Criteria.**

The following criteria shall apply within all areas defined as highly unstable on the Landslide Susceptibility Areas Map:

- (a) The following uses shall be prohibited: structures designed or intended for relatively dense human occupancy, including but not limited to multiple residential uses, schools and hospitals, critical public services and high-risk facilities, including but not limited to fire and police stations, emergency relief storage facilities, water storage tanks, dams, and power plants.
- (b) This area may contain areas suitable for low-density residential uses, such as single-family detached residential dwellings. However, such developments shall not be permitted unless the applicant demonstrates that no other locations less susceptible to such hazards are reasonably available on the site for development, and through detailed geologic site investigations and adequate engineering design, that proposed locations are suitable for the uses proposed, and that direct damage to such uses or indirect threat to public health and safety would be unlikely.
- (c) The applicant shall demonstrate that the development will not contribute to the instability of the land and that all structural proposals including excavation, access roads and other pavement have adequately compensated for soils and other subsurface conditions.

(Prior Code Chapter 20A.2, Sections 6321 - 6326.4 - Added by Ordinance No. 2229 - December 20, 1973)

(Prior Code Sections 6324.2(m) and 6324.4(i) - Added by Ordinance No. 2835 - June 14, 1983)

## **CHAPTER 8.294 – RM-CZ DEVELOPMENT REVIEW CRITERIA**

### **8.294.010 - Purpose.**

The purpose of this Chapter is to require the submission for review of all developments proposed within the Resource Management-Coastal Zone District.

The intent is to simplify and improve the procedure by which developments are reviewed by bringing to bear all of the required criteria and reviews in a single procedure, incorporating to the extent possible the zoning review, subdivision review and environmental impact review procedures.

### **8.294.020 - Applicability.**

All developments, as defined in Section 8.138.040 proposed for location within the RM-CZ District, shall be required to obtain a Development Review Permit, pursuant to the provisions of Chapter 8.296 of this ordinance.

### **8.294.030 - General Review Criteria For RM-CZ District.**

The General Review Criteria included in this Chapter shall apply in addition to the general permit review criteria specified in Chapter 8.296, except where required to be modified for reasons of public health and safety, whenever a development within the RM-CZ District is proposed.

### **8.294.040 - Environmental Quality Criteria.**

All development shall comply with all applicable criteria and standards of this Chapter and of local, State and Federal agencies and must secure all required permits.

- (a) All developments should be designed and located to conserve energy resources, and thereby reduce the impacts of energy consumption on air, land, water, and living resources. Such efforts might include the clustering or location of development to reduce paving, grading, runoff, and driving times, and structural designs which maximize use of solar energy and reduce use of electricity and fossil fuels.
- (b) Standards for emission of air pollutants must be met, for protection of crops, the natural environment, and public health.
- (c) Where local climatic and topographic factors are conducive to airshed pollutant concentration, the location and arrangement of land uses and population density shall reflect such conditions.

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- (d) No use or development may introduce significant levels of noxious odors into the environment.
- (e) Pesticides and other chemicals used should be of the types and amounts that will have no significant or persistent adverse effects upon the environment.
- (f) Use and discharge of chemical agents, particularly including pesticides and heavy metals, which concentrate in the food chain and interrupt or destroy the primary biological network or threaten the survival of endangered species shall be prohibited.
- (g) Developments resulting in long-term noise levels which may have a substantial detrimental effect on resources or the quality of the environment shall be prohibited.
- (h) When an extensive change in vegetative cover is proposed, it must be demonstrated that the change will provide for minimal adverse impact on micro-climatic conditions, and similar protection from erosion as that provided by the existing vegetation.
- (i) No use or development shall have a significant adverse environmental impact upon primary wildlife or marine resources. Development shall clearly demonstrate a high degree of compatibility with, and minimal adverse impact on, wildlife habitat areas.

**8.294.050 - Site Design Criteria.**

- (a) Development shall be located, sited and designed to carefully fit its environment so that its presence is subordinate to the pre-existing character of the site and its surrounding is maintained to the maximum extent practicable.
- (b) All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing land forms and natural characteristics. Primary Designated Landscape Features defined in the Open Space and Conservation Elements of the San Mateo County General Plan shall not be damaged.
- (c) Small, separate parking areas are preferred to single large parking lots.
- (d) No use, development or alteration shall: (1) create uniform, geometrically-terraced building sites which are contrary to the natural land forms; (2) substantially detract from the scenic and visual quality of the County; or (3) substantially detract from the natural characteristics of existing major water courses, established and mature trees and other woody vegetation, dominant vegetative communities or primary wildlife habitats.

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- (e) All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.
- (f) The applicant shall demonstrate that the development will not contribute to the instability of the parcel or adjoining lands and that all structural proposals including excavation, and proposed roads and other pavement have adequately compensated for adverse soil engineering characteristics and other subsurface conditions.
- (g) In forested areas, no structure or appurtenance shall exceed the height of the forest canopy.
- (h) The development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. In forested areas, all exterior construction materials shall be of deep earth hues such as dark browns, greens and rusts. Materials shall absorb light (i.e., dark, rough textured materials). Exterior lighting shall be minimized, and earth-tone colors of lights used (e.g., yellow, brown toned lights, rather than blue toned fluorescents). In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.
- (i) Wherever possible, vegetation removed during construction shall be replaced. Vegetation for the stabilization of graded areas or for replacement of existing vegetation shall be selected and located to be compatible with surrounding vegetation, and should recognize climatic, soil and ecological characteristics of the region.
- (j) Removal of living trees with trunk circumference of more than 55 inches measured 4-1/2 feet above the average surface of the ground is prohibited, except as may be required for development permitted under this ordinance, or permitted under the timber harvesting ordinance, or for reason of actual or potential danger to life or property.
- (k) With the exception of trails and paths, and related appurtenances, no structural development shall be permitted where such development will adversely affect a perennial stream and associated riparian habitat.
- (l) Sand dunes should be preserved in their natural state and detrimental activities shall not be permitted.

**8.294.060 - Utilities.**

- (a) Public utility structures, including building signs, overhead wires and utility poles, shall be of minimum bulk and height and designed to have an uncluttered appearance and remain subordinate to the setting.

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- (b) Underground utility lines shall be required for planned unit developments and subdivisions where required by State law or the County Subdivision Ordinance, except where such undergrounding would result in significant adverse environmental impacts; surface power line super-structures shall be painted to disguise or mottle their appearance as much as possible; and revegetation programs shall be used to mitigate adverse impacts in power line construction swaths.
- (c) There must be either a public water supply available or the existence of an adequate local water supply must be demonstrated.
- (d) Suitability for septic tank installation or other treatment facility must be demonstrated where no sewer system exists. Where a development is proposed to utilize an existing public or community sewer system, it must be demonstrated that sufficient capacity exists to serve the proposed development.

**8.294.070 - Water Resources Criteria.**

- (a) Solid and liquid waste discharge and disposal shall not be permitted to contaminate water resources or otherwise adversely affect a marine, aquatic or riparian environment. All discharges which might effect a water body shall comply with discharge requirements as established by the Regional Water Quality Control Board.
- (b) Discharge of water containing organic nutrients shall be shifted from the aquatic environment to land environments whenever possible when such shift will produce less detrimental effects.
- (c) To ensure minimal impact on hydrologic processes, grading and other landscape alteration shall be kept to a minimum and the present configuration of landforms shall be maintained to the maximum extent practicable.
- (d) Site preparation procedures and construction phasing shall be carefully controlled to reduce erosion and exposure of soils to the maximum extent possible.
- (e) Projects shall utilize methods to maintain surface water runoff at or near existing levels.
- (f) Development, with the exception of agricultural uses and public works and public safety projects, which might cause significant adverse impacts upon the natural course or riparian habitat of any stream, shall not be permitted. All developments shall be required to perform all feasible measures to mitigate possible impacts upon such areas.

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- (g) Excessive inter-basin transfers of water resources which may result in adverse impacts on water regimen stability and water quality shall not be permitted.
- (h) Projects shall clearly demonstrate methods to be employed for management of vegetative cover, surface water runoff, ground water recharge, and erosion and sedimentation processes to assure stability of downstream aquatic environments.

**8.294.080 - Cultural Resources Criteria.**

- (a) Whenever there is substantial indication that an archaeological or paleontological site (hereinafter “site”) may exist within a project area, an appropriate survey by qualified professionals shall be required as a part of the Environmental Setting Inventory.
- (b) Sites are often not known prior to commencement of construction for a development. When an archaeological site is discovered during construction, all work which could damage the site shall be suspended pending site investigation by qualified professionals. Such investigation shall commence within 15 days or construction may be continued. If no significant site is found, excavation shall be completed within 30 days of discovery of the site. If a significant site is found, excavation shall be completed within 90 days of discovery of the site.
- (c) Once known, sites shall be evaluated against the Cultural Resources Policies of the Open Space and Conservation Element of the San Mateo County General Plan prior to development. Primary sites shall not be destroyed; other sites shall be excavated under the direction of qualified professionals prior to development which might damage such sites.

**8.294.090 - Hazards To Public Safety Criteria.**

- (a) Reasonable and appropriate setbacks from hazardous areas shall be provided within hazardous areas defined within the Conservation, Open Space, Safety, and Seismic Safety Elements of the San Mateo County General Plan.
- (b) No development shall disrupt the natural erosion and transport of sand or other beach material from coastal watersheds into the coast’s littoral circulation system where such disruption will significantly accelerate shoreline erosion.
- (c) Notwithstanding the permitted development density under this ordinance, areas shall not be used for placement of structures: 1) which are severely hazardous to life and property due to soils, geological, seismic, hydrological, or fire factors; 2) whose development would pose a severe hazard to persons or property outside the proposed development; or 3) for which elimination of such hazards would require



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major modification of existing land forms, significant removal or potential damage to established trees or exposure of slopes which cannot be suitably revegetated.

- (d) No noxious chemical, petroleum or other flammable liquids, or other potentially hazardous materials shall be stored or manufactured in any hazard area as defined in Section 8.294.180.
- (e) No electric substations, domestic water pumping facilities, sewage treatment, pumping, or disposal facilities shall be located in any hazards areas indicated in Section 8.294.180 unless the County Engineer certifies that direct damage or indirect threat to public health and safety would be unlikely in the event of occurrence of the designated hazard(s).
- (f) No land shall be developed which is held unsuitable by the Planning Commission for its proposed use for reason of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, steep slopes, inadequate water supply or sewage disposal capabilities, or any other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large. To determine the appropriateness of development the following shall be considered:
  - 1. The danger to life and property due to the designated hazards caused by excavation, fill, roads, and intended uses.
  - 2. The danger that structures or other improvements may slide or be swept onto other lands or downstream to the injury of others.
  - 3. The adequacy of proposed water supply and sanitation systems, and the ability of those systems to prevent disease, contamination and unsanitary conditions during or following a hazardous event or condition.
  - 4. The susceptibility of the proposed facility and its contents to potential damage, and the effect of such damage to the property.
  - 5. The importance of the services provided by the proposed facility to the community.
  - 6. The availability of a sufficient amount of water, as defined by the fire protection agency, for fire suppression purposes.
  - 7. The availability of alternative locations, not subject to hazards.

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8. The relationship of the proposed development to the Safety, Seismic Safety, and Open Space and Conservation Elements of the San Mateo County General Plan.

**8.294.100 - Supplementary Review Criteria For Primary Re-Source Areas.**

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the Conservation and Open Space Element of the San Mateo County General Plan. These criteria are in addition to all other Development Permit Review criteria.

**8.294.110 - Primary Scenic Resources Areas Criteria.**

The following criteria shall apply within Scenic Corridors and other Primary Scenic Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Public views within and from Scenic Corridors shall be protected and enhanced, and development shall not be allowed to significantly obscure, detract from, or negatively affect the quality of these views. Vegetative screening or setbacks may be used to mitigate such impacts. Development visible from Scenic Corridors shall be so located and designed as to minimize interference with ridgeline silhouettes.
- (b) Clear cutting or removal of existing vegetation from rights-of-way is prohibited, except in those areas required for road and shoulder alignment or as required for reasons of safety, or permitted under subsections (h) and (i).
- (c) Within a corridor, pathway pavements should be colored or selected to blend in with the surrounding landscape.
- (d) In forested areas, development, including all access roads and parking areas, shall be visually screened from Scenic Corridors.
- (e) Curved approaches to Scenic Corridors shall be used in conjunction with native planting to screen access roads from view. Additional planting may be required where existing planting is considered insufficient. Planting shall be placed so that it does not constitute a safety hazard.
- (f) The number of access roads to a Scenic Corridor shall be minimized wherever possible. Development access roads shall be combined with the intent of minimizing intersections with scenic roads, prior to junction with a Scenic Corridor unless severely constrained by topography. Traffic loops shall be used to the maximum extent possible so that dead-end roads may be minimized.
- (g) Colors and plant materials shall be selected as necessary to minimize visual impact of development upon Scenic Corridors.

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- (h) Selective clearing of vegetation which allows the display of important public views may be permitted.
- (i) Scenic Corridor development should include vista points and roadside rests which provide an opportunity to view scenic amenities and natural features.
- (j) No off-premise outdoor advertising shall be permitted. Other permitted signs shall be carefully designed to harmonize with the scenic qualities of Scenic Corridors.
- (k) No development, with the exception of agricultural uses, shall be permitted on grass and/or brush land in Scenic Areas unless such development will be screened effectively from existing or proposed public viewing areas or Scenic Corridors.
- (l) No development shall be permitted on a Designated Primary Landscape Feature.
- (m) No development shall be permitted to obstruct or significantly detract from views of any Scenic Area or Landscape Feature from a Scenic Corridor.
- (n) Screening as required under this section should not consist of solid fencing, rather it should be of natural materials of the area, preferably natural vegetation in conjunction with low earth berms.

**8.294.120 - Primary Fish And Wildlife Habitat Areas Criteria.**

The following criteria shall apply within Primary Fish and Wildlife Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) Significant reduction of primary habitat areas shall be prohibited.
- (b) Ecological characteristics, including the food chain, of primary wildlife habitat areas shall not be changed in a manner that would have substantial adverse impact on the quantity or quality of marine and other wildlife.
- (c) The direct removal of primary habitat areas shall be avoided by clustering uses on other portions of the property.
- (d) Spawning and nesting areas shall not be subject to development, including intensive public recreational use.

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- (e) The filling or dredging of tidal marshes, estuaries or marine waters is not permitted.
- (f) Watersheds whose streams are used for fish spawning grounds and fish nurseries shall be managed to maintain the flow of fresh water necessary for those purposes.
- (g) Public access to primary wildlife habitat areas shall be controlled to allow for compatible recreational use, without over-utilization and disturbance to wildlife populations or over-collection of species.

**8.294.130 - Primary Agricultural Resources Area Criteria.**

The following criteria shall apply within agricultural preserves, primary Agricultural Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan, and designated agricultural districts as defined in the adopted Resource Conservation Area Density Matrix Policy.

- (a) Only agricultural and compatible uses shall be permitted. Agricultural uses are lands used for the production of an agricultural commodity for commercial purposes. Compatible uses shall include all uses permitted under the use provisions of the RM-CZ District, provided that such uses would not substantially reduce the agricultural potential of the land.
- (b) Clustering of uses shall not be permitted unless and until a finding is made by the Planning Commission that such clustering would promote the use or potential use of the land for agricultural purposes.
- (c) Where possible, structural uses shall be located away from prime agricultural soils.

**8.294.140 - Primary Water Resources Area Criteria.**

The following criteria shall apply within Primary Water Resources Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

- (a) It shall be demonstrated that withdrawals from ground water basins will not be in such quantity that a continued supply would be jeopardized or would result in salt water intrusion.
- (b) Construction, including placement of impermeable surfacing or compaction, shall not significantly disrupt or diminish natural patterns of ground water recharge.
- (c) Watersheds whose streams are used for spawning grounds and fish nurseries shall be managed to maintain the flow of fresh water necessary to their maintenance for these purposes.

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- (d) No use, development or alteration shall be undertaken unless the applicant demonstrates that such use, development or alteration will not interfere with the existing capacity of any water body, will not substantially increase erosion, will not increase the amounts of silt or chemical nutrient pollutants, or do anything else that will contribute to the deterioration of the quality of water in any water body.
- (e) All development and associated access roads near existing and future lakes and reservoirs whose maximum design water surface area exceeds 5 acres shall be constructed at least 50 feet from the high water line. Development may not deny reasonable access to the shoreline.

**8.294.150 - Ocean Shoreline Criteria.**

The following criteria shall apply along the entire ocean shoreline of the RM-CZ District:

- (a) Public access from state or local roads or trails to the ocean shoreline shall be provided to the maximum extent practicable. Access shall be located to minimize harm to the environment, and to prevent trespass over private lands.
- (b) For land divisions and planned unit developments, a public access easement, extending inland no more than 100 feet from the mean high tide line, shall be dedicated along the ocean shoreline before private development is to be permitted. The Planning Commission may decrease this width to a reasonable degree where justified by topography, public safety, site security or parcel configuration.
- (c) The applicant shall demonstrate that reasonable alternative non-ocean shoreline sites are not available or suitable for the development, and that the proposed development will not cause significant harm to:
  - 1. The water quality of the adjacent waters;
  - 2. the natural beauty of the area, including views from public places, roads, and trails;
  - 3. navigation, safety or health; or
  - 4. public use of the adjacent waters or underlying lands.

**8.294.160 - Primary Mineral Resources Area Criteria.**

The following criteria shall apply within Primary Mineral Resources Areas defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan:

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- (a) Plans for rehabilitation, enhancement and reuse of mineral extraction areas shall be made a part of any proposal for an extractive development.
- (b) Potential impacts of mineral extraction on open space values, including scenic resources, skylines and natural terrain, should be considered in the review of all extractive development. Any activity that produces permanent, large visible surface scars should be considered incompatible with the goal of maintaining the scenic quality of open space.
- (c) Potential impacts of mineral extraction on the values of water resources and wildlife habitat areas should be considered in the review of all extractive development. Any activity that would have a significant adverse impact on water resources or wildlife habitat areas should be considered incompatible with the maintenance of open space values.
- (d) Permanent or long-term uses which may interfere or be incompatible with existing or potential mineral extraction activities should not be permitted within Mineral Resource Areas.

**8.294.170 - Primary Natural Vegetative Areas Criteria.**

The following criteria shall apply within Primary Natural Vegetation Areas as defined or designated in the Open Space and Conservation Element of the San Mateo County General Plan.

- (a) Significant reduction of vegetation shall be prohibited.
- (b) The direct removal of vegetation shall be avoided by clustering uses on other portions of the property.
- (c) Public access to vegetation areas shall be controlled to allow for compatible recreational use, without over-utilization and disturbance to vegetation or over-collection of species.

**8.294.180 - Supplementary Review Criteria For Special Hazard Areas.**

These Permit Review Criteria shall apply to developments that fall within the Special Hazard Areas defined in appropriate sections of the Conservation and Open Space Element or within the adopted Resource Conservation Area Density Matrix policy.

**8.294.190 - Floor Plain Area Criteria.**

The following criteria shall apply within designated floodways:

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- (a) No land shall be developed which is held unsuitable for its proposed use by reason of flooding, or other feature harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community at large. In determining the suitability of the site for its intended use, the following shall be considered: the danger to life and property due to the increased flood heights or velocities caused by excavation, fill, roads, and intended uses; the requirements of the development for a waterfront location; the safety of access to the property for emergency vehicles in times of flood; the expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (b) No development shall be permitted unless it is demonstrated that such development will not: (1) interfere with the existing capacity, substantially increase the erosion, siltation, or chemical nutrients, or anything else that might contribute to the deterioration, of any watercourse or the quality of water in any water body included in this district; (2) require storage of material, construction of any substantial flood or erosion control works, or substantial grading or placement of fill, within this area; or (3) cause adverse disturbance to any dunes or beaches.
- (c) The following uses which have low flood damage potential and do not threaten other lands during times of flood shall be permitted within this area provided they are not prohibited by any other ordinance: agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting; uses such as loading or parking areas; private and public recreational uses such as beaches, beach cabanas not suitable for use as dwellings, boardwalks and steps to permit access across dunes, beaches, and other fragile resources, pavilions and other similar small platforms, lifeguard stations, golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, temporary structures for sale of food and refreshments, arts and crafts; residential uses such as lawns, gardens, parking areas and play areas.
- (d) The following shall be permitted provided that they are not otherwise prohibited or do not threaten other lands during the times of flood: extraction of sand, gravel, oyster shells and other materials; marinas, yacht clubs, boat rentals, lighthouses, docks, piers, wharves, groins, bulkheads, seawalls, jetties, harbor works, and erosion control devices; railroads, streets, bridges, utility transmission lines and pipelines.
- (e) Buildings (temporary or permanent) shall not be designed or used for human habitation; shall be designed with low flood damage potential; shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters; and shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (f) Service facilities such as electrical and heating equipment shall be floodproofed or constructed at or above the 100-year flood elevation for the particular area.

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- (g) Storm drainage facilities shall be designed to store and convey the flow of surface waters without damage to persons or property using the following criteria: (1) Major channels or creeks (a watershed area of four or more square miles) with a 50-year average recurrence interval; (2) Secondary channels (a watershed area of one through four square miles) with 30-year average recurrence interval; and (3) Minor channels or storm drain systems (a watershed area of less than one square mile) with a 10-year average recurrence interval. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.
- (h) Installation of sewage disposal facilities requiring soil absorption systems shall be prohibited where such systems might not function due to high ground water, flooding or unsuitable soil characteristics.
- (i) All water systems including individual wells located in this area, whether public or private, shall be floodproofed to a point at or above the flood protection elevation.
- (j) Floodproofing systems plans must be adequate and may include: anchorage to resist flotation and lateral movement; installation of watertight doors, bulkheads, and shutters, or similar methods of closure; reinforcement of walls to resist water pressures; use of paints, membranes or mortars to reduce seepage of water through walls, addition of mass or weight to structures to resist flotation; installation of pumps to lower water levels in structures; construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters; building design and construction to resist rupture or collapse caused by water pressure or floating debris; installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent backup of seepage and storm waters into building or structures; location and installation of all electrical equipment, circuits and electrical appliances so that they are protected from inundation by a 100-year flood; location of storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety and welfare at elevations above the 100-year flood elevation; or design of such facilities to prevent flotation of storage containers, or damage to storage containers which could result in the escape of toxic materials.

**8.294.200 - Tsunami Inundation Area Criteria.**

The following criteria shall apply within all areas defined as Tsunami Inundation Hazard Areas:

- (a) The following uses, structures, and development shall not be permitted: publicly-owned buildings intended for human occupancy other than park and recreational facilities; schools, hospitals, nursing homes, or other buildings or development used primarily by children or physically or mentally infirm persons.
- (b) Residential structures and resort developments designed for transient or other residential use may be permitted under the following circumstances:



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1. The applicant submits a report prepared by a competent and recognized authority estimating the probable maximum wave height, wave force, run-up angle, and level of inundation in connection with the parcel or lot upon which the proposed development is to be located.
2. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is fifty (50) percent or more of the projected maximum, unless: (a) the highest projected wave height above ground level at the location of the structure is less than six (6) feet, (b) no residential floor level is less than two (2) feet above that wave height, and (c) the structural support is sufficient to withstand the projected wave force.
3. No structure covered by this section shall be allowed within that portion of the lot or parcel where the projected wave height and force is less than fifty (50) percent of the projected maximum unless the requirements of subsection b, 2), (a), and (c) are satisfied and the residential flood level is at least one (1) foot above the highest projected level of inundation.
4. Permission under this subsection shall not be granted if the Planning Commission determines that sufficient data, upon which the report required by subsection 1) must be based, is unavailable and cannot feasibly be developed by the applicant.

**8.294.210 – Seismic Fault/Fracture Area Criteria.**

The following criteria shall apply within all areas designated on the Fault and Associated Fracture Zones Areas Map:

- (a) For all development proposed within this area, require geologic reports prepared by a registered and certified engineering geologist consistent with the guidelines of the California Division of Mines and Geology (CDMG Notes #37).
- (b) The following uses shall be prohibited within this area: structures designed or intended for relatively dense human occupancy, including but not limited to multiple residential uses, schools and hospitals; critical public services and high-risk facilities, including but not limited to fire and police stations, emergency relief storage facilities, water storage tanks, dams and power plants.
- (c) This area may contain areas suitable for low-density residential uses, such as occasional single-family detached residential dwellings. However, such developments shall not be permitted unless the applicant demonstrates, through detailed geologic site investigations and adequate engineering design, that proposed sites are suitable for the uses proposed, and that direct damage to such uses or indirect threat to public health and safety would be unlikely in the event of a major seismic event. No structure for human occupancy shall be permitted to be placed across the trace of an active fault. The area within fifty (50) feet of any trace of an active fault shall be assumed to be underlain by active branches of that fault unless and until proven otherwise by an appropriate geologic investigation and submission of a report by a geologist registered in the State of California.

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- (d) Public and private transmission facilities, including but not limited to electric transmission lines, water supply systems, sewer collection and transmission systems, gas mains and oil transmission lines, shall not be permitted within or across this district unless: reasonable alternative routes are not available and the facility is determined to be of overriding public need and benefit. In the event that such facilities are to be permitted, their design shall include provision for valves, switches, and other equipment appropriate to ensure minimal adverse impact on adjacent and surrounding areas and to facilitate restoration of service in the event of a major fault displacement.

**8.294.220 - Slope Instability Area Criteria.**

The following criteria shall apply within all areas defined as highly unstable on the Landslide Susceptibility Areas Map:

- (a) The following uses shall be prohibited: structures designed or intended for relatively dense human occupancy, including but not limited to multiple residential uses, schools and hospitals, critical public services and high-risk facilities, including but not limited to fire and police stations, emergency relief storage facilities, water storage tanks, dams, and power plants.
- (b) This area may contain areas suitable for low-density residential uses, such as single-family detached residential dwellings. However, such developments shall not be permitted unless the applicant demonstrates that no other locations less susceptible to such hazards are reasonably available on the site for development, and through detailed geologic site investigations and adequate engineering design, that proposed locations are suitable for the uses proposed, and that direct damage to such uses or indirect threat to public health and safety would be unlikely.
- (c) The applicant shall demonstrate that the development will not contribute to the instability of the land and that all structural proposals including excavation, access roads and other pavement have adequately compensated for soils and other subsurface conditions.

(Prior code Chapters 36, 36A.1, 36A.2, Sections 6900 through 6914.3 - Added by Ordinance No. 2697 - December 16, 1980)

(Prior code Section 6905 - Amended by Ordinance No. 2781 - April 6, 1982)

(Prior code Section 6905(w) - Added by Ordinance No. 2804 - October 26, 1982)

(Prior code Section 6905(w) - Repealed and Added by Ordinance No. 2863 - December 13, 1983)

(Prior code Section 6906.1 - Amended by Ordinance No. 2893 - June 5, 1984)

## ***CHAPTER 8.296 - DEVELOPMENT REVIEW PROCEDURE***

### **8.296.010 - Purpose And Applicability.**

This Chapter shall be known as the Development Review Procedure. Its purpose is to establish a procedure for the appropriate and orderly development of land and permit flexibility in the application of zoning regulations in a manner consistent with the basic principles and purposes of the ordinance. It shall be applicable, as specifically indicated in zone regulations and in the Resource Management (RM) District, to all development except as provided for in Chapter 8.296.

### **8.296.020 - Submission Of Proposed Development Plan (“PDP”).**

The applicant shall submit a Proposed Development Plan (“PDP”) which shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development and shall include the following elements:

1. **Environmental Setting Inventory (“ESI”)**. An Environmental Setting Inventory (“ESI”) shall be equivalent to the environmental setting portion of an Environmental Impact Report under CEQA Guidelines, Section 15125 and shall include a detailed analysis for the following elements:
  - a. A topographic analysis including a map detailing elevations, contours and slopes, and a description of distinct natural areas within the property.
  - b. A geologic analysis including identification, locational description and mapping of the major geologic units, seismic condition, and areas of landslide potential.
  - c. A soils analysis including a description and mapping by soil type classifications, and description of surface water and sub-surface water conditions.
  - d. A hydrologic analysis including descriptions of surface drainage patterns, flow quantity and water quality from springs on the property and capacity to locate septic tanks or fields, when required for adequate site evaluation.
  - e. An analysis of area climate including annual rainfall averages, temperatures, and wind currents.
  - f. A description and analysis of vegetation and plant communities, including identification of sensitive habitat (including legally protected species), and heritage and significant trees.
  - g. A description and analysis of wildlife groups and wildlife habitats, including legally protected species.

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- h. Visual analysis of the property's scenic landscape resources, including State and County scenic corridors, scenic roads and viewsheds, and scenic landscape features including shorelines, vegetation, ridgelines and skylines, as defined in the San Mateo County General Plan.
- i. An Environmental Evaluation Checklist obtainable from Planning and Building Division.
- j. Density analysis map results, where applicable.
- k. Analysis of buildable site locations.
- l. Inventory of cultural features.
- m. Description of transportation system capacity and access to the site.

The ESI shall be prepared or certified by a qualified professional in the field of environmental analysis.

2. **Development Scheme ("DS").** A Development Scheme ("DS") shall be prepared for the proposed development and shall include maps and information for the project site and surrounding area within 300 feet of the site. The DS shall distinguish existing and proposed elements and shall be sufficiently detailed to indicate intent and impact. The DS shall include the following:

- a. A description of the project, equivalent to project description under CEQA Guidelines, Section 15124.
- b. Location of all existing and proposed property lines.
- c. Location of all proposed uses and activities, buildings and structures, including approximate dimensions and number of living units.
- d. Location of water, sewerage, and drainage facilities.
- e. Major landscaping features.
- f. Renderings clearly establishing the scale, character and relationship of buildings, streets, and open spaces.

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- g. Grading or earthmoving plans.
  - h. Areas reserved for public uses, including location of schools, parks, playgrounds, and other open spaces.
  - i. Plans for street improvements (including streets, driveways, sidewalks and pedestrian-ways, and off-street parking and loading areas).
  - j. Location and design of signs.
  - k. Projected resident population.
  - l. Identification of those permits required by San Mateo County for the proposed development.
3. **Master Land Division Plan (“MLDP”).** A Master Land Division Plan (“MLDP”) shall be prepared, delineating how the parcel will be ultimately divided according to the maximum density of development permitted (Section 6317) and consistent with the findings and conclusions of the Environmental Setting Inventory. The MLDP shall indicate:
- a. All existing and new property lines.
  - b. Proposed uses for each parcel.
  - c. Location of roads providing access to each parcel and road improvements required.

Parcels shall:

- a. Be of sufficient size to meet minimum domestic well water and on-site sewage disposal area requirements, except for the latter where it is legally possible to connect to water district lines.
- b. Be clustered in order to have the minimum amount of stream frontage.
- c. To the extent feasible, minimize the number of roads and driveways directly accessing major roads.

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An MLDP shall permit division in phases, and all future divisions occurring on the original parcel for which an MLDP has been filed shall conform to that MLDP, or an approved amendment thereto.

An MLDP shall not be required if a deed restriction, or other legally enforceable instrument, limits development rights to a total potential buildout of four (4) or fewer dwelling units on the whole parcel.

4. A tabulation of the land area to be devoted to various identified uses, and a calculation of the average residential density per net acre and per net residential acre.
5. A development schedule that at least includes anticipated timing, duration and costs, and the anticipated priorities of each development stage, if any.
6. Within 30 days of receipt of the PDP, the Planning and Building Division shall inform the applicant in writing whether the application is complete and accepted for filing. If the application is deemed incomplete, the Planning and Building Division shall specify the deficiency and indicate what added information is required. The applicant shall have an additional 30 days to submit such information. If the application is deemed complete, staff shall proceed to review and evaluate the proposal and within 45 days of receipt of the application, shall prepare a staff report indicating the PDP's conformance with the standards of the RM District.

As part of its review, the Planning and Building Division shall consult with or receive written reports from the County's Environmental Health Division and Public Works Department whose findings shall be included in the Planning and Building Divisions staff report to the Planning Commission. The Planning and Building Division may also consult with and receive written reports from other interested government agencies and departments.

The Planning and Building Division shall furnish copies of its final staff report not less than ten (10) working days before the appointed time of the public hearing provided for in this Chapter.

(Prior code Section 6451 - Amended by Ordinance No. 2837 - June 14, 1983)

### **8.296.030 - Environmental Health Division And Public Works Department Review.**

Within ten (10) days of the receipt of the PDP, the Planning and Building Division shall forward such plan and original application to the Environmental Health Division and Public Works Department for review of public improvements, including streets, sewers, and drainage. The Planning Commission shall not act finally on an application until (1) it has received a report from these departments or (2) more than 30 days has elapsed since the application was sent to these departments, whichever comes first.

(Prior code Section 6452 - Amended by Ordinance No. 2837 - June 14, 1983)

### **8.296.040 - Final Planning Commission Action.**

After proper legal notice and upon public hearing of the Proposed Development Plan, the Planning Commission shall take one of the following actions on the application: (1) approve, as submitted, (2) approve, subject to conditions of approval, or (3) deny.

1. Approval - If the Planning Commission finds that the PDP conforms with all applicable criteria, standards and policies, it may approve the plan.
2. Approve with Conditions - In approving the PDP, the Planning Commission may attach reasonable conditions of approval: (1) to ensure public safety, health, and welfare, (2) to support the required findings, or (3) to ensure compliance with the content and purpose of this ordinance. Conditions of approval may include, but not be limited to, design modifications, site improvements, exactions, and supplemental information.
3. Denial - If the Planning Commission finds that the PDP does not meet all applicable criteria, standards and policies, it may deny the plan, giving its reasons. The Planning Commission may grant the applicant the opportunity to amend the plan and reschedule another legal public hearing within six months.

The Planning Commission decision shall become effective ten (10) days after the decision is rendered, providing an appeal is not filed in accordance with the provisions of Section 6454.

### **8.296.050 - Appeal To Board Of Supervisors.**

An appeal from a decision of the Planning Commission may be made to the Board of Supervisors as expressly allowed in Sections 6453 and 6457. Such appeal shall be made, in writing, on a form prescribed by the County and must be filed with the Clerk of the Board within ten (10) working days of the date of the Commission's decision. The appeal shall state specifically wherein it is claimed that there was error or contravention of County policy or wherein said decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights.

(Prior code Section 6454 - Amended by Ordinance No. 4158 - February 25, 2003)

### **8.296.060 - New Application.**

Following the denial of an application for a PDP, the applicant may not resubmit the same plan within six months of the date of denial of application.

### **8.296.070 - Adherence To Approved Final Development Plan.**

The approved final Development Plan shall limit and control the issuance of all building permits and shall re-strict the nature, location and design of all activities and facilities, which must conform to such approved plans. The applicant shall adhere to the staged development schedule included in the application, but after notice and public hearing, the Commission may allow extensions or revisions of such schedule.

### **8.296.080 - Revocation.**

In the event of a failure to comply with the approved plan or any prescribed condition, including failure to comply with the staged development schedule, the Planning Commission may, after notice and hearing, rescind approval of the development plan. An appeal may be taken from such decision pursuant to Section 6454.

### **8.296.090 - Minor Development Review Procedure.**

1. Minor developments, as defined within this section, shall require the completion of an Environmental Checklist. Where it is determined by the Director of Planning and Building that additional information is necessary in order to adequately evaluate the impact of such development, additional Environmental Setting information, as defined in Section 6451(a) may be required.
2. Such minor development shall be required to meet all applicable criteria contained within Chapter 20A.2 commencing with Section 6324 prior to the issuance of any permit or approval of any parcel map.

Minor development shall not be required to secure a Development Review Permit as provided for in this Chapter 23, but shall secure a Certificate of Compliance from the Director of Planning and Building, certifying that all applicable criteria contained within Chapter 20A.2 have been met prior to the issuance of any permit required by ordinance or the submission of any parcel map for approval. In the case of activities listed in subsection (c), where a permit is not presently required, a Certificate of Compliance shall still be secured.

3. For the purposes of this section, minor development shall be defined as any development which, following examination of environmental information, is qualified for a Negative Declaration or Categorical Exemption. Such development may be certified as a minor development by the Director of Planning and Building, who shall submit a monthly report on said certifications to the Planning Commission. Such developments include but are not limited to:
  - a. Single-family dwelling and accessory structures and driveways and parking areas.
  - b. Playground.
  - c. Kennel.



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- d. Nurseries, greenhouses or additional structures accessory to agriculture which required a building permit prior to the enactment of this ordinance.
- e. Temporary trailer park for seasonal farm laborers.
- f. Minor non-commercial timber cutting.
- g. Minor division of lands into four or fewer parcels if outside the Skyline area; within the Skyline area, minor division of land where the total maximum density of development allowed on the parcel, determined in accordance with Section 6317, does not exceed four dwelling units.
- h. Stables.
- i. Turkey raising.
- j. Commercial feed lots.
- k. On-premise signs.
- l. Minor grading.

(Prior code Chapter 23 - Repealed by Ordinance No. 1324 - November 18, 1958)

(Prior code Chapter 23, Sections 6450 through 6461 - Added by Ordinance No. 2229 - December 20, 1973)

(Prior code Sections 6450-6461 - Amended by Ordinance No. 3874 - January 19, 1999)

(Prior code Section 6461(c) - Amended by Ordinance No. 2347 - January 20, 1976)

(Prior code Section 6461(g) - Amended by Ordinance No. 2837 - June 14, 1983)

## ***CHAPTER 8.300 - FLOOD HAZARD AREAS***

### **8.300.010 - Findings.**

- (a) Areas of Special Flood Hazards and Coastal High Hazard Areas exist within the unincorporated territory of San Mateo County. These areas are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in Areas of Special Flood Hazards which increase flood heights and velocities, and which may cause damages in other areas. Structures that are not adequately floodproofed anchored, properly elevated or otherwise protected from flood damage may also contribute to the flood loss.

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- (c) This ordinance is based upon the Flood Insurance Study for San Mateo County Unincorporated Areas prepared by Tudor Engineering Company for the Federal Emergency Management Agency under the authority of the National Flood Insurance Act of 1968, as amended.

**8.300.020 - Statement Of Purpose.**

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Protect human life and health;
- (b) Minimize damage to private property, public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;
- (c) Maintain a stable tax base by providing for the use and development of Areas of Special Flood Hazard so as to minimize future flood blight areas and protect property located adjacent to or upstream from Special Flood Hazard Areas;
- (d) Control development which will, when acting alone or in combination with similar development:
  - (1) Create an additional burden on the public to pay the costs of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes or levees;
  - (2) Create an unjustified demand for public investment in flood-control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;
  - (3) Create an additional burden on the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production, and tax write-offs; and
  - (4) Cause flood losses if public streets, sewer, water and other utilities must be extended below the flood level to serve the development.
- (e) Control floodplain uses such as fill, dumping, storage of materials, structures, buildings, and any other works which, acting alone or in combination with other existing or future uses, will cause damaging flood heights and velocities by obstructing flows and reducing valley storage;

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- (f) Minimize surface and groundwater pollution which will affect human, animal, or plant life;
- (g) Ensure that potential buyers are notified that property is located in an Area of Special Flood Hazard;
- (h) Ensure that those who occupy Areas of Special Flood Hazards assume the responsibility for their actions, and;
- (i) Ensure that development that occurs within Areas of Special Flood Hazards is consistent with the County General Plan, particularly the policies of the Natural Hazards Chapter.

**8.300.030 - Definitions.**

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. The following words and phrases are defined for purposes of clarifying their use in this Chapter.

**1. Area Of Shallow Flooding.**

A designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**2. Area Of Special Flood Hazard.**

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year; sometimes referred to as the "Base Flood." This area is designated as Zone A, AO, AH, A1-A30, AE, A99, VO, V1-30, VE, or V on the FIRM.

**3. Basement.**

Any area of a structure having its floor below highest grade (subgrade) on all sides.

**4. Base Flood.**

The flood having a one percent chance of being equaled or exceeded in any given year, sometimes referred to as the 100-year flood. The base flood is the basis for the regulatory flood protection elevation used throughout this Chapter.

**5. Breakaway Walls.**

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A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**6. Coastal High Hazard Area.**

The area subject to high velocity waters, including but not limited to coastal and tidal inundation or tsunamis. The area is designated on a FIRM as Zone V1-V30, VE or V.

**7. Development.**

On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land including lot splits, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan, submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practices Act of 1973 (commencing with Section 4511).

**8. Elevated Building.**

A structure other than a basement constructed so that the top of the elevated floor in Zones A1-30, AE, A, A99, AO, AH, B, C, X or D, or the bottom of the lowest horizontal structure member in Zones V1-30, VE or V, is elevated above the highest grade by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In Zones V1-30, VE, or V, "elevated building" includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls.

**9. Exception.**

A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**10. Flood Discharge, Flood Or Flooding.**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or

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- (b) The unusual and rapid accumulation of runoff of surface waters from any source; or
- (c) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; or
- (d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) of this definition.

**11. Flood Boundary And Floodway Map.**

The official map on which the Federal Insurance Administration has delineated both the Areas of Flood Hazard and the Floodway.

**12. Flood Insurance Rate Map (Firm).**

The official map on which the Federal Insurance Administration has delineated both the Areas of Special Flood Hazards and the risk premium zones applicable to the community.

**13. Flood Insurance Study.**

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

**14. Floodproofing.**

Any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

**15. Flood-Related Erosion.**

A condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse and increases the possibility of loss due to the erosion of the land area adjacent to the shoreline or watercourse.

**16. Floodway.**

The channel of a watercourse plus any adjacent floodplain areas that must be kept free of encroachment in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway may also be referred to as the Regulatory Floodway. Floodways are delineated on the Flood Boundary and Floodway Maps.

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**17. General Plan.**

The General Plan of the County of San Mateo, as adopted by Resolution No. 48641 on November 18, 1986, and as subsequently amended.

**18. Highest Grade. T**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**19. Lowest Floor.** The lowest floor of the lowest enclosed area, including basement areas. The lowest floor does not include (a) an unenclosed area or flood resistant enclosure usable solely for parking of vehicles; or (b) building access or storage located in an area other than a basement area, provided such areas are not constructed so as to render the structure in violation of the standards of construction contained in Sections 8131, 8132 and 8133 of the Building Regulations.

**20. Manufactured Home.**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. Park trailers, travel trailers, temporary farm labor housing units and other similar vehicles placed on a site for more than 180 consecutive days are considered to be manufactured homes for floodplain management purposes under the provisions of these regulations; however, such vehicles are not considered to be manufactured homes for purposes of obtaining flood insurance.

**21. Manufactured Home Park Or Subdivision.**

A parcel or contiguous parcels of land divided into two or more manufactured home sites for rent or sale.

**22. Mean Sea Level.**

The average height of the sea for all stages of the tide. Base flood elevations shown on the Floodway Boundary and Floodway Maps and Flood Insurance Rate Maps are referenced to the National Geodetic Vertical Datum of 1929.

**23. Mudslide/Mudflow.**

A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide or mudflow may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**24. Mudslide/Mudflow Prone Area.**

An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

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**25. New Construction.**

Structures for which the “start of construction” commenced on or after the effective date of this ordinance.

**26. Replacement Value.**

The replacement cost of a building as determined by the latest available International Conference of Building Officials Building Valuation Data, or as otherwise established by the San Mateo County Building Inspection Section.

**27. Start Of Construction.**

The date of issuance of a building permit for construction or substantial improvements, provided the actual start of construction, repair, reconstruction, placement, or other improvement occurs within 180 days of the permit date. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure.

**28. Structure.**

Anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, not including a tent or vehicle.

**29. Substantial Improvement.**

- (a) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the replacement value of the structure as the structure existed either before the improvement or repair is started, or before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.
  
- (b) Substantial improvement does not include either any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places, the California Historical Landmarks Program, the Inventory of Historic Resources contained in the Resource Management Volume of the County General Plan, County Historic Landmarks or structures located in Historic Districts as established by the County Historic Preservation Ordinance, or any combination of the foregoing.

### **8.300.040 - Methods Of Reducing Flood Losses.**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel floodwaters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (e) Preventing the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and,
- (f) Promoting land uses and densities that minimize the exposure of significant numbers of people and the number of structures located in flood hazard areas, consistent with the County General Plan.

### **8.300.050 - General Provisions.**

**1. Lands To Which This Chapter Applies.** This Chapter shall apply to all Floodways, Areas of Special Flood Hazard and Coastal High Hazard Areas within the unincorporated territory of San Mateo County.

#### **2. Basis For Establishing Areas Of Special Flood Hazard.**

- (a) The Areas of Special Flood Hazard identified by the Federal Insurance Administration through the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study, San Mateo County, California, Unincorporated Areas," and an accompanying set of Flood Boundary and Floodway Maps and Flood Insurance Rate Maps are hereby adopted by reference and are made a part of this Chapter. The Flood Insurance Study and maps are on file at the San Mateo County Department of Environmental Management, Planning and Development Division.
- (b) Such documents may, from time to time, be amended or replaced by like documents, in which case they shall be determined to be valid for the purposes of this section by the Director of Planning and Building as advised by the Director of Public Works and in accordance with requirements of the Federal Emergency



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Management Agency, or any other successor federal agency. In the event the National Flood Insurance Program should be terminated with no successor program, the most current FIRM or successor thereof shall remain in use for purposes of this Chapter.

- (c) Maps used to designate Areas of Special Flood Hazard pursuant to this section shall be made an appendix to the County's Zoning Maps. Any changes to such maps shall not require a text amendment action as otherwise required in Chapter 8.444.

**3. Compliance.** No development shall be undertaken on any land subject to the provisions of this Chapter and no structure or improvement upon such land shall be constructed, affixed, located, extended, enlarged, converted, or altered without full compliance with the provisions of this Chapter.

**4. Penalties.**

- (a) Any violation of this Chapter shall be a misdemeanor and shall be punishable as provided for in Sections 1200-1203 of the San Mateo County Ordinance Code.
- (b) Any structure or improvement constructed, affixed, located, extended, enlarged, converted, or altered contrary to the provisions of this Chapter or any use of any land or structure contrary to the provisions of this Chapter or contrary to a development permit or exception or the terms and conditions imposed therein shall be, and the same is hereby declared to be, unlawful and a public nuisance, and the duly constituted authorities of the County may immediately commence action or proceedings to abate, remove and enjoin thereof in the manner provided by law.
- (c) The remedies provided for herein shall be cumulative and not exclusive.

**5. Conflicting Restrictions.** The provisions of this Chapter are not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where the provisions of this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.

**6. Interpretation.**

- (a) In the interpretation and application of this Chapter, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed to effectuate the purposes of this Chapter; and,

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- (3) Deemed neither to limit nor repeal any other powers granted by statute or other applicable ordinances related to flood control or protection.
  
- (b) This Chapter shall supersede any building code provisions which impose lesser standards and which are inconsistent herewith. Buildings and structures which require a permit under Section 8112 of the Uniform Construction Administration Code of San Mateo County, including agricultural structures, shall not be exempt from the provisions of this Chapter.

**7. Disclaimer Of Liability.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside of the Areas of Special Flood Hazards or uses permitted within such areas will be free from flooding or flood damages. The provisions of this Chapter shall not create liability on the part of the County of San Mateo, the Federal Insurance Administration, or any officer or employee of such entities, for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**8. Severability.** If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

### **8.300.060 - Regulation Of Development In Areas Of Special Flood Hazard, Floodways And Coastal High Hazard Areas.**

The areas of San Mateo County subject to flood discharge, flood or flooding, as established by Chapter 8.300 are hereby divided into Areas of Special Flood Hazards, Floodways and Coastal High Hazard Areas. Development located in Areas of Special Flood Hazards, which includes Floodways and Coastal High Hazard Areas, is required to meet applicable regulations of the County Subdivision Regulations and Building Regulations, in addition to the following Zoning Regulations.

- 1. Areas Of Special Flood Hazard.** A permit for development located in an Area of Special Flood Hazard may be issued in accordance with the procedures established in Section 6826 provided:
  - (a) Structures are constructed so that the lowest floor is elevated to or above the regulatory flood-protection elevation.
  
  - (b) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
  
  - (c) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

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**2. Floodways.** Located within Areas of Special Flood Hazard are areas designated as floodways. It is necessary to strictly regulate development in these areas since the floodway is extremely hazardous due to the velocity of floodwaters which carry debris, potential projectiles and flood-related erosion. A permit for development located in a floodway area may be issued in accordance with the procedures established in Section 6826 provided:

- (a) No encroachment, including fill, new construction, substantial improvements and other development shall be placed in a floodway unless certification by a registered civil engineer or architect is provided demonstrating that the encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
- (c) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

**3. Coastal High Hazard Areas.** Coastal High Hazard Areas are located within Areas of Special Flood Hazard established in Section 6824.2. These areas have special flood hazards associated with high velocity waters from coastal and tidal inundation and tsunamis. A permit for development in a Coastal High Hazard Area may be issued in accordance with the procedures established in Section 6826 provided:

- (a) All buildings or structures shall be located landward of reach of the mean high tide.
- (b) Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- (c) The development is in compliance with applicable Standards of Construction contained in Section 8131, the Standards of Manufactured Homes contained in Section 8132, the Standards for Coastal High Hazard Areas in Section 8133 and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations.
- (d) The use is consistent with the General Plan and permitted by the zoning district in which the use is to be located or conducted, and all required permits and approvals are obtained.

**4. Standards For Storage Of Materials And Equipment.**

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- (a) The storage or processing of materials that are, in time of flooding, flammable, explosive or that could be injurious to human, animal, or plant life is prohibited in Areas of Special Flood Hazard.
- (b) Storage of other material or equipment in Areas of Special Flood Hazard may be allowed in accordance with applicable statutes, ordinances and health and safety regulations if not subject to major damage by floods and if firmly anchored to prevent flotation and if readily removable from the area within the time available following a flood warning.

### **8.300.070 - Development Review Procedures.**

**1. Development Permit.** A development permit issued by the Director of Planning and Building or their authorized representative shall be obtained before start of construction or substantial improvement of a structure, or before commencement of any development located within any Area of Special Flood Hazard. A development permit need not be a separate permit document but, at the discretion of the Director of Planning and Building, may consist of a clearance signature integrated into an existing approval process. The issuance of a development permit may follow a decision on a discretionary permit under other chapters of this Part.

Application for a development permit shall be submitted to the Planning and Development Division on forms provided by that Division. Such applications shall be submitted concurrently with applications for any other permits or approvals required for the project by the San Mateo County Ordinance Code, and shall include the following in addition to plans and information required for other permits or approvals:

- (a) Two sets of plans, drawn to an appropriate scale, showing the subject property and surrounding areas, natural landforms, watercourses, existing structures and other features; the dimensions, location and elevation of proposed structures; proposed fill areas, fill quantities, and finished contours; material storage areas, and drainage facilities.
- (b) The proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; in Zone AO or VO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures.
- (c) The proposed elevation in relation to mean sea level to which any structure will be floodproofed.
- (d) All appropriate certifications listed in Section 6826.5.
- (e) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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**2. Environmental Health Division Review.** Prior to accepting an application for a development permit for a project located in a Special Flood Hazard Area, the applicant shall obtain a Certificate of Feasibility from the Environmental Health Division for necessary wells, sewers, or on-site sewage disposal systems.

**3. Department Of Public Works And Building Section Review.** Prior to approval of a development permit as provided for in Section 6826.1 or an exception as provided for in Section 6828, the Director of Planning and Building shall forward the applicant's plans, technical information, certifications and other information as required, to the Director of Public Works or Building Inspection Section, as appropriate, for review and a report on the conformance of the proposed plans with the provisions of this Chapter.

**4. Grounds For Issuance Of Permit.** The Director of Planning and Building shall issue a development permit in accordance with Section 6826.1 only when all of the following are established:

- (a) The permit requirements of this Chapter have been satisfied;
- (b) The proposed development does not adversely affect the flood carrying capacity of the Area of Special Flood Hazard. For purposes of this Chapter, "adversely affect" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point;
- (c) The flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development;
- (d) The applicant has provided evidence indicating that all necessary permits and approvals have been or will be received from local, regional, State or Federal agencies having jurisdiction under State or Federal law, including Section 404 of the Federal Water Pollution Control Act, as amended; and
- (e) The proposed development is consistent with the County General Plan, particularly the policies of the Natural Hazards Chapter.

**5. Certification.** The Director of Public Works and Building Inspection Section shall accordingly review and approve or disapprove certifications. The following certifications shall be maintained in the Building Inspection Section file for public inspection and, as needed, for Flood Insurance purposes:

- (a) The elevation certification required in Section 12.6(d), San Mateo County Subdivision Ordinance (uncodified).
- (b) The elevation certification required in Section 8131(c)1, San Mateo County Building Regulations.

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- (c) The elevation certification required in Section 8131(c)2, San Mateo County Building Regulations.
- (d) The floodproofing certification required in Section 8131(c)3, San Mateo County Building Regulations.
- (e) The Coastal High Hazard certification required in Section 8133(b), San Mateo County Building Regulations.

6. The Director of Planning and Building shall notify adjacent cities and the California Department of Water Resources prior to action on any permit involving the alteration or relocation of a watercourse, and submit written evidence of such notification to the Federal Insurance Administration.

7. The Director of Planning and Building shall require that the flood carrying capacity of a watercourse which is proposed to be altered or relocated is maintained at or greater than previously existing capacities.

8. Review by the Director of Public Works shall include interpretations of the location of the boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), and the Director of Planning and Building may reasonably rely upon such interpretations when taking any action under this Chapter.

**9. Use Of Other Base Flood Data.** The Director of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed for inclusion on a tentative or final subdivision map pursuant to San Mateo County Subdivision Regulations, as criteria for requiring that new construction, substantial improvements or other development in Areas of Special Flood Hazard have the lowest floor of residential structures elevated to or above the base flood level, and the lowest floor of non-residential structures elevated or floodproofed to or above the base flood level.

### **8.300.080 - Non-Conforming Uses.**

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Chapter but which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

- (a) The structure or use shall comply with the regulations contained in Chapter 8.388 (Non-Conforming Uses).
- (b) Structural alterations, maintenance or repair of a non-conforming building may be allowed provided:
  - (1) The cubical contents of the building as it existed at the time it became non-conforming is not increased; or,

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- (2) The building is permanently changed to a conforming use.
2. Structures or uses which are or become nuisances shall not be entitled to continue as non-conforming uses.
3. Except as provided in Section 6827.2, any use which has been permitted following approval of an exception to the provisions of this Chapter, as provided for in Section 6828, shall be considered a conforming use.
4. Any alteration, addition, or repair to any non-conforming structure which would result in substantially increasing its flood damage potential shall be protected by appropriate measures pursuant to the Standards of Construction contained in Section 8131, the Standards for Manufactured Homes contained in Section 8132, the Standards for Coastal High Hazard Areas contained in Section 8133, and the Standards for Water Supply and Sewage Systems contained in Section 8309 of the San Mateo County Ordinance Code, Building Regulations, as appropriate.

**8.300.090 - Exceptions.**

1. The County Director of Planning and Building may grant exceptions from the provisions of this Chapter in the case of development permit applications for the reconstruction, rehabilitation or restoration of historic structures listed in the National Register of Historic Places, the California Historical Landmarks Program, the Inventory of Historic Resources contained in the Resources Management Volume of the County General Plan, County Historic Landmarks or structures located in Historic Districts as established by the County Historic Preservation Ordinance, or any combination of the foregoing, without regard to the procedures set forth in Section 8.300.090(6)
2. The County may grant exceptions from the provisions of this Chapter in conjunction with development permit applications for the construction or substantial improvement of structures located in Areas of Special Flood Hazard. In passing upon applications for exceptions, the County shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Chapter, and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed development to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community, where applicable;

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- (e) The necessity of a waterfront location for the proposed facility;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the floodplain management program for that area;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges; and,
- (l) Consistency of the proposed use with the San Mateo County General Plan.

**3.** The County shall approve an exception only upon:

- (a) A showing of good and sufficient cause such as renovation, rehabilitation, reconstruction or preservation of a historic or culturally significant structure; or,
- (b) A determination that the exception is for the minimum development necessary, considering the flood hazard, to afford relief; and,
- (c) A determination that failure to grant the exception would result in exceptional hardship to the applicant or place unreasonable restrictions upon land use operations conducted on the property; and,
- (d) A determination that the proposed development is to be located on a parcel which is generally less than one-half acre in area and is contiguous to and surrounded by lots with existing structures constructed below the base flood level. Deviations from the one-half acre size limitation require increased levels of technical justification; and,



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- (e) A determination that the granting of an exception will not result in increased flood heights during the base flood discharge, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local ordinances, the General Plan or State law.

4. Exceptions shall not be approved solely because of economic considerations, aesthetics or because exceptions have been issued in the past.

5. Upon approval of an exception in accordance with Section 8.300.090(6):

- (a) The County shall notify the applicant in writing over the signature of the Director of Planning and Building or Zoning Hearing Officer that construction of a structure below the base flood level will result in increased premium rates for flood insurance; and,
- (b) The County shall maintain a record of all exception actions, including justification for their issuance; and,
- (c) The County shall report on all such exceptions issued in an annual report to the Federal Insurance Administrator.

6. Application for an exception from the provisions of this Chapter may be made by the property owner or the owner's representative on forms provided by the Planning Division. Applications for exceptions shall be processed in accordance with the provisions for the processing of variances in Chapter 8.320. Application materials shall include:

- (a) A complete application form, environmental information form, and filing fees as set by resolution of the Board of Supervisors.
- (b) Complete site plans, floor plans, exterior elevations, and grading plans in triplicate, drawn to scale, showing the location, dimensions, contours and elevations above mean sea level of areas proposed for development, existing and proposed structures, streets, roads, drainage facilities, utilities, areas of fill and locations where development materials will be stored.
- (c) The proposed elevation in relation to mean sea level of the lowest floor of all structures; in Zone AO, elevation of the existing grade and proposed elevation of the lowest floor of all structures.
- (d) Proposed elevation in relation to mean sea level (msl) to which any structure will be floodproofed.

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- (e) Certification by a registered civil engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria contained in Title 10 of the San Mateo County Ordinance Code, Building Regulations.
- (f) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- (g) Additional information as necessary to evaluate the items listed in Section 8.300.090(2), and the findings required in Section 8.300.090(3).

All elevations shall be based on the National Geodetic Vertical Datum of 1929.

(Prior code Chapter 35.5 - Added by Ordinance No. 3002 - July 3, 1984)

(Prior code Chapter 35.5 - Amended by Ordinance No. 3150 - August 30, 1988)

## ***CHAPTER 8.304 - ARCHITECTURAL SUPERVISION***

### **8.304.010 - Elevation Requirements**

In case an application for a building permit is made for any building, structure or other improvement in any of the following districts: "H-1," "C-1," "C-2," "M-1," or "M-2"; or for any building, structure or other improvement in any district established by this Part when such building, structure or improvement is adjacent to any State Highway or to any Primary or Secondary Highway, as designated by the Highway Classification of the County, then such application shall be accompanied by drawings or sketches showing the front, side and rear elevations of the proposed building, structure or other improvement.

### **8.304.020 - Considerations**

Such drawings or sketches shall be considered by the Commission or its staff an endeavor to provide that such buildings, structures and other improvements shall be so designed and constructed that they will not be of unsightly, undesirable or obnoxious appearance to the extent that they will hinder the orderly and harmonious development of the County, impair the desirability of residence, investment or occupation in the County as appearing to travelers passing through or traveling in the County, limit the opportunity to attain the optimum use and value of land and improvements, impair the desirability of living conditions in the same or adjacent agricultural or residential areas, and/or otherwise adversely affect the general prosperity and welfare. To this end, the Commission shall suggest any changes in the plans of such proposed buildings, structures and other improvements as it may deem to be necessary to accomplish the purposes of this Chapter, and shall not approve any such plans until it is satisfied that such purposes will be accomplished thereby.

### **8.304.030 - Approval**

No permit, as provided herein, shall be issued unless the plans filed with the application therefore as required in this Chapter shall first have been approved by the Commission. Upon such approval, the Building Inspector of the County shall issue such permit, provided all other provisions of law have been complied with. Every drawing or sketch filed under the provisions of this Chapter shall become the property of the Commission.

## ***CHAPTER 8.308 - NORTH FAIR OAKS DESIGN REVIEW AND SITE DEVELOPMENT PERMIT***

### **8.308.010 - Site Development Plan Review And Approval.**

The review and approval procedures described in this section shall apply to all areas within North Fair Oaks zoned Commercial Mixed Use-1 (CMU-1), Commercial Mixed Use-2 (CMU-2), Commercial Mixed Use-3 (CMU-3), Neighborhood Mixed Use-El Camino Real (NMU- ECR), and certain projects in areas zoned M-1/NFO, and M-1/NFO/Edison, as indicated in those chapter of the zoning regulations.

### **8.308.020 - Purposes.**

The purpose of the design review and site development permit process is to provide a unified manner in which developments are reviewed, by bringing to bear all of the required criteria and reviews in a single procedure, incorporating to the extent possible, zoning review, review of required environmental mitigation, and design review.

It is not the purpose of this Chapter that regulation of design should be so rigidly interpreted that individual initiative is precluded in the design of any particular building or substantial additional expense is incurred. It is the intent of this Chapter that any regulation exercised shall be that necessary to achieve the overall objectives of the North Fair Oaks Community Plan.

### **8.308.030 - Design And Zoning Review.**

All design and zoning review and site development permit approval for projects that are located in the CMU-1, CMU-2, CMU- 3, NMU-ECR, M-1/NFO or M-1/Edison/NFO zones and that do not require a use permit shall be conducted at the staff level, through the application of ministerial standards, without any requirement for a hearing. Projects requiring a use permit shall be reviewed and approved according to the requirements in Chapter 8.280 of these regulations, except that any required design review shall be conducted by staff, as described in this Chapter.

**8.308.040 - Application For Site Development Permit.**

1. For all projects not requiring a use permit, the applicant shall submit a Site Development Plan (“SDP”) which shall be sufficiently detailed to completely describe the operation and appearance of the project when fully constructed and shall include the following elements:
  - a. All required components of an application specified in Section 8.256.060 (DR Application Requirements)
  - b. Plans showing street trees and bicycle parking or other necessary improvements in the public right-of-way.
  - c. Easement dedicating any required setback to be used as a sidewalk by the public.
  - d. A traffic and transit impact analysis.
  - e. Transportation demand management measures, consistent with the City/County Association of Governments (“CCAG”) Land Use Component of the Congestion Management Program for San Mateo County, such as transit passes or other programs as needed to address project traffic or public transit impacts, consistent with the County Transportation Plan.
  - f. A comparative analysis of project environmental impacts with those identified in the North Fair Oaks Community Plan Environmental Impact Report; any additional environmental analysis and related mitigation measures required of the project; and demonstration that all applicable mitigation measures have been addressed.
  - g. Fees as set by resolution of the Board of Supervisors.
  - h. For projects 1) located in CMU-1, CMU-2, or NMU-ECR zoning districts, 2) located within 100 feet of the Caltrain rail right-of-way, unless and until the Caltrain is electrified, and 3) projects less than 100 feet from the Dumbarton rail right-of-way, unless and until train service on the Dumbarton right-of-way is permanently discontinued, or electrified, or developed with another low-emission transportation type:

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An air quality analysis. A site specific health risk assessment (HRA) prepared by a qualified air quality specialist in accordance with California Air Resources Board and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents, occupants and visitors to air pollutants. If the HRA demonstrates that the health risk is at or below safe levels, then health risk reduction measures are not required. If the HRA shows sensitive receptors will be exposed to air pollution, such as particulate matter 2.5Mg and toxic air contaminants at levels above safe levels, best practices, e.g., filtration, fixed windows, etc., must be included in the project application to reduce exposure to safe levels. The HRA shall be prepared in consultation with the Bay Area Air Quality Management District and approved by the County.

2. For projects requiring a use permit, the project shall not be subject to site development permit requirements, and shall be reviewed and approved according to the requirements in Chapter 8.280 of these regulations, except that any required design review shall be conducted by staff, as described in this Chapter.

**8.308.050 - Review And Approval Procedures.**

1. Within 30 days of receipt of a site development permit application, the Planning and Building Department shall inform the applicant in writing whether the application is complete and accepted for filing. If the application is deemed incomplete, the Planning and Building Department shall specify the deficiency and indicate what additional information is required.
2. Complete applications will be reviewed for consistency with applicable zoning, and with the design guidelines in this Chapter. The Director of Planning and Building (Director) or designee may approve a site development permit, subject to the following findings:
  - a. The project is consistent with all applicable zoning requirements;
  - b. The project is consistent with the design standards in the applicable chapter of the zoning regulations, as described in Section 6566.13, below; and
  - c. A comparative analysis of project environmental impacts with those identified in the North Fair Oaks Community Plan Environmental Impact Report required in Section 6566.3 did not identify any additional environmental analysis and/or related mitigation measures required of the project; and that all applicable mitigation measures have been included in the project application.

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3. A site development permit must be obtained prior to submitting an application for any necessary building permit.

**8.308.060 - Amendment Of Site Development Permit.**

1. Subsequent to the granting of a site development permit pursuant to this Chapter, the Director or designee may approve amendments to the approved plans which, in the judgment of the Director or designee, are minor in nature, without the public notice, hearing or appeal otherwise required or authorized by this Chapter. Such approval shall be in writing. Other amendments shall be processed as new applications.
2. Minor amendments may include, but are not limited to: interior modifications; relocations of doors and windows; adjustments in roof pitch or design; minor relocations of walls, fences or signs; and other adjustments in design, all only to the extent that they will not, in the judgment of the Director, have an adverse effect on compliance with design standards or zoning regulations applicable to the project.

**8.308.070 - Expiration Of Site Development Permit.**

1. Site development permits granted pursuant to this Chapter shall expire five  
(5) years from the date of approval if the applicant has not obtained all other permits required for the project and has not initiated construction.
2. Upon written request of the applicant, the Director may extend the expiration period for site development permits for an additional one year.

**8.308.080 - Inspection And Occupancy.**

The completed building and project site, including any public realm improvements must be inspected for compliance with the site development permit by the Building Official, before a certificate of occupancy is issued.

**8.308.090 - Pre-Design Conference.**

Prior to submitting an application for a site development permit, the project designer and applicant shall request and participate in a pre-design conference with the Director or designee. During the pre-design conference, the designer and applicant shall be provided with written copies of the Zoning Regulations and design review standards and guidelines applicable to the property and project in question, shall review same with the designer and applicant and shall answer any questions concerning appropriate design of the project. The intent of the pre-design conference is to ensure that the designer and applicant are aware of the design standards and expectations of the County prior to commencing design of a project.

### **8.308.100 - Exceptions.**

The Director or designee may except minor activities which otherwise require a site development permit from the requirements of this Chapter when such activities, in the judgment of the Director, are minor in nature and will not have an adverse effect on compliance with design standards or guidelines or zoning regulations applicable to the property or structure in question. Minor projects include interior remodels, repair and maintenance, and minor exterior modifications that comply with the design standards, or other minor exceptions determined at the Director's discretion, including exceptions to the otherwise applicable design standards. Applications for exceptions shall be filed in the manner prescribed by the Director and shall be accompanied by fees as set by resolution of the Board of Supervisors. Exceptions shall be documented by the Director, whose decision on exceptions shall be final, except in the case of minor design exceptions, as described below.

A minor design exception from the standards in Sections 8.308.115 through 8.308.118 may be granted by the Director in a site development permit upon a finding by the Director that the exception 1) is necessary for compliance with the site planning and design requirements; 2) will not jeopardize public safety; 3) promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.14; 4) will be compatible with the neighborhood surrounding the parcel, and 5) will not be detrimental to the public welfare. The Director may require modifications to the proposal, including design, location, materials, colors, and landscaping requirements. The Director's decision on an exception authorized by this Section shall not require a public hearing. The Director's decision may be appealed to the Planning Commission, as specified in Section 8.256.130.

### **8.308.110 - Major Design Exceptions.**

The Planning Commission, at a public hearing, may grant a use permit to grant an exception from any provision in this Chapter which is not a minor design exception or minor parking exception.

### **8.308.111 - Use Permits.**

Projects requiring a use permit shall follow the procedures established in Section 8.280 of the Zoning Regulations.

### **8.308.112 - Public Noticing.**

Public notice of approved site development permits shall be provided to all property owners within 300 feet of the exterior limits of the property or properties.

### **8.308.113 - Appeals.**

Approved site development permits may be appealed within ten (10) working days of issuance only by aggrieved persons as defined in Section 8.256.110 of the Zoning Regulations. The Planning Commission shall review and consider points of appeal and issue a decision to uphold the Director's decision, remand to the Director

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with instructions for modifications or deny the appeal. The decision of the Planning Commission is final and may not be appealed. Applications for appeal shall conform to standard appeal procedures of the Planning and Building Department.

**8.308.114 - Design Standards.**

1. CMU-1, CMU-2, CMU-3, NMU, AND NMU-ECR DISTRICT DESIGN STANDARDS. Projects within the CMU-1, CMU-2, CMU-3, NMU and NMU-ECR zoning districts shall be subject to the design regulations contained within the respective chapters of the zoning regulations:

NMU:	Zoning Regulations Chapter 8.130
CMU-1:	Zoning Regulations Chapter 8.118
CMU-2:	Zoning Regulations Chapter 8.122
NMU-ECR:	Zoning Regulations Chapter 8.132
CMU-3:	Zoning Regulations Chapter 8.126

2. M-1/NFO AND M-1/NFO EDISON DESIGN STANDARDS. For projects located in the Industrial Mixed Use- North Fair Oaks (M1/NFO) and Industrial Mixed Use Edison (M-1/NFO/Edison) zoning districts, and which are subject to the provisions of this chapter pursuant to the regulations for those districts, the design standards described below shall apply.

Projects shall be encouraged address the Design Standards and Guidelines in Chapter 7 of the North Fair Oaks Community Plan to the maximum extent practicable.

**8.308.115 - Public Realm Design Standards For Private Development – Base Standards**

Public realm improvements are those improvements required of a project that will be located in the public right of way.

1. Traffic Calming Devices at traffic ingress/egress crossing public right-of-way

All projects shall:



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- a. Provide traffic calming elements, including at least one of the following: changes in surface texture, audible alarms, and lights to slow cars and alert pedestrians of approaching vehicles at garage and parking lot entry/exits.
2. Sidewalks, Landscaping and Streetscape Amenities

All projects shall:

- a. Create continuous accessible paths in all projects to the extent required by the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations).
- b. In the CMU-1, CMU-2, and NMU-ECR districts, provide a minimum 10-foot-wide sidewalk on El Camino Real and 5th Avenue and 8-foot-wide sidewalks on side streets. In the CMU-3 district on all streets except Middlefield Road, and in the M-1/NFO and M-1/NFO/Edison districts on Bay Road, Fair Oaks Avenue, Second Street, and Edison Way, provide at least 8-foot-wide sidewalks. Wider sidewalks shall be provided where feasible. Commercial uses can temporarily occupy that portion of El Camino Real sidewalk held in private ownership, or the public- or privately-owned 5th Avenue sidewalk with moveable furnishings or racks as long as a minimum 4-foot-wide continuous ADA accessible path is maintained at all times. Sidewalk widths shall be measured from existing back of curb, or from the edge of the street or alley right of way where no curb exists.
- c. Provide street trees for all projects, approximately 36 inches in from face of curb to the trunk, approximately 35 feet on center on all streets adjoining the project, on the parcel side only. Additional trees shall be planted in raised curb planters between the sidewalk and roadway within parking areas to provide shade and comfort for all users of the street. Street trees shall be planted in 4- to 6-foot-wide tree wells with grates to accommodate pedestrian traffic. Adjacent to tree wells, use structural soil 2 to 3 feet deep and 8 feet long and wide under sidewalks; or a cellular sidewalk and soil support system in lieu of a standard aggregate base to allow room for tree roots, to support tree health, and reduce maintenance caused by uprooted sidewalks. Healthy existing street trees as determined by a qualified arborist shall count towards this requirement.
- d. Limit alley and service access driveway curb cuts to a maximum of one per project, or one for every 150 linear feet of frontage.
- e. Provide required bicycle racks in the public right-of way or publicly accessible open space in a manner that does not impede pedestrian movement, and situated so that bicycles will be parked parallel to the street.

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- f. For projects on sites 25,000 square feet and larger, provide pedestrian-friendly streetscape amenities or improvements, such as seating, public art planters and trash receptacles or improvements that are consistent with the County's adopted design for the El Camino Real or 5th Avenue streetscapes.
- g. Install stormwater planters and bioswales either on site, or within the planting strip area of streets, if minimum paved sidewalk requirements are met.

**8.308.116 - Private Realm Design Standards For Private Development- Base Standards.**

The private property design standards apply to improvements authorized in a site development permit to be located on private property.

1. Building Design, Layout and Orientation

All projects shall:

- a. Orient buildings, entries and primary façades toward the primary adjoining street. Primary streets include Middlefield Road, El Camino Real, 5<sup>th</sup> Avenue, Edison Way, Bay Road, and Fair Oaks Avenue.

For mixed-use projects that extend through blocks or are located on corner parcels, the non-residential entrance may be located on the primary adjoining street, and the residential entrance on the rear or side.

For projects that extend from El Camino Real to Blenheim Avenue the primary facade and entrance shall be on El Camino Real, except in the case of mixed-use projects, which may have two entrances situated as described above. The Blenheim façade, and the secondary façade on other projects with front and rear street frontages, shall include elements such as stairways, balconies, landscaping, fenestration, façade articulation and roof forms that project life and transparency on the street and are sympathetic in nature to the context of the surrounding neighborhood.

- b. Along block faces, vary facade articulation, roof heights, and step-backs. Vary fenestration, color, architectural elements, and other elements between multiple adjoining structures or units.

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- c. For projects on El Camino Real, 5th Avenue, Bay Road, Fair Oaks Avenue, and Middlefield Road, articulate ground floor facades, using vertical elements, such as pilasters, columns or massing changes, into 25-foot to 50-foot-wide increments within larger buildings that face the street. Use distinctive vertical and/or horizontal elements to break up the massing of buildings.
- d. For mixed-use buildings on corner parcels, provide a pedestrian-accessible entry at the corner, or entries on both streets.
- e. Locate ground-level parking and parking access in the side or rear of the project, or in cases where front parking access is necessary due to site constraints, include pedestrian-friendly design treatments and amenities such as paths, screening and landscaping to mitigate impacts on the pedestrian environment and overall streetscape.
- f. Provide space for deliveries and service vehicles, if the project will be serviced by large trucks that cannot be accommodated by on-street parking.
- g. Locate recycling and trash enclosures away from building fronts and major entries, and/or screen such receptacles from view in fixed enclosures.
- h. Ground-floor commercial spaces shall be at least 25 feet deep as measured from the front, ground-floor building facade. Ground floor commercial spaces shall be encouraged to be prepared with infrastructure sufficient to house a working restaurant, including necessary venting shafts, plumbing, and other necessary components.

2. Massing and Scale

All projects shall:

- a. Articulate ground floor facades, using vertical elements, such as pilasters, columns or massing changes, that divide facades into no more than 25-foot to 50-foot-wide increments.

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- b. Use multiple varied vertical and/or horizontal elements to break up massing of buildings.
- c. Provide minimum floor-to-floor heights of 12 feet for commercial uses, with 15 to 20 heights preferred.

3. Building Character, Facade Articulation and Fenestration

All projects shall:

- a. Visibly anchor the building base (lowest floor) to the ground using elements such as: a plinth beneath glass openings at least eighteen (18) inches in height, and columns or pilasters, and differentiate the base from upper floors using material change, color change, and a horizontal mechanism, such as a cornice or overhang. Use durable materials for the base, such as stone, steel, manufactured stone, or cementitious panel, but not stucco. Limit windows extending to the ground to 20 percent of the façade length.
- b. Have no continuous blank walls along street-fronting façades on any streets.
- c. Provide multiple varied building elements, including cornices, lintels, sills, balconies, awnings, porches, and stoops to enhance building façades.
- d. Limit garage entrances on street-facing facades to 22 feet in width.
- e. Provide street-facing garage entries and parking vents with screening using materials that complement the building's overall composition, color palette, and materials.
- f. Provide articulation on all four sides of buildings; using a hierarchy where the front façade has the greatest articulation, followed by the next most visible façade, followed by the least visible façade when viewed from the public right of way. For buildings with two street fronts, and for corner buildings, all street edges shall be treated similarly. Blank walls may be permitted where the side-yard wall encloses ground-floor parking and is within 2 feet of the property line, or for walls with no side-yard setback and the adjoining property can build to the property line. Side yard walls

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visible from the street shall be surfaced and articulated consistent with the rest of the structure.

- g. Fenestrate all ground floor commercial uses with non-reflective glass windows fronting onto sidewalks.
- h. For buildings located at street corners and at gateway entries identified in Chapter 2 of the North Fair Oaks Community Plan, provide roofs that accentuate the corner using a tower element, raised massing or other devices that emphasize the corner, and that are integral to the structure of the building and the design of the facade, rather than ornamental.
- i. Screen mechanical equipment (e.g., air conditioning, heating, compressor, generator, venting units) or other utility hardware on roof, ground, or buildings with opaque and sound attenuating materials compatible with the building, when visible from or adjacent to a public right-of-way or residentially zoned parcel. Screen rooftop mechanical equipment with parapets or the roof form, or set screening that is not part of the roof or parapet back from the building edge to avoid the appearance of an extra floor. Screening shall be integrated with the building design, compatible with the architectural character, colors, materials and elements from the roof and façade composition.
- j. Have no continuous exterior balconies/galleries for circulation that are visible from streets.
- k. Be allowed awnings that project from building facades with a minimum vertical clearance of 8 feet above the street. Semicircular canvas awnings parallel to the façade are prohibited.
- l. Have no exterior or interior window bars, roll-over doors or accordion gates over windows and entries. Multi-pane windows shall be true “divided-light windows.
- m. Have windows that are one or more of the following: inset at least two inches; or trimmed so as to create a shadow line, including a sill; or flush with the surface, but framed with substantial trim or trim that contrasts with the building color, and divided with mullions or muntins. Snap-in muntins or mullions are prohibited.

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- n. Articulate and accentuate roofs on buildings located at street corners and at gateway entries into neighborhood streets, as defined in Chapter 2 of the North Fair Oaks Community Plan. Roofs should be integral to the structure of the building and the design of the facade, rather than ornamental.

4. Building Materials

All projects shall:

- a. Use durable roofing materials, such as tile, slate, sheet metal shingles, standing seam metal roof, and wood shakes or shingles. Asphalt shingles must be of the highest quality commercial grade; lightweight asphalt shingle shall not be used. Any copper materials must be pre-treated to prevent exfoliation.
- b. Use only authentic (non-simulated) high-quality wall materials, or durable simulated materials that closely match the surface, color and proportions of the material being copied. Use materials such as:
  - (1) Brick (brick veneer must be detailed, including careful detailing of corners and seams).
  - (2) Cementitious panels.
  - (3) Wood; however, plywood siding, and lower quality hardboard composite sidings may not be used.
  - (4) Stucco (installed in sufficient thickness and material quality to effectively resist cracking; joints shall be coordinated with the overall facade composition and demised in small enough frames by joints to resist cracking and facilitate repairs; and sealant colors coordinated with other facade material colors). Only properly-drained, durable exterior insulation and finish system (EIFS) may be substituted for stucco.
  - (5) Stone, stone veneers and terra cotta tile.
  - (6) Metal siding (of sufficient thickness, at the ground floor level, to prevent dents from impacts, and properly coated).

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- (7) Glass, including opaque spandrel glass (as part of a curtain wall construction or floor-to-ceiling glass for a singular massing element of a façade, provided a ground floor plinth is included).
- (8) An anti-graffiti coating shall be applied to the portions of ground floor walls readily accessible from public spaces.
- (9) Stucco may not be used exclusively at the ground floor and may not be used for plinths. Mirrored glass may not be used.

5. Stormwater Management and Landscaping

All projects shall:

- a. Minimize on-site impermeable surfaces such as concrete, asphalt and hardscaping. Utilize permeable pavers, porous concrete, porous asphalt, reinforced grass pavement (turf-crete), cobblestone block pavement, infiltration planters, rain gardens and infiltration trenches to absorb stormwater, and other techniques to detain and infiltrate run-off on-site.
- b. Manage site stormwater run-off from impervious surfaces onsite, including roofs by using best management practices (BMPs) consistent with the San Mateo County Stormwater Pollution Prevention Program's C.3 Technical Guidance, in the design and location of buildings and open spaces and through the provision of site features to capture, hold and treat stormwater, such as rain gardens with engineered, vegetated swales, soils and stormwater planters, green roofs and subterranean water infiltration devices, or water capture devices, such as cisterns and rain barrels. Integrate these features in ways that enhance building character.
- c. Plant medium to large canopy trees in rear and side yards of private development where sufficient space for trees to mature is available.
- d. In landscaped infiltration features, use plants that can withstand pollutants; are effective in pollutant removal, and comply with the Water-Efficient Landscape Ordinance.

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- e. Landscape unpaved open areas not committed to stormwater management with water efficient landscaping, consistent with the Water Efficient Landscape Ordinance.

6. Utilities

All projects shall:

- a. Install any required new distribution lines underground, including connections between buildings and utilities or modifications to existing utilities. Utility trenches shall be located in a manner that minimizes harm to any trees being preserved, and allow space for planting trees required by these guidelines.

7. Ecology and Health

Residential units in multi-family buildings should have access to sun and air through operable windows and building openings, except in the case that residential units in the CMU-1, CMU-2, and NMU-ECR districts are not negatively impacted by such windows and openings, as demonstrated by the required air quality analysis described in Section 6566.3.1.h.

8. Transportation

Provide transportation demand management measures, consistent with the City/County Association of Governments (“CCAG”) Land Use Component of the Congestion Management Program for San Mateo County, such as transit passes or other programs as needed to address project traffic or public transit impacts, consistent with the County Transportation Plan.

**8.308.117 -Public Realm Design Standards For Private Development – Additional Standards**

Public realm improvements are those improvements required of a project that will be located in the public right of way, or dedicated for public use.

1. Sidewalks, Landscaping and Streetscape Amenities

All projects shall:



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- a. Provide bulb-outs at intersections with cross walks or at mid-block crossings to minimize crossing distance and increase pedestrian visibility where feasible.
- b. If located transit routes, coordinate with SamTrans to determine whether transit improvements, such as bus shelters or benches are appropriate, and whether existing transit stops are optimally located.
- c. Be allowed to use pavers in place of concrete for sidewalks located in private rights-of-way.

**8.308.118 - Private Realm Design Standards For Private Development – Additional Standards**

The private property design standards apply to improvements authorized in a site development permit to be located on private property.

1. Building Design, Layout and Orientation

All projects shall conform to the following standards and guidelines, as applicable:

- a. Encourage use of any private courtyards or other open spaces as common, public space, and if courtyards or other spaces are raised, encourage provision of an accessible connection between courtyards or open spaces and the street. Encourage ground-level open space wherever possible.
- b. For residential projects, provide stoops, or other types of individual unit entries where feasible.
- c. Where feasible, provide privacy for ground floor residential uses by elevating the first floor of such uses above grade, and/or using recessed entries with translucent glazing and/or placing windowsills 2 to 3 feet above floor level.

2. Building Character, Facade Articulation and Fenestration

All projects shall conform to the following standards and guidelines, as applicable:

- a. Where feasible, incorporate art (including murals, frescoes, mosaics, and other types, especially on large blank walls) in building facades, particularly art that relates to the history and culture of North Fair Oaks, and celebrates the local community.

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3. Parking

All projects shall:

- a. Be encouraged to use space-efficient parking strategies, such as lift parking and tandem parking, to reduce building costs and maximize efficiency of development.
- b. Be encouraged to provide parking located at least ½-story below grade, whenever feasible based on groundwater level.

4. Alleys/Service Access

All projects shall:

- a. Provide small canopy trees along alleys.
- b. Provide distinctive paving along the alleys located between 5th Avenue, and East Selby Street, to distinguish the alleys from roadways and to signal vehicles to proceed slowly.

5. Ecology and Health

All projects shall:

- a. Use sustainable building practices and materials, and ecologically-sensitive design solutions, including solar panels, light shelves and cool roofs, consistent with the County's Climate Action Plan, where feasible.

(Prior Code § 6566 through 6566.16 added by Ordinance No. 4787, November 21, 2017)

(Prior Code § 6566 through 6566.16 amended, and Sections 6566.17 and 6566.18 added; Ord.4815, July 23, 2019)

(Prior Code § 6566 through 6566.18 repealed and replaced in their entirety; Ord. 4883, October 17, 2023)

**CHAPTER 8.312 – ZONING, REZONING, LAND DIVISION, IN THE TIMBERLAND  
PRESERVE ZONE**

**8.312.010 - Entry To TPZ.**

Landowners may enter the Timberland Preserve Zone by petition or by adding to Timberland Preserve established by the initial zoning action.

**8.312.020 - Entry By Petition.**

After November 1, 1977, an owner may apply, on a form provided by the Planning and Building Division, to zone their land as Timberland Preserve. Following public hearing and recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing and shall zone as Timberland Preserve all parcels submitted to it which have met all the following requirements:

1. A map shall be prepared with scale not less than one inch equals 1,000 feet (scale 1:12,000) showing the legal description or the Assessor's Parcel Number of the property desired to be zoned. The map shall show all permanent roads, improvements, and developments. The map shall show approximate location of vegetation type boundaries if vegetation other than timberland is present.
2. A timber management plan meeting the requirements of Section 8.314.150 must be prepared or approved as to content for the property by a registered professional forester.
3. The timberland area shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practices Rules adopted by the State Board of Forestry for the southern area of the Coast Redwood District, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practices Rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and Forest Practices Rules within this time period shall be grounds for rezoning of the parcel.
4. The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least 30 acres.

Rezoning action shall follow procedures in Chapter 8.444 (Amendments).

**8.312.030 - Addition To Existing TPZ Lands.**

After March 1, 1977, an owner with timberlands in a Timberland Preserve Zone may apply to add adjacent or contiguous recently acquired or other lands that meet the definition of timberland.

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Section 8.312.020 8.314.150 shall not apply to these lands. Such additions shall combine legal parcels when they are contiguous, thereby reducing the total number of parcels.

**8.312.040 - Land Division Within The TPZ.**

Legal parcels zoned as Timberland Preserve may not be divided into parcels containing less than 160 acres unless all the owners of resulting legal parcels (a) submit a joint timber management plan as described in Section 8.314.150 prepared or approved as to content by a registered professional forester; and (b) such owners enter into a binding contract with the Board of Supervisors to manage and harvest timber on all the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 30 years. Such division shall be approved by 4/5 vote of the full Board.

**8.312.050 - Rezoning.**

Rezoning from the TPZ may be initiated by the landowner or the County.

**8.312.060 - Exchanges of Land Where TPZ is Reduced**

In the event of land exchanges with or acquisitions from, a public agency in which the size of an owner's parcel or parcels zoned as Timberland Preserve is reduced, the Timberland Preserve zoning shall not be removed from the parcel unless the majority of the full Board initiate rezoning pursuant to Section 8.312.070 and except for cause other than the smaller parcel size.

**8.312.070 - County Initiation Of Rezoning.**

1. If the Board of Supervisors after public hearing and by majority vote of the full body desires in any year not to extend the term of zoning, the County shall give written notice of its intent to rezone following the procedures established in Chapter 8.444. TPZ land shall be rezoned into a zone consistent with the General Plan. The State Forester shall be notified to rezone. A zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of the initial zoning.
2. Upon receipt by the owner of a notice of non-renewal from the County, the owner may make written protest of the notice and may appeal to the Board within 30 days of notice from the County. The Board may withdraw the notice of non-renewal any time prior to the anniversary date.
3. Upon receipt from the owner of a written protest of the zoning change from TPZ, the Board shall hold a public hearing upon the proposed change. The Board, by a majority vote of the full body, may reaffirm its intent to change the zoning to a zoning district consistent with the General Plan, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and the Forest Taxation Reform Act.

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4. A zoning district consistent with the General Plan shall become effective for the parcel 10 years from the date of final Board vote to rezone. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.
5. The owner may petition in writing to be reheard within six months of the date of the Board's decision.

**8.312.080 - Initiation Of Rezoning By The Landowner.**

1. If the owner desires in any year to rezone a parcel from its current Timberland Preserve Zone, the owner shall give written notice and shall follow procedures established in Chapter 8.444 (Amendments). The zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of initial zoning.
2. Within 120 days of receipt of notice of an owner's desire to rezone a parcel, the Board after a public hearing shall rule on the request for rezoning. The Board may rezone, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and of the Forest Taxation Reform Act of 1976. The State Forester shall be notified of the Board's action and findings.
3. The Board by a majority vote of the full body may remove the parcel from the Timberland Preserve Zone and shall place it in a zone consistent with the General Plan.
4. A zone consistent with the General Plan shall become effective 10 years from the date of its approval. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245 of the Government Code.
5. If the Board denies the owner's request for a change of zone, the owner may petition, in writing, for a rehearing within six months of the date of the Board's decision.

**8.312.090 - Immediate Rezoning**

Immediate rezoning is permitted only to provide relief when continued use of land in a Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance. Immediate rezoning shall be governed by the following:

1. Immediate rezoning of all or part of a parcel can be initiated only by the landowner.

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2. The owner shall apply for immediate rezoning on a form provided by the Planning and Building Division. Application for immediate rezoning shall be made for the proposed use modified to exclude timber management use.
3. If rezoning is desired for only a portion of a parcel, the remaining portion must meet the requirements of timberland in a Timberland Preserve Zone, including the requirement that a timber management plan be prepared according to Section 8.314.150.
4. If lands being rezoned are growing commercial species according to the State Forest Practices Act and Rules, the application for rezoning must be accompanied by a tentatively approved application for conversion pursuant to Section 4621.2 of the Public Resources Code (Application for Conversion may be made through the State Forester's Office). If tentative approval for conversion has not been obtained from the State Board of Forestry, the Board of Supervisors may tentatively approve immediate rezoning after public hearing and four-fifths vote of the full body. The Board shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the Board of Forestry. The Board of Forestry shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the Board of Forestry has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon such final approval of immediate rezoning, the Board of Forestry shall notify the Board of Supervisors of such approval, and the Board shall remove the parcel from the Timberland Preserve Zone and shall specify a new zone for such parcel which is consistent with the General Plan.
5. If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the Board of Supervisors may approve the immediate rezoning request only if by a four-fifths vote of the full Board it makes written findings that:
  - a. The immediate rezoning would be in the public interest.
  - b. The immediate rezoning would not have a substantial and unmitigated adverse effect upon the continued timber growing use or open space use of other land zoned as Timberland Preserve and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
  - c. The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were improved.
6. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned Timberland Preserve for the alternate use not permitted within a Timberland Preserve Zone.

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7. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable timber growing use to which the land may be put.

(Prior code § 6721 - Amd Ord. 3875, 01/19/1999)

(Prior code § 6744 - Amd Ord. 3875, 01/19/1999)

***CHAPTER 8.314 – LAND MANAGEMENT PLANNING REQUIREMENTS FOR USES  
AND PERMITS IN THE TIMBERLAND PRESERVE ZONE***

**8.314.010 - Uses And Permits.**

Timber growing and harvesting and compatible uses only are permitted in the TPZ. A proposed use which the Director of Planning and Building determines to be a compatible use and which does not constitute development as defined in Section 8.142.040 shall not require a permit. Permits shall be required for all developments.

**8.314.020 - Commercial Timber Harvesting.**

Commercial timber harvesting is permitted in the TPZ under the Timber Harvesting Ordinance, Chapter 8.408.

**8.314.030 - Compatible Use Development Requirements.**

All development proposed for location within the Timberland Preserve Zone shall meet the definition of compatible use set forth in Section 6710.1. Such developments, except commercial timber harvesting, shall require issuance of either a Minor Development Permit or a Major Development Permit. All developments require a Timber Management Plan (Section 8.314.150) with sufficient details to achieve the purposes of this ordinance.

**8.314.040 - Application Procedures And Criteria For Deciding Between Alternative  
Development Permit Procedures.**

1. The applicant shall submit a completed TPZ application, and a Project Description and Environmental Certification form briefly describing the proposed development.
2. The applicant shall submit a Timber Management Plan with sufficient detail to guide and coordinate the development.

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3. If, after review of material submitted in 1 and 2 above, the proposed use is a compatible use allowed in the TPZ, is either listed or determined by the Director of Planning and Building to be a minor development, and is adequately coordinated by the Timber Management Plan, the Director of Planning and Building may approve a Minor Development Permit without the requirements of a public hearing.
4. If, after a review of the material submitted in 1 and 2 above, the proposed use is a compatible use permitted in the TPZ, but cannot qualify as a minor development, the application is declared to be major development and shall be reviewed according to the Major Development Permit procedures.
5. If, after review of the material submitted in 1 and 2 above, the Director of Planning and Building determines that the proposed use is not a compatible use as defined in Section 6710.1, they shall notify the applicant in writing and state their reasons.

**8.314.050 - Minor Development Procedures.**

Minor development is any development which, following examination of environmental information, is qualified for a negative declaration or categorical exemption. Such development may be declared a minor development by the Director of Planning and Building. Minor developments may include, but are not limited to, the following uses:

1. Agricultural and recreational animal uses and their accessory structures including fences;
2. Single-family dwellings and their accessory structures including parking areas, driveways, and minor roadways;
3. On-site manufacture and/or sale of minor quantities of manufactured products; defined as up to 100,000 board feet, or equivalent measure, during any 12 consecutive month period;
4. Limited trailer housing, for laborer or a watchman, for not more than nine months in any one year;
5. Development and maintenance of gas, electric, water, or communications transmission facilities;
6. Stables;
7. On-premise signs;
8. Campgrounds, and overnight recreation shelters;



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9. Any other use determined by the Director of Planning and Building to be a minor development which is consistent with the purposes of this ordinance, a compatible use, and which will not impair the present or potential uses of adjacent properties.

**8.314.060 - Minor Development Permit.**

In order for the Director of Planning and Building to issue a Minor Development Permit, the Director must declare the following requirements have been met:

1. A complete TPZ application and Project Description and Environmental Certification form have been submitted.
2. Any additional information has been submitted that the Director believes is necessary in order to evaluate adequately the impact of a development.
3. A negative declaration or a categorical exemption has been issued.
4. The proposed minor development meets all applicable design criteria contained in Section 6760 below.
5. The proposed minor development has an adequate Timber Management Plan which assures the project is consistent with the purposes of the TPZ and will not impair the present or potential uses of adjacent properties.

Appeal of the issuance or non-issuance of a Minor Development Permit, or any condition thereof, may be made by the applicant or any other person pursuant to Section 6790.

**8.314.070 - Major Development Permit.**

A major development in this Chapter is any development that is permitted in the TPZ other than commercial timber harvesting or a minor development.

1. A proposed major development shall require a Development and Timber Management Plan pursuant to Section 8.314.080.
2. The Planning Commission shall determine whether a major development is compatible with the TPZ or whether rezoning is required in order to allow the proposed use.

**8.314.080 - Development And Timber Management (“DTM”) Plan Process And Requirements.**

A Development and Timber Management (“DTM”) Plan shall be prepared and shall include the following elements:

1. An environmental document as required under CEQA regulations. Any environmental analysis shall include:
  - a. A brief description of the timber stand age and structure.
  - b. Site topography.
  - c. Geology.
  - d. Soil characteristics.
  - e. Hydrology.
  - f. Climate.
  - g. Vegetation.
  - h. Wildlife.
  - i. Road access.
  - j. Cultural and other special features pertinent to the proposed site.
2. A Timber Management Plan (Section 8.314.150).
3. A tabulation of proposed land uses, building types, floor areas, number of dwelling units, usable open space, land coverage, total number of acres in the proposed development, and the percent of area designated for various uses.
4. A description of the proposed development’s design theme as it applies to all buildings and landscapes.

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5. Elevations, site and schematic floor plans for building types at an appropriate scale as determined by the Director of Planning and Building.
6. The precise location of water, sewerage, and drainage facilities, including any utility easements.
7. A landscaping plan showing proposed landforms including walls, walks, fences, screening, and the irrigation system, in addition to the location, size, number and variety of proposed tree or plant materials to be saved or installed, or existing plant materials to be removed or relocated.
8. A development schedule that at least includes anticipated timing, duration and costs, and the anticipated priorities of each development stage, if any.
9. The proposed circulation system, including the location of, and the specifications and improvements for streets, pedestrian pathways, and other circulation facilities.
10. A plan for all proposed parking, loading and unloading, as well as service areas.
11. A grading or earth moving plan, indicating haul routes and disposal sites if necessary.
12. A planned sign program indicating quantity, location, size, and design of all proposed signs.
13. A precise lighting plan.
14. A copy of proposed private agreements, covenants, or restrictions, which govern the use, maintenance, and continuing operation of the development and any of its common areas, facilities, and services that proposed private agreements, covenants or restrictions, shall provide that payment of assessments to support the continued maintenance and operation of the development; any of its common areas, facilities, and services shall be secured by a deed of trust on the property for the benefit of the County as well as for the benefit of any homeowners' association.
15. A Master Land Division Plan ("MLDP") which delineates how the parcel will be ultimately divided according to the maximum density of development permitted and consistent with the findings and conclusions of the environmental document (Section 8.314.080 (1)). The MLDP shall indicate:
  - a. All existing and new property lines.

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- b. Proposed uses for each parcel.
- c. Location of roads providing access to each parcel and road improvements required.

Parcels shall:

- a. Be of sufficient size to meet minimum domestic well water and on-site sewage disposal area requirements, except for the latter where it is legally possible to connect to water district lines.
- b. Be clustered in order to have the minimum amount of a stream frontage.
- c. To the extent feasible, minimize the number of roads and driveways directly accessing major roads.

An MLDP shall permit division in phases, and all future divisions occurring on the original parcel for which an MLDP has been filed shall conform to that MLDP, or an approved amendment thereto.

An MLDP shall not be required if a deed restriction, or other legally enforceable instrument, limits development rights to a total potential buildout of four (4) or fewer dwelling units on the whole parcel.

The Development and Timber Management Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Should the proposed development involve a subdivision, appropriate application will be made concurrently according to existing regulations.

Within 50 days of receipt of a DTM Plan, the Director of Planning and Building shall review it, refer it for analysis and recommendation to all interested persons and agencies, prepare a final report for the Planning Commission's consideration, and schedule a legal public hearing, following established policies.

**8.314.090 - Planning Commission Action And Findings On The Development And Timber Management Plan.**

Upon public hearing of the Plan, the Planning Commission shall take one of the following actions on the application: (1) approve, as submitted, (2) approve, subject to conditions of approval, or (3) deny.

1. Approval - If the Planning Commission finds that the DTM Plan conforms with all applicable criteria, standards and policies, and makes the specific findings listed below, it may approve the Plan. The specific plan findings are that:

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- a. The DTM Plan is in harmony with the County General Plan and the purposes of the TPZ, and can be coordinated with existing and proposed development of surrounding areas.
  - b. Any proposed residential development will constitute a residential environment of sustained desirability and stability; it will be in harmony with the character of the surrounding area; and the public facilities, such as schools, playgrounds and open space, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction.
  - c. Any proposed compatible commercial, institutional, recreational, and other non-residential uses will be appropriate in size, location, and overall planning to the purpose intended; and such development will be in harmony with the character of the surrounding areas.
2. Approve with Conditions - In approving the DTM Plan, the Planning Commission may attach reasonable conditions of approval: (1) to ensure public safety, health, and welfare; (2) to support the required findings; or (3) to ensure compliance with the content and purpose of this ordinance. Conditions of approval may include, but not be limited to, design modifications, site improvements, exactions, and supplemental information.
  3. Denial - If the Planning Commission finds that the DTM Plan does not meet all applicable criteria, standards and policies, it may deny the plan, giving its reasons. The Planning Commission may grant the applicant the opportunity to amend the DTM Plan and reschedule another legal public hearing within six months.

The Planning Commission decision shall become effective ten (10) days after the decision is rendered, providing an appeal is not filed in accordance with the provisions of Section 8.314.200.

#### **8.314.100 - Development Design Criteria.**

Any development shall consider several general and specific design criteria when applicable. The design criteria are outlined as follows:

#### **8.314.110 - General Design Criteria.**

1. Environmental Design Criteria. All developments shall be designed to conserve energy; to minimize air pollutants to meet County, State and Federal standards; to exclude significant levels of noxious odors; to use only biocides having no significant adverse environmental effects and to avoid discharging other chemicals which unbalance the major ecosystems; to exclude long-term noise levels; to avoid extensive change of vegetation; and to avoid adverse impacts on wildlife habitat, to minimize impacts on perennial streams and riparian habitat.

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2. Site and Building Design Criteria. All developments shall:

- a. Be properly sited to be subordinate to and compatible with their surroundings.
- b. Fit structures with the topography without undue grading or change to existing landforms.
- c. Develop parking in small, screened lots.
- d. Minimize design and construction impacts on adjacent property owners due to blocked views, noises, lights, glare and odors.
- e. Maintain soil stability on- and off-site.
- f. Keep the profile of all structures less than the forest canopy height.
- g. Use materials and colors that blend with surroundings.
- h. Minimize increase in fire risk and hazard.
- i. Minimize vegetation and tree removal.
- j. Minimize the use of irrigation on the site by landscaping with drought-tolerant vegetation.
- k. Be located in proximity to existing development, wherever possible.

3. Utility Design Criteria. All developments shall:

- a. Be designed to minimize the bulk and appearance of utility structures, poles, overhead wires, and signs.
- b. Locate all utility lines underground where practicable, and use existing or locally available public water supply sources.

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- c. Have access to a satisfactory public sewer system nearby or to be suitable for septic tank installation, or other approved facility.
4. Cultural Resources Design Criteria. All developments shall be designed to avoid and maintain known archaeological sites. Any unknown sites found during construction of a development shall be cause to suspend all work until approval to continue is obtained from the Director of Planning and Building.
  5. Public Safety Design Criteria. All developments shall:
    - a. Be designed to provide setbacks from hazardous areas.
    - b. Avoid off-site damage to life and property.
    - c. Avoid construction of any structures on hazardous areas as defined in the County's General Plan.
    - d. Avoid use of any portion of any land that is unsuitable for use for reasons of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, or steep slopes.
    - e. Avoid use of land with inadequate water supply or sewage disposal capabilities, or any other features harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large.

**8.314.120 - Primary Resource Areas Design Criteria.**

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas as designated or defined in the San Mateo County General Plan. These criteria are in addition to all other development criteria.

1. Scenic Corridors and Other Scenic Resource Areas Design Criteria. All developments shall:
  - a. Be designed to protect and enhance public views within the scenic corridor defined in the San Mateo County General Plan.
  - b. Visually screen access roads and parking areas from scenic corridors.
  - c. Minimize the number of access roads to scenic corridors.

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- d. Minimize the visual impact on scenic corridors.
  - e. Prohibit any use of a designated primary landscape feature.
  - f. Use native vegetation and earth berms as fencing material when screening is required.
2. Fish and Wildlife Habitat Areas Design Criteria. All developments shall:
- a. Be designed to prevent reduction or removal of habitat areas.
  - b. Ensure that any spawning and nesting areas or wetlands are not developed, altered, filled or dredged.
3. Forest Resources Design Criteria. All developments shall be designed to minimize the use of Site I, II or III soils for any use other than growing and harvesting of timber.
4. Water Resources Design Criteria. All developments shall:
- a. Be designed to maintain groundwater basins.
  - b. Not disrupt groundwater recharge.
  - c. Manage flows to maintain fish habitats.
  - d. Maintain the quality of water in any water body or source.
  - e. Avoid construction of structures and roads directly adjacent to lakes or reservoirs over 5 acres in size.
  - f. Avoid the creation of new parcels fronting perennial streams, as defined on USES topographic maps, when subdivisions are proposed.



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- g. Minimize the amount of water needed for irrigation by using drought-tolerant vegetation for landscaping.

5. Mineral Resource Areas Design Criteria. All developments shall:

- a. Be designed to enhance, reuse, and rehabilitate mineral resource land areas.
- b. Minimize impacts to surrounding scenic and open space amenities.
- c. Minimize impacts on water and wildlife resources.

**8.314.130 - Special Hazard Areas Design Criteria.**

These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas as defined in the County's General Plan.

1. Floodplain Hazard Area Design Criteria. All developments within a 100-year floodplain shall:

- a. Be designed to maintain water quality.
- b. Avoid construction of flood control works.
- c. Reduce flood damage potential.
- d. Be above the 100-year flood elevation for any given area, including the location of service facilities and utilities.
- e. Provide storm drain facilities to store and convey water without damage to persons or property.
- f. Avoid installations of sewage disposal facilities requiring soil absorption systems.
- g. Avoid location of all water systems not flood proofed at or above the flood protection elevation.

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2. Seismic Hazard Design Criteria. In all areas defined as hazard areas in the Natural Hazards Chapter of the San Mateo County General Plan, all developments shall be designed to standards which achieve the following:
  - a. Maintenance of the health, safety and welfare of County residents.
  - b. Compliance with the requirements of the County General Plan.
  - c. Consistency with the uses proposed.
  - d. Minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards that have been demonstrated and will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

#### **8.314.140 - Special Hazard Areas Design Criteria.**

These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas defined in the Conservation and Open Space, and Seismic Safety/Safety Elements of the County's General Plan.

1. Floodplain Hazard Area Design Criteria. All developments within a 100-year floodplain shall: (a) be designed to maintain water quality; (b) avoid construction of flood control works; (c) reduce flood damage potential; (d) be above the 100-year flood elevation for any given area, including the location of service facilities and utilities; (e) provide storm drain facilities to store and convey water without damage to persons or property; (f) avoid installations of sewage disposal facilities requiring soil absorption systems; (g) avoid location of all water systems not flood proofed at or above the flood protection elevation.
2. Seismic Hazard Design Criteria. In all areas defined in the Seismic Safety/Safety Element as hazard areas, all development shall be designed to standards which achieve the following: (a) maintenance of the health, safety and welfare of County residents; (b) compliance with the requirements of the Seismic Safety/Safety Element; (c) consistency with the uses proposed; (d) minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards which have been demonstrated will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

**8.314.150 - Timber Management (“TM”) Plan.**

A Timber Management (“TM”) Plan is required for all developments. Failure to follow the TM Plan shall be cause for rezoning of the land.

The TM Plan shall include the following and any additional information the Director of Planning and Building may require to achieve the purposes of this ordinance:

1. The Plan shall be sufficiently detailed and specific to achieve the intent and purpose of this ordinance and to coordinate and integrate the uses, and shall be prepared and/or approved by a licensed forester.
2. The Plan shall indicate volume, rotation and cutting cycle, vegetation types, other resources and resource development and utilization.
3. The Plan shall show existing and planned road and major skid road locations, and permanent stream crossings; sequence of harvesting, timing of harvesting (if relevant) and method of avoiding conflicts with timber uses. The Director of Planning and Building must be notified and may, for reasons, approve minor changes in the Plan. Substantial changes in the rotation, cutting cycle, and uses shall require approval of the Planning Commission.
4. The Plan shall include a topographic map with scale of at least one inch equals 1,000 feet (1:12,000), which includes the significant information from the Plan.
5. The Plan shall define a reasonable harvest time. This may require growth and cost estimates and financial maturity calculations or estimates, as well as other estimates or other calculations showing that the timing and amount of cutting would be feasible.

**8.314.160 - Development Review Time Requirements.**

The Director of Planning and Building shall establish and maintain administrative policies that set the review time for Development and Timber Management Plan processing review, and scheduling for hearing.

**8.314.170 - Density Determination.**

A maximum number of dwelling units permissible on any parcel shall be determined by the following density determination system.

### **8.314.180 - Maximum Density Accumulation**

Maximum Density accumulation shall be allowed for any segment of a parcel for which any criterion listed below applies.

- A. The sum of the dwelling Units accrued through density calculations under all applicable criteria shall constitute the maximum number of dwelling units permissible for a parcel. If the fractional portion of the number of dwelling units allowed is equal to or greater than .5, the total number of dwelling units allowed shall be rounded up to the next whole dwelling unit. If the fraction is less than .5, the fractional unit shall be deleted. Clustering of units is encouraged.
  
- B. The General Density For Parcels Zoned Tpz shall allow one dwelling unit per 5 acres except in the following circumstances listed below. In these circumstances, the densities listed shall supersede the above one unit per 5 acres density:
  1. On lands identified as Special Flood Hazard Areas in accordance with the provisions of Chapter 8.300 and using the documents identified in Section 8.300.500 (2) of that Chapter, as appropriate, dwelling units may be accumulated at a maximum of one unit per 40 acres. Where previous actions have eliminated such flood areas, the provisions of this subsection shall not apply.
  2. For remote lands, defined as those lands over one mile from an existing all-weather through public road, density accumulation shall be limited to one dwelling unit per 40 acres.
  3. For areas within any of the three least stable categories (Categories V, VI and L) as shown on the USGS Map MF 360, "Landslide susceptibility in San Mateo County," density accumulation shall be limited to one dwelling unit per 40 acres.
  4. All areas located within the rift zone or zone of fractured rock of an active fault as defined by the USGS and mapped on USGS Map MF 355, "Active faults, probable active faults, and associated fracture zones in San Mateo County," shall be limited to a maximum density accumulation of one dwelling unit per 40 acres.
  5. That portion of a parcel which has a slope in excess of 50% shall have density accumulation limited to one dwelling unit per 40 acres; that portion of a parcel having a slope in excess of 30% but not exceeding 50% shall have density accumulation limited to one dwelling unit per 20 acres; that portion of a parcel having a slope in excess of 15% but not exceeding 30% shall have density accumulation limited to one dwelling unit per 10 acres. Slope is determined by dividing the change in elevation between contours (lines of equal elevation) by the horizontal distance between the respective contours.
  6. Lands within the adopted Skyline State Scenic Highway corridors shall be limited to a density accumulation of one dwelling unit per 10 acres.

### **8.314.190 - Map Accuracy**

Any maps referenced in this section can be challenged for accuracy. When maps referenced in this section can be proved inaccurate by more detailed study, the precise number of units calculated shall be allowed.

### **8.314.200 - Appeals.**

The applicant, or any other person, who is aggrieved by the issuance or non-issuance of a permit or any conditions thereof may appeal in the following manner. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

1. Permits considered and acted upon by the Director of Planning and Building may be appealed to the Planning Commission by filing a written protest with the Secretary of the Planning Commission within ten (10) working days of issuance or denial of said permit. The appellant shall state specifically the grounds for appeal, and where there was error or contravention of County policy or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing.
2. Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Clerk of the Board of Supervisors within ten (10) working days from the decision of the Planning Commission. The appellant shall state how they is aggrieved or adversely affected by the decision of the Planning Commission. The appellant shall state specifically the grounds for appeal and where there was an error or contravention of County policy, or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights.
3. Following the denial of an application for development within the TPZ, the applicant may not resubmit the same plan within one year of the date of denial of application.

(Prior code Chapters 34, 34A, 34B - Sections 6700 through 6790 - Added by Ordinance No. 2420 - January 25, 1977)

(Prior code Section 6710.1(k) - Added by Ordinance No. 2863 - December 17, 1983)

(Prior code Section 6710.1(l) - Added by Ordinance No. 3038 - June 18, 1985)

(Prior code Section 6710.1(13), 6710.1(14), 6710.1(15), 6710.1(16) - Added by Ordinance No. 3451 - December 15, 1992)

(Prior code Sections 6750, 6753, 6756, 6759, 6761, 6763, 6770, 6775 - Amended by Ordinance No. 3876 - January 19, 1999)

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(Prior code Sections 6757, 6761 and 6762 - Amended by Ordinance No. 2836 - June 14, 1983)

(Prior code Section 6783, Paragraph 1 - Amended by Ordinance No. 3002 - July 3, 1984)

(Prior code Section 6790 - Amended by Ordinance No. 4158 - February 25, 2003)

***CHAPTER 8.316 - ZONING, REZONING, LAND DIVISION IN THE TIMBERLAND  
PRESERVE-COASTAL ZONE (TPZ-CZ) ZONING DISTRICT.***

**8.316.010 - Entry To TPZ-CZ.**

Landowners may enter the Timberland Preserve-Coastal Zone by petition or by adding to Timberland Preserve established by the initial zoning action.

**8.316.020 - Entry By Petition.**

After November 1, 1977, an owner may apply, on a form provided by the Planning and Building Division, to zone their land as Timberland Preserve. Following public hearing and recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing and shall zone as Timberland Preserve-Coastal Zone all parcels submitted to it which have met all the following requirements:

1. A map shall be prepared with scale not less than one inch (1") equals 1,000 feet (scale 1:12,000) showing the legal description or the Assessor's Parcel Number of the property desired to be zoned. The map shall show all permanent roads, improvements, and developments. The map shall show approximate location of vegetation type boundaries if vegetation other than timberland is present.
2. A timber management plan meeting the requirements of Section 8.318.140 must be prepared or approved as to content for the property by a registered professional forester.
3. The timberland area shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practices Rules adopted by the State Board of Forestry for the southern area of the Coast Redwood District, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and Forest Practices Rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and Forest Practices Rules within this time period shall be grounds for rezoning of the parcel.
4. The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or contiguous parcels consisting of at least 30 acres. Rezoning action shall follow procedures in Chapter 8.444 of the San Mateo County Ordinance Code.

**8.316.030 - Addition To Existing TPZ-CZ Lands.**

After March 1, 1977, an owner with timberlands in a Timberland Preserve-Coastal Zone may apply to add adjacent or contiguous recently acquired or other lands that meet the definition of timberland. Section 8.316.020 shall not apply to these lands. Such additions shall combine legal parcels when they are contiguous, thereby reducing the total number of parcels.

**8.316.040 - Land Division Within The TPZ-CZ.**

Legal parcels zoned as Timberland Preserve-Coastal Zone shall not be divided into parcels containing less than 160 acres unless all the owners of resulting legal parcels (a) submit a joint timber management plan as described in Section 8.318.140 prepared or approved as to content by a registered professional forester; and (b) such owners enter into a binding contract with the Board of Supervisors to manage and harvest timber on all the timberland jointly, and are bound by the provisions of such management plan for a minimum period of 30 years. Such division shall be approved by 4/5 vote of the full Board.

**8.316.050 - Rezoning.**

Rezoning from TPZ-CZ may be initiated by the landowner or the County.

**8.316.060 – Land Exchanges Where the Size of TPZ Parcels are Reduced**

In the event of land exchanges with or acquisitions from a public agency in which the size of an owner's parcel or parcels zoned as Timberland Preserve-Coastal Zone is reduced, such TPZ-CZ zoning shall not be removed from the parcel unless the majority of the full Board initiate rezoning pursuant to Section 8.316.060, and except for cause other than the smaller parcel size.

**8.316.060 - County Initiation Of Rezoning.**

1. If the Board of Supervisors after public hearing and by majority vote of the full body desires in any year not to extend the term of zoning, the County shall give written notice of its intent to rezone following the procedures established in Chapter 8.444 (Amendments). TPZ-CZ land shall be rezoned into a zone consistent with the General Plan. The State Forester shall be notified unless written notice is given at least 90 days prior to the anniversary date of the initial zoning.
2. Upon receipt by the owner of a notice of non-renewal from the County, the owner may make written protest of the zoning change. The Board, by a majority vote of the full body, may reaffirm its intent to change the zoning to a zoning district consistent with the General Plan, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and the Forest Taxation Reform Act.

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3. A zoning district consistent with the General Plan shall become effective for the parcel ten years from the date of final Board vote to rezone. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code.
4. The owner may petition in writing to be reheard within six months of the date of the Board's decision.

**8.316.070 - Initiation Of Rezoning By The Landowner.**

1. If the owner desires in any year to rezone a parcel from its current Timberland Preserve-Coastal Zone, the owner shall give written notice and shall follow procedures established in Chapter 8.444. The zoning term shall be deemed extended unless written notice is given at least 90 days prior to the anniversary date of initial zoning.
2. Within 120 days of receipt of notice of an owner's desire to rezone a parcel, the Board after a public hearing shall rule on the request for rezoning. The Board may rezone, but only after finding that continued use of the land in Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance and of the Forest Taxation Reform Act of 1976. The State Forester shall be notified of the Board's action and findings.
3. The Board by a majority vote of the full body may remove the parcel from the Timberland Preserve-Coastal Zone and shall place it in a zone consistent with the General Plan.
4. A zone consistent with the General Plan shall become effective ten years from the date of its approval. Upon rezoning, the parcel shall be valued pursuant to Section 426 of the Revenue and Taxation Code, in the same manner as if a restriction were terminated as provided for in Section 51091 or 51245 of the Government Code.
5. If the Board denies the owner's request for a change of zone, the owner may petition in writing for a rehearing within six months of the date of the Board's decision.

**8.316.080 – Immediate Rezoning**

Immediate rezoning is permitted only to provide relief when continued use of land in a Timberland Preserve is neither necessary nor desirable to accomplish the purposes of this ordinance. Immediate rezoning shall be governed by the following:

1. Immediate rezoning of all or part of a parcel can be initiated only by the landowner.



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2. The owner shall apply for immediate rezoning on a form provided by the Planning and Building Division. Application for immediate rezoning shall be made for the proposed use modified to exclude timber management use.
3. If rezoning is desired for only a portion of a parcel, the remaining portion shall meet the requirements of timberland in a Timberland Preserve-Coastal Zone, including the requirement that a timber management plan be prepared according to Section 8.318.080.
4. If lands being rezoned are growing commercial species according to the State Forest Practices Act and Rules, the application for rezoning must be accompanied by a tentatively approved application for conversion pursuant to Section 4621.2 of the Public Resources Code (Application for Conversion may be made through the State Forester's Office). If tentative approval for conversion has not been obtained from the State Board of Forestry, the Board of Supervisors may tentatively approve immediate rezoning after public hearing and four-fifths vote of the full body. The Board shall forward its tentative approval to the State Board of Forestry, together with the application for immediate rezoning, a summary of the public hearing and any other information required by the Board of Forestry. The Board of Forestry shall consider the tentative approval pursuant to Section 4621.2 of the Public Resources Code. Final approval to an immediate rezoning is given only if the Board of Forestry has approved conversion pursuant to Section 4621.2 of the Public Resources Code. Upon such final approval of immediate rezoning, the Board of Forestry shall notify the Board of Supervisors of such approval, and the Board shall remove the parcel from the Timberland Preserve-Coastal Zone and shall specify a new zone for such parcel which is consistent with the General Plan.
5. If an application for conversion is not required pursuant to Section 4621 of the Public Resources Code, the Board of Supervisors may approve the immediate rezoning request only if by a four-fifths vote of the full Board it makes written findings that:
  - a. The immediate rezoning would be in the public interest.
  - b. The immediate rezoning would not have a substantial and unmitigated adverse effect upon the continued timber growing use or open space use of other land zoned as TPZ-CZ and situated within one mile of the exterior boundary of the land upon which immediate rezoning is proposed.
  - c. The soils, slopes, and watershed conditions would be suitable for the uses proposed if the conversion were improved.
6. The existence of an opportunity for an alternative use of the land shall not alone be sufficient reason for granting a request for immediate rezoning. Immediate rezoning shall be considered only if there is no proximate and suitable land which is not zoned TPZ-CZ for the alternate use not permitted within the Timberland Preserve-Coastal Zone.

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7. The uneconomic character of the existing use shall not be sufficient reason for the approval of immediate rezoning. The uneconomic character of the existing use may be considered only if there is not other reasonable or comparable timber growing use to which the land may be put.

(Prior Ch 37A, § 6954-6962; Amd Ord. 3879, 01/19/99)

***CHAPTER 8.318 - LAND MANAGEMENT PLANNING REQUIREMENTS FOR USES  
AND PERMITS IN THE TIMBERLAND PRESERVE COASTAL ZONE (TPZ-CZ)***

**8.318.010 - Uses And Permits.**

Timber growing and harvesting and compatible uses only are permitted in the TPZ-CZ. A proposed use which the Director of Planning and Building determines to be a compatible use and which does not constitute development as defined in Section 8.146.030(3) shall not require a permit. Permits shall be required for all developments.

**8.318.020 - Commercial Timber Harvesting.**

Commercial Timber Harvesting is permitted in the TPZ-CZ under the Timber Harvesting Ordinance, Chapter 8.408 of the San Mateo County Ordinance Code.

**8.318.030 - Compatible Use Development Requirements.**

All developments proposed for location within the Timberland Preserve-Coastal Zone shall meet the definition of compatible use set forth in Section 8.146.030(1). Such developments, except commercial timber harvesting, shall require issuance of either a Minor Development Permit or a Major Development Permit. All developments require a Timber Management Plan (Section 8.318.140) with sufficient details to achieve the purposes of this ordinance.

**8.318.040 - Application Procedures And Criteria For Deciding Between Alternative  
Development Permit Procedures.**

1. The applicant shall submit a completed TPZ-CZ application, and a Project Description and Environmental Certification form briefly describing the proposed development.

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2. The applicant shall submit a Timber Management Plan with sufficient detail to guide and coordinate the development.
3. If, after review of material submitted in 1 and 2 above, the proposed use is a compatible use allowed in the TPZ-CZ, is either listed or determined by the Director of Planning and Building to be a minor development, and is adequately coordinated by the Timber Management Plan, the Director of Planning and Building may approve a Minor Development Permit without the requirement of a public hearing.
4. If, after a review of the material submitted in 1 and 2 above, the proposed use is a compatible use permitted in the TPZ-CZ, but cannot qualify as a minor development, the application is declared to be major development and shall be reviewed according to the Major Development Permit procedures as required under Section 8.318.070 below.
5. If, after review of the material submitted in 1 and 2 above, the Director of Planning and Building determines that the proposed use is not a compatible use as defined in Section 8.146.040(1), they shall notify the applicant in writing and state the reasons.

**8.318.050 - Minor Development Procedures.**

Minor development is any development which, following examination of environmental information, is qualified for a negative declaration or categorical exemption. Such development may be declared a minor development by the Director of Planning and Building. Minor developments may include, but are not limited to, the following uses:

1. Agricultural and recreational animal uses and their accessory structures including fences;
2. Single-family dwellings and their accessory structures including parking areas, driveways, and minor roadways;
3. On-site manufacture and/or sale of minor quantities of manufactured products; defined as up to 100,000 board feet, or equivalent measure, during any 12 consecutive month period;
4. Limited trailer housing, for laborer or a watchman, for not more than 9 months in any one year;
5. Development and maintenance of gas, electric, water, or communications transmission facilities;
6. Stables;

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7. On-premise signs;
8. Campgrounds, and overnight recreation shelters;
9. Any other use determined by the Director of Planning and Building to be a minor development which is consistent with the purposes of this ordinance, a compatible use, and which will not impair the present or potential uses of adjacent properties.

**8.318.060 - Minor Development Permit.**

In order for the Director of Planning and Building to issue a Minor Development Permit, the Director must declare the following requirements have been met:

1. A complete TPZ-CZ application and Project Description and Environmental Certification form have been submitted.
2. Any additional information has been submitted that the Director believes is necessary in order to evaluate adequately the impact of a development.
3. A negative declaration or a categorical exemption has been issued.
4. The proposed minor development meets all applicable design criteria contained in Section 8.318.110 below.
5. The proposed minor development has an adequate Timber Management Plan that assures the project is consistent with the purposes of the TPZ-CZ and will not impair the present or potential uses of adjacent properties.

Appeal of the issuance or non-issuance of a minor development permit, or any condition thereof, may be made by the applicant or any other person pursuant to Section 8.318.160.

**8.318.070 - Major Development Permit.**

A major development in this chapter is any development that is permitted in the TPZ-CZ other than commercial timber harvesting or a minor development.

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1. A proposed major development shall require a Development and Timber Management Plan pursuant to Section 8.318.080.
2. The Planning Commission shall determine whether a major development is compatible with the TPZ-CZ, or whether rezoning is required in order to allow the proposed use.

**8.318.080 - Development And Timber Management (“DTM”) Plan Process And Requirements.**

A Development and Timber Management Plan shall be prepared within one year and shall include the following elements:

1. An environmental document as required under CEQA regulations. Any environmental analysis shall include:
  - a. A brief description of the timber stand age and structure.
  - b. Site topography.
  - c. Geology.
  - d. Soil characteristics.
  - e. Hydrology.
  - f. Climate.
  - g. Vegetation.
  - h. Wildlife.
  - i. Road access.
  - j. Cultural and other special features pertinent to the proposed site.

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2. A Timber Management Plan (Section 8.318.140).
3. A tabulation of proposed land uses, building types, floor areas, number of dwelling units, usable open space, land coverage, total number of acres in the proposed development, and the percent of area designated for various uses.
4. A description of the proposed development's design theme as it applies to all buildings and landscapes.
5. Elevations, site and schematic floor plans for building types at an appropriate scale as determined by the Director of Planning and Building.
6. The precise location of water, sewerage, and drainage facilities, including any utility easements.
7. A landscaping plan showing proposed landforms including walls, walks, fences, screening, and the irrigation system, in addition to the location, size, number and variety of proposed tree or plant materials to be saved or installed, or existing plant materials to be removed or relocated.
8. A development schedule that at least includes anticipated timing, duration and costs, and the anticipated priorities of each development stage, if any.
9. The proposed circulation system, including the location of, and the specifications and improvements for streets, pedestrian pathways, and other circulation facilities.
10. A plan for all proposed parking, loading and unloading, as well as service areas.
11. A grading or earth moving plan, indicating haul routes and disposal sites if necessary.
12. A planned sign program indicating quantity, location, size, and design of all proposed signs.
13. A precise lighting plan.
14. A copy of proposed private agreements, covenants or restrictions, which govern the use, maintenance, and continuing operation of the development and any of its common areas, facilities, and services that proposed private agreements, covenants or restrictions, shall provide that payment of assessments to support the continued maintenance and operation of the development; any of its common areas, facilities

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and services shall be secured by a deed of trust on the property for the benefit of the County as well as for the benefit of any homeowners' association.

15. A Master Land Division Plan ("MLDP") which delineates how the parcel will be ultimately divided according to the maximum density of development permitted and consistent with the findings and conclusions of the environmental document (Section 8.318.080(1)). The MLDP shall indicate:

- a. All existing and new property lines.
- b. Proposed uses for each parcel.
- c. Location of roads providing access to each parcel and road improvements required.

Parcels shall:

- a. Be of sufficient size to meet minimum domestic well water and on-site sewage disposal area requirements, except for the latter where it is legally possible to connect to water district lines.
- b. Be clustered in order to have the minimum amount of stream frontage.
- c. To the extent feasible, minimize the number of roads and driveways directly accessing major roads.

An MLDP shall permit division in phases, and all future divisions occurring on the original parcel for which an MLDP has been filed shall conform to that MLDP, or an approved amendment thereto.

An MLDP shall not be required if a deed restriction, or other legally enforceable instrument, limits development rights to a total potential buildout of four (4) or fewer dwelling units on the whole parcel.

The Development and Timber Management Plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. Should the proposed development involve a subdivision, appropriate application will be made concurrently according to existing regulations.

Within 50 days of receipt of a DTM Plan, the Director of Planning and Building shall review it, refer it for analysis and recommendation to all interested persons and agencies, prepare a final report for the Planning Commission's consideration, and schedule a legal public hearing, following established policies.

### **8.318.090 - Planning Commission Action And Findings On The Development And Timber Management Plan.**

Upon public hearing of the Plan, the Planning Commission shall take one of the following actions on the application: (1) approve, as submitted, (2) approve, subject to conditions of approval, or (3) deny.

1. Approval - If the Planning Commission finds that the DTM Plan conforms with all applicable criteria, standards and policies, and makes the specific findings listed below, it may approve the Plan. The specific plan findings are that:
  - a. The DTM Plan is in harmony with the County General Plan and the purposes of the TPZ-CZ, and can be coordinated with existing and proposed development of surrounding areas.
  - b. Any proposed residential development will constitute a residential environment of sustained desirability and stability; it will be in harmony with the character of the surrounding area; and the public facilities, such as schools, playgrounds and open space, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction.
  - c. Any proposed compatible commercial, institutional, recreational, and other non-residential uses will be appropriate in size, location and overall planning to the purpose intended; and such development will be in harmony with the character of the surrounding areas.
2. Approve with Conditions - In approving the DTM Plan, the Planning Commission may attach reasonable conditions of approval: (1) to ensure public safety, health, and welfare; (2) to support the required findings; or (3) to ensure compliance with the content and purpose of this ordinance. Conditions of approval may include, but not be limited to, design modifications, site improvements, exactions, and supplemental information.
3. Denial - If the Planning Commission finds that the DTM Plan does not meet all applicable criteria, standards and policies, it may deny the plan, giving its reasons. The Planning Commission may grant the applicant the opportunity to amend the DTM Plan and reschedule another legal public hearing within six months.

The Planning Commission decision shall become effective ten (10) days after the decision is rendered, providing an appeal is not filed in accordance with the provisions of Section 8.318.160.

### **8.318.100 - Development Design Criteria.**



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Any development shall consider several general and specific design criteria when applicable. The design criteria are outlined as follows:

**8.318.110 - General Design Criteria.**

1. Environmental Design Criteria. All developments shall be designed to conserve energy; to minimize air pollutants to meet County, State and Federal standards; to exclude significant levels of noxious odors; to use only biocides having no significant adverse environmental effects and to avoid discharging other chemicals which unbalance the major ecosystems; to exclude long-term noise levels; to avoid extensive change of vegetation; and to avoid adverse impacts on wildlife habitat, to minimize impacts on perennial streams and riparian habitat.
  
2. Site and Building Design Criteria. All developments shall:
  - a. Be properly sited to be subordinate to and compatible with their surroundings.
  
  - b. Fit structures with the topography without undue grading or change to existing landforms.
  
  - c. Develop parking in small, screened lots.
  
  - d. Minimize design and construction impacts on adjacent property owners due to blocked views, noises, lights, glare and odors.
  
  - e. Maintain soil stability on- and off-site.
  
  - f. Keep the profile of all structures less than the forest canopy height.
  
  - g. Use materials and colors that blend with surroundings.
  
  - h. Minimize increase in fire risk and hazard.
  
  - i. Minimize vegetation and tree removal.
  
3. Utility Design Criteria. All developments shall:

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- a. Be designed to minimize the bulk and appearance of utility structures, poles, overhead wires, and signs.
  - b. Locate all utility lines underground where practicable; and use existing or locally available public water supply sources.
  - c. Have access to a satisfactory public sewer system nearby or to be suitable for septic tank installation, or other approved facility.
4. Cultural Resources Design Criteria. All developments shall be designed to avoid and maintain known archaeological sites. Any unknown sites found during construction of a development shall be cause to suspend all work until approval to continue is obtained from the Director of Planning and Building.
5. Public Safety Design Criteria. All developments shall:
- a. Be designed to provide setbacks from hazardous areas.
  - b. Avoid off-site damage to life and property.
  - c. Avoid construction of any structures on hazardous areas as defined in the County's General Plan.
  - d. Avoid use of any portion of any land which is unsuitable for use for reasons of exposure to fire, flooding, inadequate drainage, soil and rock formations with severe limitations for development, or steep slopes.
  - e. Avoid use of land with inadequate water supply or sewage disposal capabilities, or any other features harmful to the health, safety or welfare of the future residents or property owners of the proposed development or the community-at-large.

**8.318.120 - Primary Resource Area Design Criteria.**

These supplementary review criteria shall apply to developments that fall within Primary Resource Areas. These criteria are in addition to all other development criteria.

1. Scenic Corridors and Other Scenic Resource Areas Design Criteria. All developments shall:

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- a. Be designed to protect and enhance public views within a scenic corridor defined in the Visual Quality Chapter of the County's General Plan.
  - b. Visually screen access roads and parking areas from scenic corridors.
  - c. Minimize the number of access roads to scenic corridors.
  - d. Minimize the visual impact on scenic corridors.
  - e. Prohibit any use of a designated primary landscape feature.
  - f. Use native vegetation and earth berms as fencing material when screening is required.
2. Fish and Wildlife Habitat Areas Design Criteria. All developments shall:
- a. Be designed to prevent reduction or removal of habitat areas.
  - b. Ensure that any spawning and nesting areas or wetlands are not developed, altered, filled or dredged.
3. Forest Resources Design Criteria. All developments shall be designed to minimize the use of Site I, II or III soils for any use other than growing and harvesting of timber.
4. Water Resources Design Criteria. All developments shall:
- a. Be designed to maintain groundwater basins.
  - b. Not disrupt groundwater recharge.
  - c. Manage flows to maintain fish habitats.
  - d. Maintain the quality of water in any water body or source.
  - e. Avoid construction of structures and roads directly adjacent to lakes or reservoirs over 5 acres in size.

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5. Mineral Resource Areas Design Criteria. All developments shall:
- a. Be designed to enhance, reuse, and rehabilitate mineral resource land areas.
  - b. Minimize impacts to surrounding scenic and open space amenities.
  - c. Minimize impacts on water and wildlife resources.

**8.318.130 - Special Hazard Areas Design Criteria.**

These supplemental design criteria shall apply to developments that fall within the Special Hazard Areas as defined in the County's General Plan.

1. Flood Plan Hazard Area Design Criteria. All developments within a 100-year floodplain shall:
- a. Be designed to maintain water quality.
  - b. Avoid construction of flood control works.
  - c. Reduce flood damage potential.
  - d. Be above the 100-year flood elevation for any given area, including the location of service facilities and utilities.
  - e. Provide storm drain facilities to store and convey water without damage to persons or property.
  - f. Avoid installations of sewage disposal facilities requiring soil absorption systems.
  - g. Avoid location of all water systems not flood proofed at or above the flood protection elevation.

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2. Seismic Hazard Area Design Criteria. In all areas defined as hazard areas in the Natural Hazards Chapter of the San Mateo County General Plan, all developments shall be designed to standards which achieve the following:
  - a. Maintenance of the health, safety and welfare of County residents.
  - b. Compliance with the requirements of the County General Plan.
  - c. Consistency with the uses proposed.
  - d. Minimal likelihood of direct damage to the uses, and minimal indirect threat to public health and safety in the event of a major seismic event.
3. Slope Instability Hazard Area Design Criteria. Within all areas proven as highly unstable by a geotechnical report, development shall be designed to standards that have been demonstrated and will not contribute to the instability of the land. All structural proposals shall adequately compensate for soils and other subsurface conditions.

**8.318.140 - Timber Management (“TM”) Plan.**

A Timber Management (“TM”) Plan is required for all developments. Failure to follow the TM Plan shall be cause for rezoning of the land.

The TM Plan shall include the following and any additional information the Director of Planning and Building may require to achieve the purposes of this ordinance:

1. The Plan shall be sufficiently detailed and specific to achieve the intent and purpose of this ordinance and to coordinate and integrate the uses, and shall be prepared and/or approved by a licensed forester.
2. The Plan shall indicate volume, rotation and cutting cycle, vegetation types, other resources, and resource development and utilization.
3. The Plan shall show existing and planned road and major skid road locations, and permanent stream crossings; sequence of harvesting, timing of harvesting (if relevant) and method of avoiding conflicts with timber uses. The Director of Planning and Building must be notified, and may for reasons, approve minor changes in the Plan. Substantial changes in the rotation, cutting cycle, or uses shall require approval of the Planning Commission.

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4. The Plan shall include a topographic map with scale of at least one inch equals 1,000 feet (1:12,000) which includes the significant information from the Plan.
5. The Plan shall define a reasonable harvest time. This may require growth and cost estimates and financial maturity calculations or estimates, as well as other estimates or other calculations showing that the timing and amount of cutting would be feasible.

**8.318.150 - Maximum Density Of Development.**

In the TPZ-CZ District, for purposes of determining the maximum total number of density credits accumulated on any parcel, the following system shall be used.

The total parcel shall be compared against the criteria of this section in the order listed. Any segment of a parcel to which a criterion first applies shall be allowed a maximum accumulation of that density. Once considered under a criterion, a segment of the parcel shall not be considered under subsequent criteria. When the applicable criteria have been determined for each of the areas, any portion of the parcel which has not yet been assigned a maximum density accumulation shall be assigned a density of one density credit per 40 acres.

The sum of densities accrued under all applicable categories shall constitute the maximum density of development permissible under this section. If the fractional portion of the number of density credits allowed is equal to or greater than .5, the total number of density credits allowed shall be rounded up to the next whole density credit. If the fraction is less than .5, the fractional unit shall be deleted. All legal parcels shall accumulate at least one density credit.

Expanded or additional non-agricultural uses shall only be permitted on a parcel when there are enough density credits available to that parcel to meet the density credit requirements of this section for both (a) existing uses, and (b) any expanded or additional uses, and only where such development meets other applicable policies of the Local Coastal Program.

Amount of Development Allowed for Non-Agricultural Uses, Except Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded non-agricultural uses, except visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for each 315 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. This requirement applies to water use by or resulting from the non-agricultural use, including landscaping, swimming pools and all other appurtenant uses.

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For new or expanded residential uses, a single-family dwelling unit shall be deemed to use 315 gallons of water per day during the two months of highest water use in a year (including landscaping, swimming pools and all other appurtenant uses).

Non-Agricultural Uses Except Visitor-Serving Uses

For non-agricultural uses, except visitor-serving uses, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be the amount stated in Table 1.5 in the column headed “Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures.”

Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses

For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year.

This requirement applies to water use by or resulting from the visitor-serving use, including landscaping, swimming pools and all other appurtenant uses. The 945-gallon water use allowance for one density credit may be applied one time only on a parcel.

For visitor-serving, commercial recreation, and public recreation uses listed in Table 1.5, the amount of development allowed for each density credit in accordance with the requirements of this policy shall be:

First Density Credit

For one density credit or the first density credit when multiple density credits are available, either 1 1/2 times the amount stated in Table 1.5 in the column headed “Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures,” or the amount stated in that column and a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator.

Additional Density Credits

For each additional density credit, the amount stated in Table 1.5 in the column headed “Number of Measuring Units Per Density Credit Based on Peak Daily Water Use With Conservation Fixtures.”

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For the purpose of this provision, “visitor-serving, commercial recreation, and public recreation uses” shall be only those lands and facilities listed in LCP Policies 11.1, 11.2 and 11.3, and only if those lands and facilities specifically enhance public opportunities for coastal recreation.

As an interim limit, no more than 600 visitor-serving lodging units may be approved in the rural Coastal Zone, as specified by LCP Policy 1.23.

The provisions of this section will not apply to farm labor housing, other structures considered to be accessory to agriculture under the same ownership, a residential dwelling unit associated with a visitor-serving facility that is occupied by the facility owner or operator, or density credits transferred in accordance with the provisions established by the Planned Agricultural District Regulations.

A. Prime Agricultural Lands

One density credit per 160 acres for that portion of a parcel which is prime agricultural land as defined in Section 8.96.020 (i.e., the number of acres of Prime Agricultural Land divided by 160).

B. Lands With Landslide Susceptibility

One density credit per 160 acres for that portion of a parcel which lies within any of the three least stable categories (Categories V, VI and L) as shown on the U.S. Geological Survey Map MF 360, “Landslide Susceptibility in San Mateo County” or its current replacement (i.e., the number of acres of land susceptible to landslides divided by 160).

C. Land With Slope 50% or Greater

One density credit per 160 acres for that portion of a parcel which has a slope 50% or greater (i.e., the number of acres of land with a slope 50% or greater divided by 160).

D. Remote Lands

One density credit per 160 acres for that portion of a parcel over 1/2 mile from a public road that was an existing, all-weather through public road before the County Local Coastal Program was initially certified in November 1980 (i.e., the number of acres of remote land divided by 160).

E. Land With Slope 30% But Less Than 50%



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One density credit per 80 acres for that portion of a parcel which has a slope 30% but less than 50% (i.e., the number of acres of land with a slope 30%, but less than 50% divided by 80).

F. Lands Within Rift Zones or Active Faults

One density credit per 80 acres for that portion of a parcel which is located within the rift zone or zone of fractured rock of an active fault as defined by the U.S. Geological Survey and mapped on USGS Map MF 355, "Active faults, probably active faults, and associated fracture zones in San Mateo County," or its current replacement (i.e., the number of acres of land within rift zones or active faults divided by 80).

G. Lands Within Flood Hazard Areas

One density credit per 60 acres for that portion of a parcel falling within a 100-year floodplain as most recently defined by the Federal Emergency Management Agency, the U.S. Geological Survey, or the U.S. Army Corps of Engineers (i.e., the number of acres of land within the 100-year floodplain divided by 60).

H. Land With Slope 15% But Less Than 30%

One density credit per 60 acres for that portion of a parcel with a slope in excess of 15% but less than 30% (i.e., the number of acres of land with a slope 15%, but less than 30% divided by 60).

I. Land Within Agricultural Preserve or Exclusive Agricultural Districts

One density credit per 60 acres for that portion of a parcel within Agricultural Preserves or the Exclusive Agricultural Districts as defined in the Resource Conservation Area Density Matrix policy on March 25, 1986 (i.e., the number of acres of land within Agricultural Preserves or Exclusive Agricultural Districts divided by 60).

J. All Other Lands

One density credit per 40 acres for that portion or portions of a parcel not within the above areas (i.e., the number of acres of all other land divided by 40).

If the same portion of a parcel is covered by two or more of the subsections A and J, the density credit for that portion shall be calculated solely on the basis of the subsection which permits the least density credit.

### **8.318.160 - Appeals.**

The applicant or any other person, who is aggrieved by the issuance or non-issuance of a permit or any conditions thereof may appeal in the following manner. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

1. Permits considered and acted upon by the Director of Planning and Building may be appealed to the Planning Commission by filing a written protest with the Secretary of the Planning Commission within ten (10) working days of issuance or denial of said permit. The appellant shall state specifically the grounds for appeal, and where there was error or contravention of County policy or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights. The Planning Commission shall hear such appeal within thirty (30) working days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing.
2. Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Clerk of the Board of Supervisors within ten (10) working days from the decision of the Planning Commission. The appellant shall state specifically the grounds for appeal and where there was an error or contravention of County policy or how the decision is contrary to the public health, safety, or welfare, or contrary to constitutional or property rights.
3. Following the denial of an application for development within the TPZ, the applicant may not resubmit the same plan within one year of the date of denial of the application.

(Prior Code Chapters 37, 37A, 37B, Sections 6950 through 6980 - Added by Ordinance No. 2696 - December 16, 1980)

(Prior Code Section 6953.1(k) - Added by Ordinance No. 2863 - December 17, 1983)

(Prior Code Section 6953.1(l), 6953.1(m), 6953.1(n), 6953.1(o) - Added by Ordinance No. 3452 - December 15, 1992)

(Prior Code Sections 6963-6966, 6968-6972, 6974-6977 - Amended by Ordinance No. 3880 - January 19, 1999)

(Prior Code Section 6979 - Amended by Ordinance No. 3190 - October 24, 1989)

(Prior Code Section 6979 - Amended by Ordinance No. 3671 - September 12, 1995)

(Prior Code Section 6979 - Amended by Ordinance No. 3720 - June 4, 1996)

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(Prior Code Section 6979 - Amended by Ordinance No. 3800 - November 18, 1997)

(Prior Code Section 6979 - Renumbered by Ordinance No. 3880 - January 19, 1999)

(Prior Code Section 6979.G - Amended by Ordinance No. 3002 - July 3, 1984)

(Prior Code Section 6980.1 and 2 - Amended by Ordinance No. 4158 - February 25, 2003)

## ***CHAPTER 8.320 – VARIANCES AND HOME IMPROVEMENT EXCEPTIONS***

### **8.320.010 - Purpose.**

The purpose of a variance is to allow, under special circumstances, development to vary from the requirements of the Zoning Regulations when strict enforcement would: (1) make it difficult to develop a parcel, (2) cause unnecessary hardships to the landowner, or (3) result in inconsistencies with the general purposes of the Zoning Regulations.

The purpose of a home improvement exception is to allow, under special circumstances, relief from the requirements of the Zoning Regulations where it is desirable to sustain the integrity or enhance an existing residential design concept or the neighborhood character.

(Prior code § 6530; Amd Ord. 1919, 07/9/1958)

### **8.320.020 - General Provisions.**

Variations are permitted when one or more of the following conditions exist: (1) development is proposed on an existing legal parcel zoned R-1/S-7 or R-1/S-17, which is 3,500 square feet or less in area and/or 35 feet or less in width; (2) the proposed development varies from minimum yard, maximum building height or maximum lot coverage requirements; or (3) the proposed development varies from any other specific requirements of the Zoning Regulations.

Notwithstanding Chapter 8.388 of the Zoning Regulations, home improvement exceptions may be approved to grant relief from the strict provisions of the Zoning Regulations for yards, lot coverage, daylight planes, and floor area ratio. To qualify for a home improvement exception, the following requirements must be met: (1) the home improvement exception is for an addition to an existing residential dwelling unit or a detached garage in the R-1, R-2, RE, RH, RM, and combining districts; (2) the home improvement exception is for addition to an existing one-family residential unit, an existing two-family residential unit, or a detached garage in the R-3 district; (3) the addition will not result in the creation of a new story; (4) at least 75% of the existing exterior walls (in linear feet) will remain; (5) at least 50% of the existing roof (in square feet) will remain; (6) the addition will be located at least three feet from a property line; (7) the existing structure is located in an area with an average slope of less than 20%; (8) development on the parcel does not exceed maximum floor area, if located in the Mid-Coast; and (9) the total floor area approved through home improvement exceptions on a given parcel shall not be greater than two hundred and fifty (250) square feet and no more than one hundred (100) square feet may extend into a side yard.

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If the addition will not result in a visible change to the exterior shape and size of the residential unit, improvement exceptions may apply to projects which (1) require relief from the provisions of the Zoning Regulations for height; (2) involve the addition of a new story; and (3) exceed the 250 square feet limit.

A Home Improvement Exception application can only be submitted if the date of the application is five (5) years or more after the date certificate of occupancy was granted for subject residential unit.

Notwithstanding the above, the following restrictions apply to home improvement exception applications: (1) a home improvement exception shall not be granted for a structure if an existing building code violation involves the Zoning Regulations for yards, lot coverage, daylight planes, or floor area ratio; (2) a building code violation cannot be used to justify the integrity of an existing design concept pursuant to Section 8.320.060(2); (3) a final building permit inspection for a home improvement exception may not occur until all building violations have been corrected.

Variances and home improvement exceptions may not be granted to allow a use, activity or an increased number of dwelling units which are not permitted by the Zoning Regulations.

(Prior code § 6531; Amd Ord. 3985, 08/08/2000)

(Prior code § 6531(d); Ord 2710,12/16/80)

### **8.320.030 - Procedure.**

#### **A. Applications**

Applications for a variance or a home improvement exception must be made in writing to the Planning and Development Division. Applications must be signed and verified by the landowner or an authorized agent who must submit written authorization to act on behalf of the landowner. Applications shall be made to the Zoning Administrator on a form prescribed by the Zoning Administrator, and shall contain the following:

1. A description and map showing the location of the property for which the variance, or home improvement exception, is sought, and indicating the location of all parcels or properties within a distance of three hundred (300) feet from the exterior boundary of the property involved in the application.
2. Plans and descriptions of existing and proposed construction on the property involved, together with a statement of the circumstances which justify the application.

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3. Such additional information as the Zoning Administrator may deem pertinent and essential to the application.
4. Fees prescribed by the fee schedule.

B. Notification

Within ten (10) calendar days of receipt of the application or seven (7) calendar days prior to the final decision, the Zoning Administrator must mail an optional hearing request notice to all owners of property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property for which the application is proposed.

The optional hearing request notice will include the date on or after which the application will be acted upon. If any person is concerned about the application and/or wants a public hearing, they must contact the Planning and Building Division in writing prior to the specified decision date. Public hearings shall be held as set forth in subsection D of this section.

C. Approval/Denial of Variances and Home Improvement Exceptions for Which No Hearing is Requested

Prior to making a final decision on a variance or home improvement application for which no hearing was requested, the Zoning Administrator will consider all comments made prior to the specified decision date. The decision of the Zoning Administrator shall be supported by the evidence contained in the application. Notice of the decision of the Zoning Administrator shall be mailed to the applicant and to any other person requesting such notice.

D. Variances and Home Improvement Exceptions Requiring Public Hearing

At least ten (10) calendar days prior to the public hearing, the Zoning Administrator must mail a notice of the public hearing to: (1) the owner of the property for which the application is proposed, the owner's authorized agent, if any, and the applicant, if different from the owner; (2) all landowners who own property, as shown on the last equalized assessment roll, within three hundred (300) feet of the exterior limits of the property for which the application is proposed; and (3) all local agencies expected to provide water, sewerage, roads, schools or other essential services to the property when ability to provide those facilities and services may be significantly affected.

In addition, the notice must be published in at least one newspaper of general circulation within the County at least ten (10) calendar days prior to the hearing or posted within the County at least ten (10) calendar days prior to the hearing in three public places, one of which must be in a public place directly affected by the application. If the number of landowners who must be noticed is greater than one thousand (1,000), the Zoning Administrator may, instead of individual notice, place a display

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advertisement of at least one-eighth page in at least one newspaper of general circulation within the County at least ten (10) calendar days prior to the hearing.

The decision or the Zoning Administrator shall be supported by the evidence contained in the application. Notice of the decision of the Zoning Administrator shall be mailed to the applicant and to any other person requesting such notice.

**8.320.040 - Conditions.**

When approving a variance or a home improvement exception, the approving authority may place as many conditions on the decision as necessary in order to ensure public safety, health, and welfare and to allow the approving authority to make required findings.

**8.320.050 - Variance Findings.**

In order to approve an application for a variance, the approving authority must make all of the following findings in writing:

- (1) The parcel's location, size, shape, topography and/or other physical conditions vary substantially from those of other parcels in the same zoning district or vicinity.
- (2) Without the variance, the landowner would be denied the rights and privileges that are enjoyed by other landowners in the same zoning district or vicinity.
- (3) The variance does not grant the landowner a special privilege which is inconsistent with the restrictions placed on other parcels in the same zoning district or vicinity.
- (4) The variance authorizes only uses or activities which are permitted by the zoning district.
- (5) The variance is consistent with the objectives of the General Plan, the Local Coastal Program (LCP) and the Zoning Regulations.

**8.320.060 - Home Improvement Exception Findings.**

In order to approve an application for a home improvement exception, the approving authority must make all of the findings in writing:

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- (1) The existing structure has a design or there are conditions applicable to the property such that the proposed project would result in only minor exterior changes.
- (2) The home improvement exception sustains the integrity or enhances an existing design concept or the neighborhood character.
- (3) The granting of the application will not be detrimental or injurious to property or improvements in the vicinity and will not be detrimental to the public health, safety, general welfare, or convenience.
- (4) The home improvement exception authorizes only uses or activities which are permitted by the zoning district.
- (5) The home improvement exception is consistent with the objectives of the General Plan and the Zoning Regulations.

In determining whether or not to grant exceptions pursuant to this section, the Zoning Administrator shall consider such applicable residential design guidelines as may be adopted and published by the Planning Commission or Board of Supervisors.

### **8.320.070 - Appeals**

Variations and home improvement exceptions acted on by the Zoning Administrator may be appealed to the Planning Commission within ten (10) working days only by aggrieved persons as defined in Section 6328.3 of the Zoning Regulations. Notice of the public hearing shall be provided as specified in Section 6532.D. The Planning Commission will review and consider only points of appeal for each variance or home improvement exception. The decision of the Planning Commission may be appealed to the Board of Supervisors in accordance with the same requirements as appeals to the Planning Commission.

### **8.320.080 - Expiration/Extension.**

After two (2) years from the date of approval, if the applicant has not obtained all other necessary permits and made substantial progress toward completing the proposed development, the variance, or home improvement exception, will expire. Variations and home improvement exceptions may be extended beyond two (2) years if: (1) the applicant has obtained all other necessary permits and made substantial progress toward completing the proposed development, and/or (2) the applicant requests an extension in writing at least sixty (60) calendar days before the expiration date. The Director of Planning and Building may administratively issue an extension for one (1) year at a time.

**8.320.090 - Revocation.**

The approving authority may revoke an approved variance, or home improvement exception, following the procedure specified in Section 8.280.050 if the terms and conditions of approval are violated.

(Prior code Ch. 25, § 6530 – 6532; Repealed and Replaced § 6530 through 6537 - Ord 3518\*, 09/13/1988)

(Prior code Ch. 25, § 6530 through 6537 - Repealed and Replaced § 6530 through 6537; Ord 3171\*, 01/24/1989)

(Prior code Ch. 26, § 6540 Repealed by Ord. 2586, 05/15/1979)

(Prior code Ch. 25; Ord. 3689 - Effective , 11/21/1995; Coastal Area, 08/15/1996)

(Prior code § 6535; Ord. 3888 – Effective, 04/08/1999; Coastal Areas, 08/14/1999)

**ARTICLE 3 - GENERAL DEVELOPMENT STANDARDS**

***CHAPTER 8.324 - ACCESSORY USES PERMITTED IN ANY “R” DISTRICT.***

**8.324.010 - Accessory Uses Permitted in Any “R” District.**

The following accessory uses, in addition to those hereinbefore specified, shall be permitted in any “R” District, provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in such respective districts.

(a) Rental of rooms.

1. Provisions within the Coastal Zone.

The renting of rooms and/or the providing of table board in a dwelling as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district.

2. Provisions outside the Coastal Zone.



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The long term renting of rooms and/or the providing of table board in a dwelling (for a period of 30 consecutive days or longer only) as an incidental use to that of its occupancy as a dwelling of the character permitted in the respective district, but not to the extent of constituting a hotel as defined in this Part, unless permitted in the district. (The short term rental of rooms, for a period less than 30 consecutive days, and bed and breakfast inns are not allowed in "R" Districts outside the Coastal Zone.)

- (b) The installation and operation of necessary facilities and equipment in connection with such schools, colleges, universities, hospitals and other institutions as are permitted in the respective districts.
- (c) Recreation, refreshment and service buildings in public parks and playgrounds.
- (d) The office of a resident person engaged in one of the following professions, subject, however, to the same requirements and limitations as specified for home occupations:
  - 1. Architect.
  - 2. Lawyer.
  - 3. Physician and/or surgeon.
  - 4. Other professions which in the opinion of the Planning Commission are similar in character.
- (e) Signs for the following specified purposes provided, however, that no such sign shall be illuminated by other than reflected light and provided, further, that no fluorescent or phosphorescent paint shall be employed on any sign permitted by the provisions of this paragraph:
  - 1. Advertising the sale or lease of property on which displayed; provided that the area of such signs shall not exceed, in the aggregate, six (6) square feet for each lot advertised and that no tract sign shall exceed two hundred fifty (250) square feet in area, and provided further that a permit valid for a period of six (6) months be secured before erecting or placing any such sign or signs.
  - 2. Personal name plates; provided that they do not exceed one (1) square foot in area.
  - 3. Announcement signs or bulletin boards for public, charitable, or religious institutions provided that such signs or bulletin boards shall not exceed twelve (12) feet in area.

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4. Advertising a non-conforming business, or industry; provided that such sign does not exceed twelve (12) square feet in area and is attached flat against the wall of the building in which such non-conforming business or industry is located; provided, however, that any signs which do not conform to the requirements of this subsection and which were in existence prior to the passage of this Part shall be made to conform to the requirements of this subsection within three (3) years of the passage of this Part.
5. Upon the securing of a use permit as provided in Chapter 8.280, directional signs used for directional or informational purposes of a public or quasi-public nature.
  - (f) 1. The parking of not more than one house trailer for a period not to exceed more than two weeks in any one year period.
  2. The storage of not more than one house trailer within a completely enclosed building so located as to conform with all provisions of this Part.
- (g) Real estate sales offices in garages of subdivision model homes subject to adopted policy standards.

(Prior code § 6400(a); Amd. Ord. 4225, 07/27/2004)

(Prior code § 6400(g); Ord. 1848, 09/19/1967)

***CHAPTER 8.328 - STANDARDS FOR INDUSTRIAL USES IN THE C-1,C-2,M-1, OR M-2  
DISTRICTS***

**8.328.010 - Commercial And Industrial Uses Conducted In “C-1,” “C-2,” “M-1” Or “M-2”**

All commercial and industrial uses conducted in “C-1,” “C-2,” “M-1” or “M-2” Districts shall be conducted entirely within an enclosed structure unless a use permit is obtained under the provisions of Chapter 8.280 of this Part for the conducting of such use wholly or in part outside of such structure, excepting reverse vending machines and small collection facilities for recyclable materials.

(Prior Code § 6401; Amd. Ord. 3131, 12/15/1987)

## **CHAPTER 8.332 - FENCES, HEDGES, WALLS, HEIGHT & EXCEPTIONS**

### **8.332.010 - Fences, Walls, and Hedges.**

Fences, walls and hedges shall be subject to the following regulations, except as provided in Section 8.332.020:

- (a) Fences, walls, and hedges not exceeding four (4) feet in height may occupy any front yard area.
- (b) Fences, walls, and hedges not exceeding six (6) feet in height may occupy any side or rear yard area, provided:
  - 1. That they do not extend into any required front yard.
  - 2. That, in the case of a corner lot, they do not extend into the side yard required along a side street or into that portion of the rear yard abutting such side street which is equal to the width of the side yard required on said side street.
- (c) On any parcel of land having a street frontage of one hundred (100) feet or more, and located in any "S" District requiring a minimum building site of twenty thousand (20,000) square feet or more, fences, hedges, or walls not exceeding six (6) feet in height may be erected in any part of the yard area, except as limited by Paragraph (d).
- (d) On any corner lot, the maximum height of fences, walls, hedges, and growth located within fifty (50) feet of the intersected street lines shall not exceed four (4) feet in height; provided that nothing in this section shall prevent any fence, wall, or hedge from occupying any portion of the lot area that a main residence may occupy under the terms of this Part.
- (e) Where trees are located within fifty (50) feet on the intersected street lines, the main trunks of such trees shall be trimmed free of branches to a height of seven and a half (7.5) feet above the curb grade.

(Prior code § 6412, Para. (c); Amd.Ord. 1483, 10/10/1961)

(Prior code § 6412, Para. (a) – Amd. Ord. 2355 - March 9, 1976)

### **8.332.020 – Height Limits**

With regard to the height limits set out in Section 8.332.010 whenever there exists an abrupt shift in the height of the land at the boundary line between two different property owners, the lower owner may erect

a fence, wall or hedge on the boundary to a height limit set out in Section 8.332.010 and in no event more than twelve (12) feet high.

(Section 6412.1 - Added by Ordinance No. 2355 - March 9, 1976)

### **8.332.030 – Luminous Sign Restrictions**

No electric or luminous signs containing red or green colors shall be erected within one hundred fifty (150) feet of an intersection containing stop lights without securing a use permit as specified in Chapter 8.280 of this Ordinance Code.

### **8.332.040 – Fence Height Exceptions**

On parcels located outside the Coastal Zone, the Director of Planning and Building may approve an exception to allow fences or hedges to exceed the height limits set forth in Section 8.332.010 by up to two (2) feet, providing that:

- (1) Written notification of the exception request is sent to all owners of property located within 300 feet of the parcel where the fence or hedge is proposed to be placed, and to any member of the public requesting such notification, and
- (2) Written notification of the exception request is sent to all recognized organizations or associations that have been established to represent the property owners in the neighborhood surrounding the parcel where the fence or hedge is proposed to be placed, and to any organization or association requesting such notification. An organization or association shall be considered recognized if it has been in existence for at least six months, and has scheduled meetings, and
- (3) No member of public nor organization or association has submitted to the Director of Planning and Building written objection to the exception request, and
- (4) After consultation with the Director of Public Works, the Director of Planning and Building finds that approving the exception will not jeopardize public safety, and
- (5) After viewing the parcel where the fence or hedge is proposed, the Director of Planning and Building finds that approving the exception will be compatible with the neighborhood surrounding that parcel, and will not be detrimental to the public welfare, and
- (6) The Director of Planning and Building finds that the proposed fence or hedge promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.14. In order to make this determination, the Director of Planning and Building may condition the exception with certain requirements, including design, location, materials, colors, and landscaping requirements.

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The Director of Planning and Building's decision on an exception authorized by this section shall not require a public hearing. The Director of Planning and Building's decision may be appealed to the Planning Commission, within 10 working days of the decision, accompanied by a fee, as set by resolution of the Board of Supervisors.

**Appeal:** Upon appeal, the Planning Commission, at a public hearing, shall review the Director of Planning and Building's decision, and may approve an exception, providing all of the following findings can be made:

- (1) Approving the exception will not jeopardize public safety, and
- (2) Approving the exception will be compatible with the neighborhood surrounding the parcel where the fence or hedge would be placed and will not be detrimental to the public welfare, and
- (3) The proposed fence or hedge promotes or enhances good design, site relationships and other aesthetic considerations, in accordance with San Mateo County General Plan Policy 4.14. In order to make this determination, the Planning Commission may condition the exception with certain requirements, including design, location, materials, colors and landscaping requirements.

The decision of the Planning Commission may be appealed to the Board of Supervisors. Appeals to the Board of Supervisors shall be subject to the same procedures and requirements as appeals to the Planning Commission.

**Application:** Application for the exception authorized by this section shall be made in writing on a form provided by the Planning and Building Division, and accompanied by a fee, as set by resolution of the Board of Supervisors. At minimum, the application shall include a site plan and elevation identifying the location, height, design, material and color of the proposed fence or hedge.

**Notice of Administrative Decision:** At least ten (10) days prior to the Director of Planning and Building acting on an exception request, written notice of the pending decision shall be sent by first class mail to all owners of property located within 300 feet of the parcel where the fence or hedge is proposed to be placed, and all recognized organizations or associations that have been established to represent the property owners in the neighborhood surrounding the parcel where the fence or hedge is proposed to be placed. Concurrently, written notice shall be prominently posted in the front yard of the parcel where the fence or hedge is proposed to be placed. Written notice shall contain at least the following information:

- (1) The date and time when the decision will be made.
- (2) The name of the property owner and applicant.
- (3) The location of the property where the proposed exception would occur.

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- (4) A short, general description of the proposal, including the fence or hedge location, height, design, material and color.
- (5) A statement that any written objection to the request must be received by the Planning and Building Division before the date and time when the decision will be made.
- (6) The name and address of the staff person who may be contacted for additional information or to file an objection to the request.

**Objection:** Any objection to the proposed exception shall be received by the Director of Planning and Building in writing before the date and time when the decision will occur.

**Notice of Hearing on Appeal:** At least ten (10) days prior to the Planning Commission considering an exception request that is under appeal, written notice of the Planning Commission hearing shall be sent by first class mail to the same individuals and organizations who received notice before the Director of Planning and Building's decision on the proposed exception. Written notice shall contain at least the following information:

- (1) The date and time when the decision will be made.
- (2) The name of the property owner and applicant.
- (3) The location of the property where proposed exception would occur.
- (4) A short, general description of the proposal.
- (5) The name of the staff person who may be contacted for additional information.

(Prior Code § 6412, Para. (c); Amd. Ord.1483,10/10/1961)

(Prior Code § 6412, Para. (a); Amd. Ord 2355 - March 9, 1976)

(Prior Code § 6412.1; Ord. 2355 – 03/09/1976)

(Prior Code § 6412.2; Ord. 3891 – 03/16/1999)

(Prior Code § Amd. Ord. 4158, 02/25/2003)

**CHAPTER 8.336 - HEIGHT: GENERAL PROVISIONS AND EXCEPTIONS.**

### **8.336.010 – Maximum Height**

Public and semi-public buildings, schools, churches, hospitals and other institutions may be erected to a height not exceeding seventy-five (75) feet provided that the front, rear and side yards shall be increased one (1) foot for each one (1) foot which such building exceeds the height limit hereinbefore established for the district in which they are located.

### **8.336.020 – Exceptions**

Where the average slope of a lot is greater than a one (1) foot rise or fall in seven (7) feet distance from the established street grade at the front lot line, one (1) story in addition to the number permitted in the district in which said lot is situated shall be permitted on the downhill side of any building; provided that the height of the building shall not be increased above the limit specified for such district.

### **8.336.030 – Use Permit Exception**

Upon the securing of a use permit, as provided in Chapter 8.280 of Title 8, any building may be erected to a height exceeding that hereinbefore specified, provided that the total floor area of such building shall not exceed that possible for a building in such respective district erected within the height limit hereinbefore specified for such district.

### **8.336.040 – Exception for Mechanical Appurtenances**

Upon the securing of a use permit as provided in Chapter 8.280 of Title 8, towers, radio towers, television towers, gables, spires, penthouses, scenery lofts, cupolas, water towers and tanks and similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building or structure is located; provided that no such exception shall cover, at any level, more than fifteen (15) percent in area of the lot nor have an area at the base greater than sixteen hundred (1,600) square feet; provided, further, that no tower, gable, spire, or similar structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building; and provided, further, that no building or structure in any district except an “A-1,” “A-2,” or “M-2” District shall ever exceed a maximum height of one hundred fifty (150) feet.

### **8.336.040 – Height of Agricultural Structures in any “A” District.**

In any “A” (Agricultural) District, well derricks, windmills, and tank houses may be constructed to a height of not to exceed sixty (60) feet; provided, however, that temporary oil well derricks may exceed these height limitations.

(Prior § 6405.1; Ord. 1483, 12/10/1961 - Effective in the Coastal Zone, 01/13/2001)

## ***CHAPTER 8.340 - YARDS: GENERAL PROVISIONS AND EXCEPTIONS***

### **8.340.010 – General Provisions**

For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if an Official Plan Line has been established for the street, then the measurement shall be taken from the nearest point of the front wall of the building to such Official Plan Line; except that the certain architectural features hereinafter enumerated shall not be considered in making such measurements:

- (a) Cornices, canopies, eaves, chimneys, or any other architectural features may extend into said front, side, or rear yard, a distance not exceeding two (2) feet, provided that no such architectural feature shall extend to within two (2) feet of any side or rear lot line.
  
- (b) Fire escapes may extend into said front, side or rear yard a distance not exceeding four (4) feet.
  
- (c) A stairway, landing place or uncovered porch may extend into said front yards a distance not exceeding six (6) feet, and into said side or rear yard a distance not exceeding three (3) feet and providing that:
  - 1. Such landing place or uncovered porch shall have its floor no higher than the entrance floor of the building.
  - 2. A railing no higher than 42 inches may be placed around such landing place or uncovered porch.
  - 3. Such stairway, landing place or porch is unroofed and unenclosed above and below.
  - 4. Such stairway, landing place or uncovered porch shall not reduce the effective side yard clearance to a distance less than three (3) feet.

(Prior code Section 6406, Para. (c) 2; Amd. Ord. 2319 – 06/10/1975)

### **8.340.020 – Exceptions**

- A. In any “R” District where twenty-five (25) percent or more of the lots in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this Part, and the front yards on such lots vary in depth to an extent not greater than six (6) feet, then the required front yard depth for such district shall be disregarded in such block and in lieu thereof the front yard required on each lot in said block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of fifty (50) feet.
  
- B. In any “R” District where a lot is situated between two lots, each of which has a main building located within twenty-five (25) feet of the side lines of the lot in question and such buildings are located nearer the street line than the depth of the front yard required for the district in which they are situated, the



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front yard depth required for such lot shall be not less than the average of the depths of front yards of said existing buildings.

**8.340.030 – Use Permit Exception**

The Planning Commission, may by Use Permit issued in accordance with Chapter 8.280 of Title 8, grant a reduction of the front yard setback to not less than 5 feet upon an application including not less than five contiguous lots, provided that at least one uncovered off-street parking space is provided in addition to each off-street parking space required by Section 8.344 of this Development Code for each lot having a setback of less than 20 feet.

(Prior code Section 6407.1 - Added by Ordinance No. 1483 - October 10, 1961)

(Prior code Section 6407.1 - Amended by Ordinance No. 1585 - May 7, 1963)

**8.340.050 – Corner Lots**

In any district on any corner lot, the side yard on the street side of such corner lot shall be not less than fifty percent (50%) of the minimum front yard required on the contiguous lot to the rear.

**8.340.060 – Front of Dwelling that Faces a Side Lot Line**

In the event that a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall be not less than ten (10) feet from such lot line.

**8.340.070 – Two Or More Dwellings On One Lot.**

- A. In any district wherein there are located two or more dwellings on one lot, there shall be provided free access from the street to any detached dwelling by means of a permanent unobstructed passageway having a width of not less than fifteen (15) feet.
  
- B. In any district in which two or more dwellings are permitted on one lot, no dwelling shall be located closer than fifteen (15) feet to any other dwelling or main building on the lot, provided however, that this distance shall be increased by two (2) feet for each story by which either building exceeds two (2) stories.

**8.340.090 – Prohibition Of Rear Of Building Facing Street.**

No building shall be so located on a lot that the rear of said building faces a street line.

(Prior code Sections 6408.1, 6408.2, 6408.3, 6408.4, 6408.5; Ord.1483, 10/10/1961)

**8.340.100 – Attached Accessory Buildings**

In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Part applicable to the main building, except as herein otherwise provided; an accessory building, unless attached to the main building, shall not be closer than five (5) feet to the main building.

**8.340.110 – Detached Accessory Buildings**

In any residentially zoned district, a one-story detached accessory building may be constructed if the building coverage does not exceed thirty percent (30%) of the rear yard area, does not exceed 1,000 square feet in floor area, has a plate height that does not exceed then (10) feet, and is not within three (3) feet of a property line. The maximum building height shall be nineteen (19) feet outside West Menlo Park, and fourteen (14) feet in West Menlo Park. In West Menlo Park only, the area above the horizontal plate of an accessory building shall be accessible only from within the building, and roof dormers are prohibited. Building height shall be calculated in accordance with zoning district regulations. A use permit may be granted in accordance with the provisions of Chapter 8.280 and upon finding of unusual circumstance, for detached accessory buildings that (outside Menlo Park) do not conform with the provisions of this Section, or (in West Menlo Park) do not conform with the height provisions of this Section.

*Table 1 - Detached Accessory Building Standards*

	Max Site Coverage	Building/Plate Height	Max Floor Area	Min Setback
West Menlo Park	30% of rear yard	14 ft./10 ft.	1,000 sq.ft.	3 feet minimum
All Other Areas	30% of rear yard	19 ft./10 ft.	1,000 sq.ft.	3 feet minimum

- A.** Detached accessory buildings shall conform to the following additional regulations as to their location upon the parcel.
1. Where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a garage or carport, attached or detached, may be built to the front lot line. Such garage shall hold the side yard setbacks required for the main building and a maximum height specified for such carports and garages by the district, or when not specified by the district, a maximum height of 28 feet.
  2. In the case of an interior lot abutting upon one (1) street, no detached accessory building shall be erected or altered so as to encroach upon the front half of such lot.

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3. (In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the fourth (1/4) of the lot nearest either street.
4. In the case of a reversed corner lot, no accessory building shall be erected or altered so as to encroach on the area between such street and lines drawn approximately parallel to such streets, respectively, in such a manner that each of such lines divides the lot into two (2) equal areas.
5. In the case of other corner lots, no accessory building shall be erected or altered so as to be closer to any street side lot line than a distance equal to the width of a side yard required for this lot.
6. No detached accessory building shall be closer to the side lot line of the front one-half (1/2) of any adjacent lot than one-half (1/2) the width of the side yard required for such adjacent lot; provided, however, that no accessory building shall be less than five (5) feet from such side lot line.
7. Notwithstanding any requirements in this article, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot.

(Prior code Section 6410 ; Amd. Ord. 1815, 02/21/1967)

(Prior code Section 6410 ; Amd. Ord. 3536, 01/25/1994)

(Prior code Section 6410; Amd. Ord. 3323, 04/29/1991)

(Prior code Section 6411; Amd. Ord. 3323, 04/29/1991)

## ***CHAPTER 8.344 - OFF-STREET PARKING STANDARDS***

### **8.344.010 - Required Automobile Parking Spaces.**

In all districts there shall be provided at the time of the erection of any main building or structure, or at the time any main building or structure is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the schedule set forth in Section 8.344.030 of this Chapter.

### **8.344.020 - General Requirements.**

- (a) Size and Access: Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape, location and condition. However, for housing developments granted a Density Bonus for Provision of Affordable or Rental Housing (see Chapter 8.436), up to fifty (50) percent of the required off-street parking spaces may be 128 square feet to

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accommodate compact cars. There shall be adequate provision for ingress and egress to all parking spaces.

- (b) Type and Location: Parking spaces required in connection with residential uses shall be provided in private garages, carports, or storage garages located on the same building site as the main building, except for the following which may be provided uncovered:
- (1) Parking spaces required for single-family dwellings on parcels less than 3,500 sq. ft. located in the Midcoast.
  - (2) Not more than one parking space required for any substandard lot that is (a) smaller than 4,500 sq. ft. in area, (b) not in common ownership with contiguous lots, and (c) developed with an affordable (very low, low, or moderate income) single-family residential unit, i.e., subject to income and cost/rent restriction contracts with San Mateo County.
  - (3) Not more than one parking space required for any parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G") during the "voluntary merger period" described therein.

No required parking space shall be permitted within a required front yard unless:

- (1) The slope of the front half of the lot on which the parking occurs has at least one foot rise or fall in elevation for every 7 feet measured horizontally.
  - (2) It is an uncovered space serving a single-family dwelling on a parcel less than 3,500 sq. ft. in an area located in the Midcoast.
  - (3) It is an uncovered space serving a substandard lot that is (a) smaller than 4,500 sq. ft. in area, (b) not in common ownership with contiguous lots, and (c) developed with an affordable (very low, low, or moderate income) single-family residential unit, i.e., subject to income and cost/rent restriction contracts with San Mateo County.
  - (4) It is an uncovered space serving a parcel whose substandard lots are voluntarily merged in accordance with the provisions of San Mateo County Board of Supervisors' Resolution No. 068386 (Exhibit "G") during the "voluntary merger period" described therein.
- (c) Parking spaces required in connection with uses permitted in "H," "C," or "M" Zones shall be provided in off-street parking areas located within 1,000 feet of the building such spaces are to serve.

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(d) Units of Measurement.

1. For the purpose of this Chapter, “Floor Area” in the case of offices, merchandising or service types of uses shall mean the gross floor area used, or intended to be used, for service to the public as customers, patrons, clients or patients, or as tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilet or rest rooms, for utilities, or for dressing rooms, fitting or alteration rooms.
2. In hospitals, bassinets shall not be counted as beds.
3. In stadia, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this part.
4. When units of measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

(e) Change in Use - Additions and Enlargement: Whenever in any building there is a change in use, or increase in floor area, or in the number of employees or other unit measurements specified hereinafter to indicate the number of required off-street parking spaces and such change or increase creates a need for an increase of more than ten (10) percent in the number of off-street parking spaces as determined by the tables in this Chapter, additional off-street parking spaces shall be provided on the basis of the increased requirements of the new use, or on the basis of the total increase in floor area or in the number of employees, or in other unit of measurement; provided, however, that in case a change in use creates a need for an increase of less than five (5) off-street parking spaces, no additional parking facilities shall be required.

(f) Mixed Occupancies and Uses Not Specified: In the case of a use not specifically mentioned in paragraph (b) of this section, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar shall apply. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.

(g) Collective Provision: Nothing in this Chapter shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

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(h) Joint Use: Not more than fifty (50) percent of the off-street parking facilities required by this Chapter for a theater, bowling alley, dance hall, or an establishment for the sale and consumption on the premises of alcoholic beverages, food or refreshments, and up to one hundred (100) percent of such facilities required for a church or an auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for other kinds of buildings or uses, as defined below, not normally open, used or operated during the principal operating hours of theaters, churches or the aforesaid establishments and not more than fifty (50) percent of the off-street parking facilities required by this Chapter for a building or use, as defined below, other than theaters, churches or the aforesaid establishments may be supplied by such facilities provided for theaters, churches, or the aforesaid establishments, provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities which instrument, duly approved as to form and manner of execution by the District Attorney, shall be filed with the application for a building permit.

Buildings or uses not normally open, used or operated during the principal operating hours of theaters, churches, or the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shops, clothing or shoe repair or service shops, and manufacturing buildings and similar uses.

(Prior Section 6118 – Amd. Ord.. 398, August 8, 2000)

(Prior Section 6118(a) – Am Ord. 2869, December 20, 1983)

(Prior Section 6118, Amd. Ord. 4568 - May 24, 2011, effective in the Coastal Zone on September 7, 2012)

**8.344.030 - Parking Spaces Required.**

The number of off-street parking spaces required shall be set forth in the following table:

USE	PARKING SPACES REQUIRED
<b>Dwellings</b>	1 space for each dwelling unit having 0 or 1 bedroom.  2 spaces for each dwelling unit having 2 or more bedrooms.
<b>Apartments</b>	1 space for each dwelling unit having 0 bedrooms or studio apartment.  1.2 spaces for each dwelling unit having 1 bedroom.  1.5 spaces for each dwelling unit having 2 bedrooms.  2 spaces for each dwelling unit having 3 or more bedrooms.  Plus 1 additional uncovered guest parking space for each 5 units.
<b>Housing, Affordable</b>	Same number of spaces required for dwellings or apartments as applicable, except for the provisions of Section 8.344.020 a).

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USE	PARKING SPACES REQUIRED
<b>Housing, Rental</b>	Same number of spaces required for dwellings or apartments as applicable except for the provisions of Section 8.344.020 (a).
<b>Housing for the Elderly</b>	Same number of spaces required for dwellings or apartments as applicable; however, outside the Coastal Zone the number of spaces may be reduced if the Zoning Administrator makes a finding that not all spaces are needed. In making a finding, the Zoning Administrator shall consider: (1) the anticipated automobile usage and characteristic visitor patterns of the occupants; (2) proximity of the building or land to shopping, service, health and other transportation facilities; (3) proximity of public and commercial parking areas; (4) effect a reduced number of required spaces would have on existing and anticipated parking conditions in the neighborhood; and (5) conditions deemed relevant by the Zoning Administrator.
<b>Rooming Houses, Lodging Houses, Club Rooms, Fraternity Houses</b>	1 for the first 3 guest bedrooms plus 1 for each additional 3 guest bedrooms or fraction thereof.
<b>Auto Courts, Motels</b>	1 for each individual sleeping unit, or dwelling unit.
<b>Hotels</b>	1 for each 4 guest bedrooms.
<b>Automobile Sales, Automobile Repair</b>	1 space for every 500 sq. ft. of floor area.
<b>Convalescent Homes, Skilled Nursing Facilities, Hospitals</b>	1 for each 5 beds.
<b>Theaters</b>	1 for each 5 seats.
<b>Stadia, Sports Arena Auditorium</b>	1 for each 5 seats.
<b>Orphanages</b>	1 for each 10 beds.
<b>Churches</b>	1 for each 4 seats in the main worship unit.
<b>Schools</b>	1 for each classroom, plus 1 for each 100 sq. ft. in the Auditorium, or any space so used.
<b>Dance Halls, Assembly Halls Without Fixed Seats, Exhibition Halls, Meeting Halls, Clubs, Card Rooms</b>	4 for each 100 sq. ft. of floor area used for dancing or assembly.
<b>Bowling Alleys</b>	3 for each alley.
<b>Medical or Dental Clinics, Banks, Business Offices, Professional Offices</b>	1 for each 200 sq. ft. of floor area.

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USE	PARKING SPACES REQUIRED
<b>Establishments for the Sale and Consumption (on the premises) of Alcoholic Beverages, Food or Refreshments</b>	1 for each 3 seats or stools.
<b>Mortuaries or Funeral Homes</b>	10 for each room used as a chapel room or slumber room, or parlor, or 1 for each 25 sq. ft. of floor area of assembly rooms used for services, whichever amount is greater.
<b>Warehouses</b>	1 space for each 2 employees on largest shift.
<b>All Uses Not Enumerated Above Which Are Permitted in "C" or "H" Districts</b>	1 for each 160 sq. ft. of gross floor area excluding basement and storeroom.
<b>All Uses Not Enumerated Above Which Are Permitted in "M" Districts</b>	1 space for each 2 employees on largest shift; in no case less than 1 space for each 2,000 sq. ft. of floor area.

(Prior Section 6119; Amd. Ord. 1456 - May 23, 1961)

(Prior Section 6119 ; Amd. Ord. 2055 - June 3, 1970)

(Prior Section 6119 ; Amd. Ord. 2126 - January 4, 1972)

(Prior Section 6119; Amd. Ord. 2792 - June 8, 1982)

(Prior Section 6119 ; Amd. Ord. 2869 - December 20, 1983)

(Prior Section 6119 ; Amd. Ord. 2878 - January 24, 1984)

**8.344.040 - Exceptions.**

In cases of practical difficulties and unusual hardship, the Planning Commission may after proper hearings recommend exceptions to the foregoing requirements.

Application for an exception shall be made and an exception may be issued under the same procedure as that specified in Chapter 8.320 of this Part for the granting of a variance, except that no public hearing need be held thereon and the findings of the Planning Commission need include only that establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in Section 8.344.030 hereof as are reasonably possible. At the time of applying for such exception, the applicant shall pay to the Planning Commission a filing fee set by resolution of the Board of Supervisors.

**8.344.050 - Parking Areas, Development And Maintenance.**



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(a) Every parcel of land hereafter used as a public or private parking area shall be developed and maintained as follows:

1. Screening: Automobile parking facilities for more than ten (10) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R-E, R-1, R-2, or R-3 District by a solid masonry wall. Such wall shall not be less than six (6) feet in height, except within required front yard areas and shall be maintained in good condition. Screen planting or wooden fences may be substituted for aesthetic reasons, or in cases of practical difficulties or unusual hardship, provided that the design and plant material is approved by the Director of Planning and Building and a bond to guarantee the installation and maintenance of said screen planting or fencing, for a period of three (3) years, is posted with the Planning Commission.
2. Surface of Parking Area: Any automobile parking area for more than ten (10) vehicles shall be surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dust-free surface and shall be so graded and drained as to dispose satisfactorily of all surface water accumulation within the area.
3. Protective Installation: To insure the proper maintenance and utilization of these facilities, public parking areas shall be designed so that a parked vehicle does not overhang required sidewalks, planters, or landscaped areas. A permanent curb, bumper, wheel stop, or similar device shall be installed which shall be adequate to protect the required sidewalks, planters, or landscaped areas from vehicular overhang and to protect any structure from vehicular damage. If such protection is provided by means of a method designed to stop the wheel rather than the bumper of the vehicle, the stopping edge shall be placed no closer than two (2) feet from the edges of the required sidewalks, planter, or landscaped areas and from any building. The Director of Planning and Building may require other barrier curbs or wheel stops as deemed necessary to protect areas within or adjacent to the parking area from vehicular encroachment.
4. Landscaping: A planter or landscaped area of at least four (4) feet wide shall be provided adjacent to all street rights-of-way. In addition, any area within the street right-of-way between the edge of the sidewalk and the outer edge of the right-of-way shall be developed as a planter or landscaped area in conjunction with the required four (4) foot area above, unless this requirement is waived by the County Engineer. Where a parking area has a capacity of more than ten (10) parking spaces, landscaped areas including the above four (4) foot street buffer strip shall be not less than five (5) percent of the total parking lot area.

Live landscaping shall be provided and maintained within any planter or landscaped area required by this section. Not more than thirty (30) percent of the planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, concrete, or other impervious materials. Such landscaped area or planter shall create the visual and physical separation necessary to reduce the traffic hazards between pedestrians and vehicles.

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(Prior Section 6121, Para. (a), Section 1;Amd. Ord.1968, April 1, 1969)

(Prior Section 6121, Para. (a) Sections 3 and 4; Amd. Ord. 2078, December 15, 1970)

## **CHAPTER 8.348 - ACCESSORY BUILDINGS**

### **8.348.010 – Accessory Building Setback From Main Building.**

In case an accessory building is attached to the main building, it shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Part applicable to the main building, except as herein otherwise provided; an accessory building, unless attached to the main building, shall not be closer than five (5) feet to the main building.

### **8.348.020 – Accessory Building Standards.**

In any residentially zoned district, a one-story detached accessory building may be constructed if the building coverage does not exceed thirty percent (30%) of the rear yard area, does not exceed 1,000 square feet in floor area, has a plate height that does not exceed ten (10) feet, and is not within three (3) feet of a property line. The maximum building height shall be nineteen (19) feet outside West Menlo Park, and fourteen (14) feet in West Menlo Park. In West Menlo Park only, the area above the horizontal plate of an accessory building shall be accessible only from within the building, and roof dormers are prohibited. Building height shall be calculated in accordance with zoning district regulations. A use permit may be granted in accordance with the provisions of Chapter 8.280 and upon finding of unusual circumstance, for detached accessory buildings that (outside Menlo Park) do not conform with the provisions of this Section, or (in West Menlo Park) do not conform with the height provisions of this Section.

(Prior code § 6410; Amended Ord No.1815, February 21, 1967)

(Section code § 6410; Amended Ord No.3536,January 25, 1994)

(Prior § 6410 and 6411; Amended Ord. No.3323, April 29, 1991)

### **8.348.030 – Additional Regulations.**

Detached accessory buildings shall conform to the following additional regulations as to their location upon the parcel.

- (a) Where the slope of the front half of the lot is greater than one (1) foot rise or fall in a distance of seven (7) feet from the established street elevation at the property line, or where the elevation of the lot at the street line is five (5) feet or more above or below the established street elevation, a garage or carport, attached or detached, may be built to the front lot line. Such garage shall hold the side yard setbacks required for the main building and a maximum height specified for such carports and garages by the district, or when not specified by the district, a maximum height of 28 feet.

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- (b) In the case of an interior lot abutting upon one (1) street, no detached accessory building shall be erected or altered so as to encroach upon the front half of such lot.
- (c) In the case of an interior lot abutting upon two or more streets, no accessory building shall be erected or altered so as to encroach upon the fourth (1/4) of the lot nearest either street.
- (d) In the case of a reversed corner lot, no accessory building shall be erected or altered so as to encroach on the area between such street and lines drawn approximately parallel to such streets, respectively, in such a manner that each of such lines divides the lot into two (2) equal areas.
- (e) In the case of other corner lots, no accessory building shall be erected or altered so as to be closer to any street side lot line than a distance equal to the width of a side yard required for this lot.
- (f) No detached accessory building shall be closer to the side lot line of the front one-half (1/2) of any adjacent lot than one-half (1/2) the width of the side yard required for such adjacent lot; provided, however, that no accessory building shall be less than five (5) feet from such side lot line.
- (g) Notwithstanding any requirements in this article, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street line bounding the lot.

(Prior code § 6410 and 6411: Amended Ord. 3323, April 29, 1991)

## ***CHAPTER 8.352 – SPECIAL SETBACK LINES***

### **8.352.010 - Special Building Setback Lines.**

For the purpose of establishing front yard depths, side yard widths and determining the location of buildings in relation to street lines on certain streets, special building setback lines are established as set forth on the Zoning Maps.

### **8.352.020 – Setback Lines.**

No building or structure shall hereafter be located nearer to any street line than the aforesaid special building setback lines.

### **8.352.030 – Conflicts With Other Regulations.**

In any “R” District where the depth of front yard required by the regulations for such district is greater or less than the distance set forth by any special building setback line in such district, the distance established by the special building setback line shall govern.

(Prior code § 6330; Amended Ord. 2862 - December 13, 1983)

(Prior code § 6333; Repealed Ord. 1483 - October 10, 1961)

## ***CHAPTER 8.356 – HEIGHT OF STRUCTURES AND USES OF AIRSPACE NEAR HALF MOON BAY AIRPORT***

### **8.356.010 - Purpose.**

Pursuant to the authority conferred by the Airport Approaches Zoning Law of the State of California and in conformity with Sections 50485 to 50485.13 of the Government Code, the Board of Supervisors of the County of San Mateo, State of California, deem it necessary to regulate the use of airspace for the purposes of promoting the health, safety and general welfare of the inhabitants of the County of San Mateo, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the Half Moon Bay Airport and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the airport and the public investment therein.

### **8.356.020 - Definitions.**

As used in this ordinance, unless the context otherwise requires:

- (a) AIRPORT – The Half Moon Bay Airport.
- (b) AIRPORT ELEVATION – The highest point of an airport’s usable landing area measured in feet from mean sea level.
- (c) AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (d) STRUCTURE - An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.
- (e) TREE - Any object of natural growth.
- (f) NON-CONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
- (g) HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

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- (h) PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them)
- (i) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (j) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (k) UTILITY RUNWAY - A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.
- (l) NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- (m) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
- (n) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (o) HELIPORT PRIMARY SURFACE - The area of the primary surface coincides in size and shape with the designated landing and takeoff area of a heliport (runway). This surface is a horizontal plane at the elevation of the established heliport elevation.
- (p) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

### **8.356.030 - Airport Zones.**

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on Half Moon Bay Airport Hazard Zoning Map consisting of one sheet, prepared by Department of Public Works and dated April, 1977, which is attached to this ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
  
- (b) Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.
  
- (c) Horizontal Zone - The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
  
- (d) Conical Zone - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

### **8.356.040 - Airport Zone Height Limitations.**

Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established of such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (a) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

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- (b) Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is 64 feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, extending to where they intersect the conical surface.
- (c) Horizontal Zone - One hundred and fifty (150) feet above the airport elevation or a height of 214 feet above mean sea level.
- (d) Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (e) Excepted Height Limitations - Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 30 feet above the surface of land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

#### **8.356.050 - Use Restrictions.**

Notwithstanding any other provisions of the Ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

#### **8.356.060 - Non-Conforming Uses.**

- (a) Regulations Not Retroactive - The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.
- (b) Marking and Lighting - Notwithstanding the preceding provision of the section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Director of Public Works, San Mateo County, to indicate to the operators of aircraft in the vicinity of the airport, the

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presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of San Mateo County.

**8.356.070 - Permits.**

(a) Future Uses - No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.

(1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.

(2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(b) Existing Uses - No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made.

Except as indicated, all applications for such a permit shall be granted.

(c) Non-Conforming Uses Abandoned or Destroyed - Whenever the Director of Planning and Building determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d) Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use their property not in accordance with the regulations prescribed in this ordinance, may apply to the Director of Planning and Building for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.



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- (e) Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and is reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question, at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

**8.356.080 - Enforcement.**

It shall be the duty of the Director of Planning and Building to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Director of Planning and Building upon a form furnished by him. Applications required by this ordinance to be submitted to the Director of Planning and Building shall be promptly considered and granted or denied by them. Application for action by the Planning Commission shall be forthwith transmitted by the Director of Planning and Building.

**8.356.090 - Appeals.**

- (a) Any person aggrieved or any taxpayer affected, by any decision of the Director of Planning and Building made in their administration of this ordinance, may appeal to the Planning Commission.
- (b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Planning Commission, by filing with the Director of Planning and Building a notice of appeal specifying the grounds thereof. The Director of Planning and Building shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
- (c) The Planning Commission may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

**8.356.100 - Review By Board Of Supervisors**

Any person aggrieved, or any taxpayer affected, by any decision of the Planning Commission, may appeal to the Board of Supervisors by filing a written notice of such appeal with the Planning Commission within ten (10) days of the final action of the Planning Commission.

**8.356.110 - Violations.**

In the event any person should erect, construct, move, alter or attempt to erect, construct, move or alter any structure or allow any tree to exceed a height, in violation of the provisions of this ordinance, the same is hereby declared a public nuisance, and it shall be the duty of the District Attorney of the County of San Mateo to bring and prosecute an action in any Court of competent jurisdiction to enjoin such person from continuing such erection,

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construction, moving, alteration or growth, or if such erection, construction, moving, alteration or growth, is being or has been accomplished, the District Attorney shall bring and prosecute an action to enjoin such person for maintaining same.

**8.356.120 - Conflicting Regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**8.356.130 - Severability.**

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of application of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

(Prior code Ch. 32; Repealed by Ord. 2662, July 8, 1980)

(Prior code Ch. 32, Sections 6600 through 6612 - Added Ord. 2662, July 8, 1980)

***CHAPTER 8.358 - HEIGHT OF STRUCTURES AND USE AIRSPACE NEAR SAN CARLOS  
AIRPORT***

**8.358.010 - Purpose.**

Pursuant to the authority conferred by the Airport Approaches Zoning Law of the State of California and in conformity with Sections 50485 to 50485.13 of the Government Code, the Board of Supervisors of the County of San Mateo, State of California, deem it necessary to regulate the use of airspace for the purposes of promoting the health, safety and general welfare of the inhabitants of the County of San Mateo, by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the San Carlos Airport and of the occupants of the land in its vicinity and preventing destruction and impairment of the utility of the airport and the public investment therein.

**8.358.020 - Definitions.**

As used in this ordinance, unless the context otherwise requires:

- (a) AIRPORT - The San Carlos Airport.

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- (b) AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet from mean sea level.
- (c) AIRPORT HAZARD - Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
- (d) STRUCTURE - An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.
- (e) TREE - Any object of natural growth.
- (f) NON-CONFORMING USE - Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this ordinance or an amendment thereto.
- (g) HEIGHT - For the purpose of determining the height limits in all zones set forth in this ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (h) PERSON - An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.
- (i) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (j) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.
- (k) UTILITY RUNWAY - A runway that is constructed for and intended to be used by aircraft of 12,500 pounds maximum gross weight and less.
- (l) NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.
- (m) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan; a military service's approved military airport layout plan; any other FAA planning document, or military service's military airport planning document.
- (n) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

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- (o) HELIPORT PRIMARY SURFACE - The area of the primary surface coincides in size and shape with the designated landing and takeoff area of a heliport (runway). This surface is a horizontal plane at the elevation of the established heliport elevation.
- (p) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

### **8.358.030 - Airport Zones.**

In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a particular airport. Such zones are shown on San Carlos Airport Hazard Zoning Map consisting of one sheet, prepared by the Department of Public Works, and dated April, 1977, which is attached to this ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) Utility Runway Visual Approach Zone (Runway 12) - The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- (b) Utility Runway Visual Approach Zone (Runway 30) - The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of 2,630 feet at a horizontal distance of 11,900 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- (c) Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and at 90 degree angles to the extended runway centerline.
- (d) Horizontal Zone - The horizontal zone is hereby established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (e) Conical Zone - The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

### **8.358.040 – Airport Zone Height Limitations.**

Except as otherwise provided in this ordinance, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this ordinance to a height in excess of the applicable height limit herein established of such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (a) Utility Runway Visual Approach Zone (Runway 12) - Slopes upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

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- (b) Utility Runway Visual Approach Zone (Runway 30) - Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 11,900 feet along the extended runway centerline.
- (c) Transitional Zones - Slopes upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation which is nine (9) feet above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven (7) feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the approach zones, and extending to where they intersect the conical surface.
- (d) Horizontal Zone - One hundred and fifty (150) feet above the airport elevation or a height of 159 feet above mean sea level.
- (e) Conical Zone - Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- (f) Excepted Height Limitation - Nothing in this ordinance shall be construed as prohibiting the construction or maintenance of any structure or growth of any tree to a height up to 30 feet above the surface of the land.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

**8.358.050 - Use Restrictions.**

Notwithstanding any other provisions of the Ordinance, no use may be made of land or water within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport.

**8.358.060 – Non-Conforming Uses.**

- (a) Regulations Not Retroactive – The regulations prescribed by this ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted.
- (b) Marking and Lighting – Notwithstanding the preceding provision of the section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Director of Public Works, San Mateo County, to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of San Mateo County.

**8.358.070 – Permits.**

- (a) Future Uses – No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted.
- (1) However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- (2) Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- (b) Existing Uses – No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) Non-Conforming Uses Abandoned or Destroyed - Whenever the Director of Planning and Building determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- (d) Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use their property not in accordance with the regulations prescribed in this ordinance, may apply to the Director of Planning and Building for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this ordinance.
- (e) Hazard Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this ordinance and is reason-able in the circumstances, be so conditioned as to require the owner of the structure or tree in question, at their own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of any airport hazard.

**8.358.080 - Enforcement**

It shall be the duty of the Director of Planning and Building to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Director of Planning and Building upon a form furnished by them. Applications required by this ordinance to be submitted to the Director of Planning and Building shall be promptly considered and granted or denied by them. Application for action by the Planning Commission shall be forthwith transmitted by the Director of Planning and Building.

**8.358.090 – Appeals.**

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- a) Any person aggrieved or any taxpayer affected, by any decision of the Director of Planning and Building made in their administration of this ordinance, may appeal to the Planning Commission.
  
- (b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Planning Commission by filing with the Director of Planning and Building a notice of appeal specifying the grounds thereof. The Director of Planning and Building shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken.
  
- (c) The Planning Commission may, in conformity with the provision of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances.

**8.358.100 – Review By Board Of Supervisors.**

Any person aggrieved, or any taxpayer affected, by any decision of the Planning Commission, may appeal to the Board of Supervisors by filing a written notice of such appeal with the Planning Commission within ten (10) days of the final action of the Planning Commission.

**8.358.110 – Violations.**

In the event any person should erect, construct, move, alter or attempt to erect, construct move or alter any structure or allow any tree to exceed a height, in violation of the provisions of this ordinance, the same is hereby declared a public nuisance, and it shall be the duty of the District Attorney of the County of San Mateo to bring and prosecute an action in any Court of competent jurisdiction to enjoin such person from continuing such erection, construction, moving, alteration or growth, is being or has been accomplished, the District Attorney shall bring and prosecute an action to enjoin such person for maintaining the same.

**8.358.120 - Conflicting Regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**8.358.130 - Severability.**

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

(Ch. 33 - Repealed Ord. 2663, July 8, 1980)  
(Ch. 33, Sections 6620 through 6632; Ord. 2663, July 8, 1980)

## ***CHAPTER 8.360 – DEVELOPMENT ON LANDS CONTIGUOUS TO RM, RM-CZ, OR PAD***

### **8.360.010 - Deed Restriction Requirement on Lands Contiguous to RM, RM-CZ, or PAD**

The following statement shall be recorded on a parcel deed: (1) as a condition of permit approval of a dwelling proposed for construction on a parcel contiguous to lands zoned Resource Management (RM), Resource Management-Coastal Zone (RM-CZ), or Planned Agricultural District (PAD); or (2) as a condition of commercial timber harvesting operations within 1,000 feet of a dwelling in existence on June 18, 1991, as provided in Sections 8.134.070 ,8.106.040, 8.138.070 of Title 8. :

“This parcel is adjacent to lands zoned to allow timber harvesting as permitted by either the County of San Mateo or the California Department of Forestry and Fire Protection. Residents on this parcel may be subject to inconvenience or discomfort arising from timber harvesting operations, including but not limited to the felling of trees; noise from trucks, tractors, chain saws; dust; vibration; slash burning; and timber harvest road and bridge construction. San Mateo County has established that timber harvesting is an appropriate use on productive timberlands as a sustained yield management resource, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary timber harvesting operations.”

## ***CHAPTER 8.364 - ROAD IMPROVEMENT REQUIREMENTS IN THE SKYLINE AREA***

### **8.364.010 - General Provisions.**

1. **PURPOSE.** The purpose of this ordinance is to consolidate the County’s road improvement requirements for public and private roads in the Skyline Area in order to provide clear guidance about the road improvements that will be required from applicants for subdivisions and building permits for new dwellings.
2. **APPLICABILITY.** The road improvement requirements contained herein shall be applicable to proposals for subdivisions and building permits for new dwellings within the area known as the Skyline Area, as defined in Section 8.04.030(105) of the San Mateo County Ordinance Code. Applications for second dwelling units, as defined in Chapter 8.392, Section 8.392.020) of the San Mateo County Ordinance Code, shall be exempt from these requirements.



## **8.364.020 - Definitions**

### **1. Building Permit For A New Dwelling.**

A building permit for a new dwelling shall be defined as a building permit issued for construction of a new primary dwelling constructed or moved onto a legal parcel within the Skyline Area, and does not include building permits issued in conjunction with a second dwelling unit.

### **2. Creative Road Design Guide.**

The Creative Road Design Guide is the County's road design manual, as adopted in 1978, and as it may subsequently be amended.

### **3. Driveways.**

Driveways are vehicular access roads serving one parcel which are subject to County standard specifications.

### **4. Major Roads.**

Routes 35, 84, and 92, and Pescadero Road, Kings Mountain Road, Tunitas Creek Road, Alpine Road, and Page Mill Road within the Skyline Area.

### **5. Minimum Safety Requirements.**

Those road improvements necessary to ensure adequate access, including turnouts, one-way loops, improvements to establish adequate stopping sight distance, guard rails, reflectors, signs, lane-widening, shoulder construction, or other improvements deemed necessary by the Director of Public Works consistent with the Creative Road Design Guide.

### **6. Minor Roads.**

Those roads which do not provide a through route into or out of the Skyline Area, and which serve interior areas and subdivisions. Minor roads are any roads in the Skyline Area that are not defined above as major roads.

### **7. Off-Site Improvements - Private Roads.**

Any road improvements required between the nearest parcel line of a parcel where a subdivision or building permit for a new dwelling is proposed and the nearest publicly-maintained road.

### **8. Off-Site Improvements - Public Roads.**

Any road improvements required on a publicly-maintained road that are not located on the parcel where a subdivision or building permit for a new dwelling is proposed.

**9. On-Site Improvements.**

Any road improvements required that are completely within a parcel proposed for subdivision or for a building permit for a new dwelling. This includes any improvements to provide interior circulation for the site and any full or half-street improvements to a road which is not located entirely within the site, but which partially passes through the site.

**10. Private Road.**

Any road serving two or more parcels that is not a publicly-maintained County road or State Highway.

**11. Public Road.**

Any road accepted into the County or State public road system and provided with periodic maintenance by the County Department of Public Works or State Department of Transportation.

**12. Roads Entirely Within The Parcel(S) Proposed For Subdivision.**

Roads that are entirely contained within the boundaries of the parcel(s) under application for subdivision.

**13. Roads Not Entirely Within The Parcel(s) Proposed For Development.**

Roads which pass through a parcel(s) under application for a subdivision or building permit for a new dwelling, but which, at the time of application, also pass through other parcels.

**8.364.030 – Road Improvements Requirements For County Public Roads**

**1. General.** This section specifies on-site and off-site road improvement requirements for applicants for subdivisions or building permits for new dwellings that are located adjacent to County public roads. These requirements shall apply to development proposed on all public roads in the Skyline Area until the Board of Supervisors adopts specific standards for certain County public roads that are under study by the Department of Public Works, or otherwise amends County road improvement requirements.

**2. STANDARDS FOR ON-SITE IMPROVEMENTS FOR COUNTY PUBLIC ROADS.**

- (a) On-site improvements for subdivisions proposed adjacent to County Public Roads shall be constructed according to the requirements of Table 1, which may be modified by the Director of Public Works by: (1) applying the criteria of the Creative Road Design Guide and (2) applying the specific recommendations for appropriate improvements to County public roads once these are completed by the Department of Public Works, if the parcel under application for a sub-division on an existing parcel is located on one of these roads.

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<b>TABLE 1</b>			
<b>COUNTY RURAL PUBLIC ROADS STANDARDS</b>			
<b>TYPE OF ROAD AND POTENTIAL NUMBER AND SIZE OF PARCELS OR LOTS</b>	<b>SURFACING AND WIDTH</b>	<b>BERMS, PATHS OR SHOULDERS</b>	<b>R/W</b>
One-way loop road	A.C. 15'	Berms and one path	40'
Cul-de-sac or minor road - 5 to 10 parcels each 20,000 sq. ft. to 5 acres	A.C. 20'	Berms and one path	40'
Cul-de-sac or minor road - 5 to 10 parcels each 5 to 40 acres	A.C. 20'	2' rocked shoulders	40'
Cul-de-sac or minor road - more than 10 parcels each 20,000 sq. ft. to 40 acres	A.C. 22'	Berms and one path	50'
Collector road	A.C. 28'	Berms and one path	50'
Major collector road (F.A.S. Standard)	A.C. 34'	Surface width including two 5' paved shoulders	60'

(b) Grade and alignment of all roads shall meet the following requirements:

- (1) Grades shall not exceed 15% nor shall they be less than 1% unless otherwise approved by the County Department of Public Works.
- (2) The centerline radius of curves shall not be less than 50 feet.
- (3) Structural sections to be approved by the County Department of Public Works.

(c) On-site improvements shall not be required for building permits for a new dwelling proposed on parcels that are already served by a County-maintained road unless the Director of Public Works determines that they are needed to maintain minimum safety requirements.

**3. Application Of County Public Road Standards To Major Subdivisions.** The standards in Section 8.364.030 (2) shall be used for existing County public roads in conjunction with any application for a major subdivision within the Skyline Area.

**4. Responsibility For Financing Of On-Site Improvements To County Public Roads.** All on-site improvements to County public roads shall be the responsibility of the subdivider or the applicant for a building permit for a new dwelling on an existing parcel.

**5. Timing And Financing Of Improvements To County Public Roads On Parcels Proposed For Subdivision.**

- (a) All improvements to public roads located within parcels under application for subdivision shall be the responsibility of the subdivider. Improvements to public roads located entirely within parcels under application for subdivision shall be constructed by the subdivider either:
- (1) prior to recordation of the final map or parcel map; or
  - (2) within one year of such map recordation if the required improvements are guaranteed by a secured agreement acceptable to the County.
- (b) Deferral of road improvements on public roads which are partially but not entirely within parcels proposed for subdivision shall be permitted, if the following conditions are met:
- (1) The Director of Public Works finds that conditions exist that would cause the immediate installation of improvements to be incompatible with existing conditions, and such improvements are not immediately necessary to provide adequate access, and
  - (2) The subdivider posts a letter of credit, surety bond, or other assurance acceptable to the County covering the costs of the on-site improvements prior to recordation of the final map or parcel map.

**6. Standards For Off-Site Improvements For County Public Roads.** Until the studies recommending standards and/or improvements for specific County public roads required by the Skyline Area General Plan Amendment are completed by the Department of Public Works, off-site road improvements shall be made as required by the Director of Public Works in order to make a finding of adequate access to minimum safety requirements between the site proposed for subdivision or a building permit for a new dwelling and the nearest major road.

**7. Timing Of Off-Site Improvements For County Public Roads.** Any off-site road improvements to County public roads required by the Director of Public Works shall be made prior to the recordation of the final or parcel map for a subdivision.

**8. Financing Of Off-Site Improvements For County Public Roads.** Any applicant for a subdivision on a County public road shall be responsible for making any off-site road improvements required pursuant to Section 8.364.030(6) between the site of the proposed subdivision and the nearest major road. However, if the applicant for a subdivision secures the cooperation of 60% of the property owners served by the road (as calculated by land area) where the off-site improvements must be made, an assessment district of property owners who would benefit from such improvements may be initiated. If an assessment district is approved and confirmed, this method may be used as an alternative to finance the required off-site improvements.

**8.360.030 - Road Improvement Requirements For Private Roads**

**1. General.** This Chapter specifies on-site and off-site road improvement requirements for applicants for subdivisions or building permits for new dwellings on private roads in the Skyline Area.

**2. Standards For On-Site Improvements For Private Roads.**

(a) On-site improvements to Private Roads shall be constructed according to the requirements of Table 2, but may be modified by the Director of Public Works by applying the criteria of the Creative Road Design Guide.

<b>TABLE 2</b>			
<b>COUNTY RURAL PUBLIC ROADS STANDARDS</b>			
<b>TYPE OF ROAD</b>	<b>WIDTHS</b>	<b>BERMS, PATHS OR SHOULDERS</b>	<b>R/W</b>
Private road within minor land division (serves 2 thru 4 parcels)	16'	1' graded shoulders each side	20'
Private road within minor land division (serves 4 thru 10 parcels)	16'	2' rocked shoulders each side with turnouts	50'
Private road within minor land division (with parcels 40 acres or larger)	16'	2' rocked shoulders each side with turnouts	50'
Private access road serving minor division within 500' of public road	16'	1' graded shoulders each side	50'
Private access road serving division more than 500' from a public road	16'	2' rocked shoulders each side with turnouts	50'
NOTE: Private roads shall be surfaced with 6" of Class II aggregate base rock or equivalent, compacted to 95%.			

(b) Grade and alignment of all roads shall meet the following requirements:

- (1) Grades shall not exceed 15% nor shall they be less than 1% unless otherwise approved by the County Engineer.
- (2) The center line radius of curves shall not be less than 50 feet.

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**3. Acceptance Of Private Roads Into The County Road System.** In order to minimize the County's financial commitment to construct and maintain public roads in the Skyline Area, and minimize the County's long-term financial risks, no existing private roads in the Skyline Area shall be accepted into the County public road system.

**4. Responsibility For Financing Of On-Site Improvements To Private Roads.** All on-site improvements to Private Roads shall be the responsibility of the subdivider or the applicant for a building permit for a new dwelling on an existing parcel.

**5. TIMING OF ON-SITE IMPROVEMENTS TO PRIVATE ROADS.** On-site road improvements on parcels served by Private Roads shall be constructed:

- (a) for subdivisions, by the subdivider, either (1) prior to recordation of the final map or parcel map, or (2) within one year of such map recordation if the required improvements are guaranteed by a secured agreement acceptable to the County.
- (b) for building permits, by the applicant for a building permit for a new dwelling prior to issuance of the certificate of occupancy for the new dwelling.

**6. Special Requirements For Long-Term Maintenance On Subdivisions On Private Roads Approved Within The Skyline Area.** As a condition of approval of any subdivision on a private road approved within the Skyline Area, a deed restriction shall be placed on each parcel of that subdivision, and shall be noted on the final map or parcel map. This restriction shall require participation in and financial contribution to the maintenance of the private roads serving the parcel.

**7. Standards For Off-Site Road Improvements For Private Roads.** Off-site road improvements shall be made as required by the Director of Public Works in order to make a finding of adequate access to minimum safety requirements between the site proposed for subdivision or for a building permit for a new dwelling and the nearest publicly-maintained road.

**8. Timing Of Off-Site Improvements For Private Roads.** Any off-site road improvements required by the Director of Public Works shall be made:

- (a) by the subdivider either: (1) prior to recordation of the final map or parcel map or (2) within one year of such map recordation if the required improvements are guaranteed by a secured agreement acceptable to the County.
- (b) by the applicant for a building permit for a new dwelling on an existing parcel prior to issuance of the certificate of occupancy.

**9. Financing Of Off-Site Improvements For Rural Private Roads.** Any applicant for a subdivision or a building permit for a new dwelling shall be responsible for making off-site road improvements as required by Section 7872 between the site of the proposed development and the nearest publicly-maintained road, unless said applicant can arrange to have the improvements financed by a cooperative agreement of property owners served by the road.

### **8.360.040 - Exceptions**

#### **1. Exceptions To Road Requirements.**

In cases where there are extraordinary conditions affecting a property under application for a subdivision or building permit for a new dwelling, the Planning Commission or Board of Supervisors may modify the strict application of the requirements of this Part for improvements on roads.

(Part Five, Division VI - Sections 7800 through 7880 - Added by Ordinance No. 2838 - June 14, 1983)

(Sections 7800, 7802, 7810, 7826, 7828, 7832, 7840, 7842(a), 7848, 7852, 7854, 7856, 7860, 7868, 7870, 7872, 7874, 7876, 7880 - Amended by Ordinance No. 3065 - May 6, 1986)

(Sections 7842(c), 7874(a), 7874(b) - Added by Ordinance No. 3065 - May 6, 1986)

(Section 7850 - Deleted by Ordinance No. 3065 - May 6, 1986)

## **ARTICLE 4 - REGULATIONS FOR SPECIFIC LAND USES**

### ***CHAPTER 8.368 - SHORT-TERM RENTALS (COASTAL ZONE)***

#### **8.368.010 – General Provisions**

1. *Purpose.* The purpose of this Section is to establish rules and regulations concerning short-term rental units as visitor-serving accommodations in the Coastal Zone of San Mateo County in a manner that protects coastal resources and the residential character of the areas where short term rental uses occur. The provisions of this Section shall provide for a short-term rental permit process, permit performance standards addressing safety requirements and neighborhood character, and the payment of Transient Occupancy Tax (TOT) pursuant to existing regulations.
2. *Permit required.* Each short-term rental requires a valid short-term rental permit as set forth in, and subject to, the requirements of this Section. A separate short-term rental permit is required for each property address. In the event multiple rental options are advertised or available at a single property address (e.g. multiple rooms

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available for rent separately or in any combination in one house), one permit shall be required to cover the total rental activity proposed.

- a) *No authorization of prohibited uses.* Approval of a short-term rental permit does not legalize any use or structure not otherwise permitted by law or contract, including but not limited to homeowners association agreements and lease agreements.
  - b) *Coastal Zone requirements.* A short-term rental located in the Coastal Zone must comply with the conditions specified in Chapter 8.368 of the Zoning Regulations; conform to the Local Coastal Program; and comply with all conditions of any existing or subsequently issued Coastal Development Permits, as specified in Chapter 8.252 of the Zoning Regulations.
  - c) *Nightly limits.* A short-term rental cannot be rented for more than one hundred eighty (180) nights per calendar year. Any night in which a short-term rental is rented during which the property owner is present at the address where the short-term rental is located does not count against this limit.
  - d) *Suspension or revocation.* Short-term rental permits are subject to suspension or revocation as provided in this Section.
  - e) *Expiration.* A short-term rental permit shall automatically expire three (3) years after the date of issuance, or when the permit holder no longer has legal ownership or a leasehold of the short-term rental, whichever occurs first.
  - f) *Renewal.* A short-term rental permit may be renewed up to six (6) months prior to the expiration of the permit, using the same application process as for issuance of an initial permit.
3. *Definitions.* For the purposes of this Section, the following terms are defined as follows:
- a) “Department” means the San Mateo County Planning and Building Department.
  - b) “Owner” means an individual, a group of individuals, an association, firm, partnership, corporation, a legal entity recognized by any state or the federal government, or other natural or legal entity, public or private, who possesses



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fee title to or is a lessee of at least thirty (30) days of the short- term rental, or their authorized representative.

- c) “Director of Planning and Building” means the Director of the County of San Mateo Planning and Building Department or their designee.
- d) “Short-term rental” means a single-family dwelling unit or multifamily unit, or portion(s) thereof, rented for the purpose of overnight lodging for a period of less than thirty (30) consecutive days other than (a) ongoing month-to- month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment. “Short-term rental” does not include (1) non-habitable accessory structures as defined by the California Building Code; (2) second units as defined in Zoning Regulations Chapter 8.392; and (3) housing units subject to affordable housing covenants and/or income restrictions under County, state, or federal law.
- e) “Short-term rental permit” means the permit applied for and granted pursuant to this Chapter 8.368 of the Zoning Regulations.
- f) “Short-term tenants” means those persons who rent a short-term rental for less than thirty (30) consecutive days other than for (a) ongoing month-to-month tenancy granted to the same renter for the same unit or (b) a house exchange for which there is no rental payment.

### **8.368.020 – Permitting Requirements**

1. *Application.* A separate application for a short-term rental permit shall be made to the Department for each address at which short-term rental activity is intended to occur, in accordance with the following requirements:
  - a) Only an owner, as defined in this Chapter 8.368, may apply for a short-term rental permit.
  - b) If the application is made by a lessee or lessee’s representative, the application must include written authorization from the lessor of the subject property establishing that the lessee is permitted to use the leased dwelling unit as a short-term rental.
  - c) If the application is made by an owner’s or lessee’s representative, the application must include written authorization establishing the representative’s authority to apply for a short-term rental permit on behalf of the owner or lessee.

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The application shall include all of the following on a form developed and provided by the Department:

- d) Completed application form as provided by the Department, including signature of the owner verifying that all information provided is true and correct as of the date signed.
- e) Copy of the rental or lease agreement between the owner and a prospective short-term tenant or copy of advertisement offering the short-term rental, which shall recite the following performance standards set forth in this Section:
  - i) Number of tenants allowed;
  - ii) On-site parking;
  - iii) Trash;
  - iv) Prohibition of illegal activity;
  - v) Noise
- f) Valid Transient Occupancy Registration Certificate issued by the County of San Mateo pursuant to Ordinance Code Chapter 5.136, or alternative satisfactory evidence demonstrating compliance with Ordinance Code Chapter 5.136.
- g) Evidence of available on-site parking in compliance with the requirements of this Section.
- h) Evidence that the address/street number of the short-term rental is visible from the road in front of the parcel.
- i) Proof of liability insurance for short-term rentals in compliance with this Section.

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- j) Any other information which may be reasonably required by the Director of Planning and Building to ensure compliance with this Section.
- k) Fees prescribed by the Department fee schedule.

2. *Approval Process.* Authority to approve an application for a short-term rental permit rests exclusively with the Director of Planning and Building. The Director of Planning and Building shall grant an application for a short-term rental permit if the application meets all of the requirements of this Section and the owner has no outstanding compliance-related violations with the County at the time of application, including but not limited to those with the Department or the Tax Collector. Such outstanding compliance matters may include but are not limited to liens, fines, liabilities, and code compliance matters.

Consistent with Section 8.252.130(b) of the County Zoning Regulations, public notice of short-term rental permits shall be given at least ten (10) calendar days prior to a decision to approve or deny such permit by the Director of Planning and Building. Said notice shall be distributed to the California Coastal Commission, all property owners and residents within 100 feet of the perimeter of the subject parcel on which the short-term rental is proposed, and all other interested parties who have requested, in writing, such notice. A public hearing prior to consideration of the requested short-term rental permit is not required.

The decision of the Director of Planning and Building shall be final and shall not be appealable to the Planning Commission or Board of Supervisors.

### **8.368.030 – Performance Standards**

1. *Performance Standards.* All short-term rentals are subject to the following performance standards, which are incorporated into each short-term rental permit:
- a) *Number of tenants allowed.* The maximum number of short-term tenants allowed in an individual short-term rental shall not exceed two (2) persons per bedroom rented, plus two (2) additional persons (i.e., if one bedroom is rented, up to four short-term tenants are permitted). Children under twelve (12) years of age are not counted toward this maximum.
  - b) *On-site parking required.* Each short-term rental that is all or part of a single-family dwelling unit shall provide at least one (1) vehicle parking space in the garage, driveway, or other on-site parking area, or at least two (2) vehicle

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parking spaces if the maximum occupancy of the short-term rental exceeds eight (8) short-term tenants as defined in this Section. Each

short-term rental that is all or part of a unit within a multifamily building shall provide at least one (1) vehicle parking space in the garage, parking lot, or other on-site parking area. The parking required by this Section shall be available for use by the short-term tenants while the short-term rental is occupied by such tenants.

- c) *Local contact person.* The owner shall designate a local contact person who shall remain within a twenty (20) mile radius of each short-term rental and be available at all times to respond to questions or concerns while the short-term rental is occupied by tenants. In cases of emergency, the local contact person shall be available to physically report to the short-term rental within a reasonable time period not to exceed one (1) hour. The local contact person shall otherwise be available during normal business hours to respond to questions or concerns. An owner may serve as the local contact person if they meet all requirements set forth in this section.
- i) The owner shall submit the name, address, and telephone number(s) (including a phone number at which the local contact person can be reached at all times) of the local contact person to the Department. The Department will distribute this contact information to the San Mateo County Sheriff's Office, the local Sheriff's Office substation, the local fire agency, and all property owners and occupants within 100 feet of the short-term rental.
  - ii) The name, address, and telephone number(s), including a phone number at which the local contact person can be reached at all times, of the local contact person shall be permanently posted in a prominent location in the short-term rental unit.
  - iii) The owner shall notify the Department as specified in subsection (i), above, in writing within ten (10) calendar days of any change in the local contact person's name, address, or telephone number.
  - iv) The local contact person shall use their best efforts, and respond in a reasonable and timely manner, to ensure that short-term tenants do not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site.
- d) *Trash.* If placed outdoors, trash and recyclables shall be stored in covered containers.

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- e) *Prohibition on illegal activity.* The short-term rental shall not be used to host or conduct any illegal activity.
  
- f) *Noise.* All short-term rentals shall comply with the standards of the County Noise Ordinance (Ordinance Code Chapter 4.88) and a copy of that chapter shall be posted in an open and conspicuous place in the unit and shall be readily visible to all tenants and guests. The short-term rental shall not involve on site use of equipment requiring more than standard household electrical current at 110 or 220 volts, or unreasonable activities that produce noise, dust, odor, or vibration detrimental to occupants of neighboring properties.
  
- g) *Posting of performance standards.* Each owner shall post the following performance standards in a prominent location in the unit, readily visible to all short-term tenants:
  - i) Number of tenants allowed;
  
  - ii) On-site parking;
  
  - iii) Trash;
  
  - iv) Prohibition on illegal activity;
  
  - v) Noise.
  
- h) *Transient Occupancy Tax.* Each owner shall comply with Chapter 5.136 of the Ordinance Code, including all required payments of transient occupancy tax for each short-term rental unit.
  
- i) *Building standards.* Each short-term rental shall be, and at all times remain, in compliance with all applicable laws and regulations, including but not limited to the County of San Mateo Zoning Regulations and Building Regulations, the California Residential Code, the California Fire Code, the California Health and Safety Code, and the terms of all County-issued permits. In addition, each short-term rental shall comply with the following safety measures, prior to issuance of a short-term rental permit:
  - i) Smoke alarms (listed as complying with UL 217 and approved by the State Fire Marshall) installed (1) in each bedroom, (2) outside but in the immediate vicinity of each bedroom, and (3) on each level of the dwelling unit, including basements and habitable attics.

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- ii) Carbon monoxide alarms (listed as complying with UL 2034) installed
  - (1) outside but within the immediate vicinity of each bedroom, and
  - (2) on every level of the dwelling unit, including basements.
- iii) At least one fire extinguisher installed on each habitable level of the dwelling unit.
  
- j) *No signage.* Signs advertising the short-term rental that are visible from the exterior of the short-term rental are prohibited, including but not limited to signs posted on or around the exterior of the short-term rental and signs posted in windows.
  
- k) *Liability insurance.* Each owner shall maintain at least five hundred thousand dollars (\$500,000) in liability insurance on the short-term rental while the short-term rental is occupied by short-term tenants.
  
- l) *Record keeping.* Each owner shall keep true and accurate records of the number of nights the short-term rental is rented and the amount paid by tenants, and all records as may be necessary to determine the amount of tax that may be owed to the County. The owner shall provide such records for review by the Department, the Tax Collector, the Auditor/Controller, or their designee upon ten (10) calendar days' notice. Each owner shall retain such records for at least three (3) years for purposes of this Section. Failure to keep or produce records as required is a violation subject to the penalties set forth in this Section.
  
- m) *Dispute resolution.* By accepting a short-term rental permit, the owner agrees to engage in good faith efforts to resolve disputes with neighbors arising from the short-term rental.

### **8.368.040 – Violations and Penalties**

1. *Violations and Penalties; Procedure.*
  - a) *Violations.* It is unlawful and a violation subject to the penalties set forth in subsection (b) for any person to use or operate a short-term rental in violation of this Section. It is unlawful to advertise any short-term rental without a valid permit. For the purposes of this Section, the terms “advertise,”

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“advertisement,” or “advertising” mean the act of drawing the public’s attention to a short-term rental in order to promote the availability of the short-term rental.

Violations that last more than one (1) calendar day shall be treated as a new violation for each calendar day that the violation continues.

- b) *Penalties.* Violation(s) of this Section may be subject to those penalties set forth in Chapter 1.40 of the Ordinance Code (Administrative Remedies), including monetary penalties as provided, in addition to the provisions for suspension or revocation of a permit as set forth in this Section. These penalties are not exclusive, and the owner or short-term tenant may be subject to any other administrative, civil, or criminal penalties applicable to the violating conduct.

If more than two (2) documented violations occur within any twelve (12)-month period, the Department may suspend or revoke any short-term rental permit that has been issued for the relevant unit(s). Documented violations may include, but are not limited to, citations, written warnings, or other documentation filed by law enforcement officers, Sheriff’s deputies, code compliance officers, or similar officers vested with enforcement duties under federal, state, or local law or regulation. Documented violations shall also include the owner, permit holder, or other individual engaged in short-term property rental’s failure to produce relevant short-term rental and/or Transient Occupancy Tax records upon County’s reasonable request as required by this Section or other applicable federal, state, or local law or regulation.

After revocation of a permit, the owner shall not be permitted to apply for or receive a short-term rental permit for the same short-term rental for a period of at least one (1) year from the date that revocation is made final by the Director of Planning and Building or the Planning Commission.

Any owner who advertises or operates a short-term rental without a valid permit shall be subject to the penalties in this Section. In addition, the owner shall be subject to a “black-out period” during which the owner may not apply for or renew a short-term rental permit for any short-term rental. The black-out period shall continue for double the number of days that the owner operated or advertised the rental without a permit, with a minimum black-out period of (1) one month and a maximum black-out period of one (1) year.

The owner must also pay any Transient Occupancy Tax owed before applying for a short-term rental permit.

- c) *Procedure for suspending or revoking a permit.* Before revoking or suspending a short-term rental permit, the Director of Planning and Building or their designee shall allow the permit holder the opportunity for a hearing.

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- i) The Department shall provide a written notice of the hearing which shall contain the following information:
  - (1) The grounds for complaint or reasons for the proposed revocation or suspension;
  - (2) The time and location of the hearing.
  
- ii) The notice shall be deposited in the United States Mail, in a sealed envelope, with adequate postage, and addressed to the owner at the address listed on the permit at least ten (10) calendar days prior to the hearing. Service by mail shall be deemed completed at the time of deposit in the United States mail receptacle. In the event the hearing is held in response to the filing of a complaint, the Department shall also provide notice of the hearing to the complainant.
  
- iii) At the hearing, the owner shall be given an opportunity to be heard and to present evidence on their behalf. Within five (5) calendar days of the conclusion of the hearing, the Director of Planning and Building or their designee shall make written findings and determine whether the permit shall be suspended or revoked. The Department will promptly serve the written findings on the owner.
  
- iv) In the event the permit is suspended or revoked, the owner may appeal the decision to the San Mateo County Planning Commission within fourteen (14) calendar days from the date that the Director of Planning and Building's written determination is mailed to or personally served on the owner. The owner shall file a notice of appeal with the Department on a form provided by the Department, together with any processing fee set forth in the Department fee schedule. Upon receipt of the notice of appeal, the Department shall immediately transmit the appeal, together with all relevant records in the matter, to the Planning Commission.
  
- v) The Planning Commission may, upon receiving a notice of appeal:
  - (1) Review the record of the proceedings held before the Director of Planning and Building or their designee and either affirm or reverse the decision, or it may refer the matter back to the Director of Planning and Building for further proceedings; or



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- (2) Set the matter for hearing before the Planning Commission, providing notice of the hearing as required for hearings before the Director of Planning and Building. At the hearing, the Planning Commission shall hear and decide the matter de novo. The decision of the Planning Commission is final and is not appealable to the Board of Supervisors.
2. *Monitoring.* Upon final approval of this Ordinance, the Department shall implement a monitoring program to determine the efficacy of the Ordinance. The results of this monitoring program shall be presented to the Planning Commission on an annual basis.
3. *Severability.* If any section, subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

(Prior Code § 6401.3; Ord 4777 , 06/06/2017)

## **CHAPTER 8.372 - CHILD CARE CENTERS**

### **8.372.010 - Child Care Facilities.**

The following regulations shall apply to all Child Care Centers located in zoning districts where they are allowed.

### **8.372.020 – Purpose.**

1. Promote and facilitate the provision of infant, toddler, preschool, and school-age child care services in safe and convenient locations (e.g., near housing, workplaces, and regional transit centers) in the unincorporated areas of the County to increase access to child care services for County residents.
2. Ensure child care facilities have the necessary improvements to create safe care environments that are well integrated in their surroundings.
3. Align County regulations pertaining to child care facilities with State regulation.
4. Allow child care centers in certain suitable locations, including institutional (e.g., churches, governmental buildings), commercial, and multiple-family residential sites that are suitably constructed and located to accommodate associated traffic patterns and noise.
5. Streamline the permitting process for child care centers by allowing ministerial permits for child care centers meeting specified criteria.

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6. Minimize traffic, parking, and noise impacts of child care facilities to sensitive receptors (e.g., single-family residential uses, hospitals, residential care facilities).
7. Provide incentives, such as density and floor area bonuses and parking exceptions to child care center developers and service providers to increase the supply of child care services in the County.

**8.372.030 – Definitions.**

For purposes of this Chapter, the following definitions shall apply (Definitions included here are for use in the application of this Chapter only):

1. Accessory Use: A use that is secondary and supportive to the primary use of a property, which is larger in size or intensity.
2. Affiliated Use: Relationship of a Child Care Center to an employment center, residential project, or other use, which is located on the same site, adjacent to, or within 1/4-mile radius of the Child Care Center. A Child Care Center has an affiliation with the employment center, residential project or other use when incentive(s) to use the Child Care Center are provided or will be provided, with the intention of achieving higher enrollment from affiliated uses. Such incentives may be offered by the Child Care Center, the employment center, residential project, or other affiliated use and may include, but are not limited to, fee reductions to employees or residents to use the Child Care Center. A Child Care Center that is an affiliated use may also be available to the public for enrollment.
3. Child Care Center (CCC): State-licensed care facility of any capacity, other than a Small or Large Family Child Care Home, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, including but not limited to, infant centers, preschools, and school-age child care centers.
4. Commercial Zoning Districts: These include commercial zoning districts (e.g., C-1, C-2, C-1/NFO, and C-1/WMP) and Mixed-Use zoning districts (e.g., NMU, NMU-ECR, CMU-1, CMU-2 and CMU-3), as further identified and defined in the Zoning Regulations.
5. Eligible Employment Centers: A project involving property developed or to be developed with one or more businesses that contain a Child Care Center, that does not qualify for State incentives, and meet requirements for County incentives, per Section 8.372.080(B).
6. Eligible Transit-Oriented Development (TOD): A new, existing, or expanded development within 1/4-mile radius of a Transit Center which contains a Child Care Center and meets the requirements for listed incentives, per Section 8.372.080(C)
7. Environmentally Sensitive Area (ESA): An area containing an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.<sup>2</sup>
8. Facility: For the purposes of this Chapter, a facility includes all buildings, structures, play areas, playground structures, and developed outdoor areas (i.e., grass lawns, landscaping) used in the operation of the Child Care Center.

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<sup>2</sup> The definition of ESA is consistent with Section 15300.2 of the CEQA Guidelines.

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9. Gross Floor Area: The sum (in square feet) of the area of each floor level in the building(s) of a facility, including classrooms, assembly rooms, lobbies, and offices that are within the outside faces of exterior walls, for the purpose of calculating required parking. This area excludes kitchens, restrooms, and storage rooms and closets.
10. Institutional Building: Building located on properties within an institutional zoning district and/or designated for Institutional Use by the General Plan, and/or containing an institutional primary use, as defined by the County's General Plan, in which such use is located within an existing building. For the purposes of this Chapter, this definition excludes existing adult and senior care facilities, defined as licensed, non-medical facilities providing residential, or daytime care to adults and seniors, including senior assisted living facilities, hospice care facilities, and other similar care facilities.
11. Large Family Child Care Home: State-licensed, residence-based care facility for up to 14 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a large family child care home is considered a residential use of property for the purposes of all County ordinances.
12. Location within an Existing Building: Location of a Child Care Center within an existing building and/or facility that does not involve the development of or expansion of building(s), structure(s), property(ies) or outdoor areas from pre-project conditions, with the exception of the construction or installation of play equipment, landscaping or fencing within existing disturbed outdoor areas.
13. Mixed-Use Zoning Districts: These include NMU, NMU-ECR, CMU-1, CMU-2 and CMU-3 zoning districts, as further identified and defined in the Zoning Regulations.
14. Multiple-Family Residential Building: Residential building containing three (3) or more dwelling units, excluding accessory dwelling units and farm labor housing units.
15. Noise Reduction Measures: Measures installed along a property line shared between a Child Care Center and a noise-sensitive receptor which are intended to provide noise dampening for outdoor play areas. Such measures may include installation of landscaping, trees, or installation of other noise dampening structures/materials.
16. Noise-Sensitive Receptor: Use such as, but not limited to, single-family residential uses, hospitals, and residential care facilities that contain persons that may be sensitive to noise (i.e., noise from outdoor play areas).
17. Public Facility: Property with a primary use meeting the definition of public facilities as defined in the Zoning Regulations where such use is located within a building.
18. Residential Zoning Districts: R-1, R-2, R-3, R-3-A, PC, R-E, and RH zoning districts, excluding PUD and MH zoning districts, as further identified and defined in the Zoning Regulations.
19. Rural: Properties designated as rural by the County's General Plan and located outside the County's Urban Rural Boundary.
20. Site: Pertaining to Child Care Centers, site includes both the developed land and undeveloped land intended for the location of a Child Care Center, including existing and/or proposed structures associated with the use.

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21. Small Family Child Care Home: State-licensed, residence-based care facility for up to 8 children, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting, operated at the residence of the license holder. Pursuant to State law, a small family child care home is considered a residential use of property for the purposes of all County ordinances.
22. Tandem Parking Space: Tandem parking spaces are configured where one parking space is in front of or in back of the other such that one car must be moved out of the way in order for the second car to exit.
23. Transit Center: Site containing any of the following: (a) an existing rail or bus rapid transit station or (b) the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.
24. Urban: Properties designated as urban by the County's General Plan and located within the County's Urban Rural Boundary.

### **8.372.040 - Small And Large Family Child Care Homes.**

The establishment and operation of a Small or Large Family Child Care Home is permitted in any legal single- or multiple-family residence and does not require a planning permit. A building permit is required for any new construction or remodeling of the structure. Use of a single-family dwelling for the purposes of a Small or Large Family Child Care Home shall not constitute a change of occupancy for purposes of Part 1.5 of Division 13 (State Housing Law), or for purposes of local building and fire codes. A Coastal Development Permit may be required in the Coastal Zone if the facility does not meet the criteria for a Coastal Development Permit Exemption.

### **8.372.050 - Child Care Centers On Public School Property.**

Child Care Centers (CCCs) located on property owned or leased by a public school district are not subject to County Zoning Regulations, if the school district has adopted a resolution exempting the school district from the application of County Zoning Regulations. In the Coastal Zone, such CCCs may require a Coastal Development Permit or Coastal Development Permit Exemption and may require environmental review under the California Environmental Quality Act.

### **8.372.060 - Child Care Centers, Ministerial Permit Criteria And Requirements.**

- A. Ministerial Permit Criteria and Requirements: CCCs meeting the following criteria and requirements, as determined by the **Director of Planning and Building**, are eligible for a ministerial permit.
  1. State and County regulations:
    - a. The provider shall secure a license from the State of California Department of Social Services (Community Care Licensing Division).
    - b. The facility shall comply with all applicable State and County regulations, including completing a fire safety inspection to the standards set by the Building Inspection Section. Where County and State requirements conflict, State requirements shall apply.
    - c. The facility shall comply with any applicable Airport Land Use Plan.

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- d. Areas of Special Flood Hazard: In accordance with Chapter 8.300 of the Ordinance Code, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) and operator shall submit an emergency evacuation plan. Emergency evacuation plans are subject to review by the County, with approval obtained prior to occupancy of the building. Emergency evacuation plans shall meet applicable Federal Emergency Management Agency (FEMA) guidelines.
- e. A building permit is required for construction or remodeling of any CCC or change from another use to a CCC use.
- f. Outdoor uses associated with CCCs that meet the requirements of this Section do not require a Use Permit.
- g. In Design Review Districts:
  - i. For new construction or exterior modifications, the facility shall be consistent with applicable design review standards. For CCCs involving the conversion of a single-family residence, design review standards pertaining to residential development shall apply. Access ramps, e.g., for wheelchair or stroller access, shall not be considered alterations to the character of the building.
  - ii. Design review permits shall be processed according to the procedure set forth in Chapter 8.256 of the Zoning Regulations, with the exception of appeals, which shall follow the process outlined in this Section.
  - iii. Appeals: A decision on a Design Review permit is appealable to the Planning Commission; the Planning Commission decision is the final local decision and is not subject to further administrative appeal.

2. Locational Criteria:

- a. Outside the Coastal Zone, proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 1.
- b. Within the Coastal Zone, a proposed CCC development is eligible for a ministerial permit if the development meets the criteria of this Section and applicable locational criteria pertaining to the type of development proposed, as set forth in Table 2.

<b>Table 1</b>		
<b>Locational Criteria for Ministerial Permits for Child Care Centers</b>		
<b>Outside of the Coastal Zone</b>		
Project Types	Ministerial Permit	Use Permit
<b>1. Conversion of an existing Single-Family Residence or a portion of a Multiple-Family Residential Building to a CCC, including expansion</b>		
Applies to sites in a Residential, Mixed-Use, or Commercial Zoning District and property is of conforming size	X	
Urban or Rural area	X	

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Parking Requirement Met: provides one on-site parking space per six children enrolled	X	
Expansion allowed when compliant with the development standards of the applicable zoning district	X	
Design Review District: Development must comply with design review standards and permitting requirements pertaining to residences.	X	
<b>2. Location of a CCC in an existing building in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District, or in an existing Institutional Building or Public Facility, including minor expansion</b>		
Applies to sites zoned or designated by the General Plan for one of the listed uses, or in an existing Institutional Building or Public Facility	X	
Expansion allowed up to 50% of the floor area of the structure before the addition, or 2,500 square feet in floor area, whichever is less	X	
Located in or outside of area served by public utilities and roads	X	
Located in or outside of Environmentally Sensitive Area (ESA)	X	
Located in or outside of Scenic Corridor	X	
<b>3. Location of a CCC in an existing building in an Institutional, Commercial, or Commercial/ Residential Mixed-Use Zoning District, including major expansion</b>		
Expansion allowed up to 10,000 square feet in floor area on sites zoned or designated by the General Plan for one of the listed uses	X	
Site is served by public utilities and roads	X	
Located in ESA or Scenic Corridor		X
<b>4. New CCC building in a Commercial, Commercial/ Residential Mixed-Use Zoning District, or Institutional Zoning District</b>		
Applies to sites zoned or designated by the General Plan for one of the listed uses	X	
New Building up to 10,000 sq. ft. in Urban areas	X	
New Building up to 2,500 sq. ft. in Rural areas	X	
Site is served by public utilities and roads	X	
Located in an ESA or Scenic Corridor		X
<b>5. A CCC involving replacement or reconstruction of an existing building</b>		
The new building must be substantially the same size, purpose, and capacity, on the same site as the building replaced (no limit to size or location), as determined by the Director of Planning and Building	X	
Located in or outside of ESA or Scenic Corridor	X	

<p><b>Table 2</b> <b>Locational Criteria for Ministerial Permits for Child Care Centers</b> <b>Within the Coastal Zone</b></p>
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Project Types	Ministerial Permit	Use Permit and CDP
<b>1. Location of a CCC in an existing building in an Institutional or Commercial Zoning District or in an existing Institutional Building or Public Facility, including expansion</b>		
Applies to sites in an Institutional or Commercial Zoning District or designated for such use by the General Plan, or in an existing Institutional Building or Public Facility	X	
Design Review District: Development must comply with design review standards and permitting requirements.	X	
Coastal Commission Appeals Jurisdiction (CCC APJ) or Scenic Corridor: Expansion of less than 10% of existing internal floor area allowed; no additional stories/loft.	X	
Site is served by public utilities and roads or does not involve expansion or construction of water wells or septic systems	X	
Areas of Special Flood Hazard: In accordance with Chapter 8.300 of the Zoning Regulations, the project shall not involve an intensification of use (e.g., building occupancy shall remain equal to or lesser than the existing occupancy) and operator shall submit an emergency evacuation plan	X	
Conversion of a visitor-serving commercial use		X
Located within a sensitive habitat or buffer zone		X
<b>2. Conversion of Single-Family Residence in a Residential Zoning District to a CCC</b>		X
<b>3. New CCC building or replacement or reconstruction of an existing building</b>		X

3. Parking Requirements:

- a. Required parking spaces may be uncovered or covered. Tandem Parking Spaces count toward required parking.
- b. Space Dimensions: Each parking space must be a minimum of 19 feet long by 9 feet wide.
- c. Required On-Site Parking:
  - i. CCC as Primary Use: 1 parking space is required for every 4 children or 3 parking spaces for every 1,000 square feet of Gross Floor Area, whichever is lower.
  - ii. CCC as Accessory, Affiliated Use, or located within 1/4-mile radius of a Transit Center: 1 parking space is required for every 8 children or 1.5 parking spaces for every 1,000 sq. ft. of Gross Floor Area, whichever is lower. Required parking for a CCC that is an Accessory or Affiliated Use shall be separately identified from other on-site parking using signage or

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other markers and reserved for CCC use only. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.

- iii. CCC located within a Converted Residence: One on-site parking space shall be required for every 6 children enrolled.

4. Play Area Requirements:

a. CCC adjoining a Noise-Sensitive Receptor:

- i. Install Noise Reduction Measures as defined in Section 8.372.030 along the shared property line(s) adjoining a Noise-Sensitive Receptor. Noise Reduction Measures shall not block access clearance. Large play structures may not be located within 5 feet of the shared property line(s).
- ii. Install a minimum 6-foot high solid wood fence or masonry wall around any rear and side yard play areas that adjoin a Noise-Sensitive Receptor. The facility shall also provide a minimum 4-foot high fence in all other play yard areas. Fences shall comply with County fence height regulations.

5. Lighting: All outdoor light sources shall be downward-directed and shielded to confine rays to the site and specific task areas.

**B. Ministerial Procedure:**

1. Applications shall be made to the County Planning and Building Department and shall include:

- a. Plans: Plans should be as accurate as possible and do not need to be drawn by a licensed professional, unless required for design review applications.
  - i. a site plan, showing all buildings on the property, designated play yards and their overall size, adjacent structures and their use, the type and height of fences and gates on or along all property boundaries, walkways, on- and off-site parking areas, all areas off limits to children and potential hazardous areas such as pools, garbage storage, animal pens;
  - ii. a floor plan, showing all rooms, door and window exits, and areas off limits to children;
  - iii. building elevations or photos if there are no changes or only minor changes to the exterior;
- b. an operations plan with hours of operation;
- c. the number of full- and part-time employees; and
- d. any proposed areas of construction.

2. Projects in DR Districts that involve new construction or exterior modifications shall submit the materials required in Section 8.256.060 of the DR Chapter.

3. In the Coastal Zone: No Coastal Development Permit Exemption fee shall be charged.



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4. The Director of Planning and Building or their designee determines whether a CCC project is in full compliance with the standards and requirements in this Chapter for a ministerial permit.
  5. Public notice prior to consideration or issuance of the requested permit is not required.
  6. All property owners within 100 feet of the exterior boundaries of the property for which the facility is approved shall receive a copy of the letter of decision.
  7. The decision on a permit is not appealable.
  8. Permit renewal is not required.
- C. Existing Child Care Centers: All existing CCCs qualifying for a ministerial permit and currently operating with an approved use permit shall apply for and obtain a ministerial permit upon expiration of their use permit.
- D. Revocation: The Director of Planning and Building, or their designee, may revoke a ministerial permit, pursuant to the process outlined in Section 8.280.050, if: (a) the State facility license is revoked for any reason, or (b) the CCC fails to comply with the requirements of this Chapter, the County-issued permit, or any other County regulation.

**8.372.070 - Child Care Centers, Use Permit.**

Child Care Centers that do not meet the criteria for a ministerial permit may be permitted with the issuance of a Use Permit.

- A. Use Permit Requirements:
1. Compliance with State and County regulations:
    - a. See Requirements under Section 8.372.060.(A), with the exception of locational criteria.
    - b. CCCs shall not be considered a Major Development Project, as defined in Chapter 8.288.
    - c. Within the Coastal Zone, a Coastal Development Permit (CDP) is required.
    - d. In Design Review Districts:
      - i. For new construction or exterior modifications, the facility shall be consistent with applicable design review standards. For CCCs involving the conversion of a single-family residence, design review standards pertaining to residential development shall apply. Access ramps, e.g., for wheelchair or stroller access, shall not be considered alterations to the character of the building.
      - ii. Design Review permits shall be processed according to the procedure set forth in Chapter 8.256 of the Zoning Regulations, with the exception of the appeal process which shall follow the process outlined for appeal of a Use Permit in this Section.
  2. Parking: Parking requirements of Section 8.372.060 (Child Care Centers –Ministerial Permit Criteria and Requirements) shall apply. A proposal for a reduction in required parking spaces or parking requirements may be considered through the Use Permit process.

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3. Play Areas: Play Area requirements of Section 8.372.060 (Child Care Centers-- Ministerial Permit Criteria and Requirements) shall apply.
4. Lighting: All outdoor light sources shall be downward-directed and shielded to confine rays to the site and specific task areas.

B. Procedure:

1. Use Permits shall be processed according to the procedure set forth in Chapter 8.280 of the Zoning Regulations, with the exception of the appeal process which shall follow the process outlined in this Section. Approval of a Use Permit is subject to the required finding set forth in Chapter 8.280 of the Zoning Regulations: that the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in said neighborhood.
  2. Appeals: A decision on a Use Permit for a CCC is appealable to the Planning Commission, which shall be considered the final local decision and may not be appealed. Within the Coastal Zone, the same process shall apply, except that if the Use Permit is granted, the final local decision is appealable to the California Coastal Commission.
  3. Administrative Reviews and Permit Renewal: Use Permits shall establish regular administrative reviews according to a schedule determined by the decision-making authority and set forth in the permit. There shall be no requirement for Use Permit renewal.
- C. Revocation: The Director of Planning and Building, or their designee, may revoke a Use Permit, pursuant to the process outlined in Section 8.280.050, if: (a) the State facility license is revoked for any reason, or (b) if the CCC fails to comply with the requirements of this Chapter, the County-issued permit, or any other County regulation.

**8.372.080 - Incentives For The Provision Of Child Care Centers.**

The County's grant of any of the incentives described in this Section is subject to proposal by the applicant who shall demonstrate compliance with criteria at the time of permit application for the permits outlined in this Chapter. The decision-making authority for the CCC will determine whether criteria are adequately met and, if so, will grant the applicable bonus, concession, or incentives, at the time the permit is approved.

A. State Density Bonus Provisions for CCCs in Effect at the Time of Application:

When an applicant proposes a project that meets the requirements of the State Density Bonus Law, the County shall follow the provisions of State law to determine the applicable density bonus and additional concession(s) or incentive(s). Examples of projects that qualify under State Law include, but are not limited to: (1) a housing development including a child care facility (Government Code Section 65915(h)) and (2) a minimum 50,000 sq. ft. commercial or industrial development including a child care facility (Section 65917.5). Within the coastal zone only: State Density Bonus Law provisions associated with Zoning Regulations Chapter 22.6 (or its successor) shall only apply to child care center development if (1) Zoning Regulations Chapter 22.6

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is updated and certified by California Coastal Commission after October 14, 2022; and (2) the so certified Chapter 22.6 allows for its application to child care center development.

**B. Floor Area Ratio (FAR) Bonus and Parking Waiver for Eligible Employment Centers:**

These incentives apply to development which does not meet the size and use qualifications provided by State Density Bonus Law relating to Child Care Centers installed, operated and maintained in a commercial or industrial project (e.g., Section 65917.5). Projects eligible for a density bonus under the California Government Code are not be eligible for this incentive.

1. Incentives: For CCCs that will be located on the same property as an Eligible Employment Center, the following incentives are available:
  - a. Floor Area Ratio (FAR) Bonus: The FAR of the CCC shall be excluded from the total maximum FAR established by the zoning district; and
  - b. 50% Parking Waiver: Required parking shall be calculated as fifty-percent (50%) of the required parking for the Child Care Center as established in this Chapter. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.
2. Eligible Employment Center Requirements: An Eligible Employment Center must meet the following requirements to receive the incentives listed above:
  - a. The CCC shall meet the definition of an Affiliated Use, as it pertains to an employment center.
  - b. The area designated as a CCC on project plans shall only be used as a CCC and must remain in operation and shall not be reduced in physical size, unless the Planning Commission finds that the need for child care services is no longer present or is not present to the same degree as it was at the time the facility was established. Required parking for the CCC shall be maintained for the life of the CCC.
  - c. The CCC may be, but is not required to be, operated by a private care provider.
  - d. The employer(s) must employ a total or combined minimum of 50 employees.
  - e. The CCC may be, but is not required to be, available to the public for enrollment.
  - f. For employer(s) with fewer than 100 employees, the CCC must serve a minimum of 20 children. For employer(s) with over 100 employees, the CCC must serve a minimum of 40 children. Children served include all children enrolled at the center, including children of employees and non-employees of the employer(s).
  - g. The employer(s) receiving incentive(s) listed above must retain the CCC as an Affiliated Use and promote the use of the center to its employees, including, but not limited to, offering enrollment incentives.
  - h. Employer(s) within the Employment Center may change and be replaced with other businesses meeting the criteria of this Section.
  - i. The above requirements shall be added as permit conditions at the time of project approval.
3. Continuation of CCC Use: If the business(es) of an Employment Center discontinue their operation and are not immediately replaced with business(es) meeting the above criteria, the CCC may continue to operate without providing any additional parking.

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C. Density and FAR Bonus and Parking Waiver for Eligible Transit-Oriented Development (TOD):

These incentives apply to Eligible Transit-Oriented Development which does not meet the size and use qualifications provided by State Density Bonus Law. Projects eligible for a density bonus under the California Government Code are not be eligible for these incentives.

1. Incentives: For CCCs that will be located in an Eligible TOD, the following incentives are available:

- a. Density Bonus: An additional density bonus or density bonuses of 10% of the maximum dwelling units/acre for the site established by the zoning district or land use designation of the General Plan, if no maximum dwelling units/acre is established by the zoning district, whichever is greater. The method for calculating the number of density bonus units shall follow Chapter 8.436 (Density Bonus), of the Zoning Regulations.
- b. FAR Bonus: The FAR of the CCC shall be excluded from the total maximum FAR for the site established by the zoning district.
- c. 50% Parking Waiver: Required parking shall be calculated as fifty-percent (50%) of the required parking for the Child Care Center as established in this Chapter. Bicycle racks to accommodate parking of 10 bicycles on-site shall be provided.

2. Requirements: An Eligible TOD must meet the following requirements to receive the incentives listed above:

- a. The CCC shall be established within a 1/4-mile radius of a Transit Center, as defined in this Chapter.
- b. The area designated as a CCC on project plans shall only be used as a CCC and must remain in operation and shall not be reduced in physical size, unless the Planning Commission finds that the need for childcare services is no longer present or is not present to the same degree as it was at the time the facility was established. Required parking for the CCC shall be maintained for the life of the CCC.
- c. The property owner for the Eligible TOD receiving incentive(s) listed above must promote the use of the center to the public, including, but not limited to, offering enrollment incentives.
- d. The CCC must serve a minimum of 40 children.
- e. The CCC may be, but is not required to be, operated by a private care provider.

The above requirements shall be added as permit conditions at the time of project approval.

3. Continuation of CCC Use: If the operations of the associated Transit Center discontinue or no longer meet the definition of Transit Center established by Chapter, the CCC may continue to operate without providing any additional parking.

**8.372 .090 - Existing Unpermitted Facilities.**

A. Requirement for an After-the-Fact Permit for Child Care Facilities:

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1. Existing CCCs Currently Operating without a Permit. Operators of existing CCCs operating without a permit shall meet the requirements of, apply for, and obtain a permit as specified in this Chapter. Operators of unpermitted CCC(s) shall submit a complete application for such permit, to the satisfaction of the Planning and Building Department, and obtain such permit within one (1) year of the effective date of this Ordinance. Failure to do so may result in referral of the unpermitted facility to the Planning and Building Department’s Code Compliance Section, which may result in administrative citations and fines as set in Chapter 1.40 (Administrative Remedies) of the San Mateo County Ordinance Code.
  
- B. Amnesty Program: This Section establishes a streamlined process for existing CCCs that meet the following eligibility criteria. Section 8.372.090.B shall sunset one (1) year after the effective date of the Ordinance.
  1. Eligibility Criteria: To qualify for the amnesty program, a CCC shall have been in continuous operation at the subject location for a minimum of 3 years prior to the effective date of this Ordinance, as confirmed by State license documentation.
  
  2. Permit Requirement and Process:
    - a. Conforming facilities are eligible for a ministerial permit, as described in Section 8.372.060. Conforming facilities are facilities that conform (currently or through permitted modification) to all requirements of Section 8.372.010 Any modifications required to bring the facility into conformance with Section 6420 shall be made a condition of permit approval.
  
    - b. Non-conforming facilities require a Use Permit, as described in Section 8.372.070. The non-conforming aspects may be granted an exception from requirements of Section 8.372.010 as allowed in the Zoning Regulations. Non-conforming facilities are facilities that cannot be feasibly made to conform (currently or through permitted modification) to the requirements of Section 8.372.010.

**8.372.100 - Relationship Of The Child Care Ordinance To Other County Regulations.**

On May 4, 2021 the Board repealed the former Section 6401.2. (General Provisions Relating to Large Family Day Care Homes) with this Ordinance (Chapter 8.372). When a discrepancy exists between the permissions, requirements, and procedures outlined in this Chapter and those of an individual zoning district pertaining to Child Care Facilities, the permissions, requirements, and procedures of this Chapter shall apply.

Section 6401.2 repealed and Chapter 22.2 added by Ordinance No. 4844 – May 4, 2021

Sections 6420.4.2. (Table 2) and 6420.5. amended by Ordinance No. 4874 – March 28, 2023); Certified by Coastal Commission on May 11, 2023

**CHAPTER 8.376 - WIRELESS TELECOMMUNICATION FACILITIES**

**8.376.010 - Purpose.**

The purpose of this chapter is to establish regulations for the establishment of wireless telecommunication facilities within the unincorporated area of San Mateo County, consistent with the General Plan, and with the intent to:

- A. Allow for the provision of wireless communications services adequate to serve the public's interest within the County.
- B. Require, to the maximum extent feasible, the co-location of wireless telecommunication facilities.
- C. Encourage and require, to the maximum extent feasible, the location of new wireless telecommunication facilities in areas where negative external impacts will be minimized.
- D. Protect and enhance public health, safety, and welfare.
- E. The regulations in this chapter are intended to be consistent with State and Federal law, particularly the Federal Telecommunications Act of 1996, in that they are not intended to (1) be used to unreasonably discriminate among providers of functionally equivalent services; (2) have the effect of prohibiting personal wireless services within San Mateo County; or (3) have the effect of prohibiting the siting of wireless communication facilities on the basis of the environmental/health effects of radio frequency emissions, to the extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions.

**8.376.020 - Definitions.**

For purposes of this chapter, the following terms shall have the meanings set forth below:

- A. "Abandoned." A facility shall be considered abandoned if it is not in use for six consecutive months.
- B. "Administrative review" means consideration of a proposed co-location facility by staff for consistency with the requirements of this chapter, the consideration of which shall be ministerial in nature, shall not include conditions of approval, and shall not include a public hearing.
- C. "Co-location" means the placement or installation of wireless telecommunication facilities, including antennas and related equipment on, or immediately adjacent to, an existing wireless telecommunication facility.
- D. "Co-location facility" means a wireless telecommunication facility that has been co-located consistent with the meaning of "co-location" as defined in Section 8.376.020.C. It does not include the initial installation of a new wireless telecommunication facility that will support multiple service providers.

- E. “Wireless telecommunication facility” or “WTF” means equipment installed for the purpose of providing wireless transmission of voice, data, images, or other information including, but not limited to, cellular telephone service, personal communications services, and paging services, consisting of equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems. Wireless telecommunication facility does not include radio or television broadcast facilities.

**8.376.030 - Permit Requirements And Standards For New Wireless Telecommunication Facilities That Are Not Co-Location Facilities.**

All new wireless telecommunication facilities that are not co-location facilities must meet the following standards and requirements:

**I. Permit Requirements For New Wireless Telecommunication Facilities That Are Not Co-Location Facilities.**

A use permit will be required for the initial construction and installation of all new wireless telecommunication facilities, in accordance with requirements, procedures, appeal process, and revocation process outlined in Chapter 8.280 of the Zoning Regulations, except as modified by this chapter.

**II. Development And Design Standards For New Wireless Telecommunication Facilities That Are Not Co-Location Facilities.** All new wireless telecommunication facilities must meet the following minimum standards. Where appropriate, more restrictive requirements may be imposed as a condition of use permit approval.

- A. New wireless telecommunication facilities shall be prohibited in a Sensitive Habitat, as defined by Policy 1.8 of the General Plan (Definition of Sensitive Habitats) for facilities proposed outside of the Coastal Zone, and by Policy 7.1 of the Local Coastal Program (Definition of Sensitive Habitats) for facilities proposed in the Coastal Zone, except when all of the following written findings are made by the reviewing authority: (1) There is no other feasible location(s) in the area; and (2) There is no alternative facility configuration that would avoid impacts to environmentally sensitive habitat areas; and (3) Prohibiting such facility would be inconsistent with federal law; and (4) Adverse impacts to the sensitive habitat are minimized to the maximum extent feasible; and (5) Unavoidable impacts are mitigated so that there is no loss in habitat quantity or biological productivity.
- B. New wireless telecommunication facilities shall not be located in areas zoned Residential (R), unless the applicant demonstrates, by a preponderance of the evidence, that a review has been conducted of other options, and no other sites or combination of sites allows feasible service or adequate capacity and coverage. This review shall include, but is not limited to, identification of alternative site(s) within 2.5 miles of the proposed facility. See Section 8.376.030(V) for additional application requirements.
- C. New wireless telecommunication facilities shall not be located in areas where co-location on existing facilities would provide equivalent coverage with less environmental impact.

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- D. Except where aesthetically inappropriate, new wireless telecommunication facilities must be constructed so as to accommodate co-location, and must be made available for co-location unless technologically infeasible.
- E. The adverse visual impact of utility structures shall be avoided by: (1) siting new wireless telecommunication facilities outside of public viewshed whenever feasible; (2) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (3) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening wireless telecommunication facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing wireless telecommunication facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. Landscaping shall be maintained by the property or facility owner and/or operator. The landscape screening requirement may be modified or waived by the Director of Planning and Building or their designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- F. Paint colors for the wireless telecommunication facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the wireless telecommunication facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- G. The exteriors of wireless telecommunication facilities shall be constructed of non-reflective materials.
- H. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, Design Review in the DR district(s), Architectural Review in designated Scenic Corridors, and Coastal Development Permit regulations in the CZ or CD zones.
- I. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
  - 1. In the PAD, RM, RM-CZ, TPZ, and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less.
  - 2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that new or co-located equipment on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district, or, if the public right-of-way is not in a district, in the closest



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adjacent district, by 10% of the height of the existing structure, or by five feet, whichever is less.

3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district.
  
- J. In any Residential (R) district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of Chapter 8.348 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.
  
- K. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.
  
- L. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

**III. Performance Standards For New Wireless Telecommunication Facilities That Are Not Co-Location Facilities.**

No use may be conducted in a manner that, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Wireless telecommunication facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
  
- B. The applicant shall file, receive, and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the wireless telecommunication facility. The applicant shall supply the Planning and Building Department with evidence of these licenses and registrations. If any required license is ever revoked, the applicant shall

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inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.

- C. Once a use permit is obtained, the applicant shall obtain a building permit and build in accordance with the approved plans.
- D. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
- E. The wireless telecommunication facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC license and registration are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
- F. Wireless telecommunication facilities shall be maintained by the permittee(s) and subsequent owners in a manner that implements visual resource protection requirements of Section 8.376.030(II)(E), and (F) above (e.g., landscape maintenance and painting), as well as all other applicable zoning standards and permit conditions.
- G. Road access shall be designed, constructed, and maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.
- H. A grading permit may be required, per Chapter 10.68 of the County Ordinance Code. All grading, construction and generator maintenance activities associated with the proposed project shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday or as further restricted by the terms of the use permit. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed 80-dBA at any time.
- I. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.
- J. If technically practical and without creating any interruption in commercial service caused by electronic magnetic interference (EMI), floor space, tower space and/or rack space for equipment in a wireless telecommunication facility shall be made available to the County for public safety communication use.

**IV. Additional Requirements And Standards For Wireless Telecommunication Facilities In The Coastal Zone.**

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- A. New wireless telecommunication facilities shall not be located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, unless no feasible alternative exists, the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. New wireless telecommunication facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning District.
- C. At the time of renewal of the Use Permit in accordance with Section 8.376.030 (VI) or the Coastal Development Permit (CDP) in accordance with Section 8.376.030(IV)C, or at the time of an amendment to the Use Permit or Coastal Development Permit, if earlier, the applicant shall incorporate all feasible new or advanced technologies that will reduce previously unavoidable environmental impacts, including reducing visual impacts in accordance with Section 8.376.030(II)(E), to the maximum extent feasible.
- D. New wireless telecommunication facilities shall obtain a CDP, pursuant to Section 8.252.050, and the period of development authorization for any such CDP shall be limited to ten years.

**V. Application Requirements For New Wireless Telecommunication Facilities That Are Not Co-Location Facilities.**

- A. A Major Development Pre-Application will be required for all new wireless telecommunication facilities in accordance with the procedures outlined in Chapter 8.288 of the San Mateo County Ordinance Code, unless there is an existing wireless telecommunication facility within a 1-mile radius of the proposed facility. This requirement may be waived at the discretion of the Director of Planning and Building or their designee.
- B. In addition to the requirements set forth in Chapter 24, Use Permits, applicants for new wireless telecommunication facilities shall submit the following materials regarding the proposed wireless telecommunication facility:
  - 1. A completed Planning Permit application form.
  - 2. A completed Use Permit for a Cellular or Other Personal Wireless Telecommunication Facility Form.
  - 3. A completed Environmental Information Disclosure Form.
  - 4. Proof of ownership or statement of consent from the owner of the property.

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5. A site plan, including a landscape plan (if appropriate under the provision of Section 8.376.030(II)(E)), and provisions for access.
6. Elevation drawing(s).
7. Photo simulation(s) of the wireless telecommunication facility from reasonable line-of-sight locations from public roads or viewing locations.
8. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.
9. A maintenance plan detailing the type and frequency of required maintenance activities, including maintenance of the access road.
10. For projects that are technically capable of accommodating additional facilities, a description of the planned maximum ten-year buildout of the site for the applicant's wireless telecommunication facilities, including, to the extent possible, the full extent of wireless telecommunication facility expansion associated with future co-location facilities by other wireless telecommunication facility operators. The applicant shall use best efforts to contact all other wireless telecommunication service providers in the County known to be operating in the County upon the date of application, to determine the demand for future co-locations at the proposed site, and, to the extent feasible, shall provide written evidence that these consultations have taken place, and a summary of the results, at the time of application. The County shall, within 30 days of its receipt of an application, identify any known wireless telecommunication providers that the applicant has failed to contact and with whom the applicant must undertake their best efforts to fulfill the above consultation and documentation requirements. The location, footprint, maximum tower height, and general arrangement of future co-locations shall be identified by the 10-year buildout plan. If future co-locations are not technically feasible, an explanation shall be provided of why this is so.
11. Identification of existing wireless telecommunication facilities within a 2.5-mile radius of the proposed location of the new wireless telecommunication facility, and an explanation of why co-location on these existing facilities, if any, is not feasible. This explanation shall include such technical information and other justifications as are necessary to document the reasons why co-location is not a viable option. The applicant shall provide a list of all existing structures considered as alternatives to the proposed location. The applicant shall also provide a written explanation why the alternatives considered were either unacceptable or infeasible. If an existing tower was listed among the alternatives, the applicant must specifically address why the modification of such tower is not a viable option. The written explanation shall also state the radio frequency coverage and/or capacity needs and objective(s) of the applicant.
12. A statement that the wireless telecommunication facility is available for future co-location projects, or an explanation of why future co-location is not technologically feasible.

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13. A Radio Frequency (RF) report describing the emissions of the proposed wireless telecommunication facility and, to the extent reasonably ascertainable, the anticipated increase in emissions associated with future co-location facilities.
14. The mandated use permit application fee, and other fees as applicable.
15. Depending on the nature and scope of the project, other application materials, including but not limited to a boundary and/or topographical survey, may be required.
16. Applications for the establishment of new wireless telecommunication facilities inside Residential (R) zoning districts and General Plan land use designations shall be accompanied by a detailed alternatives analysis that demonstrates that there are no feasible alternative non-residential sites or combination of non-residential sites available to eliminate or substantially reduce significant gaps in the applicant carrier's coverage or network capacity.

**VI. Use Permit Term, Renewal And Expiration.**

Use permits for wireless telecommunication facilities, including approval of the ten-year buildout plan as specified by Section 8.376.030(V).B.10, shall be valid for ten years following the date of final approval. The applicant shall file for a renewal of the use permit and pay the applicable renewal application fees six months prior to expiration with the County Planning and Building Department, if continuation of the use is desired. In addition to providing the standard information and application fees required for a use permit renewal, wireless telecommunication facility use permit renewal applications shall provide an updated buildout description prepared in accordance with the procedures established by Section 8.376.030(V).B.10.

Where required, renewals for use permits for existing wireless telecommunication facilities constructed prior to the effective date of this chapter [January 9, 2009] are subject to the provisions of Sections 6512 through 6512.5. Renewals of use permits approved after the effective date of this chapter shall only be approved if all conditions of the original use permit have been satisfied, and the ten-year buildout plan has been provided. If the use permit for an existing wireless telecommunication facility has expired, applications for co-location at that site, as well as after-the-fact renewals of use permits for the existing wireless telecommunication facilities, will be subject to the standards and procedures for new wireless telecommunication facilities outlined in Sections 8.376.030 (I) through (V).

**8.376.040 - Permit Requirements And Standards For Co-Location Facilities.**

A. Co-location Facilities Requiring a Use Permit. In accordance with Section 65850.6 of the California Government Code, applications for co-location will be subject to the standards and procedures outlined for new wireless telecommunication facilities, above (in Section 8.376.030 (I) through (VI)), if any of the following apply:

1. No use permit was issued for the original wireless telecommunication facility,

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2. The use permit for the original wireless telecommunication facility did not allow for future co-location facilities or the extent of site improvements involved with the co-location project, or
  3. No Environmental Impact Report (EIR) was certified, or no Negative Declaration or Mitigated Negative Declaration was adopted for the location of the original wireless telecommunication facility that addressed the environmental impacts of future co-location of facilities.
- B. Permit Requirements for Other Co-location Facilities. Applications for all other co-locations shall be subject to a building permit approval. Prior to the issuance of a building permit for co-location, the applicant shall demonstrate compliance with the conditions of approval, if any, of the original use permit, by submitting an application to the Planning and Building Department for an administrative review of the original use permit, including all information requests and all associated application fees, including specifically those for administrative review of a use permit, which fee shall be equivalent to the fee established for a use permit inspection.

**I. Development And Design Standards For Co-Location Facilities.**

- A. The co-location facility must comply with all approvals and conditions of the underlying use permit for the wireless telecommunication facility.
- B. The adverse visual impact of utility structures shall be avoided by: (1) maximizing the use of existing vegetation and natural features to cloak wireless telecommunication facilities; and (2) constructing towers no taller than necessary to provide adequate coverage. When visual impacts cannot be avoided, they shall be minimized and mitigated by: (a) screening co-location facilities with landscaping consisting of non-invasive and/or native plant material; (b) painting all equipment to blend with existing landscape colors; and (c) designing co-location facilities to blend in with the surrounding environment. Attempts to replicate trees or other natural objects shall be used as a last resort. To the extent feasible, the design of co-location facilities shall also be in visual harmony with the other wireless telecommunication facility(ies) on the site. Landscaping shall be maintained by the owner and/or operator. The landscape screening requirement may be modified or waived by the Director of Planning and Building or their designee in instances where it would not be appropriate or necessary, such as in a commercial or industrial area.
- C. Paint colors for the co-location facility shall minimize its visual impact by blending with the surrounding environment and/or buildings. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location facility. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.
- D. The exteriors of co-location facilities shall be constructed of non-reflective materials.
- E. The wireless telecommunication facility shall comply with all the requirements of the underlying zoning district(s), including, but not limited to, setbacks, and Coastal Development Permit regulations in the CZ or CD zones.

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- F. Except as otherwise provided below, ground-mounted towers, spires and similar structures may be built and used to a greater height than the limit established for the zoning district in which the structure is located; provided that no such exception shall cover, at any level, more than 15% in area of the lot nor have an area at the base greater than 1,600 sq. ft.; provided, further that no tower, spire or similar structure in any district shall ever exceed a maximum height of 150 feet.
1. In the PAD, RM, RM-CZ, TPZ and TPZ-CZ districts, in forested areas, no structure or appurtenance shall exceed the height of the forest canopy by more than 10% of the height of the forest canopy, or five feet, whichever is less.
  2. In any Residential (R) district, no monopole or antenna shall exceed the maximum height for structures allowed in that district, except that new or co-located equipment on an existing structure in the public right-of-way shall be allowed to exceed the maximum height for structures allowed in that district, or, if the public right-of-way is not in a district, in the closest adjacent district, by 10% of the height of the existing structure, or by five feet, whichever is less.
  3. A building-mounted wireless telecommunication facility shall not exceed the maximum height allowed in the applicable zoning district, or 16 feet above the building roofline, whichever is higher, except that in any Residential (R) district, no facility, monopole or antenna shall exceed the maximum height for structures allowed in that district.
- G. In any Residential (R) district, accessory buildings in support of the operation of the wireless telecommunication facility may be constructed, provided that they comply with the provisions of Chapter 8.348 regarding accessory buildings, except that the building coverage and floor area maximums shall apply to buildings in aggregate, rather than individually. If an accessory building not used in support of a wireless telecommunication facility already exists on a parcel, no accessory building(s) in support of the operation of the wireless telecommunication facility may be constructed absent removal of the existing accessory building. If an accessory building(s) in support of the operation of the wireless telecommunication facility is(are) constructed on a parcel, no other accessory buildings not used in support of a wireless telecommunication facility shall be constructed until the accessory building(s) in support of the operation of that wireless telecommunication facility is(are) removed.
- H. In any Residential (R) district, ground-mounted towers, spires and similar structures may be built and used provided that they shall not cover, in combination with any accessory building(s), shelter(s), or cabinet(s) or other above-ground equipment used in support of the operation of the wireless telecommunication facility, more than 15% in area of the lot nor an area greater than 1,600 sq. ft. Buildings, shelters, and cabinets shall be grouped. Towers, spires, and poles shall also be grouped, to the extent feasible for the technology.
- I. Diesel generators shall not be installed as an emergency power source unless the use of electricity, natural gas, solar, wind or other renewable energy sources are not feasible. If a diesel generator is proposed, the applicant shall provide written documentation as to why the installation of options such as electricity, natural gas, solar, wind or other renewable energy sources is not feasible.

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- J. Expansion of co-location facilities beyond the footprint and height limit identified in the planned maximum ten-year buildout of the site as specified in Section 6512.5.B.10, or in the original use permit for the facility, shall not be subject to administrative review and shall instead comply with the use permit provisions for new wireless telecommunication facilities in Sections 8.376.030 (I) through (V)5, unless a minor change or expansion beyond these limits is determined to be a minor modification of the use permit by the Director of Planning and Building. If the Director of Planning and Building does determine that such change or expansion is a minor modification, the change or expansion shall instead be subject to the provisions of Sections 8.376.040 (I) through (IV).
  
- K. At the discretion of the Director of Planning and Building, a co-location proposal that is smaller in extent, footprint, height, number of antennas or accessory buildings, or is otherwise smaller than that proposed in the ten-year build out plan as specified in 8.376.030(V).B.10, may be considered using the administrative review provisions of Sections 6513 to 8.376.040(IV) if it will have less environmental impact than the original plan.

**II. Performance Standards For Co-Location Facilities.**

No use may be conducted in a manner that, in the determination of the Director of Planning and Building, does not meet the performance standards below. Measurement, observation, or other means of determination must be made at the limits of the property, unless otherwise specified.

- A. Co-location facilities shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).
  
- B. The applicant shall file, receive and maintain all necessary licenses and registrations from the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC) and any other applicable regulatory bodies prior to initiating the operation of the co-location facility. The applicant shall supply the Planning and Building Department with evidence of each of these licenses and registrations. If any required license is ever revoked, the applicant shall inform the Planning and Building Department of the revocation within ten (10) days of receiving notice of such revocation.
  
- C. The project's final inspection approval shall be dependent upon the applicant obtaining a permanent and operable power connection from the applicable energy provider.
  
- D. The co-location facility and all equipment associated with it shall be removed in its entirety by the applicant within 90 days if the FCC and/or CPUC licenses required to operate the site are revoked or the facility is abandoned or no longer needed, and the site shall be restored and revegetated to blend with the surrounding area. The owner and/or operator of the wireless telecommunication facility shall notify the County Planning Department upon abandonment of the facility. Restoration and revegetation shall be completed within two months of the removal of the facility.
  
- E. Co-location facility maintenance shall implement visual resource protection requirements of Section 8.376.040(I)B, and C above (e.g., landscape maintenance and painting).



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- F. Road access shall be maintained over the life of the project to avoid erosion, as well as to minimize sedimentation in nearby streams.
- G. The use of diesel generators or any other emergency backup energy source shall comply with the San Mateo County Noise Ordinance.
- H. If technically practical and without creating any interruption in commercial service caused by electronic magnetic interference (EMI), floor space, tower space and/or rack space for equipment in a wireless telecommunication facility shall be made available to the County for public safety communication use.

**III. Additional Requirements And Standards For Co-Location Facilities In The Coastal Zone.**

- A. Co-location facilities located between the first public road and the sea, or on the seaward side of Highway 1 in rural areas, shall only be allowed if the facility is not visible from a public location, or will be attached to an existing structure in a manner that does not significantly alter the appearance of the existing structure.
- B. Co-location facilities shall comply with all applicable policies, standards, and regulations of the Local Coastal Program (LCP) and the CZ or CD Zoning District.
- C. Pursuant to Public Resources Code Sections 30106 and 30610(b) as well as Title 14, Section 13253(b)(7) of the California Code of Regulations, the placement of co-located facilities on an existing wireless telecommunication facility shall require a CDP, except that if a CDP was issued for the original wireless telecommunication facility and that CDP authorized the proposed new co-location facility, the terms and conditions of the underlying CDP shall remain in effect and no additional CDP shall be required.

**IV. Application Requirements For Co-Location Facilities.**

Applicants that qualify for administrative review of co-location facilities in accordance with Section 8.376.040 shall be required to submit the following:

- A. A completed Planning Permit application form.
- B. Proof of ownership or statement of consent from the owner of the property and/or the primary operator of the wireless telecommunication facility where the co-location is proposed.
- C. A site plan showing existing and proposed wireless telecommunication facilities.
- D. Elevation drawing(s) showing existing and proposed wireless telecommunication facilities.

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- E. A completed Environmental Information Disclosure Form.
- F. A preliminary erosion control plan shall be submitted with the use permit application. A complete construction and erosion control plan shall be submitted with the building permit application.
- G. A maintenance and access plan that identifies any changes to the original maintenance and access plan associated with the existing wireless telecommunication facility or use permit.
- H. A Radio Frequency (RF) report demonstrating that the emissions from the co-location equipment as well as the cumulative emissions from the co-location equipment and the existing facility will not exceed the limits established by the Federal Communications Commission (FCC) and the use permit for the existing wireless telecommunication facility.
- I. The mandated administrative review fee, and other fees as applicable.
- J. Prior to the issuance of a building permit, the applicant shall submit color samples for the co-location equipment. Paint colors shall be subject to the review and approval of the Planning and Building Department. Color verification shall occur in the field after the applicant has painted the equipment the approved color, but before the applicant schedules a final inspection.

**8.376.050 - Severability.**

If any provision of this Chapter 8.376 of the San Mateo County Ordinance Code (Zoning Regulations) or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

(Chapter 24.5 - Added by Ordinance No. 4450 - December 9, 2008)

(Section 6510.E - Amended by Ordinance No. 4501 - May 11, 2010)

(Section 6512.2 - Amended by Ordinance No. 4501 - May 11, 2010)

(Section 6512.4.C and D - Added by Ordinance No. 4501 - May 11, 2010)

(Section 6513.3.C - Added by Ordinance No. 4501 - May 11, 2010)

(Section 6513.3.B - Amended by Ordinance No. 4517 - August 10, 2010)

(Chapter 24.5, as amended by above Ordinances) - California Coastal Commission certified amendment on September 15, 2010, and it became effective in the Coastal Zone on that date.)

**CHAPTER 8.380 – KEEPING OF ANIMALS & DOMESTIC POULTRY IN  
RESIDENTIALLY ZONED DISTRICTS.**

**8.380.010 - General Provisions Relating To The Keeping Of Animals.**

All domestic birds or animals customarily kept as pets for amusement or companionship, including, but not limited to, dogs and cats, and excluding exotic animals, horses and livestock, shall be kept in conformance with the following:

- (a) Structures housing animals shall be located in conformance with accessory structure regulations (Chapter 8.348 of the County Ordinance Code).
- (b) All animals shall be kept in a manner consistent with County Health Regulations (County Ordinance Code, Division IV).
- (c) The following shall be included when determining the number of animals kept per dwelling unit or per business establishment: (1) any animal over the age of four (4) months; and (2) any animal to which care and sustenance have been provided for a period of thirty (30) days or longer, except where animals are boarded all animals over four (4) months shall be counted.

(Prior code § 6401.1; Ord. 3439, November 10, 1992)

(Prior code § 6401.1 – Amd. Ord. 4510, July 27, 2010)

**8.380.020 - Provisions For The Keeping Of Domestic Poultry In Residentially Zoned Districts**

- (a) Definitions

For the purposes of this Section of the San Mateo County Ordinance Code, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

1. “At large,” as used in the context of “running at large,” means outside of a yard and not within the immediate possession or control of some person.
2. “Coop” means a cage, warren, cote, or similar enclosure which is roofed or which has an overhead covering of wire or other material that is used as or intended for use as a shelter for

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any domestic poultry. Such coop shall measure a maximum of 100 sq. ft., with a maximum height limit of 6 feet.

3. “Domestic poultry” includes only chickens and ducks and excludes geese, turkeys, peafowl, pigeons, doves, and other fowl or birds typically used for food or food products. Roosters are prohibited.
4. “Keep” means to possess, house, enclose, harbor, maintain or permit to remain for any period of time.
5. “Nuisance” shall have the same meaning as set forth in State law, including but not limited to California Civil Code Section 3479, and includes anything that is injurious to health, or is indecent or offensive to the senses, so as to interfere with the comfortable enjoyment of life or property.
6. “Premises” means a parcel of land within unincorporated San Mateo County.
7. “Rooster” means a male chicken.
8. “Yard” means a unit of real property immediately surrounding or adjacent to a residential structure and completely enclosed by a fence, wall, building or similar barrier or a combination of such similar barriers.

(b) Prohibition of Keeping of Domestic Poultry

It is unlawful for any person or persons to keep, or cause to be kept within any residentially zoned district within unincorporated San Mateo County any live domestic poultry unless each of the requirements set forth in this Section of the County Ordinance Code has been met. Violation of this Section shall be an infraction.

(c) Location

All domestic poultry kept pursuant to this Section must at all times be kept within the confines of the yard and domestic poultry shall be housed in coops/runs no larger than 100 sq. ft. in size and a maximum height of 6 feet, which shall be located on the rear half of the parcel and to setbacks pursuant to the accessory building regulations, Chapter 8.348 of the San Mateo County Zoning Regulations. Such parcel shall be enclosed on the side and rear yards by a good and substantial fence of a height of at least six (6) feet. Nothing herein shall exempt any property owners from any regulations regarding the height or location of fences.

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(d) Number of Domestic Poultry and Parcel Size

The minimum parcel size in a residentially zones district for the keeping of domestic poultry is 2,500 sq. ft. On parcels that are greater than 2,500 sq. ft., but less than 7,500 sq. ft. in size, a maximum of six (6) domestic poultry may be kept. On parcels that are at least 7,500 sq. ft. in size, a maximum of ten (10) domestic poultry may be kept.

(e) Roosters Prohibited

No roosters shall be kept within any residentially zoned district within the unincorporated area of San Mateo County.

(f) Sanitation

All yards, coops, and runs for domestic poultry shall be kept in a sanitary condition and free from offensive odors and flies. Dead domestic poultry shall be kept in an insect-tight container and promptly removed from the premises (Title 4, Section 4.80.030 of the County Ordinance Code).

(g) Running at Large Prohibited

It is unlawful for domestic poultry to run at large within the unincorporated territory of San Mateo County and it shall be an infraction for any person to allow domestic poultry to run at large. Any domestic poultry found running at large may be impounded and disposed of in the manner provided for the impoundment and disposal of animals running at large in unincorporated San Mateo County (Title 6, Section 6.04.170 of the County Ordinance Code).

(h) Nuisance

Under no circumstances shall domestic poultry be permitted to create noise so as to disturb the peace of other members of the public. Nothing in this Section shall bar or otherwise affect any person's right to bring an action to enjoin a nuisance. Compliance with the requirements in this Section shall not, in itself, constitute a defense to a claim of nuisance arising out or related to of the keeping of domestic poultry. Violation of this Section shall be considered an infraction. Violations will be referred to the Planning and Building Department's Code Compliance Section for review and abatement.

(i) Selling

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It shall be unlawful for any person to display, sell or offer for sale, in any residentially zoned district, any chickens, ducks, or eggs of such domestic poultry.

(j) Slaughtering

The commercial slaughtering of poultry in non-agriculturally zoned areas is strictly prohibited.

(Prior code § 6401.1.1; Ord. 4508, July 27, 2010)

***CHAPTER 8.384 - CONFINED ANIMAL REGULATIONS***

**8.384.010 - Purpose.**

The provisions of the Confined Animal Regulations are to:

1. Assure the proper and responsible care and management of confined animals in unincorporated San Mateo County.
2. Protect people from the potential health and safety impacts of confined animals.
3. Protect water quality, sensitive habitats, soil and other significant environmental resources from potential adverse impacts of confined animals.
4. Provide opportunities to keep large domesticated animals for riding, pleasure and companionship.
5. Promote exploration and enjoyment of San Mateo County's natural landscape by traditional animal transport.
6. Implement the San Mateo County General Plan and, in the Coastal Zone, the Local Coastal Program.

**8.384.020 - Definitions.**

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1. Confined Animals. Any domesticated animal, including, but not limited to, a horse, mule, donkey, llama, and pot belly pig, that is generally kept for pleasure, companionship, or traditional transport, and where all of the following criteria apply:
  - a. The animal's typical adult weight exceeds 300 pounds.
  - b. The animal is generally not used for agriculture, i.e., the production of food, fiber, or flowers, nor is defined as an exotic animal by the County Ordinance Code.
  - c. The animal is regularly kept in a confined animal structure, i.e., not solely in a pasture or range area.
2. Confined Animal Structure. A building or structure for keeping confined animals that is not located in a pasture or range area. A confined animal structure includes, but is not limited to, a stable, stall or barn (typically roofed), and/or corral, paddock, or pen (typically unroofed) that encloses an area that is no larger than 1/2 acre per animal.
3. Gross Acre. An acre of land located on any portion of a parcel.
4. Net Acre. An acre of land suitable for keeping confined animals. This area does not include: (a) land located within one-hundred (100) feet of wetlands; (b) land located within fifty (50) feet of lakes, and perennial creeks and streams, and thirty (30) feet of intermittent creeks and streams; (c) land with slopes exceeding fifty percent (50%).
5. Pasture or Range Area. A portion of the parcel that is larger than 1/2 acre per animal, where animals can freely roam, and is typically used for turnout, or grazing purposes. An animal structure located in a pasture or range area is not a "confined animal structure" for the purposes of this Chapter if the animal can freely roam from within the structure to anywhere in the pasture or range area.
6. Riparian Corridor. The limit of riparian vegetation (i.e., a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater: red alder, jaumea, pickleweed, big leaf maple, narrow-leaf cattail, arroyo willow, broadleaf cattail, horsetail, creek dogwood, black cottonwood, and box elder). Such a corridor must contain at least a 50% cover of some combination of the plants listed.
7. Rural Area. The area designated by the General Plan as "Rural."
8. Sensitive Habitat. An environmentally sensitive area containing plant and animal species legally protected by federal or State law, or as defined in the California Coastal Act. Sensitive habitats include, but are not limited to: (1) land containing or supporting federal and State protected species; (2) riparian corridors; (3)

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marine and estuarine habitats; (4) lakes, creeks, streams and other wetlands; (5) sand dunes; (6) wildlife refuges, reserves, and scientific study areas; and (7) important nesting, feeding, breeding and spawning areas. An annually updated listing of protected species is maintained at the San Mateo County Planning and Building Division.

9. Urban Area. The area designated by the General Plan as “Urban.”

**8.384.030 - Applicability.**

The provisions of this Chapter shall only apply when keeping confined animals in those zoning districts of unincorporated San Mateo County where the keeping of confined animals is a permitted use.

**8.384.040 - Confined Animal Permit.**

The keeping of confined animals shall require a Confined Animal Permit except for:

1. Keeping confined animals in the rural area for less than thirty (30) consecutive days, or
2. Keeping confined animals at the level and location described below, subject to the issuance of a certificate of exemption (Section 8.384.100):
  - a. Up to five (5) animals in the rural area on land designated Open Space, Agriculture, Timber Preserve or Public Recreation.
  - b. Up to two (2) animals in the urban area on land designated Open Space, Agriculture or Public Recreation.

The provisions of this Chapter shall govern the issuance of a Confined Animal Permit.

Application for a Confined Animal Permit shall require submittal of a site management plan which demonstrates that the proposed keeping of confined animals conforms to the criteria and standards of this Chapter. The site management plan shall include, but not be limited to:

1. Description of Proposal. A written description of the proposed confined animal operation, including the number of animals proposed to be kept on the property.
2. Site Map. A map showing the location of the following features, as applicable:
  - a. Parcel boundary lines for the parcel(s) where the animals would be kept.



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- b. Confined animal structures, e.g., stable, corral, paddock, pen, stall or barn.
  - c. Pasture or range areas.
  - d. Domestic wells and septic systems.
  - e. Lakes, creeks, and streams.
  - f. Sensitive habitats, including riparian corridors and wetlands, to the extent designated on maps maintained by the San Mateo County Planning and Building Division.
  - g. Roads, driveways and parking areas.
3. Drainage Component. A map, with commentary, showing the average slope of the confined animal areas, including feeding and washing areas, the direction of water flow, and proposed site drainage system, including ditches, channels, water bodies, and other natural and built improvements.
4. Manure Management Component. A description of the method for, and frequency of collecting, processing, storing and disposing or using manure produced on the site.

It is the intent of this Chapter that the site management plan be prepared by the applicant without the need of professional consultants or assistance. Maps and aerial photographs showing: (1) property boundary and contour lines are available from San Mateo County Department of Public Works, and (2) water courses and designated sensitive habitats area available from San Mateo County Planning Division.

Facilities operating under an existing Stable Permit on the effective date of this Chapter, and that require a Confined Animal Permit by this Chapter shall apply for such permit, including preparation of a site management plan. Application would occur at the time when the permit expires. Such Confined Animal Permit application would be processed in a manner similar to permit review. In all cases, the decision making authority would be the Director of Planning and Building, and a public hearing would not be required.

**8.384.050 - Criteria And Standards.**

The criteria and standards governing the issuance of a Confined Animal Permit are as follows:

- 1. Minimum Parcel Area. The minimum parcel area required is one (1) gross acre.

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2. Maximum Number of Confined Animals. The maximum number of confined animals allowed on a parcel is as follows:

- a. First Two Animals. One (1) animal per one half (1/2) gross acre.
- b. More Than Two Animals. For each additional animal, one (1) animal per one half (1/2) net acre of the remaining parcel area.
- c. More Than Ten Animals. For the eleventh animal and each animal thereafter, the maximum number of confined animals may be increased to one (1) animal per one quarter (1/4) net acre.

If the fractional portion of the number of animals allowed is equal to or greater than .5, the total number of animals allowed shall be rounded up to the next whole number. If the fraction is less than .5, the fractional unit shall be deleted.

The provisions of this Section do not apply to confined animals less than two (2) years old that are the offspring of another animal on the property.

3. Prohibited Locations. Confined animal structures and animal use of the property, including pasture or range area, shall not occur in the following areas of the parcel:

- a. Lakes, creeks and streams.
- b. Land located within (1) fifty (50) feet of lakes, and perennial creeks and streams, and (2) thirty (30) feet of intermittent creeks and streams.
- c. Sensitive habitats, including riparian corridors and wetlands.
- d. Land located within fifty (50) feet of the outward boundary of riparian corridors.
- e. Land located within one hundred (100) feet of wetlands.
- f. Land used for a domestic well or septic tank, or located above leach lines.

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g. Slopes exceeding thirty percent (30) for structures, and fifty percent (50%) for animal use.

4. Minimum Setbacks. Confined animal structures shall maintain the following minimum setbacks:

- a. From front property line: 50 feet
- b. From side and rear property lines: 30 feet
- c. From a dwelling unit on the same parcel: 30 feet
- d. From the nearest setback line required for a dwelling unit on an adjacent parcel: 80 feet
- e. From a domestic well:
  - (1) Up to ten animals: 50 feet
  - (2) More than ten animals: 100 feet

A fence that encloses the pasture or range area, or any other area of the parcel not covered by confined animal structures would not be subject to these setback requirements.

5. Fencing. Confined animals shall be enclosed with a strong and substantial fence, with at least one gate, all of which are kept in good repair at all times. Fence height and materials shall be sufficient to contain the confined animals. A fence constructed in accordance with State Food and Agriculture Code Section 17121 would conform to this standard.

6. Drainage.

- a. All surface runoff, including rainwater that falls near or upon animal structures, shall not come into contact with stored animal manure. Energy dissipaters, gutters, ditches, berms and/or other diversion devices may be used to divert rainwater from confined animal areas.
- b. All liquids shall not drain closer than ten (10) feet from wells, septic tanks, and/or drainfields.
- c. Animal waste runoff and liquids used to clean confined animals shall not drain directly into a creek, stream, lake or similar water body. Runoff may be confined and diverted by various means,

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including maintaining the existing on-site filtering vegetation, planting new vegetation grass strips, installing filter fencing or straw bales/logs, and/or constructing earth berms, and sediment ponds.

- d. Standing water shall not be allowed to accumulate near confined animal structures.
- e. A minimum two percent (2%) downward slope shall be maintained on land that is within five (5) feet of confined animal structures to assure adequate drainage away from the structures.
- f. Facility drainage shall conform to the drainage component of the site management plan.

7. Facility Management.

- a. The keeping of confined animals shall not create a nuisance or be detrimental to human or animal health, safety or welfare.
- b. On-site manure management shall conform to the manure management component of the site management plan.
- c. All animal wastes, including soiled bedding, shall be collected daily from confined animal structures, and managed in a manner that is not conducive to the proliferation of insects, rodents and other disease-carrying creatures. Effective manure management methods include, but are not limited to, composting, mulching, spreading of manure, and covered storage. Stored animal waste for off-site use or disposal may not be kept on the site for longer than fourteen (14) days. Stored waste shall be covered and separated from the ground by an impermeable material. Surface water runoff in the manure management area shall not come into contact with stored animal wastes. Runoff may be diverted by various means, including constructing earth berms and/or installing straw bales/logs.
- d. Should active composting occur on the site, composted wastes shall be mixed or turned over often to increase aerobic bacteria activity and to keep the pile fully aerated and active. Should passive or static composting occur on the site, the proposed process shall be reviewed by the Director of Environmental Health to assure that odor and fly breeding problems are prevented.
- e. Animal feed shall be stored in appropriate facilities or containers such that it is kept dry and, to the maximum extent feasible, free of mold, rodents and insects.

8. Supervisor or Caretaker. This Chapter does not require that a full-time supervisor or caretaker reside on the site. Should a full-time resident supervisor or caretaker be desired, a dwelling unit for such purpose shall comply with zoning density limits applicable to the parcel. The Zoning Regulations include density bonus provisions in specified areas for affordable housing and second dwelling units.

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**8.384.060 - Permit Review Process.**

Application for a Confined Animal Permit, including the site management plan required by Section 7700.3, shall be submitted to the Planning and Building Division for review and consideration.

Planning and Building Division staff shall distribute the plan for review and comment to the Environmental Health Division, the Confined Animal Technical Advisory Committee, and the local fire agency.

Based on plan review, a site visit, and the comments received, staff would evaluate whether the submitted plan complies with the criteria, standards and requirements of this Chapter.

The decision making authority and requirement of public hearing shall be as follows:

<b>DECISION MAKER AND HEARING REQUIREMENT</b>				
<b>Location</b>		<b>Number of Animals</b>	<b>Decision Maker</b>	<b>Hearing Required</b>
<b>Urban/Rural</b>	<b>Land Use Designation</b>			
Rural	Open Space, Agriculture, Timber Preserve, Public Recreation	6 – 15 16 or More	<b>Director of Planning and Building Zoning Hearing Officer</b>	<b>No Yes</b>
Urban	Open Space, Agriculture, Public Recreation	3 – 4 5 or More	<b>Director of Planning and Building Zoning Hearing Officer</b>	<b>No Yes</b>
Urban or Rural	Residential	1 – 2 3 or More	<b>Director of Planning and Building Zoning Hearing Officer</b>	<b>No Yes</b>

At least ten (10) calendar days prior to a decision on a Confined Animal Permit, written notice of the pending decision shall, at minimum, be sent by first class mail to:

1. Property owner and applicant.
2. The Environmental Health Division, Confined Animal Technical Advisory Committee, and local fire agency that reviewed the site management plan.

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3. If no public hearing is required, all property owners within one hundred (100) feet of the project parcel boundary.
4. If a public hearing is required, all property owners within three hundred (300) feet of the parcel(s) where the confined animals are kept.

Written notice of the pending decision shall contain at least the following information:

1. The date, time and place where the decision will occur.
2. The site location.
3. The name of the property owner and applicant.
4. A short, general description of the proposal, including the number of animals.
5. The name of the staff person who may be contacted for additional information.

**8.384.070 - Findings.**

In order to grant a Confined Animal Permit, the decision making authority shall make the following findings:

1. That the keeping of confined animals will not create a nuisance or be detrimental to human or animal health, safety or welfare.
2. That the keeping of confined animals will not degrade sensitive habitats and waterways, or increase soil erosion.
3. That the keeping of confined animals complies with all applicable requirements of the Zoning Regulations, including this Chapter.

The decision making authority may modify the site management plan as necessary to make the required findings of approval.

### **8.384.080 - Appeals.**

The decision making authority's action on a Confined Animal Permit may be appealed by any person, organization, or agency, provided that the appeal is filed in writing within ten (10) working days of such action.

All appeals would be made to the Planning Commission. An appeal of the Planning Commission's action would be made to the Board of Supervisors.

### **8.384.090 - Expiration, Renewal Review And Amendment.**

An approved Confined Animal Permit shall expire six (6) years after the date of approval.

At expiration, the permit would automatically be renewed for another six (6) years, providing that the confined animal operation continues to conform with the terms of said permit.

An approved Confined Animal Permit shall be reviewed by the Director of Planning and Building every three (3) years for compliance with the conditions of approval. Such review shall involve (a) Planning and Building Division staff inspecting the site for zoning compliance, and (b) Environmental Health staff inspecting the site for manure management and drainage compliance. No public hearing is required for permit review.

If at any time the confined animal operation is found not to comply with the approved permit, the operator will be given a thirty (30) day period to comply with the terms of the permit, or apply for a permit amendment and pay applicable fees. The decision maker for the initial permit would consider permit amendment. Continued non-compliance may result in permit revocation, in accordance with Zoning Regulations Section 8.280.050.

An approved Confined Animal Permit shall require amendment when there is a proposed increase in the number of confined animals located on the parcel. The permit amendment process shall be as follows:

1. If the proposed increase in the number of confined animals is 20% or less the number of animals approved in the existing permit, the decision making authority would be the Director of Planning and Building, and no public hearing would be required. Public notification would be as described in Section 8.384.060 – Permit Review Process.
2. If the proposed increase in the number of confined animals is more than 20% the number of animals approved in the existing permit, the decision making authority and requirement of public hearing and notification would be as described in Section 8.384.060– Permit Review Process.
3. In order to approve a Confined Animal Permit amendment, the decision making authority shall make the findings described in Section 8.384.070 – Findings.

**8.384.100 - Exemptions And Exceptions.**

1. Permit Exemption. A certificate of exemption shall be required for keeping confined animals identified by Section 7700.3. Issuance of a certificate of exemption by the Planning and Building Division staff shall require demonstration that:
  - a. The keeping of confined animals conforms with the: (1) minimum parcel area, (2) maximum number of animals, (3) prohibited locations, and (4) minimum setbacks provisions of this Chapter (Section 8.384.050).
  - b. Confined animal structures are not located within 300 feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach.
  - c. Confined animal structures are not located on land within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, or within 50 feet of the outward extent of riparian corridors.
  - d. Confined animal structures are not located on slopes of thirty percent (30%) or greater.
  - e. Confined animal structures are not located within fifty (50) feet of a domestic well, or above a septic system.
  - f. The keeping of confined animals will include runoff control and manure management measures that protect water quality, sensitive habitats and other significant environmental resources from potential adverse impacts.
  
2. Criteria Exception. An exception to any provision required by Section 8.384.050 (Criteria and Standards) may be granted upon finding that:
  - a. Compliance with the requirement is not reasonably possible.
  - b. The proposal is as nearly in conformance with the requirement as is reasonably possible.
  - c. The exception will not adversely impact adjoining properties, be injurious to public health or welfare, or be detrimental to animal health.
  - d. The exception will not significantly degrade water quality or sensitive habitats.



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The Director of Planning and Building is the decision making authority for an exception request, unless a public hearing is requested in accordance with the following procedure:

- a. At least ten (10) working days prior to the Director of Planning and Building acting on an exception request, written notice of the pending decision shall be sent by first class mail to all owners of property located within 300 feet of the parcel where the exception is proposed, the Confined Animal Technical Advisory Committee, and the local advisory council, as applicable.
- b. Written notice shall contain at least the following information:
  - (1) The date and time when the Director of Planning and Building's decision will be made.
  - (2) The location of the property where the proposed exception would occur.
  - (3) A short, general description of the proposed exception.
  - (4) A statement informing that a public hearing may be requested in lieu of the Director of Planning and Building's decision, and that request must be received by the Planning and Building Division before the date and time when the decision will be made.
- c. Any member of the public, including surrounding property owners, and the Confined Animal Technical Advisory Committee, or its individual members, may submit a request in writing for a public hearing. The request shall be received by the Director of Planning and Building before the date and time when the decision would occur.

If a public hearing is requested, the Zoning Hearing Officer is the decision making authority for the exception request.

Planning and Building Division staff shall send a copy of the exception request to the Confined Animal Technical Advisory Committee for review and comment.

Based on evaluation of the exception request, and the comments received from the Technical Advisory Committee, Planning and Building Division staff shall prepare a recommendation to the decision maker indicating whether findings for approval can be made.

Any action by the decision maker on an exception request may be appealed to the Planning Commission, with subsequent appeal to the Board of Supervisors in accordance with the provisions of Section 8.384.080.

### **8.384.110 - Nonconformities.**

All zoning nonconformities, including non-conforming confined animal uses and non-conforming confined animal structures shall conform to the provisions of Zoning Regulations Chapter 4 – Zoning Nonconformities. If an existing confined animal operation complies with applicable County Regulations on the effective date of this Chapter, but does not conform with (1) the minimum parcel area, (2) the maximum number of animals, (3) the setback standards, or (4) other criteria or standards of this Chapter, such operation shall not be required to conform with said requirements of this Chapter, unless it is shown to significantly degrade water quality or sensitive habitats, and adequate mitigation is not feasible. Abatement shall be in accordance with the procedure established in Section 8.384.130 of this Chapter.

**In summary, any facility operating under an approved Stable Permit would not be required to reduce the approved number of horses on the property, or remove or relocate existing structures, or otherwise change its operation, unless the operation is shown to significantly degrade water quality or sensitive habitats.**

If a structure was built in accordance with applicable County building regulations, but does not conform with the locational criteria and/or setback requirements of this Chapter, the structure may continue at its present location, and be repaired or upgraded to the extent allowed by Zoning Regulation Chapter 8.388 – Zoning Nonconformities, unless the structure is shown to significantly degrade water quality or sensitive habitats, and adequate mitigation is not feasible.

The provisions of this Section do not preclude action by another agency, e.g., State or federal when administering other enacted law.

### **8.384.120 - Technical Advisory Committee.**

To assist in achieving the objectives of this Chapter, a nine-member Confined Animal Technical Advisory Committee is hereby established, its members to be appointed by the Board of Supervisors. The Committee shall be comprised of individuals who are knowledgeable in the keeping of confined animals, and the potential impacts of keeping such animals on surrounding properties and the environment, e.g., stable operators and resource protection advocates.

Specifically, the Confined Animal Technical Advisory Committee shall be constituted, as follows:

1. Five members, and one alternate member, with experience and proficiency in keeping and caring for confined animals. Preferred skills include a thorough understanding of animal behavior and needs, as well as facility management and operations. The five members shall include at least one commercial stable operator and one private stable operator.
2. Three members, and one alternate member, with an academic background or experience in environmental studies, environmental planning/land management, or resource protection. Preferred skills include: (1) water quality protection, (2) erosion and sediment control, and (3) animal waste management.

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3. One member with knowledge and experience in protecting public health from potential impacts due to confined animals, i.e., environmental health expertise.

A five-member quorum is required for a Confined Animal Technical Advisory Committee meeting, with at least one member representing each of three categories identified above.

The duties of the Confined Animal Technical Advisory Committee are limited to (1) providing pre-application guidance to Confined Animal Permit applicants, (2) advising the Planning Commission and the Board of Supervisors on Confined Animal Permit applications, (3) reviewing site management plans and propose best management practices, (4) assisting in resolving illegal and non-conforming confined animal situations, and (5) providing general educational outreach on facility management.

Planning and Building Division staff shall refer the following matters to the Confined Animal Technical Advisory Committee (TAC) for review and comment in advance of consideration by the decision making authority.

1. Confined animal permit applications, including site management plans.
2. Requests for exception to the criteria and standards.
3. Abatement notices for operations shown to significantly degrade water quality or sensitive habitats.

The Confined Animal Technical Advisory Committee may suggest project conditions or modifications, including recommended conditions of approval, revisions to the site management plans, site management practices, or time frames for facility compliance.

The Technical Advisory Committee shall consider a referred matter for no more than two consecutive Committee meetings before providing its comments to the decision making authority.

If, after two meetings, the Technical Advisory Committee cannot attain a quorum to consider a referred matter, the Committee's input on the matter shall be deemed to be no comment.

### **8.384.130 - Implementation.**

1. Enforcement.

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a. First Year. For twelve (12) months after the effective date of this Chapter, whenever a violation is confirmed by the Planning and Building Division, the owner shall receive notice in writing of the following:

- (1) The nature of the violation.
- (2) The process to remedy the violation.
- (3) That no further enforcement actions will occur, or fines levied, if the owner initiates corrective action, e.g., files a permit application within three months of the date of the notice, and demonstrates continued progress toward full compliance thereafter.
- (4) If corrective action has not been initiated after three months of the date of the notice, the Director of Planning and Building may grant an extension of up to nine months providing that the owner demonstrates a reasonable basis for the extension, and provides their schedule for compliance. If corrective action has not been initiated after the extension period expires, or after three months of the notice if an extension is not granted, the case will be referred for possible legal action. Additional penalties may be levied and actions taken as allowed by law.

b. After the First Year. After one year of the effective date of this Chapter, whenever a violation is confirmed by the Planning and Building Division, the owner shall receive notice in writing of the following:

- (1) The nature of the violation.
- (2) The process to remedy the violation.
- (3) That fees will be doubled to offset the costs of investigation, and no further enforcement actions will occur if the owner initiates corrective action, e.g., files a permit application within three months of the date of the notice, and demonstrates continued progress toward full compliance thereafter.
- (4) If corrective action has not been initiated after three months of the date of the notice, the case will be referred for possible legal action. Additional penalties may be levied and actions taken as allowed by law.

2. Strive for Reasonable Conformance. When evaluating confined animal operations, Planning and Building Division staff shall promote conformance with the requirements of this Chapter. Where strict conformance is not possible, staff should encourage the exception remedy established by Section 7700.9 of this Chapter, i.e., that the operation is as nearly in conformance with the requirements as is reasonably feasible.

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3. Require Abatement of Significant Impacts. Any existing structure, activity or situation which has been shown to significantly degrade water quality or sensitive habitats, and for which adequate mitigation is not feasible, shall be abated. The procedure for abatement shall be as follows:
  - a. The Director of Planning and Building shall send a notice to the property owner that abatement is required by a reasonable date, unless the owner presents evidence to show that the operation does not significantly degrade water quality or sensitive habitats.
  - b. The Director of Planning and Building shall refer a copy of the abatement notice to the Confined Animal Technical Advisory Committee for review and comment, particularly the feasible time frame for facility compliance.
  - c. The owner may request a hearing before the Zoning Hearing Officer. To the extent feasible, the hearing would be scheduled for a date after the Technical Advisory Committee submitted its comments on the abatement, including a recommended time frame.
  - d. At the hearing, the owner may: (1) present evidence showing that the operation does not significantly degrade water quality or sensitive habitats, or (2) request a longer abatement period based on demonstrated hardships that would result from complying with the prescribed date.
  - e. The Zoning Hearing Officer shall consider the facts made by the owner and the comments of the Confined Animal Technical Advisory Committee, and determine whether to proceed with abatement, and under what time frame.
  - f. If abatement shall proceed, and the property owner does not comply with the abatement order under the time frame prescribed by the final decision making, the violation shall be deemed to constitute a public nuisance, and shall be abated as prescribed by the San Mateo County Ordinance Code.
  - g. The Zoning Hearing Officer's decision may be appealed to the Planning Commission, with subsequent appeal possible to the Board of Supervisors.
  - h. Violations of the provisions of this Chapter shall be a misdemeanor and shall be punishable as provided in the San Mateo County Ordinance Code.
4. Nothing in this Chapter shall effect, prevent or prejudice any other remedy, penalty or action authorized by law.

(Prior code § 7700.0 through 7700.12 Amd. Ord, November 6, 2001)

## **ARTICLE 5 - NON CONFORMING USES, STRUCTURES, PARCELS, SITUATIONS, & EXCEPTIONS**

### ***CHAPTER 8.388 - ZONING NONCONFORMITIES***

#### **8.388.010 - Purpose**

The purpose of this Chapter is to regulate zoning nonconformities, which are defined as any legal parcel, use, building, structure or other situation that does not conform with the current zoning regulations. The general intent of this Chapter is to (1) allow residential zoning nonconformities to continue, and (2) phase out non-residential zoning nonconformities. This approach implements General Plan policy to maintain and preserve the existing housing stock and existing residential areas.

#### **8.388.010 - Application**

1. The provisions of this Chapter shall apply to all zoning nonconformities.
2. When multiple zoning nonconformities occur, all provisions related to each nonconformity shall apply.
3. Where provisions of this Chapter conflict with each other, the most limiting provision shall take precedence.

#### **8.388.020 - Definitions.**

1. Abandoned. The voluntary termination of a land use or use of a building or structure for a period of at least 18 months. The inability to operate through no fault or intent of the owner, e.g., unsuccessful attempts to sell/lease property or litigation constraints, shall not be considered voluntary termination or constitute abandonment.

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2. Demolished. The state of a structure after it has been voluntarily torn down, razed or otherwise completely eliminated. Demolition of a building or structure that has been destroyed shall not be considered “demolished.”
3. Destroyed. The state when reconstruction, repair or replacement of a building or structure, required because of an act of nature or other event unintended by the property owner, e.g., fire or earthquake, amounts to 50% or more of its value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
4. Enlarged. The state of a land use or structure after it has been expanded to cover more land area, consume more air space, or increase its intensity on the site.
5. Improved Parcel. Any parcel developed with a building or structure to serve the principal use of the parcel, e.g., a parcel in a residential district developed with a dwelling.
6. Legal Building or Structure. A building or structure either (1) constructed in accordance with a building permit issued by the County, (2) constructed prior to the date that the County began issuing building permits, or (3) legalized through an official County action.
7. Legal Land Use. A land use either (1) established in accordance with the applicable County zoning requirements at the time the use was established, (2) established prior to the date of the County’s zoning authority, or (3) legalized through an official County action.
8. Legal Parcel. A parcel created by (1) a subdivision approved by the County, (2) a land division which was exempt from subdivision regulations, (3) a land division predating the County’s authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact, (4) recording of a Certificate of Compliance or a Conditional Certificate of Compliance, or (5) other means but subsequently developed with a building or structure to serve the principal use of the parcel, for which a valid building permit was issued.
9. Major Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that amounts to 50% or more of the structure’s value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
10. Minor Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that does not exceed 50% of the structure’s value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.

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11. Non-Conforming Parcel. Any legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect, i.e., a substandard parcel.
12. Non-Conforming Structure. Any legal building or structure that does not conform with the development standards required by the zoning regulations currently in effect including, but not limited to, density (number of dwelling units per parcel area), setback, height, floor area, daylight plane, and lot coverage requirements.
13. Non-Conforming Use. Any legal land use that does not conform with the uses permitted by the zoning regulations currently in effect. A non-conforming use includes the area devoted to the use, the structure(s) housing the use, and all use related activities.
14. Non-Conforming Situation. Any zoning nonconformity that is not a non-conforming parcel, non-conforming use or non-conforming structure. Examples include non-conforming parking, landscaping, or signs.
15. Principal Use. The primary or predominant use of any parcel.
16. Residential Use. One-family dwellings, two-family dwellings, multiple-family dwellings, second dwelling units, and residential accessory uses, buildings or structures.
17. Unimproved Parcel. Any parcel that is not developed with a building or structure to serve the principal use of the parcel, e.g., a parcel in a residential district not developed with a dwelling unit.
18. Zoning Nonconformity. Any legal parcel, use, building, structure, or other situation that does not conform with the zoning regulations currently in effect.
19. Zoning or Building Code Regulations Currently in Effect. Those regulations in effect at the time when final approval is given to an entitlement under this Chapter. Final approval does not occur until all administrative appeals are exhausted.

**8.388.030 - Non-Conforming Parcels.**

1. Continuation of Non-Conforming Parcels. A non-conforming parcel may continue as a separate legal parcel, subject to the merger provisions of the County Subdivision Regulations, and compliance with all other provisions of this Chapter.



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2. Enlargement of Non-Conforming Parcels. A non-conforming parcel may be enlarged through the addition of contiguous land by lot line adjustment, lot consolidation, merger, or resubdivision, provided that the enlargement does not create nonconformities on adjoining property.

3. Development of Non-Conforming Parcels

a. Development Not Requiring Use Permit

(1) Unimproved Non-Conforming Parcel. Development of an unimproved non-conforming parcel may occur without the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d) below) exist:

Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	≥3,500 sq. ft. (area)
(b) 50 ft. (width)	≥35 ft. (width)
(c) >5,000 sq. ft. (area)	≥5,000 sq. ft. (area)
(d) ≥50 ft. (width)	≥50 ft. (width)

Proposed development on the unimproved non-conforming parcel shall conform with the zoning and building code regulations currently in effect.

(2) Improved Non-Conforming Parcel. Development of an improved non-conforming parcel may occur without requiring the issuance of a use permit provided that the proposed development conforms with the zoning and building code regulations currently in effect.

b. Development Requiring a Use Permit

Notwithstanding the provisions of this subsection b, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Midcoast.

(1) Unimproved Non-Conforming Parcel

(a) Development of an unimproved non-conforming parcel shall require the issuance of a use permit when any of the following circumstances ((a), (b), (c), or (d)) exist:

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Required Minimum Parcel Size	Actual Non-Conforming Parcel Size
(a) 5,000 sq. ft. (area)	<3,500 sq. ft. (area)
(b) 50 ft. (width)	<35 ft. (width)
(c) >5,000 sq. ft. (area)	<5,000 sq. ft. (area)
(d) $\geq$ 50 ft. (width)	<50 ft. (width)

- (b) Proposed development on any unimproved non-conforming parcel that does not conform with the zoning regulations in effect shall require the issuance of a use permit.
- (2) Improved Non-Conforming Parcel. Proposed development on an improved non-conforming parcel, that does not conform with the zoning regulations currently in effect, shall require the issuance of a use permit.
- (3) Use Permit Findings. As required by Section 8.280.030, a use permit for development of a non-conforming parcel may only be issued upon making the following findings:
- (a) The proposed development is proportioned to the size of the parcel on which it is being built,
- (b) All opportunities to acquire additional contiguous land in order to achieve conformity with the zoning regulations currently in effect have been investigated and proven to be infeasible,
- (c) The proposed development is as nearly in conformance with the zoning regulations currently in effect as is reasonably possible,
- (d) The establishment, maintenance, and/or conducting of the proposed use will not, under the circumstances of the particular case, result in a significant adverse impact to coastal resources, or be detrimental to the public welfare or injurious to property or improvements in the said neighborhood, and
- (e) Use permit approval does not constitute a granting of special privileges.

**8.388.040 - Non-Conforming Uses.**

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1. Continuation of Non-Conforming Uses. A non-conforming use may continue to exist providing all other provisions of this Chapter are met, and the use is not a confined animal use shown to degrade water quality or sensitive habitats. A non-conforming confined animal use shown to degrade water quality and sensitive habitats shall be abated in accordance with the procedure established by the Confined Animal Regulations (Chapter 8.384 of the San Mateo County Ordinance Code).

The Board of Supervisors, upon recommendation by the Planning Commission at a public hearing, can require that any non-conforming use (except residential) be removed or converted to a permitted use within a prescribed period of time, as allowed by law, and upon findings that (1) the non-conforming use is detrimental to the health, safety or public welfare of the surrounding area, and (2) it degrades the neighborhood character.

2. Minor Repair, Remodel or Upgrade of Non-Conforming Uses. Minor repair, remodel or upgrade of a non-conforming use is permitted. Any portion of the use may be replaced as it previously existed on the property.
3. Abandonment of Non-Conforming Uses (Except Residential). If a non-conforming use is abandoned, all subsequent use of the property shall conform with the zoning and building code regulations currently in effect. This provision does not apply to residential uses.
4. Abandonment of Residential Non-Conforming Uses. If a residential non-conforming use is abandoned, it may be reestablished provided that all other provisions of this Chapter are met.
5. Enlargement of Non-Conforming Uses (Except Residential). A non-conforming use may not be enlarged. This provision does not apply to residential uses.
6. Enlargement of Non-Conforming Residential Uses. A non-conforming residential use in a non-residential zoning district, e.g., a residence in an industrial zone, may be enlarged subject to the issuance of a use permit, and provided that the enlargement conforms with the following combining zoning district regulations:

Residential Use	Combining Zoning District Regulations
One Family Residential	
Inside Coastal Zone	S-17
Outside	S-7
Two Family Residential	S-5

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Multiple Family Residential	S-3
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A non-conforming residential use in a lower density residential zoning district, e.g., a duplex or apartment building in a single-family residential zone, may not be enlarged.

7. Major Repair, Remodel or Upgrade of Non-Conforming Uses (Except Residential). Major repair, remodel or upgrade of a non-conforming use is permitted, providing that the resultant use conforms with the zoning and building code regulations currently in effect. This provision does not apply to residential uses.
  
8. Major Repair, Remodel or Upgrade of Residential Non-Conforming Uses. Major repair, remodel or upgrade of a residential non-conforming use is permitted. Any portion of the use may be replaced as it previously existed on the property.
  
9. Destruction, Demolition and Removal of Non-Conforming Uses (Except Residential). If a non-conforming use is destroyed, demolished or removed from the site, it may only be replaced by a use that conforms with the zoning and building code regulations currently in effect. This provision does not apply to non-conforming residential uses.
  
10. Destruction, Demolition and Removal of Non-Conforming Residential Uses.
  - a. If a non-conforming residential use in a non-residential zoning district, e.g., a residence in an industrial zone, is destroyed, it may be replaced or rebuilt, subject to the issuance of a use permit. Replacement structures shall be located either as they previously existed on the property or in conformance with the following combining zoning district regulations:

Residential Use	Combining Zoning District Regulations
One Family Residential	
Inside Coastal Zone	S-17
Outside	S-7
Two Family Residential	S-5
Multiple Family Residential	S-3

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If a non-conforming residential use in a lower density residential zoning district, e.g., a duplex or apartment building in a single-family residential zone, is destroyed, it may only be replaced by a use that conforms with the zoning and building code regulations currently in effect.

- b. If a non-conforming residential use is demolished or removed from the site, it shall only be rebuilt or replaced by a use that conforms with the zoning and building code regulations currently in effect.

**8.388.050 - Non-Conforming Structures.**

1. Continuation of Non-Conforming Structures. A non-conforming structure may continue to exist providing all other provisions of this Chapter are met, and the structure is not a confined animal structure shown to degrade water quality or sensitive habitats. A non-conforming confined animal structure shown to degrade water quality and sensitive habitats shall be abated in accordance with the procedure established by the Confined Animal Regulations (Chapter 8.384 of the San Mateo County Ordinance Code).
2. Minor Repair, Remodel or Upgrade of Non-Conforming Structures. Minor repair, remodel or upgrade of a non-conforming structure is permitted. Any portion of the structure may be replaced as it previously existed on the property.
3. Abandonment of Non-Conforming Structures. If a non-conforming structure is abandoned, its use may be reestablished provided all other provisions in this Chapter are met.
4. Enlargement of Non-Conforming Structures. A non-conforming structure may be enlarged provided the enlargement conforms with the zoning regulations currently in effect, i.e., the non-conforming portion of the structure may not be enlarged. A residential structure built to a non-conforming density may be enlarged provided there is no increase the number of housing units.
5. Major Repair, Remodel or Upgrade of Non-Conforming Structures.
  - a. Major repair, remodel or upgrade of a non-conforming structure, where each nonconformity violates the required zoning standard by less than 50%, is permitted. If any non-conforming portion of the structure is proposed to be removed, replacement shall conform with the zoning regulations currently in effect.
  - b. Major repair, remodel or upgrade of a non-conforming structure, where any nonconformity violates the required zoning standard by 50% or more, shall result in the entire structure conforming with the zoning regulations currently in effect.

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6. Destruction, Demolition and Removal of Non-Conforming Structures (Except Residential). If a non-conforming structure is destroyed, demolished or removed from the site, it may only be rebuilt to conform with the zoning and building code regulations currently in effect. This provision does not apply to residential non-conforming structures.
  
7. Destruction, Demolition and Removal of Residential Non-Conforming Structures.
  - a. If a residential non-conforming structure is destroyed, i.e., as a result of an act of nature or other event unintended by the property owner, it may be rebuilt or replaced. Replacement structures shall be limited to the number of housing units that previously existed on the property. Replacement structures shall be located either as they previously existed on the property or in conformance with the zoning regulations currently in effect.
  
  - b. If a residential non-conforming structure is demolished or removed from the site, it shall only be rebuilt or replaced by a structure that conforms with the zoning and building code regulations currently in effect.

**8.388.060 - Non-Conforming Situations.**

1. Continuation of Non-Conforming Situations. A non-conforming situation may continue to exist providing all other provisions of this Chapter are met, and the situation is not a confined animal situation shown to degrade water quality or sensitive habitats. A non-conforming confined animal situation shown to degrade water quality and sensitive habitats shall be abated in accordance with the procedure established by the Confined Animal Regulations (Chapter 8.384 of the San Mateo County Ordinance Code).
  
2. Minor Repair, Remodel or Upgrade of Non-Conforming Situations. Minor repair, remodel or upgrade of a non-conforming situation is permitted.
  
3. Abandonment of Non-Conforming Situations. If a non-conforming situation is abandoned, it may be reestablished provided all other provisions in this Chapter are met.
  
4. Enlargement of Non-Conforming Situations. A non-conforming situation may be enlarged provided that the enlargement conforms with the zoning regulations currently in effect, e.g., parking and sign regulations.
  
5. Major Repair, Remodel or Upgrade of Non-Conforming Situations. Major repairs, remodel or upgrade of a non-conforming situation is permitted, providing that the resultant situation conforms with the zoning and building code regulations currently in effect.

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6. Destruction, Demolition and Removal of Non-Conforming Situations. If a non-conforming situation is destroyed, demolished or removed from the site, it shall only be replaced by a situation that conforms with the zoning and building code regulations currently in effect.

**8.388.070 - Exceptions.**

1. The Planning Commission, at a public hearing, may grant a use permit to except any provision in this Chapter which restricts the continuation, enlargement, reestablishment or replacement of a non-conforming use, structure or situation. The use permit shall be processed in accordance with the procedures and requirements of Section 8.280.030.

Notwithstanding the provisions of this subsection 1, no use permit may be granted to exceed maximum floor area, height, and parcel coverage for parcels located in the Midcoast.

2. The Director of Planning and Building may grant an administrative exception to any provision of this Chapter when it conflicts with another government mandated requirement.

(Prior code Section 6133.3.b - Amended by Ordinance No. 4062 - August 21, 2001)

(Prior code Section 6134.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Prior code Section 6135.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Prior code Section 6136.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Prior code Section 6136.5 - Added by Ordinance No. 2813 - December 7, 1982)

(Prior code Sections 6137 and 6138 - Amended by Ordinance No. 3002 - July 3, 1984)

(Prior code Section 6137 - Amended by Ordinance No. 3299 - March 12, 1991)

(Prior code Section 6137 - Amended by Ordinance No. 4062 - August 21, 2001)

(Prior code Section 6138.1 - Added by Ordinance No. 3322 - April 29, 1991)

(Prior code Section 6142 - Added by Ordinance No. 2549 - December 5, 1978)

(Prior code Chapter 4 - Repealed by Ordinance No. 3592 - September 20, 1994)

(Prior code Chapter 4 - Added by Ordinance No. 3593 - September 20, 1994 - Non-Coastal Areas)

(Prior code Chapter 4 - Enacted by Ordinance No. 3672 - September 12, 1995 - Countywide)

## **ARTICLE 6 - ACCESSORY DWELLING UNIT REGULATIONS (ADU'S)**

### **CHAPTER 8.392 - ACCESSORY DWELLING UNITS**

#### **8.392.010 - Purpose.**

Accessory dwelling units are a residential use that provide an important source of housing. The purpose of this Chapter is to:

1. Increase the supply and diversity of the County's housing stock, in particular the number of smaller and more affordable units, by allowing accessory dwelling units to be built on existing residential properties, while preserving the neighborhood character.
2. Increase the housing stock of existing neighborhoods in a manner that has less impact on the environment than development of housing in undeveloped areas.
3. Allow more efficient use of existing residential areas and supporting infrastructure.
4. Provide a means for residents to remain in their homes and neighborhoods.
5. Provide opportunities for homeowners to earn supplemental income from renting an accessory dwelling unit.
6. Establish standards for accessory dwelling units to ensure that they are safe, habitable, and compatible with existing development.

#### **8.392.020 - Definitions.**

1. Accessory Dwelling Unit. An "accessory dwelling unit" is a dwelling unit located or proposed to be located on a lot which contains, or will contain, a primary residence. Accessory dwelling units may be detached from or attached to the primary residence on the property. Accessory dwelling units may also be (1) efficiency units, as defined in Section 17958.1 of the California Health and Safety Code, or (2) manufactured homes, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are "accessory dwelling units" as that term is used in Government Code Section 65852.2. A "second unit" or "secondary unit" is an accessory dwelling unit. Accessory dwelling units are not "accessory buildings" as defined in Section 8.04.030(22). Any secondary structure that provides independent facilities for living; sleeping; eating; cooking; and sanitation, may be considered an accessory dwelling unit, at the discretion of the Director of Planning and Building, unless an applicant can provide compelling evidence to the contrary to the satisfaction of the Director of Planning and Building.



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2. Attached Accessory Dwelling Unit. An “attached accessory dwelling unit” is a unit that is built as an addition to, extension of, or within the primary residence.
3. Detached Accessory Dwelling Unit. A “detached accessory dwelling unit” is a unit that is an independent structure, entirely separated from the structure of the primary residence. Accessory dwelling units constructed within, or as an extension of an existing detached structure other than the primary residence are considered detached accessory dwelling units.
4. Efficiency Kitchen. An efficiency kitchen, as defined in Government Code Section 65852.22, is a kitchen that contains at least a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
5. Floor Area. For purposes of this Chapter, the “floor area” of an accessory dwelling unit is the area of each floor level included within the walls enclosing each dwelling unit. The floor area shall be measured from the outside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, including habitable basements and attics, but not including unenclosed porches, balconies, or any enclosed garages or carports. For purposes of calculating allowable floor area of accessory dwelling units based on a proportion of the size of the primary residence, only the livable floor area of the primary residence shall be counted. The floor area of any other structures, for purposes of calculating total floor area, lot coverage, or other calculations, shall be calculated in the manner described in the relevant zoning regulations.
6. Junior Accessory Dwelling Unit. A “junior accessory dwelling unit” is an accessory dwelling unit built entirely within the walls of an existing or proposed primary residence, not exceeding five hundred (500) square feet in size, and including an efficiency kitchen, as described in Government Code Section 65852.22. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing or proposed primary residence.
7. Multifamily Dwelling. Two (2) or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-unit dwellings on the same lot are not considered a multifamily dwelling.
8. Owner Occupancy. Owner occupancy is the condition and requirement that the owner of a parcel on which a junior accessory dwelling unit is constructed live in one (1) of the units on the property in perpetuity.
9. Primary Residence. A “primary residence” is the main residence, including attached habitable and uninhabitable spaces, located or proposed to be located on the parcel on which an accessory dwelling unit(s) is located or proposed to be located.
10. Stepback. A setback above the ground floor, where the building is “stepped back” an additional distance from the applicable property line.
11. Uninhabitable space. Uninhabitable space is space that is not developed to full standards of habitability.

**8.392.030 - Locations Permitted.**

Accessory dwelling units shall be allowed in the R-1, R-2, R-3, PC, CMU-1, CMU-2, CMU-3, NMU, NMU-ECR, R-E, RH, RM and TPZ districts, and all other districts in which residential uses are permitted, regardless of any regulations that might otherwise prohibit accessory dwelling units in those districts.

### **8.392.040 - Approval.**

Accessory dwelling units meeting all of the applicable requirements of Sections 8.392.050 through 8.392.090, shall be approved ministerially, without public notice, public hearing, or discretionary review.

Accessory dwelling units not meeting the applicable standards set forth in Section 8.392.050 through 8.392.090 will be considered a conditionally permitted use within the districts specified in Section 8.392.030 and may be permitted by a conditional use permit pursuant to a public hearing before the Zoning Hearing Officer, as described in Section 8.392.110.

### **8.392.050 - Development Standards For All Accessory Dwelling Units.**

New accessory dwelling units shall be subject to the requirements and standards described in this Chapter. Where not superseded by the specific requirements described in this Chapter, accessory dwelling units shall also be subject to the requirements applicable to any dwelling unit on the same parcel in the same district. Development standards applicable to all accessory dwelling units include the following:

1. Minimum Lot Area. Accessory dwelling units shall be exempt from the minimum lot area per dwelling unit provisions in the applicable district.
2. Minimum Lot Size. Accessory dwelling units shall be exempt from all minimum lot size requirements.
3. Maximum Density of Development. Accessory dwelling units shall be exempt from any and all provisions limiting the maximum density of development in the applicable district.
4. Setbacks. Notwithstanding the required setbacks in the applicable district, minimum setbacks for accessory dwelling units shall be:
  - a. Front Setbacks. With the exception of accessory dwelling units created entirely within the space of an existing structure, for all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the front property line of the subject parcel than the lesser of:
    - (1) The front setback required by the relevant zoning district, or
    - (2) The distance from the front property line of the primary residence located or proposed to be located on that parcel. For purposes of this section, the primary residence includes attached garages. In cases where the application of the setbacks described in (1) and (2) would preclude the creation of an accessory dwelling unit of at was eight hundred (800) square feet with side and rear setbacks of at least four (4) feet, the accessory dwelling unit may be located within the front setback, but must be located as far as possible from the front property line.

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In cases where an existing primary residence is closer to the front property line than the front setback normally required in the applicable district, the accessory dwelling unit shall also be allowed to be located as close to the front property line as the primary residence.

In cases where an accessory dwelling units are proposed to be built atop, or below an existing detached garage that is located within the required front setback, a conditional use permit shall be required unless this provision would preclude the creation of an accessory dwelling unit of at least eight hundred (800) square feet.

- b. Side and Rear Setbacks. For accessory dwelling units created entirely within the space of an existing structure, or constructed in the same location and to the same dimensions as an existing structure, side and rear setbacks shall be those already existing for that structure.

For all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the property line than: Side: four (4) feet Rear: four (4) feet.

- c. Stepbacks. Accessory dwelling units, whether attached or detached, exceeding sixteen (16) feet in height shall have the following stepbacks from the applicable property lines, located at a point no higher than sixteen (16) feet on the structure: Side: five (5) feet Rear: ten (10) feet.
5. Floor Area. The allowable floor area of an accessory dwelling unit shall be calculated in the manner described in Sections 8.392.050 through 8.392.090, but in no case shall these regulations be applied in such a way as to preclude an attached or detached accessory dwelling unit of up to eight hundred (800) square feet in size that meets all other relevant standards.
6. Lot Coverage. Accessory dwelling units shall count against the allowed lot coverage on a parcel, except that no lot coverage restriction shall preclude creation of an attached or detached accessory dwelling unit of up to eight hundred (800) square feet in size that meets all other relevant standards.
7. Height. The maximum height of an accessory dwelling unit shall be twenty-six (26) feet. Building height shall be measured as the vertical distance from any point on the lower of (a) finished grade, or (b) natural grade, to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend up to eight (8) feet beyond the building height, as required for safety or efficient operation. Accessory dwelling units built entirely within an existing building shall be subject to the greater of the height limit applicable to that building in the relevant district, or the maximum height of the existing primary residence, measured in the manner described in the Zoning Regulations of the relevant district.
8. Daylight Plane. Neither accessory dwelling units built above an existing detached or attached garage or accessory structure, nor detached accessory dwelling units taller than sixteen (16) feet in height, shall be subject to daylight plane requirements. Daylight plane applies to accessory dwelling units attached to or above existing single-family residences and taller than nineteen (19) feet in height, except daylight plane shall be measured from the setback applicable to the accessory dwelling unit.
9. Balconies and Decks. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no rooftop decks, and no portion of any balcony or deck shall be located above ten (10) feet in height, exclusive of railings, measured in the same manner as

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height in Section 8.382.050(7), except on the side of the accessory dwelling unit facing the primary residence. Accessory dwelling units that meet the setback requirements that would apply to a primary residence in the same district may have rooftop decks and balconies to the extent otherwise allowed in the relevant district.

10. Windows. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no windows located above or extending above ten (10) feet on the accessory dwelling unit, measured from finished grade, except on: (1) the side(s) of the accessory dwelling unit facing the primary residence, and (2) the side(s) of the accessory dwelling unit that comply with the setback requirements of the district. On the sides of the accessory dwelling unit that do not meet the setback requirements of the district, clerestory windows located above ten (10) feet on the accessory dwelling unit shall be allowed, if they have a lower sill height of no less than six (6) feet from the nearest interior floor of the accessory dwelling unit, and a total window height no greater than twenty-four (24) inches. Skylights shall be allowed.
11. Fire Safety Requirements. For accessory dwelling units that do not meet the setback requirements of Section 8.392.050(4)(b) are required to provide fire-rated walls, windows, eaves, and other architectural features on the side(s) of the accessory dwelling unit that encroach on the setback. No egress windows shall be allowed on the side(s) of accessory dwelling unit that do not meet the setback requirements of Section 8.392.050(4)(b)
12. Ingress and Egress. Accessory dwelling units shall have an independently accessible entrance that does not require passage through the primary residence.
13. Required Facilities. With the exception of junior accessory dwelling units, which are subject to the requirements described in Section 8.392.080, all attached or detached accessory dwelling units must include the following:
  - a. Independent facilities for living, sleeping, eating, cooking, and sanitation.
  - b. A kitchen area containing a refrigerator, sink, and permanently installed cooking appliance, which must include at least a fixed stovetop.
  - c. A fully plumbed bathroom including sink, shower, and toilet.
14. Parking Requirements
  - a. Required Parking. One (1) new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit.
  - b. Parking Exemptions. Accessory dwelling units meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel, or in the case of a concurrent application for a new primary and accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence:
    - (1) Accessory dwelling units located within one-half (1/2) mile walking distance of a public transit stop or station. Public transit stops must be served by a transit line serving the public, and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders.

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- (2) Accessory dwelling units located within a designated architecturally and historically significant historic district.
  - (3) Accessory dwelling units that are part of the existing primary residence or an existing accessory structure, including attached or detached garages.
  - (4) Accessory dwelling units located within one (1) block of a car share vehicle pick-up/drop-off location.
  - (5) No parking exemption can be granted for properties (1) located within Wildland Urban Interface areas, which includes: Emerald Lake Hills, Devonshire, and other areas designated by the Fire Department as Wildland Urban Interface areas, and (2) where fire engine access and turnaround space required by California Fire Code: Fire Appendix D is not provided.
- c. Conversion of Covered Parking. Any covered parking removed in order to create an accessory dwelling unit is not required to be replaced, and if voluntarily replaced, may be replaced with uncovered parking of any type and configuration allowed by Section 8.392.050(14)(f), below. For purposes of this Section, conversion includes partial or full demolition of covered parking required to create an accessory dwelling unit.
- d. Garage Conversion. If an existing attached or detached garage is converted to an accessory dwelling unit, the parking previously provided by that garage is not required to be replaced, and if voluntarily replaced, may be replaced by uncovered parking of any type and configuration allowed by Section 8.392.050(14)(f), below, and no additional parking related to the accessory dwelling unit is required. For purposes of this Section, conversion includes partial or full demolition of the garage and partial or full replacement with an accessory dwelling unit.
- e. Use of Existing Parking. If the parking already existing on the parcel exceeds that required for existing development on the parcel, excess parking spaces shall be counted toward the new parking required for the accessory dwelling unit.
- f. Provision and Location of Parking. Parking spaces shall be provided in the following manner:
- (1) Pervious Surfaces. All new uncovered parking spaces created for the accessory dwelling unit must be provided on pervious surfaces. The maximum amount of impervious surfaces designated to satisfy the accessory dwelling unit parking requirement shall be no greater than the amount of impervious surfaces existing at time of application. Existing impervious surface area may be used for parking and need not be converted to pervious surface.
  - (2) Uncovered Parking. All parking required for the accessory dwelling unit may be uncovered.
  - (3) Front or Side Yard Parking. Up to three (3) parking spaces may be provided in the front or side yard setbacks. Not more than six hundred (600) square feet of the front yard area shall be used for parking.

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- (4) Tandem Parking. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem parking arrangement consists of one (1) car behind the other. No more than three (3) total cars in tandem may be counted toward meeting the parking requirement.
  - (5) Compact Spaces. All parking required for the accessory dwelling unit may be provided by compact parking spaces, as defined in Section 8.344.020(a).
15. Requests for Parking Exceptions. If the required parking for an accessory dwelling unit cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 8.344.040. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.
16. Design Review. Accessory dwelling units shall not be subject to design review. Compatibility with applicable design standards for such units shall be determined by staff, at the discretion of the Director of Planning and Building.
17. Architectural Review. Accessory dwelling units located in scenic corridors are not subject to architectural review.
18. Concurrent Application for Development of Primary Residence and Accessory Dwelling Unit. In the case of a concurrent application for development of a new primary residence and new accessory dwelling unit on the same parcel, whichever unit is first issued a certificate of occupancy must conform to all applicable regulations for the primary residence in the relevant district.
19. Conversion of Existing Residence. An existing residence may be converted to an accessory dwelling unit in conjunction with development of a new primary residence, if the existing residence, once converted, will meet all the standards applicable to development of a new accessory dwelling unit described in this Chapter.
20. Conversion of Accessory Buildings. An accessory dwelling unit may be constructed within, above, or below an existing, detached accessory building, provided the resulting unit conforms to all applicable provisions of this Chapter.

Accessory dwelling units constructed within, above, or below an existing, detached accessory building that conforms to all applicable provisions of this Chapter shall not be required to obtain a use permit, regardless of the requirements of the applicable district.

Accessory dwelling units built within, above, or below existing, or new garages are subject to the specific provisions of this Chapter regarding such units, regardless of any regulations to the contrary elsewhere in the Zoning Regulations.

21. Creation of Accessory Dwelling Unit Entirely Within a Non-Conforming Primary Residence. In the case of an existing primary residence that does not conform to one (1) or more provisions of the zoning regulations, creation of an accessory dwelling unit that will be entirely within the existing primary residence shall not, in itself, create a requirement that the nonconformities be rectified. No correction of existing nonconformities shall be required, unless they pose a threat to public health and safety.

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22. Short Term Rental. Accessory dwelling units created pursuant to the provisions of this Chapter, if rented, shall only be rented for a term longer than thirty (30) days.
23. Impact Fees. Accessory dwelling units of less than seven hundred fifty (750) square feet in size shall be exempt from all impact fees. Accessory dwelling units of greater than seven hundred fifty (750) square feet in size shall only be charged impact fees in an amount equal to the standard impact fee for such a unit, multiplied by the proportion of the square footage of the accessory dwelling unit to the square footage of the primary dwelling unit.

### **8.392.060 - Standards For Detached Accessory Dwelling Units.**

Detached accessory dwelling units shall be subject to the requirements described in Section 8.392.050, and to the following requirements:

1. Distance Between Detached Accessory Dwelling Units and Other Residential Structures. The distance required between a detached accessory dwelling unit and any other residential structure on the same parcel must be a minimum of five (5) feet, measured from foundation to foundation. If a separation distance greater than five (5) feet is required by any other section of the Zoning Regulations, it shall be disregarded, and the standards of this Chapter shall govern.
2. Floor Area of Detached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:
  - a. The floor area of a detached accessory dwelling unit shall not exceed eight hundred (800) square feet or thirty-five percent (35%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.
  - b. The floor area of a detached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:
    - (1) Regardless of floor area limitations, a single eight hundred (800) square foot detached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements described in Section 8.392.050.
3. Detached Accessory Dwelling Units and Junior Accessory Dwelling Units. One (1) detached accessory dwelling unit may be built in combination with one (1) junior accessory dwelling unit on the same parcel, as long as both units comply with all relevant provisions of this Chapter. A detached accessory dwelling unit may not be built in combination with an attached accessory dwelling unit on the same parcel.

### **8.392.070 -Standards For Attached Accessory Dwelling Units.**

Attached accessory dwelling units shall be subject to the requirements described in section 8.392.050, and to the following requirements:

1. Floor Area of Attached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:
  - a. The floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty percent (50%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.
  - b. The floor area of an attached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:
    - (1) Regardless of floor area limitations, a single eight hundred (800) square foot attached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements in Section 8.392.050.
    - (2) For attached accessory dwelling units built entirely within the walls of an existing or proposed primary residence, an additional one-hundred fifty (150) square feet of floor area is allowed regardless of other floor area limitation, solely for the purpose of providing ingress/egress, and not for expanded living space. Such space for ingress and egress typically includes, but is not limited to, stairs, porches, foyers, and other similar areas.
2. Ingress and Egress for Attached Accessory Dwelling Units. With the exception of junior accessory dwelling units, attached accessory dwelling units shall only be allowed a connecting doorway or other permanent ingress or egress between the primary residence and the accessory dwelling unit with the approval of the Director of Planning and Building, at the Director's discretion. In all cases, such doorways must be independently securable from within the accessory dwelling unit and from within the primary residence.

For accessory dwelling units attached to the primary residence, any new entrances and exits may face the front of the parcel only if they are 1) located so as not to be visible from the front of the parcel, 2) unless otherwise, required by clearance and or landing requirements, or 3) permitted by the Director of Planning and Building, at the Director's discretion.
3. Attached Accessory Dwelling Units and Junior Accessory Dwelling Units. One (1) attached accessory dwelling unit may be built in combination with one (1) junior accessory dwelling unit built on the same parcel, as long as both units comply with all relevant provisions of this Chapter. A detached accessory dwelling unit cannot be built on the same parcel as an attached accessory dwelling unit.



### **8.392.080 - Standards For Junior Accessory Dwelling Units.**

Junior accessory dwelling units shall be subject to the requirements described in 8.392.050, with the following exceptions:

1. Location. Junior accessory dwelling units must be constructed entirely within the walls of an existing or proposed primary single-family residence, including within the walls of a garage attached to the primary residence, except that an additional one hundred fifty (150) square feet may be built solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.
2. Floor area. The floor area of a junior accessory dwelling unit may be no greater than five hundred (500) square feet under any circumstance, except that an additional one hundred fifty (150) square feet may be created outside of the primary residence, solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.
3. Required Facilities. Junior accessory dwelling units must have a sleeping area, sink, and efficiency kitchen as defined in Government Code Section 65852.22. Junior accessory dwelling units may share a bathroom with the primary residence.
4. Internal Ingress and Egress. Junior accessory dwelling units must have external ingress and egress, as described in Section 8.392.050.12. However, junior accessory dwelling units may have an internally connecting doorways between the junior accessory dwelling unit and the primary residence. The internally connecting doorway must be independently securable from both the junior accessory dwelling units and the primary residence. An internal connecting doorway between the junior accessory dwelling unit and the primary residence is required if the junior accessory dwelling unit does not include a separate bathroom.
5. Owner Occupancy. The owner(s) of the parcel on which a junior accessory dwelling unit is proposed shall be required to occupy one (1) of the units on the parcel. The owner(s) shall be required to record a deed restriction enforcing this requirement, which shall run with the land, and which shall be provided to the Planning and Building Department. The deed restriction shall also include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
6. Parking. No additional parking shall be required for the creation of a junior accessory dwelling unit.

### **8.392.090 - Standards For Multiple Accessory Dwelling Units On Properties With Existing or Proposed Multifamily Structures.**

On parcels with existing or proposed multi-family structures, including multi-family structures with two (2) or more units, multiple accessory dwelling units shall be allowed, subject to the requirements described in Section 8.392.050, and to the following requirements:

1. Accessory Dwelling Units within Multi-family Structures:
  - a. Multiple accessory dwelling units may be created within the portions of existing or proposed multi-family dwelling structures that are not used as livable space, including, but not limited to, storage

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rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings.

- b. A minimum of one (1) accessory dwelling unit shall be allowed within an existing or proposed multi-family dwelling, and a maximum number of accessory dwelling units not exceeding twenty-five percent (25%) of the existing or proposed multi-family dwelling units on the parcel, if those accessory dwelling units meet all required standards of this Chapter.
2. Detached Accessory Dwelling Units on Parcels with Multi-family Structures. Up to two (2) detached accessory dwelling units shall be allowed on a parcel that has an existing or proposed multi-family dwelling, subject to the provisions of this Chapter.

### **8.392.100 - Development Standards For Unpermitted Accessory Dwelling Units.**

1. Building permits may be issued for existing accessory dwelling units which were constructed without required permits, under the following conditions:
  - a. The accessory dwelling unit conforms to all applicable provisions of this Chapter, and all other applicable required standards for habitability.
  - b. All applicable fees for construction completed without permits have been paid.

Accessory dwelling units constructed without permits that do not meet the provisions of this Section may apply for a conditional use permit, as described in Section 8.392.110.

### **8.392.110 - Requirements For Conditionally Permitted Accessory Dwelling Units.**

1. Accessory dwelling units not meeting all applicable standards of this Chapter, and which do not meet requirements of Section 8.392.120, Home Improvement Exceptions, may be conditionally permitted, subject to a conditional use permit.
2. With the exception of accessory dwelling units described in 8.392.110(3), below, the process for application for and issuance of a conditional use permit for an accessory dwelling unit shall be that set forth in Section 8.28.030 of the County Zoning Regulations, except that the granting of the permit shall be at the determination of the Zoning Hearing Officer. The determination of the Zoning Hearing Officer shall be appealable to the County Planning Commission only, subject to the procedures specified in Chapters 8.280 and Chapter 8.448 of the Zoning Regulations.
3. In the event that the creation or legalization of an accessory dwelling unit creates conflicts with standards specific to the base or overlay zoning of the parcel, or other standards for which specific exceptions are not provided in this Chapter, those conflicts must be addressed by whatever relief, if any, and through whatever procedures, are normally required by the regulations in which those standards are contained.

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4. In the case of accessory dwelling units meeting all applicable standards of this Chapter except those related to parking requirements, a parking exception may be requested as provided in Section 8.392.05(14)(f), and a conditional use permit shall not be required.

**8.392.120 - Home Improvement Exceptions.**

For accessory dwelling units that may be allowed contingent on approval of a Home Improvement Exception (HIE), as described in Section 8.320.020, accessory dwelling units are exempt from the following requirements of Section 8.320.020:

1. The improvement may not result in the creation of a new story. Accessory dwelling units permitted contingent on an HIE may result in creation of a new story.
2. At least seventy-five percent (75%) of the existing exterior walls (in linear feet) will remain. Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of linear feet of existing walls remaining.
3. At least fifty percent (50%) of the existing roof (in square feet) will remain. Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of existing roof remaining.
4. The addition will be located at least three (3) feet from a property line. In the case of accessory dwelling units located within an existing structure, as described in subsection 8.392.050(4), accessory dwelling units may be permitted contingent on an HIE regardless of setbacks.
5. The existing structure is located in an area with an average slope of less than twenty (20) percent. Accessory dwelling units may be permitted contingent on an HIE regardless of the average slope.

The aforementioned units are also exempt from the required HIE findings of Section 8.320.060(1) and (2).

These exceptions to HIE standards are applicable only to the accessory dwelling unit, not to the primary residence or any other development on the subject parcel.

Home Improvement Exceptions may not be used to allow an accessory dwelling unit of greater floor area than that allowed by Section 8.392.050(5), or a junior accessory dwelling unit of greater floor area than allowed by Section 8.392.080(2)

**8.392.130 - Decisions.**

Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 8.392.110, shall be approved or denied ministerially, on the basis of the objective criteria included in this Chapter and other applicable regulations. Consideration of other permits associated with development of the proposed accessory dwelling unit only, that might otherwise be discretionary, including but not limited to Tree Removal, Resource Management, and Grading Permits, and Off-Street Parking Exceptions shall also be ministerial, except as provided in Section 8.392.110. No public notice or public hearing shall be required for review and approval or denial of an accessory dwelling unit, unless an applicant requests exceptions to the standards set forth in this Chapter.

**8.392.140 - Appeals.**

Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal.

**8.392.150 - Applicability In San Mateo County Coastal Zone And Coastal Development District.**

These regulations shall only be applicable in areas outside San Mateo County's Coastal Zone.

**8.392.160 - Applicability Of County Regulations.**

With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Title 8 et seq.) and the Building Code (Title 10 et seq.).

(Chapter 22.5 - Added by Ordinance No. 2876 - January 24, 1984)

(Sections 6425 - 6434 repealed and replaced in their entirety by Ordinance No. 04768 - January 10, 2017)

(Sections 6425 - 6436 repealed and replaced in their entirety by Ordinance No. 4811 - March 26, 2019)

(Sections 6425 - 6437 repealed and replaced in their entirety by Ordinance No. 4834 - September 15, 2020)

(Sections 6425 – 6437 repealed and replaced in their entirety by Ordinance No. 4889 – May 21, 2024)

***CHAPTER 8.396 - ACCESSORY DWELLING UNITS, COASTAL ZONE***

### **8.396.010 – Purpose**

Accessory dwelling units are a residential use that provide an important source of housing. The purpose of this Chapter is to:

1. Increase the supply and diversity of the County’s housing stock, in particular the number of smaller and more affordable units, by allowing accessory dwelling units to be built on existing residential properties, while preserving the neighborhood character.
2. Increase the housing stock of existing neighborhoods in a manner that has less impact on the environment than development of housing in undeveloped areas.
3. Allow more efficient use of existing residential areas and supporting infrastructure.
4. Provide a means for residents to remain in their homes and neighborhoods.
5. Provide opportunities for homeowners to earn supplemental income from renting an accessory dwelling unit.
6. Establish standards for accessory dwelling units in the County’s Coastal Zone to ensure that they are safe, habitable, compatible with existing development, and consistent with the policies of the County’s Local Coastal Program and the California Coastal Act.

### **8.396.020 - Definitions.**

1. Primary Residence. A “primary residence” is the main residence located or proposed to be located on the parcel on which an accessory dwelling unit(s) is located or proposed to be located.
2. Accessory Dwelling Unit. An “accessory dwelling unit” is a dwelling unit located or proposed to be located on a lot which contains, or will contain, a primary residence. Accessory dwelling units may be detached from or attached to the primary residence on the property. Accessory dwelling units may also be (1) efficiency units, as defined in Section 17958.1 of the California Health and Safety Code, or (2) manufactured homes, as defined in Section 18007 of the California Health and Safety Code. Accessory dwelling units are “accessory dwelling units” as that term is used in Government Code Section 65852.2. An accessory dwelling unit includes an efficiency unit as defined in Section 17958.1 of the Health and Safety Code or a manufactured home as defined in Section 18007 of the Health and Safety code. A “second unit” or “secondary unit” is an accessory dwelling unit. Accessory dwelling units are not “accessory buildings” as defined in Section 6102.19. Any secondary structure that provides independent facilities for living; sleeping; eating; cooking; and sanitation, may be considered an accessory dwelling

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unit, at the discretion of the Director of Planning and Building, unless an applicant can provide compelling evidence to the contrary to the satisfaction of the Director of Planning and Building.

3. Detached Accessory Dwelling Unit. A “detached accessory dwelling unit” is a unit that is an independent structure, entirely separated from the structure of the primary residence. Accessory dwelling unit constructed within, or as an extension of an existing detached structure other than the primary residence are considered detached accessory dwelling units.
4. Attached Accessory Dwelling Unit. An “attached accessory dwelling unit” is a unit that is built as an addition to, extension of, or within the primary residence.
5. Junior Accessory Dwelling Unit. A “junior accessory dwelling unit” is an accessory dwelling unit built entirely within the walls of an existing or proposed primary residence, not exceeding five hundred sq. ft. in size, and including an efficiency kitchen, as described in Government Code Section 65852.22. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure or unit.
6. Efficiency Kitchen. An efficiency kitchen, as defined in Government Code Section 65852.22, is a kitchen that contains at least a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
7. Floor Area. For purposes of this Chapter, the “floor area” of an accessory dwelling unit is the area of each floor level included within the walls enclosing each dwelling unit. The floor area shall be measured from the outside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, including habitable basements and attics, but not including unenclosed porches, balconies, or any enclosed garages or carports. For purposes of calculating allowable floor area of accessory dwelling units based on a proportion of the size of the primary residence, only the livable floor area of the primary residence shall be counted. The floor area of any other structures, for purposes of calculating total floor area, lot coverage, or other calculations, shall be calculated in the manner described in the relevant zoning regulations.
8. Owner Occupancy. Owner occupancy is the condition and requirement that the owner of a parcel on which a junior accessory dwelling unit is constructed live in one of the units on the property in perpetuity.
9. Stepback. A setback above the ground floor, where the building is “stepped back” an additional distance from the outermost point of the building at the ground level.

### **8.396.030 - Locations Permitted.**

Accessory dwelling units shall be allowed in the R-1, R-2, and R-3 Zoning Districts in the County’s Coastal Zone, regardless of any regulations that might otherwise prohibit accessory dwelling units in any specific district.

### **8.396.040 – Approval.**

Accessory dwelling units meeting all of the applicable requirements of Sections 8.396.050 through 8.396.090, as applicable, shall be approved ministerially, without public notice, public hearing, or discretionary review, in the manner and to the extent described in Section 6439.17.

Accessory dwelling units not meeting the applicable standards set forth in Sections 8.396.050 through 8.396.090 will be considered a conditionally permitted use within the districts specified in Section 8.396.030 and may be permitted by a conditional use permit pursuant to a public hearing before the Zoning Hearing Officer, as described in Section 8.396.110. Conditionally permitted units may also still be subject to other permitting requirements and approvals pertaining to the County's Coastal Zone, as described in Section 8.396.180.

### **8.396.050 - Development Standards For All Accessory Dwelling Units**

New accessory dwelling units shall be subject to the requirements and standards described in this chapter. Where not superseded by the specific requirements described in this chapter, accessory dwelling units shall also be subject to the requirements applicable to any dwelling unit on the same parcel in the same district. Development standards applicable to all accessory dwelling units include the following:

1. Minimum Lot Area. Accessory dwelling units shall be exempt from the minimum lot area per dwelling unit provisions in the applicable district.
2. Minimum Lot Size. Accessory dwelling units shall be exempt from all minimum lot size requirements.
3. Maximum Density of Development. Accessory dwelling units shall be exempt from any and all provisions limiting the maximum density of development in the applicable district.
4. Setbacks. Notwithstanding the required setbacks in the applicable district, minimum setbacks for accessory dwelling units shall be:

a. Front Setbacks. With the exception of accessory dwelling units created entirely within the space of an existing structure, for all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the front property line of the subject parcel than the lesser of:

- (1) The front setback required by the relevant zoning district, or

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(2) The distance from the front property line of the primary residence located or proposed to be located on that parcel. For purposes of this section, the primary residence includes attached garages.

In cases where an existing primary residence is closer to the front property line than the front setback normally required in the same district, the accessory dwelling unit shall also be allowed to be located as close to the front property line as the primary residence.

In cases where an accessory dwelling unit is proposed to be built atop an existing detached garage that is located within the required front setback, a conditional use permit shall be required.

b. Side and Rear Setbacks. For accessory dwelling units created entirely within the space of an existing structure, setbacks shall be those already existing for that structure, unless such setbacks present demonstrable safety issues.

For all other accessory dwelling units regardless of height, the accessory dwelling unit may be located no closer to the property line than: Side: 4 feet; Rear: 4 feet.

c. Stepbacks. Accessory dwelling units, whether attached or detached, exceeding 16 feet in height shall have the following stepbacks, located at a point no higher than 16 feet on the structure: Side: 5 feet; Rear: 10 feet.

5. Floor Area. The allowable floor area of an accessory dwelling unit shall be calculated in the manner described in Sections 8.396.050 through 8.396.090, but in no case shall these regulations be applied in such a way as to preclude an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.
6. Lot Coverage. Accessory dwelling units shall count against the allowed lot coverage on a parcel, except that no lot coverage restriction shall preclude creation of an attached or detached accessory dwelling unit of at least 800 sq. ft. in size that meets all other relevant standards.
7. Height. The maximum height of the accessory dwelling unit shall be twenty-six feet. Building height shall be measured as the vertical distance from any point on the lower of (a) finished grade, or (b) natural grade, to the topmost point of the building immediately above. Chimneys, pipes, mechanical equipment, antennae, and other similar structures may extend up to eight feet beyond the building height, as required for safety or efficient operation. Accessory dwelling units built entirely within an existing building shall be subject to the greater of the height limit applicable to that building in the relevant district, or the maximum height of the existing primary residence, measured in the manner described in the Zoning Regulations of the relevant district.



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8. Daylight Plane. Neither accessory dwelling units built above an existing detached or attached garage or accessory structure, nor detached accessory dwelling units taller than sixteen (16) feet in height, shall be subject to daylight plane requirements.
  
9. Balconies and Decks. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no rooftop decks, and no portion of any balcony or deck shall be located above ten (10) feet in height, exclusive of railings, measured in the same manner as height in Section 6439.7, except on the side of the accessory dwelling unit facing the primary residence. Accessory dwelling units that meet the setback requirements that would apply to a primary residence in the same district may have rooftop decks and balconies to the extent otherwise allowed in the relevant district.
  
10. Windows. Accessory dwelling units that do not meet the setback requirements that would apply to a primary residence in the same district shall have no windows located above or extending above ten (10) feet on the accessory dwelling unit, measured from finished grade, except on: (1) the side(s) of the accessory dwelling unit facing the primary residence, and (2) the side(s) of the accessory dwelling unit that comply with the normal setback requirements of the district. On the sides of the accessory dwelling unit that do not meet the normal setback requirements of the district, clerestory windows located above ten (10) feet on the accessory dwelling unit shall be allowed, if they have a lower sill height of no less than six feet from the nearest interior floor of the accessory dwelling unit, and a total window height no greater than twenty-four (24) inches. Skylights shall be allowed.
  
11. Ingress and Egress. Accessory dwelling units shall have an independently accessible entrance that does not require passage through the primary residence.
  
12. Required Facilities. With the exception of junior accessory dwelling units, which are subject to the requirements described in Section 6439.8, all attached or detached accessory dwelling units must include the following:
  - a. Independent facilities for living, sleeping, eating, cooking, and sanitation.
    - b. A kitchen area containing a refrigerator, sink, and permanently installed cooking appliance, which must include at least a fixed stovetop.
  - c. A fully plumbed bathroom including sink, shower, and toilet.
  
13. Parking Requirements
  - a. Required Parking. Parking for accessory dwellings units shall be provided as follows:

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- (1) Outside of the designated areas shown in LCP Maps 3.1, “ADU Parking Area – Montara and Moss Beach,” and 3.2, “ADU Parking Area – El Grenada and Pillar Point Harbor,” one new covered or uncovered parking space, in addition to those already existing on the parcel, shall be provided on-site for each new attached or detached accessory dwelling unit, unless the accessory dwelling unit meets the parking exemption criteria of subsection b. below. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit outside of such designated areas, those off-street parking spaces are not required to be replaced.
  - (2) Within the designated areas shown in LCP Maps 3.1 and 3.2, at least one off-street parking space shall be required for each accessory dwelling unit, and all off-street parking requirements associated with other residential uses at the site shall be met onsite, including replacement parking spaces if any are removed or converted to accommodate an accessory dwelling unit.
- b. Parking Exemptions. Accessory dwelling units located outside of the designated areas shown in LCP Maps 3.1 and 3.2 and meeting any of the following criteria shall not be required to provide any parking in addition to that already provided on the parcel, or in the case of a concurrent application for a new primary and accessory dwelling unit, shall not be required to provide any parking in addition to the parking required for the primary residence:
- (1) Accessory dwelling units located within one-half (1/2) mile of a public transit stop or station, measured as a direct line from the transit stop. Public transit stops must be served by a transit line serving the public, and not solely by specialized, private, or limited population services such as school buses, privately run shuttles, or other services that cannot be used by all public riders.
  - (2) Accessory dwelling units located within a designated architecturally and historically significant historic district.
  - (3) Accessory dwelling units that are part of the existing primary residence or an existing accessory structure, including attached or detached garages.
  - (4) Accessory dwelling units located within one (1) block of a car share vehicle pick-up/drop-off location.
- c. Conversion of Covered Parking. Any covered parking removed in order to create an accessory dwelling unit, if required to be replaced, may be replaced with uncovered parking of any type and configuration allowed by Section 8.396.050(13)(f), below. For purposes of this Section, conversion includes partial or full demolition of covered parking required to create an accessory dwelling unit.
- d. Garage conversion. If an existing attached or detached garage is converted to an accessory dwelling unit, the parking previously provided by that garage may be replaced by uncovered

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parking of any type and configuration allowed by Section 8.396.050(13)(f), below, and no additional parking related to the accessory dwelling unit is required. For purposes of this Section, conversion includes partial or full demolition of the garage and partial or full replacement with an accessory dwelling unit.

e. Use of Existing Parking. If the parking already existing on the parcel exceeds that required for existing development on the parcel, excess parking spaces shall be counted toward the new parking required for the accessory dwelling unit.

f. Provision and Location of Parking. Parking spaces shall be provided in the following manner:

(1) Pervious Surfaces. All new parking spaces created for the accessory dwelling unit must be provided on pervious surfaces. The maximum amount of impervious surfaces designated to satisfy the accessory dwelling unit parking requirement shall be no greater than the amount of impervious surfaces existing at time of application. Existing impervious surface area may be used for parking and need not be converted to pervious surface.

(2) Uncovered Parking. All parking required for the accessory dwelling unit may be uncovered.

(3) Front or Side Yard Parking. Up to three parking spaces may be provided in the front or side yard. Not more than 600 sq. ft. of the front yard area shall be used for parking.

(4) Tandem Parking. Required parking spaces for the primary residence and the accessory dwelling unit may be provided in tandem on a driveway. A tandem parking arrangement consists of one car behind the other. No more than three total cars in tandem may be counted toward meeting the parking requirement.

(5) Compact Spaces. All parking required for the accessory dwelling unit may be provided by compact parking spaces, as defined in Section 8.344.010(a).

14. Requests for Parking Exceptions. If the required parking for an accessory dwelling unit outside the designated areas shown in LCP Maps 3.1 and 3.2 cannot be met in accordance with this Chapter, an application may be submitted for a parking exception, as specified in Section 8.344.040. For parking provided in accordance with the provisions of this Chapter, a parking exception shall not be required.

15. Design Review. Accessory dwelling units shall not be subject to design review, except to the extent that they are located in the County's Coastal Zone. Accessory dwelling units in the County's Coastal Zone are subject to relevant design review requirements incorporated in the County's Local Coastal Program and Zoning Regulations, however, such units shall not be reviewed by a Design Review Committee, nor shall their design be subject to consideration at any public hearing. Compatibility with applicable design

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standards for such units shall be determined by the Director of Planning and Building or the Director's designee.

16. Architectural Review. Accessory dwelling units located in scenic corridors in the County's Coastal Zone shall be subject to architectural review as normally required.
17. Concurrent Application for Development of Primary Residence and Accessory Dwelling Unit. In the case of a concurrent application for development of a new primary residence and new accessory dwelling unit on the same parcel, whichever unit is first issued a certificate of occupancy must conform to all applicable regulations for the primary residence in the relevant district.
18. Conversion of Existing Residence. An existing residence may be converted to an accessory dwelling unit in conjunction with development of a new primary residence, if the existing residence, once converted, will meet all the standards applicable to development of a new accessory dwelling unit described in this Chapter.
19. Conversion of Accessory Buildings. An accessory dwelling unit may be constructed within or above an existing, detached accessory building, provided the resulting unit conforms to all applicable provisions of this Chapter.

Accessory dwelling units constructed within or above an existing, detached accessory building that conforms to all applicable provisions of this Chapter shall not be required to obtain a use permit, regardless of the requirements of the applicable district.

Accessory dwelling units built within or above existing garages are subject to the specific provisions of this Chapter regarding such units, regardless of any regulations to the contrary in the Zoning Regulations.

20. Creation of Accessory Dwelling Unit Entirely Within a Non-Conforming Primary Residence. In the case of an existing primary residence that does not conform to one or more zoning regulations, creation of an accessory dwelling unit that will be entirely within the existing primary residence shall not, in itself, create a requirement that the nonconformities be rectified. However, no other provisions that may require rectification of existing nonconformities are waived merely due to approval of an accessory dwelling unit, unless specifically described in this Chapter.
21. Short Term Rental. Accessory dwelling units created pursuant to the provisions of this Chapter, if rented, shall only be rented for a term longer than 30 days.
22. Impact Fees. Accessory dwelling units of less than 750 sq. ft. in size shall be exempt from all impact fees. Accessory dwelling units of greater than 750 sq. ft. in size shall only be charged impact fees in an amount equal to the standard impact fee for such a unit, multiplied by the proportion of the accessory dwelling unit to the primary dwelling unit.

### **8.396.060 - Standards For Detached Accessory Dwelling Units.**

New detached accessory dwelling units shall be subject to the requirements described in Section 6439.5, and to the following requirements:

1. Distance between Detached Accessory Dwelling Units and Other Residential Structures. The distance required between a detached accessory dwelling unit and any other residential structure on the same parcel must be a minimum of five (5) feet, measured from foundation to foundation. If a separation distance greater than five (5) feet is required by any other section of the Zoning Regulations, it shall be disregarded, and the standards of this Chapter shall govern.
  
2. Floor Area of Detached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:
  - a. The floor area of a detached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or thirty-five percent (35%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.
  
  - b. The floor area of a detached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:
    - (1) Regardless of floor area limitations, a single eight hundred (800) square foot detached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements described in Section 6439.5.4.
  
3. Detached Accessory Dwelling Units and Junior Accessory Dwelling Units. One detached accessory dwelling unit may be built in combination with one junior accessory dwelling unit built on the same parcel, as long as both units comply with all relevant provisions of this Chapter.

### **8.396.070 - Standards For Attached Accessory Dwelling Units.**

New attached accessory dwelling units shall be subject to the requirements described in Section 6439.5, and to the following requirements:

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1. Floor Area of Attached Accessory Dwelling Units. Notwithstanding any floor area standards applicable to accessory dwelling units in the applicable district, the following floor area standards shall apply:
  - a. The floor area of an attached accessory dwelling unit shall not exceed eight hundred (800) sq. ft. or fifty percent (50%) of the livable floor area of the existing or proposed primary residence, whichever is larger, up to a maximum of one thousand five hundred (1,500) square feet. The floor area of the primary residence shall be calculated in the manner described in the relevant base or overlay district Zoning Regulations.
  - b. The floor area of an attached accessory dwelling unit shall count against the total floor area allowed on a parcel, such that the total floor area of the accessory dwelling unit in combination with the square footage of the primary residence and other structures on or proposed to be on the parcel shall not exceed the maximum floor area allowed within the zoning district, with the following exception:
    - (1) Regardless of floor area limitations, a single eight hundred (800) square foot attached accessory dwelling unit shall be allowed on a parcel, so long as that accessory dwelling unit can meet the setback and stepback requirements in Section 8.396.050(4).
    - (2) For attached accessory dwelling units built entirely within the walls of an existing or proposed primary residence, an additional one-hundred fifty (150) sq. ft. of floor area is allowed regardless of other floor area limitation, solely for the purpose of providing ingress/egress, and not for expanded living space. Such space for ingress and egress typically includes, but is not limited to, stairs, porches, foyers, and other similar areas.
2. Ingress and Egress for Attached Accessory Dwelling Units. With the exception of junior accessory dwelling units, attached accessory dwelling units shall only be allowed a connecting doorway or other permanent ingress or egress between the primary residence and the accessory dwelling unit with the approval of the Director of Planning and Building, at the Director's discretion. In all cases, such doorways must be independently securable from within the accessory dwelling unit and from within the primary residence. Junior accessory dwelling units are permitted to have a connecting doorway or other permanent ingress or egress between the primary residence and the junior accessory dwelling unit, but such doorway must also be independently securable from within both the junior accessory dwelling unit and the primary residence.

For accessory dwelling units attached to the primary residence, any new entrances and exits may face the front of the parcel only if they are 1) located so as not to be visible from the front of the parcel, or 2) unless otherwise, required by clearance and or landing requirements, or 3) unless permitted by the Director of Planning and Building, at the Director's discretion.
3. No Combining of Attached Accessory Dwelling Units and Other Accessory Dwelling Units.

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An attached accessory dwelling unit that does not meet the definition of, and comply with all relevant standards relating to, a junior accessory dwelling unit, may not be built in combination with any other attached or detached accessory dwelling unit on the same parcel.

### **8.396.080 - Standards For Junior Accessory Dwelling Units.**

New attached junior accessory dwelling units shall be subject to the requirements described in Section 8.396.050, with the following exceptions:

1. Location. Junior accessory dwelling units must be constructed entirely within the walls of an existing or proposed primary single-family residence, except that an additional one hundred fifty (150) sq. ft. may be built solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.
2. Floor area. The floor area of a junior accessory dwelling unit may be no greater than five hundred (500) sq. ft. under any circumstance, except that an additional one-hundred fifty (150) sq. ft. may be created outside of the primary residence, solely for the purpose of providing ingress and egress for the junior accessory dwelling unit.
3. Required Facilities. Junior accessory dwelling units must have a sleeping area, sink, and efficiency kitchen as defined in Government Code Section 65852.22. JADUs may share a bathroom with the primary residence.
4. Internal Ingress and Egress. Junior accessory dwelling units must have external ingress and egress, as described in Subsection 8.396.050(11). However, junior accessory dwelling units may have internally connecting doorways between the junior accessory dwelling unit and the primary residence. The internally connecting doorway must be independently securable from both the junior accessory dwelling units and the primary residence.
5. Owner Occupancy. The owner(s) of the parcel on which a junior accessory dwelling unit is proposed shall be required to occupy one of the units on the parcel. The owner(s) shall be required to record a deed restriction enforcing this requirement, which shall run with the land, and which shall be provided to the Planning and Building Department. The deed restriction shall also include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

### **8.396.090 - Standards For Multiple Accessory Dwelling Units On Properties With Existing Multifamily Structures.**

On parcels with existing multi-family structures, including multi-family structures with two or more units, multiple accessory dwelling units shall be allowed, subject to the requirements described in Section 8.396.050 and to the following requirements:

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1. Accessory Dwelling Units within Multifamily Structures:

a. Multiple accessory dwelling units may be created within the portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

b. A minimum of one accessory dwelling unit shall be allowed within an existing multi-family dwelling, and a maximum number of accessory dwelling units not exceeding twenty-five percent (25%) of the existing multi-family dwelling units on the parcel, if those accessory dwelling units meet all required standards of this Chapter.

2. Detached Accessory Dwelling Units on Parcels with Multifamily Structures. No more than two detached accessory dwelling units shall be allowed on a parcel that has an existing multi-family dwelling, subject to the provisions of this Chapter.

**8.396.100 - Development Standards For Existing Accessory Dwelling Units.**

1. Building permits may be issued for existing accessory dwelling units which were constructed without required permits, under the following conditions:

a. The accessory dwelling unit conforms to all applicable provisions of this Chapter, and all other applicable required standards for habitability.

b. All applicable fees for construction completed without permits have been paid.

Accessory dwelling units constructed without permits that do not meet the provisions of this Section may apply for a conditional use permit, as described in Section 8.396.110.

**8.396.110 - Requirements For Conditionally Permitted Accessory Dwelling Units.**

1. Accessory dwelling units not meeting all applicable standards of this Chapter may be conditionally permitted, subject to a conditional use permit.

2. With the exception of accessory dwelling units described in Section 8.396.110(4), below, the process for application for and issuance of a conditional use permit for an accessory dwelling unit shall be that set forth in Section 8.280.030 of the County Zoning Regulations, except that the granting of the permit shall



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be at the determination of the Zoning Hearing Officer. The determination of the Zoning Hearing Officer shall be appealable to the County Planning Commission only, subject to the procedures specified in Chapter 8.280 and Chapter 8.448 of the Zoning Regulations.

3. In the case of accessory dwelling units within the Coastal Zone which are proposed in conjunction with other development that is required to be reviewed by the Planning Commission, the conditional use permit will be reviewed and granted by the Planning Commission only, and shall not be appealable. The Planning Commission's review may not consider issues related to design review.
4. Accessory dwelling units requiring a conditional use permit which are within the Coastal Development (CD) District may require a Coastal Development Permit that may be appealable to the Coastal Commission.
5. In the event that the creation or legalization of an accessory dwelling unit creates conflicts with standards specific to the base or overlay zoning of the parcel, or other standards for which specific exceptions are not provided in this Chapter, those conflicts must be addressed by whatever relief, if any, and through whatever procedures, are normally required by the regulations in which those standards are contained.
6. In the case of accessory dwelling units meeting all applicable standards of this Chapter except those related to parking requirements, a parking exception may be requested as provided in Section 8.396.050(14), and a conditional use permit shall not be required.

### **8.396.120 - Home Improvement Exceptions.**

For accessory dwelling units that may be allowed contingent on approval of a Home Improvement Exception (HIE), as described in Section 8.320, accessory dwelling units are exempt from the requirements of Section 8.320 that:

1. *The improvement may not result in the creation of a new story.* Accessory dwelling units permitted contingent on an HIE may result in creation of a new story.
2. *At least 75 percent of the existing exterior walls (in linear feet) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of linear feet of existing walls remaining.
3. *At least 50 percent of the existing roof (in sq. ft.) will remain.* Accessory dwelling units may be permitted contingent on an HIE regardless of the percent of existing roof remaining.
4. *The addition will be located at least three feet from a property line.* In the case of accessory dwelling units located within an existing structure, as described in 8.396.050(4), accessory dwelling units may be permitted contingent on an HIE regardless of setbacks.

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5. *The existing structure is located in an area with an average slope of less than 20 percent. Accessory dwelling units may be permitted contingent on an HIE regardless of the average slope.*

These exceptions to HIE standards are applicable only to the accessory dwelling unit, not to the primary residence or any other development on the subject parcel.

Home Improvement Exceptions may not be used to allow an accessory dwelling unit of greater floor area than that allowed by Section 8.396.050(5).

**8.396.130 - Applicability In San Mateo County Coastal Zone And Coastal Development District.**

These regulations shall only be applicable in areas inside San Mateo County's Coastal Zone.

**8.396.140 – Applicability Of County Regulations.**

With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Title 8 et seq.) and the Building Regulations (Title 10 et seq.).

**8.396.150 – Coastal Development District.**

In the Coastal Development (CD) District, all accessory dwelling units shall comply with all of the applicable regulations of the district, including but not limited to the Sensitive Habitats, Visual Resources, and Hazards policies of the Local Coastal Program. Nothing in this Chapter shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act, the San Mateo County Local Coastal Program, or the CD District regulations, except that no public hearing shall be required for accessory dwelling units that meet all relevant standards of this Chapter, and approval of such accessory dwelling unit applications shall be made ministerially, at the staff level. Accessory dwelling units shall count toward the total residential development limits described in Section 1.23 and 3.22 of the County's Local Coastal Program.

**8.396.160 – Decisions.**

Applications for accessory dwelling units, except for those requiring a conditional use permit as specified in Section 8.396.110, shall be approved or denied ministerially, on the basis of the objective criteria included in this Chapter and other applicable regulations as defined in Section 8.392.130. Consideration of other permits associated with development of the proposed accessory dwelling unit only, that might otherwise be discretionary, including but not limited to Tree Removal, Coastal Development, Resource Management, and Grading Permits, shall also be ministerial, except as provided in Section 8.396.110. Except for units that are within the Coastal Zone's Appeals Jurisdiction and/or that require a Coastal Development Permit, no public notice or public hearing shall be required for review and approval or denial of an accessory dwelling unit, unless an applicant requests exceptions to the standards set forth in this Chapter. In the case of units that are within the Coastal Zone's Appeals Jurisdiction, and/or require a Coastal Development permit, all required public notice will be provided.

**8.396.170 - Appeals.**

Decisions to approve or deny an application for an accessory dwelling unit that meets all relevant standards set forth in this Chapter shall not be subject to appeal, except if located in the Coastal Commission appeals area of the CD District, in which case the decision may be appealable as provided in the CD District Regulations, Section 8.252.040(s).

**8.396.180 – Applicability Of County Regulations.**

With the exception of specific standards and exemptions described in this Chapter, all accessory dwelling units must comply with all applicable provisions in the San Mateo County Ordinance Code, including the Zoning Regulations (Title 8 et seq.) and the Building Code (Title 10 et seq.).

(Chapter 22.5.1 - Added by Ordinance No. 4834 – September 15, 2020)

(Sections 6439.1 – 6439.18 repealed and replaced in their entirety by Ordinance No. 4851 - September 14, 2021)

**ARTICLE 7 - TREES & NATURAL RESOURCES PROTECTION**

***CHAPTER 8.400 - SIGNIFICANT TREE REGULATIONS***

**8.400.010 - Findings.**

The Board of Supervisors finds and declares that the existing and future trees and tree communities located within the County of San Mateo are a valuable and distinctive natural resource. The trees and tree communities of the County augment the economic base through provision of resources for forest products, encouragement of tourism, and enhancement of the living environment. These resources are a major component of both the highly-localized and area-wide environment. The following environmental consequences are among those which could result from the indiscriminate removal or destruction of trees and tree communities in San Mateo County:

- (a) Modification of microclimates.
- (b) Change or elimination of animal habitat, possibly including habitats of endangered species.
- (c) Change in soil conditions, resulting in modified biological activity and erosion of soils.
- (d) Creation of increased susceptibility of flood hazards.

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- (e) Increased risk of landslides.
- (f) Increased cost of construction and maintenance of drainage system through increased flow and diversion of surface waters.
- (g) Degradation of the human habitat.
- (h) Loss of environmental benefits of trees in neighborhoods, such as noise reduction, oxygen replacement, carbon dioxide reduction, interception of particulates, aesthetic qualities.
- (i) Potential for irreparable wind damage to adjacent trees.

**8.400.020 - Intent.**

The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect those other ordinances regulating tree cutting, but that it is the intent of this Board to control and supervise in a reasonable manner the cutting of significant trees and tree communities within the unincorporated area of the County as herein described. It is further found and declared that the preservation and replacement of significant tree communities on private and public property is necessary to protect the natural beauty of the area, protect property values, and prevent undesirable changes in the environment.

**8.400.030 - Purpose.**

The Board of Supervisors further finds and declares that it is necessary to enact this ordinance for the above reasons and to promote the public health, safety, general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity.

**8.400.040 - Title.**

This ordinance shall be known as the “Significant Tree Ordinance.”

**8.400.050 - Definitions**

For the purposes of this part, the following words shall have the meaning ascribed to them in this chapter.

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1. "PERSON" shall mean an individual, public agency, including the County and its departments, firm, association and corporation, and their employees, agents, or representatives.
2. "COUNTY" shall mean the County of San Mateo acting by and through its authorized representatives.
3. "SIGNIFICANT TREE" shall mean any live woody plant rising above the ground with a single stem or trunk of a circumference of thirty-eight inches (38") or more measured at four and one half feet (4 1/2') vertically above the ground or immediately below the lowest branch, whichever is lower, and having the inherent capacity of naturally producing one main axis continuing to grow more vigorously than the lateral axes.
4. In the RH/DR Zone Districts, the definition of significant tree shall include all trees in excess of nineteen inches (19") in circumference.
5. "PRIVATE PROPERTY" shall mean all property not owned by the County of San Mateo or any other public agency.
6. "PUBLIC PROPERTY" shall mean all property owned by the County of San Mateo, any other city, county, city and county, special district or other public agency in the unincorporated area of San Mateo County.
7. "Director of Planning and Building" shall mean the Director of Planning and Building of the County of San Mateo, including their authorized or appointed representatives. For the purpose of this ordinance, the Director of Planning and Building shall authorize or appoint a representative qualified in the field of forestry, ornamental horticulture, or tree ecology to provide the necessary technical assistance in the administration hereof.
8. "COMMUNITY OF TREES" shall mean a group of trees of any size which are ecologically or aesthetically related to each other such that loss of several of them would cause a significant ecological, aesthetic, or environmental impact in the immediate area.
9. "INDIGENOUS TREE" shall mean a tree known to be a native San Mateo County tree. The term may be narrowed in its meaning to include only those trees known to occur naturally in a certain portion of the County. In the Emerald Lake Hills Community Plan area, indigenous trees shall include the following species of trees: *Salix coulteri*, *Salix lasiolepis*, *Salix lasiandra* (all native willows); *Acer negundo californica* (box elder); *Aesculus californica* (buckeye); *Arbutus menziesii* (madrone); *Quercus agrifolia* (coast live oak); *Quercus lobata* (valley oak); *Quercus douglasii* (blue oak); and *Umbellularia californica* (California bay laurel). This list may be amended to include indigenous trees not currently known to occur naturally upon confirmation by a reputable authority on native trees of San Mateo County.
10. "EXOTIC TREE" shall mean any tree known not to be a native indigenous tree, hence any tree which has been planted or has escaped from cultivation.

**11.** “TRIM” or “PRUNE” means the cutting or pruning of or removal of any roots, limbs or branches of trees which will not seriously impair the health of trees. For the purposes of this Part, the definition of trim shall not apply to any tree being grown as an orchard tree or other fruit or non-indigenous ornamental tree for which trimming and pruning are considered ordinary horticultural practices.

**12.** “EFFECTIVELY REMOVE” includes, but is not limited to, any extreme pruning that is not consistent with standard arboriculture practices for a healthy tree and that result in the tree’s permanent disfigurement, destruction, or removal pursuant to this chapter.

#### **8.400.060 - Permit Required.**

Except as provided in Section 12,020.1, below, a permit shall be required under this Part for the cutting down, pruning that effectively removes a tree, poisoning or otherwise killing or destroying or causing to be removed any significant tree or community of trees, whether indigenous or exotic, on any private property.

#### **8.400.070 - Exemptions.**

No permits shall be required under this Part in the following circumstances:

- (a) Tree cutting carried out under the provisions of Chapter 8.408 (Timber Harvesting Regulations) and Chapter 8.404 (Regulation of the Cutting of Heritage Trees) of the San Mateo County Ordinance Code.
- (b) Tree cutting in the Resource Management (RM or RM/CZ), Timberland Production Zone (TPZ or TPZ/CZ), and Planned Agricultural (PAD) districts, except within 100 feet of any County or State scenic road or highway, as identified in the San Mateo County General Plan, provided that any tree cutting in the RM, RM/CZ, or PAD districts shall be subject to Section 8.400.090.
- (c) Tree cutting to remove a hazard to life and personal property as determined by the Director of Planning and Building, Director of Public Works, or Officer of the California Department of Forestry and Fire Protection.
- (d) Tree cutting where there is a unique area with a tree management program.
- (e) Tree cutting which has been authorized by the Planning Commission, Design Review Committee, or Director of Planning and Building as part of a permit approval process in which the provisions of this Part have been considered and applied.

**8.400.080 - Trimming In The RH/DR District.**

A permit shall be required in the RH/DR District for the trimming of significant indigenous trees where the cut results in the removal of a branch or cutting of the trunk which is 19 inches or greater in circumference at the point of the cut. Exempt from the provisions of this paragraph are instances where, as determined by the Director of Planning and Building, "limb break" or other natural occurrences that cause the loss of the crown or limb of a tree and such loss requires additional corrective cutting. Under such circumstances, appropriate tree surgery may be required, but no permit is needed.

**8.400.090 - Tree Cutting In The RM, RM/CZ, And PAD Districts:**

- (a) Within the Resource Management (RM or RM/CZ) District, the criteria of Sections 8.292.030 through 8.292.220 shall apply and any permit issued for such area shall constitute a Certificate of Compliance as required by Section 8.296.090 of the San Mateo County Zoning Regulations.
- (b) Within the Planned Agricultural (PAD) District, the criteria of Sections 8.292.030 through 8.292.220 shall apply, in addition to the requirements, if any, of a Coastal Development Permit.

**8.400.100 – Existing Tree Plan-Application Requirements.**

Applicants seeking Planning or Building permits (including Grading or Demolition permits) shall submit an Existing Tree Plan separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a significant tree or a heritage tree.

An Existing Tree Plan shall be consistent with a site survey (if said survey is required by the associated Planning or Building Permit) prepared by a licensed Surveyor or registered Civil Engineer with the existing trees plotted with accurate trunk locations and the dripline areas of all trees or groups of trees located on the site. The Existing Tree Plan shall be a separate sheet that depicts:

1. Property lines and easements;
2. The locations of existing trees or groups of trees, including driplines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on-site trees and trees adjacent to the project site, with driplines overhanging the project site;
3. A table listing each tree by number, DBH, genus, species, and common name;
4. For Demolition permits, show the building footprint for the structure to be removed;

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5. The footprint of any existing or new structures, including additions;
6. The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other;
7. An Arborist's report is required for significant or heritage trees proposed for removal on the basis of poor health, potential hazard, or when a significant or heritage tree(s) is proposed to remain, but new development would encroach within the dripline of the tree(s);
8. The Arborist's report shall assess the tree condition for all significant or heritage trees, and any measures necessary to protect trees on-site during demolition or construction. Tree protection measures shall comply with San Mateo County's tree protection requirements;
9. For development within a tree dripline, the report shall assess potential tree survival and longevity, and special measures needed to protect any such trees during construction.
10. Existing Tree Plans shall NOT include:
11. Proposed Landscaping
12. Topographic Lines
13. Finished Floor Elevations

**8.400.110 – Tree Protection Plan.**

All proposals for development (Building or Planning Permit) on sites where proposed construction has the potential to impact a significant tree shall submit a tree protection plan, for review and approval, prior to the issuance of a Building or Planning permit. Said protection plan shall be required as needed depending upon site conditions and shall include the following:

- a) Identify, establish, and maintain tree protection zones throughout the entire duration of the project;
- b) Isolate tree protection zones using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report;



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- c) Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas;
- d) If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting;
- e) Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees;
- f) Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2x4 boards in concentric layers to a height of eight feet; and
- g) Prior to Issuance of a Building Permit (including Grading or Demolition Permits), the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

**8.400.120 - Permit Applications.**

Any person desiring to cut down, remove, destroy, or cause to be removed any tree regulated herein shall apply to the San Mateo County Planning Department for a Tree Cutting Permit on forms provided. Said application shall be accompanied by such drawings, written material, photographs, and other information as are necessary to provide data concerning trees within the affected area, which shall include:

- (a) The diameter and height of the tree.
- (b) The type of trees (e.g., coniferous, evergreen hardwood and deciduous hardwood).
- (c) A map or accurate sketch of location and trees proposed to be cut (show other significant trees, shrubs, buildings, or proposed buildings within 25 feet of any trees proposed to be cut including any of the parcel; photographs may be used to show the area).
- (d) Method for marking the tree proposed to be trimmed, cut down, removed, or destroyed.
- (e) Description of method to be used in removing or trimming the tree.

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- (f) Description of tree planting or replacement program, including detailed plans for an irrigation program, if required.
- (g) Reasons for proposing removal or trimming of the tree.
- (h) Street address where tree is located.
- (i) General health of tree to be trimmed, cut down or removed, as documented by a licensed arborist. The arborist report shall assess the condition and health of the tree proposed for removal, the actions that could be taken to avoid removal, and the recommended course of action. The submitted arborist report shall be subject to the review of an independent arborist, who shall provide a recommendation to the Director of Planning and Building and other decision making bodies on whether to deny or conditionally approve the application.
- (j) Other pertinent information which the Director of Planning and Building may require.

**8.400.130 - Fees.**

The application for a tree cutting permit shall be accompanied by a fee as set by resolution of the Board of Supervisors.

**8.400.140 - Posting Notice Of Application.**

The applicant shall cause a notice of application on a form provided by the San Mateo County Planning Department to be posted on each tree for which a permit is required and in at least two conspicuous locations clearly visible to the public, preferably on the roadside at eye level, on or close to the property affected indicating the date, a brief description of the application, the identification of the subject property, the address to which comments may be directed and from which further information may be obtained, and the final date for receipt of comments. The applicant shall indicate on the application their affidavit that this notice will be posted for at least ten (10) calendar days after the submission of the completed application.

**8.400.150 - Action On Permit.**

The Director of Planning and Building shall review the application and, if necessary, inspect the site and shall determine on the basis of the information provided, the site inspection and the criteria con tuned herein whether to grant, grant with conditions, or deny the permit. Whenever any action is taken on a permit, the Director of Planning and Building shall provide the applicant with a written statement indicating said action, and conditions imposed and the findings made in taking such action.

**8.400.160 - Scenic Corridors.**

Any permits which involve substantial alteration of vegetation within a scenic corridor shall be acted upon by the Planning Commission. The Planning Commission may approve, conditionally approve, or deny the permit.

**8.400.170 - Criteria For Permit Approval.**

The Director of Planning and Building or any other person or body charged with determining whether to grant, conditionally grant or deny a Tree Cutting or Trimming Permit may approve a permit only if one or more of the following findings are made:

- (a) The tree: (1) is diseased; (2) could adversely affect the general health and safety; (3) could cause substantial damage; (4) is a public nuisance; (5) is in danger of falling; (6) is too closely located to existing or proposed structures consistent with LCP Policy 8.9(a); (7) meets standards for tree removal of Chapter 8.256 (*Design Review District*) of the San Mateo County Zoning Regulations; (8) substantially detracts from the value of the property; (9) interferes with utility services consistent with the San Mateo County Local Coastal Program (LCP) Policy 8.9(a); (10) acts as a host for a plant which is parasitic to another species of tree which is in danger of being infested or exterminated by the parasite; (11) is a substantial fire hazard; or (12) will be replaced by plantings approved by the Director of Planning and Building or Design Review Administrator, unless special conditions indicate otherwise.
- (b) The required action is necessary (1) to utilize the property in a manner which is of greater public value than any environmental degradation caused by the action; or (2) to allow reasonable economic or other enjoyment of the property. These findings cannot be made for any property in the Coastal Zone.

**8.400.180 - Conditions Of Approval.**

In granting any permit as provided herein, the Director of Planning and Building, Planning Commission, or Board of Supervisors may attach reasonable conditions to ensure compliance with the intent and purpose of this ordinance including, but not limited to:

- (a) Outside of the RH/DR District, replacement of trees removed shall be with plantings of trees acceptable to the Director of Planning and Building.
- (b) In the RH/DR District, replacement shall be in a manner and quantity prescribed by the Design Review Committee but shall not exceed the following specifications:
  - (1) For each loss of a significant indigenous tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Director of Planning and Building, of the same species using at least five (5) gallon-size stock.

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- (2) For each loss of a significant exotic tree in the RH/DR District, there shall be a replacement with three (3) or more trees, as determined by the Director of Planning and Building, from a list maintained by the Director of Planning and Building. Substitutes for trees listed by the Director of Planning and Building may be considered but only when good reason and data are provided which show that the substitute tree can survive and flourish in the regional climatic conditions.
  - (3) Replacement trees for trees removed in the RH/DR District shall require a surety deposit for both performance (installation of tree, staking, and providing an irrigation system) and maintenance. Maintenance shall be required for no less than two (2) and no more than five (5) years as determined by the Director of Planning and Building.
  - (4) Loss of any particular replacement prior to the termination of the maintenance period shall require the landowner at their expense to replace the lost tree or trees. Under such circumstances, the maintenance period will be automatically extended for a period of two (2) additional years.
  - (5) Release of either the performance or maintenance surety shall only be allowed upon the satisfactory installation or maintenance and upon inspection by the County.
  - (6) Where a tree or trees have been removed on undeveloped lands in the RH/DR District and no existing water system is available on the parcel, the replacement tree or trees, if required to be installed, shall be of sufficient size that watering need not be done by automatic means. Under such circumstances, water can be imported by tank or some other suitable method which would ensure tree survival in accordance with subparagraphs (4) and (5), above.
  - (7) Postponing the planting of replacement trees can be done if approved by the Design Review Administrator.
- (c) Use of measures to effect erosion control, soil and water retention and diversion or control of increased flow of surface waters.
  - (d) Use of measures to ensure that the contemplated action will not have adverse environmental effects relating to shade, noise buffers, protection from wind, air pollution, and historic features.
  - (e) Removal of posting following all tree cutting activity and inspection by the County.

**8.400.190 - Permit On-Site.**

The approved Tree Cutting Permit shall be posted on the site at all times during the tree cutting operation and shall be available to any person for inspection. The issued permit shall be posted in a conspicuous place at eye level at a point nearest the street.

**8.400.200 - Expiration Of Permit.**

If work authorized by an approved permit is not commenced within a period of one year from the date of approval, the permit shall be considered void.

**8.400.210 - Emergencies.**

In case of an emergency, caused by the hazardous or dangerous condition of a tree and requiring immediate action for the safety of life or property, such necessary action may be taken to remove the tree or otherwise reduce or eliminate the hazard without complying with the other provisions of this Part, except that the person responsible for the cutting or removal of the trees shall report such action to the Director of Planning and Building within five (5) working days thereafter, and the provisions regarding replacement trees in accordance with Section 8.400.180 of this Part shall be required.

**8.400.220 - Appeals.**

The applicant or any other person who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof, or by any other action taken by the Director of Planning and Building as authorized by this Part, may appeal in the manner set forth below. A statement by the appellant shall be required indicating how the appellant is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (a) Any action under this Part taken by the Director of Planning and Building may be appealed to the Planning Commission by filing a written notice of appeal with the Secretary of the Planning Commission within ten (10) days of the issuance or denial of said permit. The Planning Commission shall hear such appeal within thirty (30) days of the date of filing of the written protest. The Planning Commission shall render a decision on the appeal within fifteen (15) days of public hearing. The Director of Planning and Building shall notify the affected parties of said action as provided for in Section 8.400.150.
- (b) Any action under this Part taken by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Secretary of the Planning Commission within (10) days from the decision of the Planning Commission. The Board of Supervisors shall hear such appeal within sixty (60) days and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties as provided for in Section 8.400.150 herein.

**8.400.230 – Permission To Enter Proposed Permit Area.**

Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

**8.400.240 - Inspection.**

The Planning and Building Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**8.400.250 - Violations: Cease And Desist; Remediation Of Unlawful Tree Cutting.**

If the Chief Building Official or Director of Planning and Building or their designated representative, or any officer of the San Mateo County Sheriff's Department or any other peace officer finds any tree cutting activity for which a permit under this Part is required but not issued, or the tree cutting is not in substantial compliance with an issued permit or the plans and specifications relating thereto, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Director of Planning and Building. Conditions may be imposed as necessary to protect the health, safety, and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this chapter, or as may be provided by law in Title 8 (Zoning & Development Code), of the San Mateo County Ordinance Code.

In the event that the Director of Planning and Building determines that one or more significant trees have been removed, cut, or trimmed without the required permit or permits, the following additional requirements shall be imposed:

- 1) If a violation of this Ordinance occurs during development of a property:
  - (a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the remaining requirements of this section are satisfied.
  - (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Sections 8.400.060 through 8.400.220 of this Chapter. The owner or applicant shall be required to submit a mitigation plan for review and approval by the Planning and Building Department. The mitigation plan shall include:

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1. Measures for protection of any remaining trees on the property.
  2. Shall provide for replacement of each tree removed or heavily damaged.
  3. Size, number and species of replacement tree(s) shall be at the discretion of the Planning and Building Department and shall be commensurate with the size and species of tree(s) removed.
  4. Replacement shall occur on the subject parcel or at a location approved by the County.
- (c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the Director of Planning and Building has determined that the above described mitigation plan has been fully implemented, up to and including the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s).
- (d) At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited below under Section 8.400.260, and satisfy all conditions in connection therewith, including replacement planting.
- 2) If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:
- a) The Director of Planning and Building (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure that measures are incorporated into any future development approvals for the property.
  - b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with sections 8.400.060 through 8.400.220 of this Chapter.
  - c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.
  - d) At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited below under Section 8.400.260, and satisfy all conditions in connection therewith, including replacement planting.

**8.400.260 – Violations: Penalties For Infraction.**

Any person who violates the provisions of this Part, including property owners and persons performing tree removal or trimming activities, shall be subject to a penalty fine, as follows:

First Significant Tree	\$2,500
Second Significant Tree	\$3,750
Each Additional Significant Tree	\$5,000

The above cited fines shall be served on the record owner of the subject property. Additionally, the above cited fines may be served on the person(s) performing the tree removal or trimming, if different than the owner of record. For the purposes of this Section, each single tree being cut without benefit of a permit shall constitute a separate infraction, the fine being cumulative.

**8.400.270 - Violations: Cumulative Remedies.**

The remedies for violations set forth in Sections 8.400.250 and 8.200.260 can be enforced separately or cumulatively. In addition to the penalties provided for in this Chapter, any violations may be addressed by civil action.

**8.400.280 - Violations: Recordation Of Notice Of Violation.**

A notice of violation may be recorded in the Office of the County Recorder for non-compliance with the provisions of this Part. The Director of Planning and Building shall notify, by certified mail, the owner of the affected real property and any other known party responsible for the violation of the recordation. If the property owner or other responsible party disagrees with the County's determination that the tree cutting violates this Part, proof may be submitted to the Director of Planning and Building, including documentation and professional tree surgeon or arborist reports that a tree cutting permit is not required. If the Director of Planning and Building determines that a tree cutting permit is required, the property owner and/or party responsible for the tree cutting work shall apply for the necessary tree cutting permit within a specified time period set by the Director of Planning and Building.

**8.400.290 - Notice Of Expungement.**

A notice of expungement of the notice of violation shall be recorded with the Office of the County Recorder when:

- (a) The Director of Planning and Building or other appellate authority determines that a tree cutting permit is not required; or



- (b) All permit conditions have been met including those conditions imposed as part of project review under any other provisions of the San Mateo County Ordinance Code for the parcel affected by the notice of violation. The meeting of any long term conditions, such as maintenance of replacement plantings, is to be guaranteed by a surety deposit to run with the land and the term for which shall not be imposed as a demand for meeting these requirements for the expungement.

(Prior code Part Three of Division VIII; Ord. 3229, May 15, 1990)

## ***CHAPTER 8.404 – HERITAGE TREE REGULATIONS***

### **8.404.010 - Purpose, Findings, Intent, And Policy**

The Board of Supervisors finds and declares that the County of San Mateo is an area of great natural beauty and that its outstanding heritage tree population has been and continued to be an invaluable asset in contributing to the economic, environmental, and aesthetic stability of the County and the welfare of its people and of future generations. The County is a highly desirable residential, business, and recreational area because of its great scenic beauty, its forests, trees and beaches, mountains, proximity to the San Francisco Bay and the Pacific Ocean, its equable climate, its parks and recreational areas, and other natural characteristics. Irresponsible, wanton, and wholesale destruction of heritage trees could, among other things, diminish such beauty, scientific and historical values, adversely affect the environment, reduce property values, detract from scenic highways, and destroy the County's recreational economy.

The Board of Supervisors further finds and declares that it has already passed legislation to regulate the commercial harvesting of forest products in this County and that it does not intend by this enactment to affect that ordinance, but that it is the intention of the Board to control and supervise in a reasonable manner the cutting of heritage trees within the unincorporated area of the County as herein prescribed.

It is further found and declared that, for the above reasons and in order to protect and preserve heritage trees in San Mateo County on both public and private property and to enhance the environment, the economy, and promote the general welfare and prosperity of the County, while respecting and recognizing individual rights to develop, maintain, and enjoy private property to the fullest possible extent, consistent with the public interest, convenience, and necessity, it is necessary to enact this ordinance and regulate the removal of heritage trees in the unincorporated area of San Mateo County. Designation of a heritage tree does not give or intend to give the public access to, or use or enjoyment of, private property.

### **8.404.020 - Definitions.**

For the purposes of this part, the following words shall have the meaning ascribed to them in this section:

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- (a) “Person” means individuals, firms, associations and corporations, and agents, employees or representatives thereof.
- (b) “County” means the County of San Mateo acting by and through its authorized representatives.
- (c) “Tree” means a woody plant which has the inherent capacity of producing naturally one main erect axis of at least 12 feet, continuing to grow for a number of years more vigorously than the lateral axes.
- (d) “D.B.H.” means diameter at breast height, 4 1/2 feet above average ground level.
- (e) “Basal area” means the cross-sectional area.
- (f) “Exotic Tree” means any tree introduced into areas of the County where such trees are not native as a part of their natural distribution.
- (g) “Heritage Tree” means any of the following:

Class 1 shall include any tree or grove of trees so designated after Board inspection, advertised public hearing and resolution by the Board of Supervisors. The affected property owners shall be given proper written notice between 14 and 30 days prior to inspection and/or hearing by the Board.

Class 2 shall include any of the following trees, healthy and generally free from disease, with diameter equal to or greater than the sizes listed:

- (1) Acer macrophyllum - Bigleaf Maple of more than 36 inches in d.b.h. west of Skyline Boulevard or 28 inches east of Skyline Boulevard.
- (2) Arbutus menziesii - Madrone with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area greater than 20 square feet measured 4 1/2 feet above average ground level.
- (3) Chrysolepis chrysophylla - Golden Chinquapin of more than 20 inches in d.b.h.
- (4) Cupressus abramsiana - All Santa Cruz Cypress trees.
- (5) Fraxinus latifolia - Oregon Ash of more than 12 inches in d.b.h.
- (6) Lithocarpus densiflorus - Tan Oak of more than 48 inches in d.b.h.
- (7) Pseudotsuga menziesii - Douglas Fir of more than 60 inches in d.b.h. east of Skyline Boulevard and north of Highway 92.
- (8) Quercus agrifolia - Coast Live Oak of more than 48 inches in d.b.h.
- (9) Quercus chrysolepis - Canyon Live Oak of more than 40 inches in d.b.h.
- (10) Quercus garryana - All Oregon White Oak trees.

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- (11) Quercus kelloggii - Black Oak of more than 32 inches in d.b.h.
  - (12) Quercus wislizenii - Interior Live Oak of more than 40 inches in d.b.h.
  - (13) Quercus lobata - Valley Oak of more than 48 inches in d.b.h.
  - (14) Quercus douglasii - Blue Oak of more than 30 inches in d.b.h.
  - (15) Umbellularia californica - California Bay or Laurel with a single stem or multiple stems touching each other 4 1/2 feet above the ground of more than 48 inches in d.b.h., or clumps visibly connected above ground with a basal area of 20 square feet measured 4 1/2 feet above average ground level.
  - (16) Torreya californica - California Nutmeg of more than 30 inches in d.b.h.
  - (17) Sequoia sempervirens - Redwood of more than 84 inches in d.b.h. west of Skyline Boulevard or 72 inches d.b.h. east of Skyline Boulevard.
- (h) “Protected Tree” means a tree specially listed as endangered by either the California Native Plant Society’s List as amended or the Federal Register or any tree species designated protected by the Board of Supervisors.
  - (i) “Private Property” means all property not owned by the County of San Mateo or any other public agency.
  - (j) “Public Property” means all property owned by a public entity which is controlled or regulated by San Mateo County.
  - (k) “Trim” or “Prune” means the cutting of or removal of any limbs, branches or roots of trees which will not seriously impair the health of trees.
  - (l) “Effectively Remove” includes, but is not limited to, any extreme pruning (including root pruning) that is not consistent with standard arboriculture practices for a healthy tree and that result in the tree’s permanent disfigurement, destruction, or removal pursuant to this chapter.

**8.404.030 - Permit Required To Remove, Destroy, Or Trim Trees.**

It shall be unlawful for any person to cut down, destroy, move, trim or prune a tree so that it effectively removes any heritage tree growing on any public or private property within the unincorporated area of San Mateo County without first obtaining a permit from the San Mateo County Planning Department except as herein provided. The Director of Planning and Building may require that a permit for trimming of a heritage tree in an area defined by the General Plan as urbanized be carried out only by a licensed tree surgeon. A minimal charge shall be made for permits required by this ordinance.

Any area to which a valid Timber Harvesting Permit applies is exempt from this Ordinance.

#### **8.404.040 - Existing Tree Plan - Application Requirements.**

Applicants seeking Planning or Building permits (including Grading or Demolition permits) for development on a site where construction has the potential to impact a Heritage Tree shall submit an Existing Tree Plan separate from, but consistent with the required site plan, to assess tree impacts associated with proposed demolition or development, and establish tree protection measures for demolition or development when activity would occur within the dripline of a significant tree or a heritage tree.

An Existing Tree Plan shall be consistent with a site survey (if said survey is required by the associated Planning or Building permit) prepared by a licensed surveyor or registered civil engineer with the existing trees plotted with accurate trunk locations and the dripline areas of all trees or groups of trees located on the site.

(1) The Existing Tree Plan shall be a separate sheet that depicts:

- Property lines and easements;
- The locations of existing trees or groups of trees, including drip lines with each tree numbered, and identified by trunk diameter at breast height (DBH), with an "X" through each tree proposed for removal, including on site trees and trees adjacent to the project site, with drip lines overhanging the project site;
- A table listing each tree by number, DBH, genus, species and common name;
- For demolition permits, show the building footprint for the structure to be removed;
- The footprint of any existing or new structures, including additions;
- The location of existing and proposed site utilities, including water, sewer, drainage, gas, underground electrical, voice/data, septic field, well head, or other;
- Existing Tree Plans shall NOT include (1) Proposed Landscaping or (2) Finished Floor elevations.

(2) In addition to said plan:

- An arborist's report is required for significant or heritage trees proposed for removal on the basis of poor health, potential hazard, or when a significant or heritage tree(s) is proposed to remain, but new development would encroach within the drip line of the tree.
- The arborist's report shall assess tree condition for all significant or heritage trees, and any measures necessary to protect trees on site during demolition or construction, including any remedial measures necessary to sustain impacted trees. Tree protection measures shall comply with San Mateo County's tree protection requirements.
- For development within a tree dripline the report shall assess potential tree survival and longevity, and special measures needed to protect any such trees during or post construction.

Prior to Issuance of a Building permit (including Grading or Demolition permits), the Planning and Building Department shall complete a pre-construction site inspection to verify that all required tree protection and erosion

control measures are in place. It shall be the responsibility of the applicant to schedule such an inspection prior to the commencement of construction.

#### **8.404.050 – Application For And Granting Of Permits.**

Any person desiring to cut down, destroy, move or trim one or more heritage trees on public or private property must apply to the San Mateo County Planning Department for a Heritage Tree Removal/Trimming Permit on a form provided by the Planning Department. Said application shall, consistent with Section 8.404.040 above, include a detailed site plan and arborist report, contain a brief statement of the reason for the requested action, and describe any other pertinent information the Director of Planning and Building may require. The arborist report shall assesses the condition and health of the tree proposed for removal, the actions that could be taken to avoid removal, and the recommended course of action. The submitted arborist report shall be subject to the review of an independent arborist, who shall provide a recommendation to the Director of Planning and Building and other decision making bodies on whether to deny or conditionally approve the application.

Within 20 working days of receipt of the application, the Director of Planning and Building or their authorized representative shall inspect the premises and the trees that are the subject of the permit; provided however, the Director of Planning and Building may upon receipt of the application and such information, maps, sketches and/or photographs as they deems sufficient, make a determination without an inspection; provided further, failure to act within 20 days shall not be deemed approval. If trimming is to be performed by a licensed tree surgeon, the tree surgeon's inspection and decision may be accepted by the Director of Planning and Building for purposes of compliance with this section.

If no action on the approved permit is taken within a period of one year from the date of approval, the permit shall be considered void. The determination of the Director of Planning and Building in granting or denying the permit or in affixing conditions shall be based upon the following criteria:

- (a) The general health of the tree;
- (b) The anticipated longevity of the tree;
- (c) Whether the tree is a public nuisance;
- (d) Proximity to existing or proposed structures and interference with utility services;
- (e) The necessity of the required action to construct improvements or otherwise allow economic or other enjoyment of the property;
- (f) The number, species, size and location of existing trees in the area;
- (g) The effect of the requested action in terms of historic values;
- (h) The topography of the land and effect of the requested action on erosion, soil retention, water retention, and diversion or increased flow of surface waters.

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The Director of Planning and Building may refer the application to another department, committee, or person for report and recommendation.

In granting a Heritage Tree Removal/Trimming Permit, the Director of Planning and Building or their representative may attach reasonable conditions to insure compliance with the content and purpose of this ordinance, such as, but not limited to, requiring replacement of trees removed with plantings acceptable to the Director of Planning and Building or their representative. If a permit is denied or conditions attached, the Director of Planning and Building or their representative shall provide the applicant with a written statement of the reasons for said denial or conditions based upon the above standards.

The Director of Planning and Building shall give priority to those applications based upon imminent hazard.

**8.404.060 - Emergencies.**

If an emergency develops which requires immediate response for the safety of life or property, action may be taken by seeking oral permission of the Director of Planning and Building or their designee, notwithstanding other provisions contained in this chapter. If the Director of Planning and Building or their designee is not available and action must be taken, the Director of Planning and Building shall be notified within 72 hours of the emergency action. The owner of the property on which the emergency action took place shall submit an After-the-Fact application for Heritage Tree Removal/Trimming Permit within 30 days from which the emergency trimming or removal took place.

**8.404.070 - Preservation And Maintenance Of Existing Trees.**

- (1) When proposed structures or developments encroach into the dripline area of any heritage tree, special construction to allow irrigation and aeration of roots, as determined by the Director of Planning and Building, may be required with respect to any application for a building permit.
- (2) The existing ground surface within the dripline of the heritage tree shall not be cut, filled, compacted, or paved without having first obtained permission of the Director of Planning and Building. Tree wells or other techniques may be used where advisable. Excavation adjacent to such trees, where material damage to the root system will result, shall be allowed only after obtaining a permit as provided under Sections 8.404.030 and 8.404.050.
- (3) Consistent with the requirements of Section 8.404.040 (EXISTING TREE PLAN - APPLICATION REQUIREMENTS) above, all applications for building permits, use permits, variances and other applicable permit applications shall be accompanied by a scaled plot plan indicating the location, size and species of heritage trees as defined in this Ordinance, which may be impacted upon by said permit execution.

**8.404.080 - Building Permits.**

When any building permit is applied for pursuant to the San Mateo County Ordinance Code and a proposed structure would require the cutting down, destruction, moving, removal, or trimming of one or more heritage trees, the Building Inspection Section of the Planning and Building Department shall refer the matter to the Director of Planning and Building who shall take into consideration the provisions of this Ordinance before signing the building permit. In addition, as a condition of approval for all development that has the potential to impact a heritage tree, the applicant shall submit a tree protection plan prior to the issuance of a Building or Planning permit. Said protection plan shall include the following:

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- (1) Identify, establish and maintain tree protection zones throughout the entire duration of the project;
- (2) Isolate tree protection zones from all construction activity using 5-foot tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report;
- (3) Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms or equipment within these areas;
- (4) If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from site inspection following root cutting.
- (5) Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees; and
- (6) Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence and 2" x 4" boards in concentric layers to a height of 8 feet.

**8.404.090 - Notification.**

Any person who owns or controls a heritage tree shall give a 60-day notice to the County of San Mateo of intent to sell lands upon which those trees are growing if such lands are contiguous to an existing County park.

**8.404.100 - Permission To Enter Proposed Permit Area.**

Filing of an application for a Tree Cutting Permit shall constitute a grant of permission for County personnel concerned with administering this Part to enter the subject permit area during normal working hours from the date of application to the completion of any approved action for the purpose of inspecting said area for compliance with these rules and applicable law. Such right of entry shall be granted by the landowner through the duration of any requirements to maintain replacement trees as conditions to the permit.

**8.404.110 - Inspection.**

The Planning Department may cause sufficient inspections to be made of the permit area to assure compliance with the provisions of this part and the requirements of any applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**8.404.120 - Violations: Cease And Desist; Remediation Of Unlawful Tree Removal, Cutting Or Trimming.**

If the Chief Building Official or Director of Planning and Building or their designated representative, or any officer of the San Mateo County Sheriff's Department or any other peace officer finds any tree removal, cutting, or trimming activity for which a permit under this Part is required but not issued, or the tree cutting is not in

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substantial compliance with an issued permit or the plans and specifications relating thereto, an order to cease work may be issued. No further tree cutting may be done except upon approval of the Director of Planning and Building. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time in accordance with the provisions of this Part, or as may be provided by law in Title 8 (Zoning and Development Code), of the San Mateo County Ordinance Code.

In the event that the Chief Building Official or Director of Planning and Building determines that one or more heritage trees have been removed, cut or trimmed without the required permit or permits, the following additional requirements shall be imposed:

- (1) Any person who violates the provisions of this Part, including property owners and persons performing tree removal or trimming activities, shall be subject to a fine, as follows:

First Heritage Tree	\$5,000
Second Heritage Tree	\$7,500
Each Additional Heritage Tree	\$10,000

The above cited fines shall be served on the record owner of the subject property. Additionally, the above cited fines may be served on the person(s) performing the tree removal or trimming, if different than the owner of record. For the purposes of this Section, each single tree being cut without benefit of a permit shall constitute a separate infraction, the fine being cumulative.

- (2) Additionally, if a violation of this Ordinance occurs during development of a property:
- (a) A stop work notice may be issued on all construction of any kind on the property to remain in effect until the requirements of this section are satisfied.
- (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Sections 8.404.030 through 8.404.130 of this Chapter. The owner or applicant shall be required to submit a mitigation plan for review and approval by the Planning and Building Department. The mitigation plan shall include:
- Measures for protection or remediation of any remaining trees on the property, and
  - Shall provide for replacement of each tree removed or heavily damaged.
  - Size, number and species of replacement tree(s) shall be at the discretion of the Planning and Building Department and shall be commensurate with the size and species of tree removed.
  - Replacement shall occur on the subject parcel or at a location approved by the County.
  - At the time of permit application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited above under Section 8.404.120(1), and satisfy all conditions in connection therewith, including replacement planting.



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- (c) The stop work notice shall remain in effect, and no construction shall be allowed on the affected property, until such time as the Director of Planning and Building has determined that the above described mitigation plan has been fully implemented, up to and including the submittal of a non-revocable bond, made payable to the County of San Mateo, for the long-term maintenance of the replacement tree(s).
- (3) If a violation of this Ordinance occurs in the absence of development or while an application for a building permit or discretionary development approval is pending:
- (a) The Director of Planning and Building (or designee) may issue a temporary moratorium on development of the subject property, not to exceed eighteen (18) months from the date the violation occurred. The purpose of the moratorium is to provide the County an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property.
  - (b) The owner of the affected property, or their representative, shall be required to obtain a permit in accordance with Chapter 3 of this Part.
  - (c) A Mitigation Plan as described above, shall be submitted by the property owner and reviewed by the Planning and Building Department. Upon approval, said plan shall be implemented prior to rescinding of the moratorium.
  - (d) At the time of the After-the-Fact Tree Removal Application, the applicant shall pay all fees, including investigation fees of 10 times the normal permit fee, as well as the penalty fines cited above under Section 8.404.120(1), and satisfy all conditions in connection therewith, including replacement planting.

**8.404.130 - Cutting, Stripping And Kindred Actions Forbidden.**

Any person who willfully strips off bark from, trims, cuts burls, branches or leaves from, defaces or gouges any part, or destroys by fire any Heritage Tree located in the unincorporated area of San Mateo County without having first received authority under the provisions of the County Timber Harvesting Ordinance or under provisions of this Part is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the County jail for not less than 25 nor more than 150 days, or by both such fine and imprisonment.

**8.404.140 - Appeals.**

The applicant, or any other person, who is aggrieved by the issuance or non-issuance of the permit or any penalties or conditions thereof may appeal as set forth below. A statement by the appellant shall be required indicating how they is aggrieved or adversely affected by the decision. At the time the appeal is heard, the Planning Commission shall rule upon the appellant's standing as an aggrieved party. If the Planning Commission rules that the appellant is not aggrieved, all further proceedings shall be stayed except that the appellant may appeal the Planning Commission decision on standing to the Board of Supervisors as herein provided.

- (1) Permits considered and acted upon by the Director of Planning and Building may be appealed to the Planning Commission by filing a written Protest with the Secretary of the Planning Commission within ten (10) days of issuance or denial of said permit. The Planning Commission shall render a decision on the

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appeal within fifteen (15) days of public hearing. The Director of Planning and Building shall notify the affected parties of said action in writing.

- (2) Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Secretary of the Planning Commission within (10) days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal within sixty (60) days, and render a decision within fifteen (15) days following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties in writing.

## ***CHAPTER 8.408 - REGULATION OF TIMBER HARVESTING***

### **8.408.010 - PURPOSE.**

The provisions of this ordinance are enacted, in the interest of the welfare of the people of San Mateo County, that the timberlands of the county shall be protected and the ecological balance of such timberlands be preserved and that, in view of the proximity of the timberlands to urban centers of large and expanding population, the unique relationship of the timberlands to other areas of the county, and the unique nature of the timberlands themselves, the enactment of this ordinance is necessary in order to protect and preserve such lands through regulation of forest practices consisting of, but not limited to, matters relating to the following:

1. Soil erosion control
2. Water quality
3. Watershed control
4. Flood control
5. Sustained yield timber production
6. Stand density control
7. Reforestation methods
8. Mass soil movement
9. Submission of logging plans
10. Location and grade of logging roads and skid trails
11. Excavation and fill requirements
12. Fire prevention and control methods
13. Slash and debris disposal
14. Haul routes and schedules
15. Hours and dates of logging
16. Performance bond.

**8.408.020 - POLICY.**

The Board of Supervisors, as a matter of policy, intends to continue to allow the harvesting of forest products under high performance standards from the private timberlands of this county. In adopting this ordinance, the county intends to establish performance standards which will allow for the continual production of forest products and encourage the maintenance of the open space objectives of the county.

**8.408.030 - DEFINITIONS.**

In this ordinance the following definitions shall apply, unless the context clearly requires otherwise:

**1. D.B.H.** Means the average diameter of a tree, outside the bark, at a point four and one-half feet above the average ground level.

**2. FOREST PRODUCT.** Means logs, poles, posts, pilings, split products, fuelwood, chips, pulp, or sawdust.

**3. HARVEST AREA.** Means that area on which timber harvesting is conducted including that area where soil and/or vegetation has been disturbed or damaged by the timber harvesting operation, including road firebreak construction.

**4 HAUL ROUTE\_**

Means any public road within San Mateo County which is to be used to deliver forest products to a point of utilization or disposal.

**5. LANDING\_**

Means that area where forest products are placed on trucks.

**6. LOPPING.**

Means severing, crushing, or spreading all slash, created by the current operations from felled, broken or pushed-over trees of any species so that no part of the slash remains more than thirty (30) inches above the ground.

**7. MINIMUM STOCKING.**

Means a well distributed stand of live and healthy coniferous trees which meets a combined count of six hundred (600) per acre as follows:

- a. Six hundred (600) established coniferous trees per acre at least three (3) years of age and not more than four (4) inches d.b.h.; each tree to count as “one” toward meeting stocking requirements.

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- b. Two hundred (200) coniferous trees per acre over four (4) inches d.b.h. and not more than twelve (12) inches d.b.h.; each tree to count as “three” toward meeting stocking requirements.
- c. One hundred (100) coniferous trees per acre over twelve (12) inches d.b.h. free from logging damage caused by the current operation, each tree to count as “six” toward meeting stocking requirements.

Redwood root crown sprouts over one (1) foot height will be counted, using the average stump diameter one (1) foot above average ground level of the original stump from which the redwood root crown sprouts originate, counting one sprout for each foot of stump diameter to a maximum of six (6) per stump. Any countable redwood root crown sprout over one (1) foot in height but less than four (4) inches d.b.h. shall be counted as “one” toward meeting stocking requirements.

At least fifty (50) percent of the minimum stocking count per acre (fifty (50) trees per acre) shall be composed of conifer trees over twelve (12) inches d.b.h. and maximum distance between conifer trees over twelve (12) inches d.b.h. shall not exceed fifty (50) feet as measured along the surface of the ground.

**8 OLD GROWTH TREE.**

Means a tree which is over 200 years old.

**9. OPEN BURNING.** Means the burning of waste created by timber harvesting operations such as slash.

**10. SCENIC CORRIDOR.** Means a band of land on either side of an officially designated Scenic Highway for which special development regulations have been established to protect its scenic values.

**11. SKIDDING.** Means the movement of a forest product by physical means from the point of severing to a landing.

**12. SLASH.** Means split product material, branches, limbs or stems of any species left in the harvest area as a result of current timber harvesting.

**13. SNAG.** Means a standing dead tree or standing section thereof regardless of species.

**14. STANDS:**

- a. “Old Growth Stand” means a group of trees not less than ten (10) acres in size in which prior cutting has not removed more than 20% of the old growth conifer trees by number.

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- b. “Prior Cut Stands” means a group of trees which has had prior cutting which removed over 20% of the old growth conifer trees, or a stand, regardless of age of conifer trees, less than ten acres in size.
- c. “Hardwood Stands” means a group of hardwood trees which are designated for timber harvest operations.

**15. STREAM COURSES.** The various types of stream courses are defined as follows:

- a. “Natural Water Course” means a trench worn in the earth by running water after rains as depicted by contour lines on the most recently published United States Geological Survey 7.5 minute series topographic map, or as is evident on the ground.
- b. “Stream” means a natural watercourse designated by a solid line or dash and three dot symbol shown in blue on the most recently published United States Geological Survey 7.5 minute series topographic map or a natural watercourse that is carrying surface water within the harvest area during the conduct of timber harvesting.
- c. “Intermittent Stream” means a natural watercourse that is not carrying surface water within the harvest area during the conduct of timber harvesting.
- d. “Highwater Mark” - The highwater mark shall be considered as the natural watercourse of any stream.

**16. STUMP DIAMETER.** Means the average top diameter of the stump of a cut tree outside the bark and shall be interpreted to be one inch greater than d.b.h.

**17. THINNING.** Means the removal of trees less than 18 inches d.b.h. where removal will improve the growth of remaining trees or utilize trees that might otherwise die.

**18. TIMBER.** Means trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of forest products.

**19. TIMBER HARVESTING.** Means the cutting or removal, or both, of timber or other forest products from timberlands for commercial purposes together with all the work incidental thereto such as road building, firebreak construction and fire hazard abatement, but excluding preparatory work such as tree marking and road flagging.

**20. TIMBER OWNER.** Means any individual, copartnership, corporation or association that owns timber or timber rights on lands of another.

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**21. TIMBERLAND.** Means land upon which is growing a crop of trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of lumber and other forest products.

**22. TIMBER OPERATOR.** Means any individual, co-partnership, corporation or association that is engaged in timber harvesting, except a person who is engaged in timber harvesting as an employee whose sole compensation consists of wages.

**23. TIMBERLAND OWNER.** Means any person, copartnership, corporation or association that owns timberland.

**24. TRACTOR TRAIL.** Means constructed trails or established paths used to deliver forest products from the forest to a landing by physical means.

**25. ROAD.** Means roads other than public roads used by trucks going to and from landings to transport logs and other forest products when specifically constructed for this purpose.

**26. WATERBREAK.** Means a ditch, dike, or dip or combination thereof, constructed across tractor roads, skid trails, firebreaks and truck roads to effectively divert waterflow therefrom and aid in preventing erosion.

#### **8.408.040 - PERMIT.**

No one shall engage in timber harvesting within the County of San Mateo without first securing a permit therefor from the San Mateo County Planning Commission, or Board of Supervisors when an appeal is taken, or from the County Director of Planning and Building.

Permits shall be effective for only that area expected to be harvested during one permit year. Permits shall be effective for one year from the date of issuance. However, no permit shall be considered terminated or closed until April 1st of the year following completion of timber harvesting.

#### **8.408.050 - PERMIT RENEWAL.**

A permit shall be considered as renewal of an existing permit when any one of the following circumstances exist and when application for a permit renewal is received at least three weeks prior to the expiration date of the existing, valid permit.

1. The application for renewal is for securing additional time to complete a timber harvest originally scheduled for completion in one year. The permittee makes no material change in the plans or specifications contained in the original application.

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2. The applicant has submitted with the application for a one-year permit a management plan for the total ownership which, market conditions permitting, requires timber harvesting on a portion of the ownership at yearly intervals. The overall land management plan must have received Planning Commission approval at a previous meeting for an annual permit to be considered as renewal permit. Also, no material change in the land management plan is proposed by the applicant.

**8.408.060 - PERMIT DENIAL.**

The Director of Planning and Building, Planning Commission or Board of Supervisors, may deny a permit or renewal permit for any of the following reasons:

1. If any applicant, i.e., timberland owner, timber owner or timber operator is not a real person in interest.
2. Material misrepresentation, or false statement in the application.
3. If any applicant, i.e., timberland owner, timber owner, or timber operator, is a permittee to a permit where violations to this ordinance or any variance granted under this ordinance exist on the date of consideration of a permit or permit renewal. To be considered a violation to a permit, the permittee must have been notified of violations and given a reasonable opportunity to correct such violations.
4. Refusal to allow inspection of the harvest area by authorized personnel.
5. A permit granted by the Director of Planning and Building, Planning Commission or Board of Supervisors, shall be considered immediately denied when any permittee, i.e., timberland owner, timber owner or timber operator, is changed or added to a permit after a permit is granted where such new or added permittee could not have received a permit under this Section.
6. If specifications in the application do not meet the provisions of this ordinance and the applicants do not apply for a variance to said provisions.
7. If granting the permit is deemed to be contrary to the best interests of the people of San Mateo County taking into consideration the policies and purposes expressed in this ordinance and the rights of private landowners to make reasonable use of their property.

**8.408.070 - ISSUANCE OF A PERMIT OR A PERMIT RENEWAL BY Director of Planning and Building.**

The County Director of Planning and Building may issue one-year timber harvesting permits or renew permits when the following situations exist:

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1. No new truck roads are to be constructed;
2. No new tractor trails are to be constructed;
3. The retail value of the forest products after harvesting, skidding and splitting (if this is required to sell the products will not exceed \$5000.00 for 12 consecutive months from any one ownership.

**8.408.080 - ISSUANCE OF PERMIT BY THE PLANNING COMMISSION.**

Permits which cannot be issued by the Director of Planning and Building, or are referred to the Planning Commission by the Director of Planning and Building, shall be issued only after a public hearing. Prior notice of said hearing shall be sent by the Planning Commission to property owners within 2500 feet of the parcel to be harvested, and to domestic water suppliers which watershed includes all or part of the parcel to be harvested.

Permits shall be issued upon a finding that the applicants have complied with and will adhere to the requirements of this ordinance, all special conditions and all applicable laws, and further, that there be no basis for denial under Section 8.404.060.

**8.408.090 - SPECIAL CONDITIONS.**

The Planning Commission, or on appeal, the Board of Supervisors, shall have the authority to provide for any reasonable special conditions to a permit that it may deem necessary to carry out the purposes of this ordinance as provided in Section 8.408.060

In the case of permits issued by the Director of Planning and Building, they shall have the same authority to set special conditions as does the Planning Commission.

**8.408.100 - PROTECTION OF WATERSHEDS SERVING DOMESTIC WATER SUPPLIERS.**

In order to protect the health and welfare of the citizens of San Mateo County, and recognizing the critical role domestic water suppliers play in the county, the Planning Commission, or on appeal the Board of Supervisors, shall have the authority to establish stricter conditions to a permit for timber harvesting operation within the watershed above the points of diversion for such domestic water suppliers.

**8.408.120 - APPLICATION - WRITTEN APPLICATION REQUIRED.**

An application for a timber harvesting permit shall be filed jointly by the timberland owner, timber owner and timber operator on a form provided by the Planning Commission. The information required on the application



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shall be limited to that which is reasonably necessary to evaluate the proposed timber harvesting operation and enforce the provisions of this ordinance.

All applications shall contain, but not be limited to, the following information:

1. Name, address and telephone number of the timberland owner and timber owner, and forestry consultant, if any.
2. Name, address and telephone number of the timber operator and on-the-premises supervisor. If not known at the time of filing, this information is to be submitted at least one week prior to commencement of timber harvesting. Also, the timber operator must sign the application at least one week prior to commencement of timber harvesting, agreeing to abide by all the provisions of this ordinance and any variance granted by the Planning Commission.
3. Signatures of the timberland owner, timber owner, and timber operator, agreeing to abide by the provisions of this ordinance and any variance granted thereunder and all applicable laws.
4. The San Mateo County Tax Assessor Parcel Number for the property on which timber harvesting will take place.
5. The dates within which timber harvesting will take place. If the exact date of commencement is not known at the time of filing, the Planning Commission shall be notified in writing at least one week prior to commencement of timber harvesting.
6. The approximate acreage of the harvest area, and the approximate acreage containing over 80% old growth conifer trees.
7. The cutting specification or specifications to be followed.
8. The type of forest product or products to be harvested.
9. The estimated volume to be harvested.
10. The desired haul route, together with points of disposal or utilization of forest products.
11. A copy of the fire plan required-by Section 916.1 of the Forest Practice Rules for the Redwood Forest District.

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12. Copies of the necessary permits and documents from the State Division of Forestry, the State Fish and Game Department, and the Bay Area Air Pollution Control District. If these documents are not available at the time of filing, they shall be submitted at least one week prior to commencement of the work authorized by the permit or document.
13. A statement authorizing the Planning Commission and persons authorized by it and representatives of the State Forester to enter and inspect the harvest area.
14. A statement as to whether or not tree marking is to take place.
15. If open burning is, to take place, give size and location of slash and debris piles and approximate time necessary to consume a pile once ignited.
16. A statement explaining how property lines are marked and determined on the ground where any harvest area, proposed truck road or proposed tractor trail is to be located within 100 feet of a property line.
17. A statement as to what the timberland owner intends to do with their property following timber harvesting.
18. Where it is desired that the timber harvesting permit be issued by the Director of Planning and Building, a sworn statement by the timberland owner, timber owner, and timber operator is required that
  - (a) no new truck roads are to be constructed,
  - (b) no new tractor trails are to be constructed,
  - (c) the retail value of the forest products after harvesting, skidding and, if necessary, splitting, will not exceed \$5000.00 for 12 consecutive months from any one ownership.
19. A statement as to whether timber harvesting has occurred on any portion of the proposed harvest area in the ten-year period prior to filing this application.

**8.408.130 - APPLICATION, TOPOGRAPHIC MAP REQUIRED.**

Together with the written application, the applicant shall submit an accurate topographic map of a scale not less than eight inches equals one mile, true scale printed upon the map. The following information must be presented upon the map:

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1. Property lines indicating total ownership upon which timber harvesting is to occur,
2. The harvest area (s) clearly indicating the type of timber stand (s) proposed for timber harvesting,
3. Location of existing and proposed truck roads, showing whether designed to be permanent or temporary.
4. Location of constructed tractor trails proposed within 400 feet of a stream.
5. Location of drainage structures required on truck roads and tractor trails. Attached to the map and a part of the map shall be a specification list for temporary or permanent drainage structures.

For temporary truck roads or tractor roads:

- (a) type of drainage structure;
- (b) if structure is to be a culvert, state diameter and length;
- (c) a statement as to the adequacy of the structure to carry anticipated flows.

(NOTE: Temporary structures shall be removed prior to November 15 of each year and not replaced prior to April 1 of the year following. See Section 8.408.290(J)(1)(d).)

For permanent truck roads:

- (a) type of drainage structure;
- (b) if structure is to be a culvert, state diameter, length and slope at which structure is to be placed;
- (c) contributing drainage area to the structure, in acres;
- (d) formula used and calculations made to determine culvert sizes;
- (e) schematic plans for structure if other than manufactured culverts;

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- (f) a statement as to the adequacy of the structure to carry anticipated peak flows and the information used in arriving at such a statement.
  
- 6. Location of all buildings in or within 500 feet of a harvest area.
  
- 7. Location of existing and proposed log landings.
  
- 8. Location of existing and proposed firebreaks.
  
- 9. Location of all streams.
  
- 10. Location of all points of diversion, pumping or storage facilities for domestic water suppliers in or within 500 feet of a harvest area as shown on a map prepared by the County Health Department on file with the Planning Commission.

**8.408.140 - FIELD WORK REQUIRED.**

In addition to filing Sections 8.408.120 and 8.208.130 above, the truck road, tractor trail and drainage structure locations as shown and required on the map shall be designated on the ground by flagging or other such means so that the county representative may examine the area and easily determine their proposed locations. Property lines shall also be determined on the site where any truck road, tractor trail or harvest area is proposed within 100 feet of a property line. Additional field work shall be required as in Sections 10,450-1 (b), 10,450-2 (b), 10,450-3 (b), 10,452 and 10,453.

The San Mateo County Planning Commission shall immediately forward a copy of the application for a permit to the Deputy State Forester, Monterey, California. In addition, a copy of the application for a permit shall be forwarded to the San Mateo County Parks and Recreation Commission.

**8.408.150 - APPLICATION FOR VARIANCE TO PROVISIONS.**

The Planning Commission, or Director of Planning and Building for those permits to be issued by them, may approve, conditionally approve, or reject an application for a variance to any provision of this ordinance as an alternate to any requirement of this ordinance. Variance requests which are commensurate with the provisions of this ordinance and which accomplish silvicultural and protectional management of the land in conformance with the purpose and policy of this ordinance, in the opinion of the Planning Commission, will be approved.

Applications for variance must be accompanied by a statement of specific Section or Sections of this ordinance which are to be varied from, as well as where, within the harvest area, the variance would occur; what the

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applicant wishes to substitute in place of the rule or regulation; and what the advantages would be if the variance were to be granted. If necessary, a map may accompany the application for variance.

**8.408.160 - APPLICATION FOR VARIANCE TO PROVISIONS - AFTER PERMIT IS GRANTED.**

Permittees may request variances to the provisions of this ordinance and/or modifications to the application approved by the Planning Commission by filing an application for variance and paying the filing fee of \$50.

**8.408.170 – ACCEPTANCE OF APPLICATION.**

All items, Sections 8.408.120 through 8.408.150 must be submitted or completed in a clear and adequate manner before an application for a permit will be accepted by the Planning Commission.

If, following office and field examination, the county representative determines that the information submitted or field work is not acceptable due to inaccuracy or poor workmanship, then the county representative shall inform the applicant of deficiencies and advise the Planning Commission at the appropriate public hearing, or the Director of Planning and Building if the permit is to be considered by them, that deficiencies are apparent and the county representative cannot properly evaluate the proposed timber harvesting operation until such deficiencies are corrected. The Planning Commission, or Director of Planning and Building, may then deny the permit for material misrepresentation in the application as required in Section 8.408.060(2) or continue the hearing to allow the applicant sufficient time to correct the deficiencies and the county representative to make recommendations to the Planning Commission.

**8.408.180 - APPLICATION A PART OF THE PERMIT.**

All the information contained on the application for a timber harvesting permit which is not in conflict with this ordinance or any other rules of governmental agencies shall be a part of the permit. Those items contained on the application which are in conflict with this ordinance but for which an application for variance has been received and granted shall be a part of the permit. Information contained on the application which is in conflict with this ordinance and for which no application for variance has been received, or has been received but not granted, shall not be a part of the permit. Minor adjustments and variations from the application, Sections 8.408.120 through 8.408.140 such as small changes in road and landing location, harvest area, cutting boundary, tree marking, etc., may be approved by the county representative. Substantial or significant changes must be brought before the Planning Commission as a request for a variance as per Section 8.408.160.

At the time of issuance, the applicants for a permit shall become jointly and individually the permittees and shall be responsible for compliance with this ordinance, special conditions, and provisions of any variance granted.

**8.408.190 - APPLICATION FEES.**

Applications for permits or permit renewals which may be issued by the Director of Planning and Building.

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- (1) Permit application shall be accompanied by a non-refundable fee of \$25.00.
- (2) Renewal permit application shall be accompanied by a non-refundable fee of \$15.00.

Application for permits or permit renewals which must be considered by the Planning Commission:

- (1) Permit application shall be accompanied by a non-refundable fee of \$1.00 per acre of harvest area with a minimum charge of \$25.00 and a maximum charge of \$100.00.
- (2) Renewal permit application shall be accompanied by a non-refundable fee of 50¢ per acre of harvest with a minimum fee of \$25.00 and a maximum fee of \$50.00.

**8.408.200 - INSPECTION FEES.**

Inspection fees, for permits or permit renewals which may be issued by the Director of Planning and Building, shall be at the rate of 25¢ per acre of harvest area. The inspection fee is a one-time only charge for each acre of harvest area.

Inspection fees for permits or permit renewals which must be considered by the Planning Commission shall be at the rate 50¢ per acre of harvest area with a minimum charge of \$25.00. The inspection fee is a one-time only charge for each acre of harvest area.

**8.408.210 - CASH DEPOSIT OR BOND.**

The Planning Commission shall require a cash deposit or bond or its equivalent payable to the County of San Mateo when it is deemed necessary to insure compliance with the provisions of this ordinance and any special conditions. Said cash deposit or bond shall be deposited by the timber operator in such amount as the Planning Commission may set provided such amount shall not exceed \$7,500.00 per 100 acres of harvest area unless a larger amount is determined to be necessary to assure repair to county roads. Said cash deposit or bond shall encompass the permit period ending April 1 of the year following completion of timber harvesting.

**8.408.220 - CASH DEPOSIT OR BOND OR ITS EQUIVALENT FOR EROSION CONTROL FACILITIES.**

The Planning Commission shall require the timberland owner to post a cash deposit or bond or its equivalent in an amount not to exceed \$1,500 per 100 acres of harvest area. Said cash deposit or bond or its equivalent shall encompass two winter maintenance periods, November 15 through April 1, following termination of the timber operators period of responsibility. Should the timberland owner during the term of this bond sell the property upon which harvesting occurred, then it shall be their responsibility to inform the new property owner of the obligations contained in this ordinance.

**8.408.230 - POSTING OF SECURITY, PAYMENT OF FEES.**

A timber harvesting permit shall not be valid and timber harvesting shall not occur until fees and cash deposits or bonds as required in Sections 8.408.200 through 8.408.220 are posted with the Planning Commission.

**8.408.240 – APPLICABLE LAWS AND REGULATIONS.**

All the provisions, except as specified herein, of the following acts, statutes, ordinances and rules and regulations adopted thereunder are incorporated herein by reference and shall apply to all timber harvesting operations unless stricter provisions are contained in this ordinance:

1. State Forest Practice Act
2. State Fish and Game Code
3. State Fire Laws
4. Porter-Cologne Water Quality Control Act
5. Bay Area Air Pollution Control District
6. All other applicable federal, State and local laws and regulations.

**8.408.250 - SPECIAL RULES FOR EAST SIDE OF SKYLINE BOULEVARD.**

The Planning Commission or, on appeal, the Board of Supervisors, may require the permittee to comply with special conditions over and above those found in this ordinance where any harvesting area is located on the east or bay side of Skyline Boulevard. The Board of Supervisors herewith finds that this area is critical to the health, welfare, environmental, ecological and aesthetic interests of the people of San Mateo County.

**8.408.260 - PERMIT DOES NOT COVER SAWMILL ESTABLISHMENT.**

The issuance of a timber harvesting permit shall not include the right to establish a sawmill, either permanent or temporary.

**8.408.270 - REGULATION OF NOISE.**

The Planning Commission or, on appeal, the Board of Supervisors, may regulate days and hours of timber harvesting when, in its opinion, such operations will create a serious public nuisance to resident population. Regulations will concern themselves with controlling those operations which create noise pollution.

**8.408.280 - LOG HAULING ON PUBLIC ROADS.**

A. Log hauling on public roads shall be in accord with the following rules:

1. Log hauling on public roads is not permitted on Saturdays, Sundays or on those days which are officially designated as non-working days for the following holidays: New Years Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
2. The Planning Commission or, on appeal, the Board of Supervisors, may restrict or not permit log hauling during periods of time when such hauling will interfere with commute traffic.
3. The Planning Commission or, on appeal, the Board of Supervisors, may conditionally accept or modify the haul route as specified in the management plan.
4. Permittee shall protect county roads from excessive damage and shall repair any damage beyond normal wear and tear resulting from their timber harvesting operation.
5. The Planning Commission or, on appeal, the Board of Supervisors, shall require the permittee to post special traffic signs and/or flagmen where determined to be necessary to prevent a serious hazard to traffic. After permit is granted, county representative shall have the authority to regulate and/or require traffic signs and/or flagmen.
6. The Planning Commission may make any reasonable restriction on log hauling routes, times and dates that in its opinion will pre-vent hazardous conditions from arising during school busing times. The Planning Commission shall immediately upon the filing of an application for a timber harvesting permit, communicate in writing with the Superintendent of Schools, of all School Districts through which a haul route may be granted, requesting that The Commission be immediately informed in writing of the routes and hours of school busing and the dates when busing will occur on the haul routes and of any roadways the Superintendent of Schools considers to be hazardous to student transportation if log hauling is conducted.

**B. LEAVE TREE REQUIREMENTS.**

Other than in Skyline Scenic Corridor and roadside areas, timber cutting must be done in accordance with the following specifications.



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1. OLD GROWTH STANDS:

- a. Leave 40% by number of those live coniferous trees 18 inches d.b.h. and larger, provided that the leave stand contains 25% of the 30 inches to 60 inches d.b.h. coniferous trees present prior to logging and 15% of those coniferous trees above 60 inches d.b.h. present prior to logging. No cutting of conifer trees less than 18 inches d.b.h. shall occur. In addition to meeting the above requirement, each old growth stand must meet the seed tree requirement as stated in Section 913.1 of the Forest Practice Rules for the Redwood Forest District. The timber operator is encouraged to leave said coniferous trees over 30 inches d.b.h. in such locations and grouped in such a manner as to minimize the risk of windthrow and maximize streamside, scenic and recreational values.
- b. At the option of the applicant, trees desired to be cut shall be marked and the marking subject to approval by the Planning Commission. Stump marks shall be provided. Applicant shall advise the county representative well in advance of the Planning Commission hearing if they determine to premark.

2. PRIOR CUT STANDS:

- a. Leave 40% by number of those live coniferous trees measuring 18 inches and larger d.b.h. present prior to timber harvesting. Thinning of coniferous trees over 12 inches but less than 18 inches d.b.h. is permissible from dense thickets as long as leave trees in such thickets shall number 50% and be the dominant trees with full, well formed crowns on at least two of the four faces of the crown. No point within the cut area shall be more than 75 feet from a conifer leave tree over 12 inches d.b.h. located within the cut area. Further provided, no point within the cut area shall be more than 40 feet from a conifer or hardwood leave tree ten inches or more in d.b.h.
- b. At the option of the applicant, trees desired to be cut shall be marked and the marking subject to approval by the Planning Commission, or Director of Planning and Building as the case might be. Stump marks shall be provided. Applicant shall advise the county representative well in advance of the Planning Commission hearing if they determine to premark.

3. HARDWOOD STANDS:

- a. Leave 40% by number of those live hardwood trees measuring four inches and over d.b.h. and 50% by number of those hardwood trees under four inches d.b.h. present prior to timber harvesting. In addition, all hardwoods over 36 inches d.b.h. shall be left uncut and undamaged by the current operation. No point within the cut area shall be more than 75 feet from a hardwood leave tree over four inches d.b.h. located within the cut area.
- b. At the option of the applicant, trees desired to be cut shall be marked and the marking subject to approval by the Planning Commission or Director of Planning and Building as the case might be. Stump marks shall be provided. Applicant shall advise the county representative well in advance of the Planning Commission hearing if they determine to premark.

#### **8.408.290 - SCENIC AND ROADSIDE CORRIDOR SPECIFICATIONS.**

A. **GENERAL.** Timber harvesting within specified roadside zones shall be conducted in a manner which will reduce the visual impact of timber harvesting on passing motorists.

Consideration shall be given by the Planning Commission and the Board of Supervisors to the fact that these areas are already designated as scenic corridors in some cases and will be in other cases. The proposed or potential future uses will be considered in making a determination of cutting requirements.

1. SCENIC CORRIDOR SPECIFICATIONS. The permittee may be required to comply with special conditions attached to their permit covering timber harvesting operations on any portion of the harvest area which is within the designated Skyline Scenic Corridor. Within this scenic corridor, additional restrictions will, if deemed necessary, concern themselves with maintaining the scenic corridor in an aesthetically acceptable condition. Timber harvesting within the scenic corridor may be restricted up to the following limits:
  - a. The permittee shall be permitted to remove at least 50% of those conifer trees measuring 32 inches d.b.h. and larger, and at least 50% of those conifer trees measuring less than 32 inches d.b.h. and more than 18 inches d.b.h. or at least 50% of those hardwood trees measuring 36 inches d.b.h. and less. The Planning Commission shall have the discretion of determining what trees must remain following timber harvesting. However, the leave by volume shall not be required to exceed 50% of the before harvest volume.
  - a. The location of truck roads, tractor trails, and/or landings must meet the approval of the Planning Commission prior to construction.
2. ROADSIDE CORRIDOR SPECIFICATIONS. Timber harvesting within 100 feet, as measured along the ground surface, from the edge of the road berm along both sides of all public roads (except Skyline Boulevard) shall be conducted as set forth below, where necessary to protect aesthetic values.
  - a. The permittee shall be permitted to remove at least 50% of those conifer trees measuring 32 inches d.b.h. and larger and at least 50% of those conifer trees measuring less than 32 inches d.b.h. and more than 18 inches d.b.h. or at least 50% of those hardwood trees measuring 36 inches d.b.h. and less. The Planning Commission shall have the discretion of determining what trees must remain following timber harvesting. However, the percent leave by volume shall not be required to exceed 50% of the before harvest volume.
  - b. The location of truck roads, tractor trails, and/or landings must meet the approval of the Planning Commission prior to construction.

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- c. In lieu of the roadside corridor specified in Section 8.408.290 (A)(2) the county representative may delineate on the ground that area where the ground surface is readily visible, or will be readily visible following timber harvesting, to passive motorists, provided that the area contained in such visual impact area shall not exceed the acreage contained in a roadside corridor the length of the harvest area road frontage with a fixed width of 100 feet. Upon establishment of a visual impact area, the requirements of 8.408.290(A)(2)(a) and (b) shall apply only to the visual impact area.
3. **FIELD WORK REQUIRED.** For the county representative to properly advise the Planning Commission, it is required that the applicant mark trees desired to be cut, and flag proposed truck roads, tractor trails, and landings.

So as not to unnecessarily delay the consideration of a timber harvesting permit before the Planning Commission, the applicant is advised to mark trees and flag roads, trails and landings prior to submission of an application for timber harvesting permit. A county representative will assist in this work if given sufficient advance notice.

**B. CUTTING TO MORE THAN ONE CUTTING RULE.** If more than one cutting rule shall be used within any individual timber harvesting operation or harvest area, a line delineating the area to be cut under provisions of each shall be clearly defined on the ground by paint or other means for the inspection of the county representative prior to the Planning Commission hearing for the timber harvesting permit.

**C. EXCEPTIONS TO CUTTING RULES.** The cutting requirements provided herein shall not prohibit the cutting or removal of trees for the purpose of clearing rights-of-way, log landings or firebreaks, or the cutting or removal of competing hardwood trees from a predominant conifer stand for the purpose of promoting the growth of the conifer trees.

A timber harvesting permit is required for such removal of competing hardwoods when the hardwood is removed as a forest product.

**D. LEAVE TREES AND SPACING.**

For all cutting rules, leave trees shall be thrifty vigorous trees with well formed full crowns, free from damage caused by timber harvesting operations. With the exception of old growth conifer leave trees over 30 inches d.b.h., all leave trees shall be well distributed within the harvest area. For the purpose of these cutting rules, well distributed shall mean the spacing of leave trees on any reasonably sized area of less than five acres and shall reflect the before-harvest distribution of trees, reduced by a factor equal to the permissible cut.

**E. PROTECTING LEAVE TREES.**

For the purpose of protecting from damage those leave trees and young growth required to be left standing after timber harvesting and fire hazard abatement, as required in this ordinance and to maintain the productivity of the forest lands and soils, every timber operator shall exercise due diligence in the management and operation of felling, skidding and loading of timber or any activity connected therewith, to prevent damage to those leave trees and young growth.

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**F. FELLING.** Trees shall be felled to the fullest extent possible that topography lean of tree, landings, utility lines, local obstructions and safety factors permit, in line with skidding direction, away from roads, and with minimum damage to leave trees and reproduction.

Trees shall be felled so that the branches will not enter a stream.

**G. PREVIOUS CUT STANDS.** On timber harvesting operations in which cutting has occurred within ten years preceding the current operation, stumps which are the result of cutting trees within the preceding ten years will be counted as trees cut during the current operation in determining percent of trees cut. This paragraph shall be null and void ten years after adoption of this ordinance.

**H. FREQUENCY OF TIMBER HARVEST OPERATIONS.** Conifer and hardwood stand timber harvesting shall be limited to only one operation in any ten-year period of time, provided that, following the ten-year period, minimum stocking has been obtained. In the case of hardwood stands, substitute the word “hardwood” where conifer or redwood appears in the definition of minimum stocking. To determine if minimum stocking has been obtained, the applicant or their representative shall accompany the county representative on a joint inspection of the proposed harvest areas.

**I. TANBARK OPERATIONS PROHIBITED.** Peeling of tanoak trees for the production of bark for commercial purposes is prohibited.

**J. GENERAL CONSTRUCTION SPECIFICATIONS**

**1. Location Requirements.** The location of truck roads, tractor trails, firebreaks and landings shall not:

- a. Adversely effect the stability of property owned by others;
- b. Cause soil to be deposited on property owned by others;
- c. Cause excessive erosion and landsliding;
- d. Contribute significantly to the degradation of water quality.

**2. Stream Crossings.** All truck road and tractor trail crossings of streams will be provided with temporary or permanent drainage structures which will adequately carry water under the road or trail without the water being contaminated or polluted with soil or organic material throughout the entire period of timber harvesting. All stream crossing structures shall be installed concurrently with true road and tractor trail construction. All stream crossings shall be subject to approval by the Planning Commission or, on appeal, the Board of Supervisors.

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- a. Stream crossings which are to be placed in streams which are supporting a fish population at the location of the crossing shall be installed so as not to prohibit the passage of fish.
- b. Permanent drainage structures shall be approved only if their installation, sizing, and location meets with the approval of the Planning Commission.
- c. Materials to be used for permanent stream crossings must meet the approval of the Planning Commission.
- d. Temporary drainage structures and associated fill material shall be removed on or before November 15 of each year and not replaced prior to April 1 of the following year.

**3. Intermittent Stream Crossing.** Unless provided with permanent drainage structures as provided for in Section 10,501, all fill material deposited for truck road or tractor trail crossings of intermittent streams shall be removed prior to November 15 and not replaced prior to April 1 of the following year. In lieu of removing fill, the county representative may require an alternate method of providing a near erosionless channel through which water shall be diverted.

#### **8.408.300 - TRUCK ROADS.**

**A. LOCATION.** All truck road locations shall be subject to the approval of the Planning Commission. Truck roads which are approved as to location by the Planning Commission and constructed in accordance with this Chapter shall be exempt from the San Mateo County On-site Grading Ordinance. Roads which are not to be or cannot be constructed in accordance with these specifications may require that on-site grading permits be obtained prior to construction, or be subject to any special conditions deemed appropriate by the Planning Commission.

**B. USE OF EXISTING ROADS.** Truck roads existing prior to application for a timber harvesting permit may be used regardless of location when, in the opinion of the Planning Commission their use will result in less ground disturbance and stream contamination than a new road constructed in accordance with this Chapter.

**C. ROAD CONSTRUCTION ON STEEP SLOPES.** Truck roads shall not be constructed on slopes where the cross-slope exceeds 70% or have road grades that exceed 20% except that these percentages may be exceeded by a factor of 50% on 100 feet of each 1000 feet of road construction.

**D. WIDTH OF ROADS.** Truck roads shall be constructed to single-lane width (approximately 15 feet) with turnouts at reasonable intervals. Both roads and turnouts shall be no wider than necessary to permit safe passage of log trucks and equipment.

**E. ROAD CUT BANKS.** Truck roads shall be constructed with no overhanging banks and any trees with more than 25% of the root surface exposed by reason of road construction shall be felled concurrently with timber

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harvesting. Where road cuts exceed 6 feet in vertical height all trees over 6" d.b.h. for a distance of 8 feet as measured along the ground at right angles from the top of cut may be required to be cut by the county representative.

**F. SWITCHBACKS.** Switchbacks, 180° turns, on truck roads shall be constructed using a radius which will give an effective 1½:1 slope, between the inside edge of lower roadway to outside edge of upper roadway and not be constructed on slopes over 40 percent as measured directly between the entrance and exit points of the proposed switchback.

**G. FOLLOW CONTOUR OF LAND.** Roads are to be laid out and constructed in such a manner that the general contours of the land are utilized to the fullest extent possible to avoid excessive cuts, fills and road grades that will increase erosion.

### **8.408.310 - TRACTOR TRAILS**

**A. LOCATION.** Pursuant to the provisions of this ordinance, the location of all tractor trails shall be subject to the approval of the Planning Commission or county representative. Advance flagging and approval of constructed tractor trails shall be required wherever necessary to ensure that the location and design meets the provisions of this ordinance.

**B. LIMITATIONS.** Tractor trails shall be limited in number and width consistent with sound forest management practices.

**C. SKIDDING.** Due diligence shall be exercised in skidding operations to prevent damage to leave trees, reproduction and other soil protective vegetation.

**D. STREAM CROSSINGS.** All tractor trail stream crossings shall be temporary.

**E. PARALLEL TO SLOPE.** To minimize soil excavation, tractor trails shall be constructed perpendicular to the contour as nearly as practicable.

**F. PARALLEL TO WATERCOURSES.** Tractor trails shall not be constructed parallel to natural watercourses where such construction will likely cause major soil movement.

**G. EXISTING TRACTOR TRAILS.** Tractor trails existing prior to application for a timber harvesting permit may be used regardless of location when, in the opinion of the county representative or Planning Commission, their use will result in less ground disturbance and stream contamination than a new trail constructed in accordance with this Chapter.

#### **8.408.320 - LANDINGS.**

**A. LOCATION.** Pursuant to the provisions of this ordinance, the location of all landings shall be subject to the approval of the Planning Commission or county representative. Advance flagging and approval of landings shall be required wherever necessary to ensure that the location and design meet the provisions of this ordinance.

**B. LIMITATIONS.** Landings shall be kept to the minimum in size and number consistent with sound forest management practices.

**C. SLOPE LIMIT.** Landings shall not be constructed where the cross-slope exceeds twenty-five percent.

**D. OPEN AREA.** Whenever practicable, landings shall be constructed in open areas.

#### **8.408.330 - EROSION CONTROL.**

**A. MAINTENANCE OF WATER QUALITY.** Notwithstanding any provision of this ordinance, it shall not be construed in any way to condone any activity which causes significant degradation of water quality.

**B. EROSION CONTROL.** Tractor trails, landings, truck roads and firebreaks shall be so located, constructed, used and left after timber harvesting that water flow therefrom and water flow in natural watercourses shall limit erosion to a reasonable minimum, and not impair the productivity of the soil or appreciably diminish the quality of the water.

**C. STREAMSIDE BUFFER STRIP.** Construction of truck roads, tractor trails and landings shall only be permitted when it is clearly shown that there is a protective strip between the proposed construction and the stream having sufficient filter capacity to effectively remove waterborne sediment to prevent any serious risk that construction and use of said facilities will cause significant degradation of water quality. Where it is determined that the filter capacity of the protective strip is insufficient, additional erosion control may include, but is not limited to, any or all of the following:

- 1.. Increased width of the protective strip;
2. Decreased interval between waterbreaks;
3. Treatment of the travelled surface to protect soil from erosion;

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4. Treatment of fill slopes to protect soil from erosion which may include installation of down drains;
5. Installation of slope obstructions between the toe of the fill and the stream;
6. Seeding or planting of disturbed areas where bare soil is exposed to protect the soil from erosion.

If, in the opinion of the Planning Commission, an adequate protective strip cannot be provided then the truck road, tractor trail, and/or landing shall not be approved.

**D. WATERBREAKS.** Waterbreaks shall be constructed in all truck roads, tractor trails and firebreaks no later than November 15. Waterbreaks shall:

1. Be located in minimal fill areas;
2. Be effective in diverting surface water from the truck road, tractor trail or firebreak;
3. Provide unrestricted discharge into an area having sufficient filter capacity to effectively remove waterborne sediment to prevent a serious risk of causing significant degradation of water quality;
4. Be installed at such intervals as is necessary to reasonably prevent surface water on or from such truck roads, tractor trails and firebreaks from accumulating in sufficient volume or accelerating to sufficient velocity to cause excessive erosion.

**E. WATERBREAK INTERVAL.** The following table will aid in determining waterbreak interval:

1. On grades of 10% or less - at intervals of 100 to 200 feet;
2. On grades of 11-25% - at intervals of 75 to 150 feet;
3. On grades of 26-49% - at intervals of 50 to 100 feet;
4. On grades of 50% or more - at intervals of 30 to 75 feet.



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Advance flagging of waterbreak location shall be required wherever necessary to insure that the location and spacing of the waterbreaks is adequate to prevent water flow from creating a serious risk of causing significant degradation of water quality.

**F. WATERBREAKS ON PERMANENT ROADS.** On permanent truck roads, waterbreaks shall be cut a minimum of 12 inches into the firm road surface and shall be constructed so that they will not be rendered ineffective by the passage of motorized vehicles. Such breaks may be spread over sufficient length of road to permit passage of vehicles.

**G. WATERBREAKS ON TEMPORARY TRUCK ROADS, TRACTOR TRAILS AN FIREBREAKS.** On temporary truck roads, tractor trails and firebreaks, waterbreaks shall be cut a minimum of six inches into the firm soil and shall have a continuous firm embankment of sufficient height so as to discourage attempts to pass over or around them with motorized vehicles.

**H. OUTSLOPED DRAINAGE.** Outsloped drainage structures may be constructed in lieu of waterbreaks. Such structures may be outsloped dips or the entire travelled surface may be outsloped with sections of berm removed at periodic interval... to permit water to flew from the travelled surface. (Note: Location and spacing of outflow points is the same as for waterbreaks.)

**I. EMERGENCY MEASURES.** In an emergency, should weather and/or soil conditions prevent :installation of waterbreaks as specified above prior to November 15, then the drainage of truck roads, tractor trails and/or firebreaks shall be maintained by hand to prevent excessive erosion until permanent facilities can be installed.

**J. WHEN WATERBREAKS ARE NOT FEASIBLE.** Wherever terrain or any other factor precludes proper diversion of waterflow from tractor trails as required herein, slash shall be scattered on said tractor trails in sufficient quantity to retard waterflow thereon and hold erosion to a minimum.

**K. BERMS.** Roadside berms shall be constructed where necessary to guide surface waterflow to the point of planned diversion and prevent unnecessary erosion of fills and side cast material.

**L. SLOPE STABILIZATION.** To provide an effective cover, all side cast and fill material that exceeds five feet in slope distance at right angles to the road shall be seeded, planted or treated for prevention or reduction of soil erosion. Such work shall be completed within 15 days following the first rain in the fall season, but in no case later than November 15.

**M. STREAM PROTECTION.** Streams shall be kept free of slash.

**N. REMOVAL OF TEMPORARY STREAM AND INTERMITTENT STREAM CROSSINGS.** All temporary drainage facilities and associated fill material shall be removed frog temporary truck road and tractor trail crossings of streams and intermittent streams prior to November 15 and not replaced before April 1 of the following year.

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**O. WINTER SHUT-DOWN PERIOD.** The operation of heavy equipment such as trucks and tractors within the harvest area is prohibited between November 15 and April 1. During this period, when the soil is not so wet that operation of heavy equipment may cause excessive damage to the land, the county representative may authorize the operation of heavy equipment. Such authorization shall be in writing and shall be based on the individual circumstances of each timber harvesting operation and may be revoked by the county representative at any time either by telephone, in writing or in person. Once revoked, said authorization can be reinstated only in writing by the county representative.

**P. SPECIAL RULES FOR WINTER OPERATIONS AUTHORIZED PER SECTION 408.330 (O).**

1. Use of temporary truck roads is prohibited
2. The installation of temporary stream crossings is prohibited
3. All skidding operations shall be confined to that area designed to deliver forest products to one landing. All erosion control structures, bars, dips, and the like required by this ordinance shall be installed prior to vacating one landing and moving to another.
4. The permittees shall install all erosion control structures required by this ordinance concurrently with the timber operations.

**Q. RESPONSIBILITY FOR INSTALLATION AND INITIAL MAINTENANCE OF EROSION CONTROL FACILITIES.** The timber operator is responsible to ensure that all erosion control facilities are constructed prior to November 15 of the current year and that said erosion control facilities are maintained in effective condition through April 1 of the following year. Should the timber operator fail, after being contacted in writing, to provide the required erosion control measures, the county is authorized to perform the required work to correct the violation and to assess the timber operator accordingly, and charge all reasonable costs against the timber operator's security deposit.

**R. RESPONSIBILITY FOR CONTINUED MAINTENANCE OF EROSION CONTROL FACILITIES.** Upon expiration of timber operator's period of responsibility, the timberland owner is responsible to ensure that erosion is effectively controlled. Should the timberland owner fail, after being contacted in writing, to effectively control erosion, the county is authorized to perform the work required by this ordinance and to assess the timberland owner accordingly, and charge all reasonable costs against the timberland owner's security deposit. Said security deposit, as per Section 8.408.220, shall encompass two years following completion of the timber operator's term of responsibility.

**S. CONTINUING RESPONSIBILITY OF TIMBERLAND OWNER.** After the termination of the two-year maintenance period, the landowner shall be responsible for corrections of any damage to surface waters as the result of the timber harvesting operations.

#### **8.408.340 - FIRE HAZARD REDUCTION.**

**A. SLASH TREATMENT.** All slash created by current timber harvesting shall be lopped in no case later than April 1 of the year following the creation of the slash.

**B. SLASH TREATMENT ADJACENT TO ROADS AND BUILDINGS.** The area within 50 feet, as measured along the ground surface, of dwellings, appurtenant structures and the edge of travelled surface of public roads shall be kept free of slash.

**C. SNAGS.** All snags over twenty feet in height and eight inches d.b.h. within the harvest area shall be felled prior to April 1 of the year following timber harvesting.

**D. FIREBREAKS.** Wherever practicable and useful, considering factors such as soil erosion, practicality of defending the firebreak in event of fire, extent of uncontained slash, proximity of more defensible existing barriers and other factors relating to the effectiveness of and need for firebreaks vs. the extent of damage and disturbance caused by their construction, all areas of slash shall be concurrently with timber harvesting, broken-up into blocks surrounded by firebreaks of not less than fifteen feet in width from which all inflammable material has been cleared. Existing roads, trails, streambeds or other natural fire barriers may be considered as firebreaks when not less than the minimum width and clear of all inflammable material as required herein. Streams may be considered as firebreaks regardless of width.

**E. FIREBREAKS ON WINTER OPERATIONS.** Areas of slash created between November 15 of one year and April 1 of the following year shall have firebreaks constructed concurrently with timber harvesting provided however, that in the event construction of the required firebreaks concurrently with timber harvesting is rendered impossible as a result of weather conditions, the required firebreaks shall be constructed as soon thereafter as weather conditions will permit, but in no event later than June 15 of the aforesaid following year to constitute compliance with this rule.

**F. PROTECTING LEAVE TREES.** Slash and debris shall not be bunched or bulldozed adjacent to leave trees, during and after construction of truck roads, tractor trails, landings and firebreaks.

**G. BURNING OF SLASH AND DEBRIS.** All open burning shall be done only with the approval of the State Forester and the Bay Area Air Pollution Control District. Open burning will be subject to certain meteorological conditions as specified by the State Forester and the Air Pollution Control Officer.

#### **8.408.350 - INSPECTIONS, VIOLATIONS, REVOCATION, APPEAL.**

**A. PERMISSION TO ENTER HARVEST AREAS.** The filing for application for a timber harvesting permit shall constitute a grant of permission for county personnel concerned with administering this ordinance to enter the subject harvest area at their convenience from the date of application to the termination of the waterbreak

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maintenance period for the purpose of inspecting said harvest area for compliance with these rules and applicable law. The county will be supplied with a key or combination to locks installed or access control devices or shall be permitted to install a county lock.

**B. INSPECTIONS.** The Planning Commission shall cause sufficient inspections to be made of the harvest area to assure compliance with the provisions of this ordinance and the requirements of applicable law. Upon completion of any inspection, the permittee shall be given a written notice of any violations observed at the time of inspection for correction thereof.

**C. FINAL INSPECTION.** Upon notification by the permittee that operations have been completed upon any harvest area, the Planning Commission shall cause a final inspection to be made of said area. At the completion of any final inspection, the Planning Commission shall give notice to the permittee of any violations for correction thereof.

**D. VIOLATIONS.** Violations of this ordinance shall be punished as provided for in Sections 1.08.010 to 1.08.050 of the San Mateo County Ordinance Code.

**E. OPERATING WITHOUT PERMIT - MISDEMEANOR.** Any timberland owner, timber owner or timber operator who engages in timber harvesting or conspires with another to engage in timber harvesting without a valid timber harvesting permit to do so from the Planning Commission or the Director of Planning and Building is guilty of a misdemeanor.

**F. PERMIT REVOCATION.** The Planning Commission may, upon giving notice to the permittee, revoke any permit, or revoke and reinstate any permit upon suitable conditions, if the timber operator fails, neglects or refuses to fulfill any of the requirements of this ordinance or conditions of the permit or violates any provisions of applicable law. Due to the very nature of timber harvesting, minor violations or variations to rules and regulations will occur from time to time. Infrequent, minor violations and variations will be documented by the county representative and administered at staff level. Should repeated violations, or a major violation occur, then the county representative shall bring the matter to the Planning Commission after proper notices have been given. The Director of Planning and Building may request the District Attorney (without approval of the Planning Commission or the Board of Supervisors) to secure an injunction to stop all timber harvesting should time be of the essence. The Director of Planning and Building shall immediately notify the Planning Commission and Board of Supervisors in writing of their action.

**G. APPEAL.** The applicant, or any other person who is aggrieved by the issuance or non-issuance of the permit or any conditions thereof, may appeal.

1. Permits considered by the Director of Planning and Building may be appealed to the Planning Commission by filing a written protest with the Secretary of the Planning Commission within ten days of the issuance or denial of said permit.

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2. Permits considered by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Secretary of the Planning Commission within ten days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal within 30 days, and its decision shall be final.

**H. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such validity or constitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted, irrespective of the fact that one or more other section, subsection, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

(Prior code Division VI, Part One – Amended by Ordinance No. 2143)

### ***CHAPTER 8.412 - TOPSOIL SITE REGULATIONS***

#### **8.412.010 - Definitions.**

For the purpose of this chapter, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

- (a) “Topsoil Site” -Premises from which any topsoil is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future; provided, however, that not to exceed twenty-five (25) cubic yards of topsoil may be removed from any one building site after a permit has been secured from the County Building Inspector for the construction of a permanent structure on the same site without said operation being construed to be a topsoil site and coming within the provisions of this chapter.
- (b) “Topsoil” - The immediate surface area of land, consisting either of topsoil or sub-soil.

#### **8.412.020 - Operation And Maintenance Of Topsoil Sites.**

It shall be unlawful for any person to operate or maintain or cause to be operated or maintained, any topsoil site in the County of San Mateo except in conformance with the provisions of this Chapter.

#### **8.412.030 - Permits Required.**

Topsoil sites may be operated in any portion of the county subject to the securing of an annual permit as herein specified and subject to the regulations of this chapter requiring the posting of a corporate surety bond. The amount of said bond is to be determined by the Planning Commission.

#### **8.412.040 - Application For Permit.**

Each application for any such permit shall be made to the Planning Commission in a form provided by the Planning Commission. Such application shall be accompanied by:

- (a) An accurate plot plan showing the exterior boundaries of the property on which the topsoil site is, or is proposed to be, located, the boundaries of the area proposed to be excavated, and the location of any existing or proposed structures, roads, or other improvements.
- (b) Contour map when required by the Planning Commission.
- (c) Statement of plan of operation including time limits, areas to be removed, final grading of site, and planting.

The Planning Commission, upon receipt of the application and upon the payment of the required fee, shall make such investigations as are necessary to determine whether or not the topsoil site or proposed topsoil site conforms or will conform fully to the regulations herein set forth and with the terms of other county ordinances pertaining to land use or operation of topsoil sites. The Planning Commission shall refer the application to such other agency or board for approval or recommendation as it deems necessary. At the conclusion of investigation and at such hearings, the Planning Commission shall make findings as to whether or not the topsoil site, or proposed topsoil site, is, will be, or may be likely to become a public nuisance, or will be dangerous or detrimental to the public peace, health, safety, or the general welfare. If, in the opinion of the Planning Commission, the operation of the existing or proposed topsoil site will not be detrimental or dangerous to the public peace, safety, or the general welfare, a twelve-month permit shall be issued as herein provided. The Planning Commission, in issuing any such permit, shall specify such conditions as are deemed necessary for the protection of persons and property in the neighborhood and to ensure that the operation of the topsoil site will not adversely affect the character of the neighborhood in which the topsoil site is located. The Planning Commission shall require such bonds and other guarantees as are necessary to ensure compliance with the regulations imposed under the terms of any permit. In case the Planning Commission denies any permit applied for under the terms of this chapter or imposes restrictions which the applicant deems to be arbitrary or unreasonable, the applicant may appeal such decision to the Board of Supervisors.

#### **8.412.050 - Permit Fee.**

The fee for a permit to operate or maintain a topsoil site for the period of one (1) year from the date of such permit shall be fifty dollars (\$50.00) payable in advance to the Planning Commission.

**8.412.060 - Inspection Fees.**

The permit fee shall include the cost of two inspections. The Planning Commission may make two inspections per year for the purpose of determining whether the operation of the top soil site is in full compliance with the regulations herein set forth and with any special conditions imposed under the terms of any permit. Such inspections shall include such surveying as may be necessary to determine boundaries of excavation, slopes of cut banks, and other such conditions.

**8.412.070 - Revocation Or Suspension Of Permits.**

Any permit granted hereunder shall be subject to revocation or suspension by the Planning Commission in the following manner: A notice shall be served on the person holding said permit specifying wherein they has failed to comply with this chapter or any other ordinance or with any terms or conditions specified in the permit for such topsoil site and requiring them to appear before the Planning Commission at a date and hour specified, net less than five (5) days after the serving of said notice on said permit holder, to show cause at said time and place why said permit should not be revoked or suspended; at such time and place the person holding said permit shall have the right to appear in person or by counsel and to introduce such evidence as they may desire, and the Planning Commission shall confront said permit holder with any charges that Laid Board of Supervisors, or Planning Commission, or both of them, may have against them; and after said hearing, the Planning Commission may, if in its opinion the permit holder has violated the terms of their permit, revoke or suspend said permit. Persons may appeal to the Board of Supervisors regarding the revocation of any such permit.

**8.412.080 - Regulations.**

Topsoil sites may be operated and maintained in any district subject to the general requirements hereinafter contained and such other conditions as may be deemed necessary by the Planning Commission.

**8.412.090 - Erosion Control.**

- (a) The depth of topsoil left on the site shall comply with the conditions of each permit.
- (b) Topsoil shall not be removed from slopes steeper than those specified in any permit.
- (c) The topsoil site shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain.

(d) As directed by the Planning Commission, the topsoil site shall be fertilized, mulched, and reseeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion. Said cover shall be established within time limits specified in each permit.

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(e) All surface drainage existing or developing by or through the topsoil site shall be controlled by dikes, barriers, or drainage structures to prevent any silt, erosional debris, or other loose material from filling any existing drainage course or encroaching on state or county roads or private property. All provisions to control natural drainage or flood water shall meet with the approval of the County Engineer.

**8.412.090 - Drainage Of Premises.**

The finished excavation shall, in all cases, be graded in such a manner as to prevent the accumulation of storm waters or natural seepage.

**8.412.100 - Maintenance And Operation.**

- (a) The premises of the topsoil site shall be maintained at all times in a neat and orderly manner.
- (b) The operation of the topsoil site shall be conducted in such a manner as to obviate excessive dust and noise. The operator shall maintain haulage roads in a dust-free condition providing such surfacing or other treatment deemed necessary by the Planning Commission.

**8.412.110 - Short Title.**

This chapter shall be known and cited as the “Topsoil Ordinance of the County of San Mateo.”

(Prior Code Section 7701.5; Ord 2067, August 25, 1970.)

***CHAPTER 8.416 – SURFACE MINING AND RECLAMATION***

**8.416.010 - Purposes And Intent.**

The County of San Mateo recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Chapter are to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California’s Surface Mining and Reclamation Act of 1975 (Public Resources Code Section 2710 et seq.), as amended, hereinafter referred to as “SMARA,” Public Resources



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Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board Regulations (hereinafter referred to as “State Regulations”) for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

- a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable conditions which is readily adaptable for alternative land uses.
- b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.
- c) Residual hazards to the public health and safety are eliminated.

**This chapter shall not govern the issuance of a Coastal Development Permit for mining and reclamation activities in the Coastal Zone. Pursuant to Section 30600 of the California Coastal Act, Coastal Development Permits shall be required for all mining and reclamation activities in the Coastal Zone which constitute development under Section 30106 of the California Coastal Act. Coastal Development Permits shall either be reviewed: (1) by the Coastal Commission pursuant to the Coastal Act for development within the Commission's retained jurisdiction; or (2) by the County, or the Commission on appeal, pursuant to the certified Local Coastal Program standards governing the issuance of Coastal Development Permits for development within the County's Coastal Development Permit jurisdiction.**

#### **8.416.020 -Definitions.**

The definitions set forth in this section shall govern the construction of this Chapter.

1. Area of Regional Significance. An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.
2. Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local or regional significance.
3. Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

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4. Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

**Development Requiring a Coastal Development Permit pursuant to Sections 30600 and 30106 of the Coastal Act. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.**

5. Haul Road. A road along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation.
6. Idle. Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.
7. Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.
8. Mined Lands. The surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

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9. Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.
  
10. Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on their behalf, except a person who is engaged in surface mining operations as an employee with wages as their sole compensation.
  
11. Reclamation. The combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
  
12. Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.
  
13. Surface Mining Operations. All, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, stream bed skimming, and segregation and stockpiling of mined materials (and recovery of same).

#### **8.416.030 - Incorporation By Reference**

The provisions of SMARA (PRC Section 2710 et seq.), PRC Section 2207, and State Regulations CCR Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

Within sixty (60) days of the effective date of any amendments to SMARA, PRC Section 2207 or State Regulations implementing SMARA, the Planning Division shall submit a written report to the Board of Supervisors analyzing how the amendment affects the implementation of this Chapter.

#### **8.416.040 - Scope.**

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, Reclamation Plan, and financial assurances for reclamation have first been approved by the County. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the County, including but not limited to, the application of CEQA, the requirements of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the County, public and private.

**This chapter shall not govern the issuance of a Coastal Development Permit for mining or reclamation activities in the Coastal Zone. Pursuant to Section 30600 of the California Coastal Act, Coastal Development Permits shall be required for all mining and reclamation activities in the Coastal Zone which constitute development under Section 30106 of the California Coastal Act. Coastal Development Permits shall either be reviewed (1) by the Coastal Commission pursuant to the Coastal Act for development within the Commission's retained jurisdiction or; (2) by the County, or the Commission on appeal, pursuant to the certified Local Coastal Program standards governing the issuance of Coastal Development Permits for development within the County's Coastal Development Permit jurisdiction.**

This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

- a. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- b. On-site excavation and on-site earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
  1. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of State law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.).
  2. The County's approval of the construction project included consideration of the on-site excavation and on-site earthmoving activities pursuant to CEQA.
  3. The approved construction project is consistent with the general plan and zoning of the site.
  4. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.

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- c. Operation of a plant site used for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials, including the on-site stockpiling and on-site recovery of mined materials, subject to all of the following conditions:
  - 1. The plant site is located on lands designated for industrial or commercial uses in the County's General Plan.
  - 2. The plant site is located on lands zoned industrial or commercial or are contained within a zoning category intended exclusively for industrial or surface mining activities by the County.
  - 3. None of the materials being processed are being extracted on site.
  - 4. All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred on site after January 1, 1996.
- d. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- e. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- f. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- g. The solar evaporation of seawater or bay water for the production of salt and related minerals.
- h. Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- i. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes. Class One and Class Two watercourses shall be defined per the California Department of Forestry and Fire Protection regulations as follows: (1) a Class One stream has a domestic supply downstream and fish present in it, and (2) a Class Two stream does not have a domestic supply located downstream but does have fish present.

**8.416.050 - Surface Mining Permit - Supplemental Uses.**

When a surface mining permit has been granted according to these regulations and while operations are in conformity with the conditions of the permit, the property shall be used exclusively for surface mining operations and the following specific uses:

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- a. The stockpiling of rock, sand, gravel, and other minerals, including the installation, maintenance or operation of rock crushing equipment.
- b. Batching plants or mixing plants for cement treated bases, Portland cement or asphaltic concrete, where permitted as a condition of the permit.
- c. Resource management activities, when determined appropriate as a condition of the surface mining permit.
- d. Such structures and facilities which are necessary for the conducting of normal related business, including a caretaker's dwelling, provided the dwelling is only on premises during the duration of the permit, or that it is so sited on the property as to conform to the purpose and intent of a single-family dwelling and is consistent with the appropriate zoning district regulations.
- e. Any use permitted in the zone, subject to the limitations and conditions set forth in the district, and provided that the Planning Commission specifically authorizes such use in the permit and makes a finding regarding compatibility.

#### **8.416.060 -Vested Rights.**

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State Regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain County approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

**This section is applicable only to local vested rights determinations and is not applicable to vested right determinations for purposes of Coastal Development Permit requirements. The California Coastal Commission, rather than the County, shall administratively adjudicate all vested right determinations for purposes of Coastal Development Permit requirements pursuant to the Coastal Act and all other applicable law.**

All other requirements of State law and this Chapter shall apply to vested mining operations.

#### **8.416.070 - Process.**

- a. Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning and Building Division. Said application shall be filed in accord with this Chapter and procedures to be established by the Director of Planning and Building. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772-2773) and State Regulations, and any other requirements deemed necessary to facilitate

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an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Director of Planning and Building. As many copies of the Site Approval application as may be required by the Director of Planning and Building shall be submitted to the Planning and Building Division.

- b. As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the County at one time.
- c. Applications shall include all required environmental review forms and information prescribed by the Director of Planning and Building.
- d. Upon completion of the environmental review procedure and filing of all documents required by the Director of Planning and Building, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to Chapter 8.416 of the County Ordinance Code at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.
- e. Within thirty (30) days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the Planning and Building Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Planning and Building Division shall also notify the State Department of Transportation that the application has been received.
- f. The Planning and Building Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the County's environmental review guidelines.
- g. Subsequent to the appropriate environmental review, the Planning and Building Division shall prepare a staff report with recommendations for consideration by the Planning Commission.
- h. The Planning Commission shall hold at least one noticed public hearing on the Site Approval and/or Reclamation Plan.
- i. Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the Planning Commission may simultaneously also conceptually approve the Site Approval. However, the Planning Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

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Pursuant to PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

- j. The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC Section 2770(d).
- k. The Planning and Building Division shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning and Building Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no changes during the previous year.

**8.416.080 - Standards For Reclamation.**

- a. All Reclamation Plans shall comply with the provisions of SMARA (Section 2772 and Section 2773) and State Regulations (CCR Sections 3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR Sections 3700-3713).
- b. The County may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of Countrywide performance standards.
- c. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include: (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and (d) estimated costs for completion of each phase of reclamation.



#### **8.416.090 -Statement Of Responsibility.**

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning and Building Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning and Building Division for placement in the permanent record.

#### **8.416.100 - Findings For Approval.**

- a. Site Approvals. In addition to any findings required by the County's Zoning Regulations, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State Regulations.
- b. Reclamation Plans. For Reclamation Plans, the following findings shall be required:
  1. That the Reclamation Plan complies with SMARA Section 2772 and Section 2773, and any other applicable provisions.
  2. That the Reclamation Plan complies with applicable requirements of State Regulations (CCR Sections 3500-3505, and Sections 3700-3713).
  3. That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the County's General Plan and any applicable resource plan or element.
  4. That the Reclamation Plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.
  5. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
  6. That the Reclamation Plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the General Plan and applicable resource plan.
  7. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

**8.416.110 -Financial Assurances.**

- a. To ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the County shall require as a condition of approval security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the County and the State Mining and Geology Board as specified in State Regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the County of San Mateo and the State Department of Conservation.
- b. Financial assurances will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- c. Cost estimates for the financial assurance shall be submitted to the Planning and Building Division for review and approval prior to the operator securing financial assurances. The Director of Planning and Building shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director of Planning and Building shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State Regulations.
- d. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities in the upcoming year. Cost estimates should be prepared by a California registered professional engineer and/or other similarly licensed and qualified professionals retained by the operator and approved by the Director of Planning and Building. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%) shall be added to the cost of financial assurances.
- e. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- f. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).

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- g. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- h. Revisions to financial assurances shall be submitted to the Director of Planning and Building each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

**8.416.120 - Interim Management Plans.**

- a. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning and Building Division a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning and Building Division, and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
- b. Financial assurances for idle operations shall be maintained as though the operation were active.
- c. Upon receipt of a complete proposed IMP, the Planning and Building Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.
- d. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director of Planning and Building and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Director of Planning and Building, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within sixty (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the Board of Supervisors.
- e. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

**8.416.130 - Annual Report Requirements.**

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the County Planning and Building Division on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface

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mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.

**8.416.140 - Inspections.**

The Planning and Building Division shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 8.416.130, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State registered geologist, State registered civil engineer, State licensed landscape architect, or State registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Director of Planning and Building. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning and Building Division shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

**8.416.150 - Violations And Penalties.**

If the Director of Planning and Building, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the County shall follow the procedures set forth in Public Resources Code, Section 2774.1 and Section 2774.2 concerning violations and penalties, as well as those provisions of the County Development Code for revocation and/or abandonment of a Site Approval which are not preempted by SMARA.

**8.416.160 - Appeals.**

Any person aggrieved by an act or determination of the Planning and Building Division, in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the Board of Supervisors, whichever is the next higher authority. An appeal shall be filed on forms provided, within ten (10) working days after the rendition, in writing, of the appealed decision.

**8.416.170 - Fees.**

The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State Regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Site Approval application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

**8.416.180 - Mineral Resource Protection.**

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the County's General Plan.

In accordance with PRC Section 2762, the County's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the County will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

**8.416.190 - Severability.**

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

***CHAPTER 8.420 - QUARRIES***

**8.420.010 - Operation and Maintenance of Quarries.**

It shall be unlawful for any person to operate or maintain or to cause to be operated or maintain any quarry in the County of San Mateo, State of California, except in conformance with the provisions of this ordinance.

**8.420.020 - Definitions:**

For the purpose of this ordinance, certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have different meaning.

1. COUNTY: The unincorporated area of the County of San Mateo, State of California.
2. PLANNING COMMISSION: The planning commission of said county.
3. PERSON: Shall include individual person or persons, firm, association, co-partnership, or corporation,
4. QUARRY: Premises from which any rock, sand, gravel, stone, earth other than topsoil, or mineral is removed or excavated for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future, Provided, however, that not to exceed 100 cubic yards of material may be removed from any one building site, after a permit has been secured from the County Building Inspector for the construction of a permanent structure on the same site, without said operation being construed to be a quarry and coming within the provisions of this ordinance.
5. TOPSOIL: The immediate surface area of land consisting either of topsoil or sub-soil.

**8.420.030 - Permits Required.**

- A. Quarries may be operated in any portion of the, county subject, to the securing of an annual permit as herein specified and subject to the regulations of this ordinance requiring the posting of a corporate surety bond, the amount to be determined by the San Mateo County Engineer and approved by the planning commission for the faithful performance of the conditions of the permit.
- B. Application for permit:

Each application for any such permit shall be made to the planning commission in a form provided by the planning commission. Such application shall be accompanied by:

1. An accurate plot plan showing the exterior boundaries of the property on which the quarry is, or is proposed to be located, the boundaries of the area proposed to be excavated, and the location of any existing or proposed structures, roads, or other improvements.
2. Cross sections through the quarry (existing or proposed) sufficient to indicate the slopes of existing and proposed cut banks,
3. Contour map when required by the planning commission.
4. Statement of plan of operation including time limits, areas to be removed, final grading of site, replacing of topsoil, and planting,

The planning commission, upon receipt of the application and upon the payment of the required fee, shall make such investigations as are necessary to determine whether or not the quarry or proposed quarry conforms or will conform fully to the regulations herein set forth and with the terms of other county ordinances pertaining to land use or operation of quarries, The planning

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commission shall refer the application to such other agency or board for approval or recommendations it deems necessary. The planning commission may hold such hearings as are deemed necessary, At the conclusion of investigation and any such hearings, the planning commission shall make findings as to whether or not the 'quarry, or proposed quarry, is, will be, or may be likely to become a public nuisance, or will be dangerous or detrimental to the public peace, health, safety, or the general welfare, II, in the opinion of the planning commission, the operation of the existing or proposed quarry will not be detrimental or dangerous to the public peace, safety, or the general welfare, a twelve month permit shall be issued as herein provided. The planning commission, in issuing any such permit, shall specify such conditions as are deemed necessary for the protection of per sons and property, in the neighborhood and to insure that the operation of the quarry will not adversely affect the char- acter of the neighborhood in which the quarry is located, The planning commission shall require such bonds and other guarantees as are necessary to insure compliance with the regulations Imposed under the terms of any permit, In case the planning commission denies any permit applied for under the terms of this ordinance or imposes restrictions which the applicant deems to be arbitrary or unreasonable, the applicant may appeal such decision to the Board of Supervisors.

- C. The fee for a permit to operate or maintain a quarry for the period of one year from the date of such permit shall be \$50,00 payable in advance to the planning commission,

D. Inspection Fees.

In addition to the fee for a permit., the quarry operator shall pay to the county the actual cost of inspections of the quarry at prevailing wage rates at intervals not more frequent than once every 30 days for the purpose of determining whether the operation of the quarry is in full compliance with regulations herein set forth and any special conditions imposed under the terms of any permit. Such inspections shall include surveying, if and as necessary, to determine boundaries of excavation, slopes of cut banks, and other such conditions. The permit fee shall include the cost of two inspections.

E. Revocation or suspension of Permits:

Any permit granted hereunder shall be subject to revocation or suspension by the planning Commission in the following manner. A notice shall be served on the person holding said permit specifying wherein they has failed to comply with this ordinance or any other ordinance or with any terms or conditions specified in the permit for such quarry and requiring them to appear before the planning commission at a date and, hour specified not less than five days after the serving of said notice on said permit holder, to show cause at said time and place why said permit should not be revoked or suspended; at such Ume and place the person holding said permit shall have the right to appear in person or by counsel and to introduce such evidence as they may desire, and the planning commission shall confront said permit holder with any charges that said Board of Supervisors, or planning commission, or both of them may have against them, and after said hearing, the planning commission, may, if in its opinion the permit holder has violated the terms of their permit, revoke or suspend said permit, 'Persons may appeal to the Board of Supervisors regarding the revocation of any such permit.

### **8.420.040 – General Requirements:**

Quarries may be operated and maintained in any district subject to the following general requirements:

- A. Excavation:

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1. Cut slopes steeper than one to one (1:1) shall in no case be brought closer than 25' to any exterior property line.
  2. When cut slopes steeper than one to one (1:1) exceed 50' vertically, they shall be stepped at intervals not exceeding 50' vertically, and such step shall be at least 15' wide,
- B. Fencing:
1. All quarries shall be fenced by a substantial, neat, 6' fence with posts spaced 15' center to center and barbed wire spaced one foot apart, The fence design shall meet the approval, of the planning commission,
- C. Drainage Of Premises:
1. The finished excavation shall in all cases be grade in such a manner as to prevent the accumulation of storm water or natural seepage,
  2. Finished grades in all cases shall have slopes not less than one and one half percent,
- D. Erosion control and screen planting:
1. All surface drainage existing or developing by or through the quarry shall be controlled by dikes, barriers, or drainage structures to prevent any silt or loose-material from filling any existing drainage course or encroaching on state or county roads or private property, All provisions to control natural drainage or flood water shall meet with the approval of 'the county engineer.
  2. Fina cut slopes shall be treated as required to prevent erosion; topsoil shall be replaced on level areas when necessary to support vegetation. Suitable ground cover shall be planted within twelve months of the time a cut slope is excavated to its final position. Such ground cover shall be maintained for a period of time sufficient to provide vegetation of density that will prevent erosion.
  3. In cases where material in the quarry is of such nature that no erosion will take place, plant material of type and quantity specified by the planning commission shall be placed as required lo screen cut slopes from public view,
- E. Maintenance and Operation:
1. The quarry premises shall be maintained at all times in a neat and orderly manner.
  2. The operation of the quarry; shall be conducted in such a manner as to obviate excessive dust and noise, The operator shall maintain haulage, roads in a dust free condition providing such surfacing or other treatment deemed necessary by the planning commission.
  3. The holder of the quarry permit shall be responsible for spilling or dumping of quarried material on county highways or roads as prohibited by this ordinance.

**8.420.050 -Each Violation a Separate Offense:**

Each persons violating or contributing in any way to the violation of any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day during which such violation continues, and such violation shall be deemed to be a misdemeanor and shall be punishable therefore as herein provided,



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**8.420.060 - Penalties:**

It shall be the duty of every person owning, leasing, renting, or operating a quarry to comply with all of the provisions of this ordinance and the terms of any permit granted by the Planning Commission, and any person violating any of the provisions of this ordinance or the terms of any permit or contributing in any way to the violation thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500, 00) or by imprisonment in the San Mateo County Jail not exceeding three (3) months or by both such fine and imprisonment,

**8.420.070 - Enforcement:**

Any quarry set up, altered, constructed, enlarged, converted, operated, or maintained contrary to the provisions of this ordinance and/or any use of any land or premises established, convicted, operated, or maintained contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance, and the District Attorney of said County shall, upon order of the Board of Supervisors, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such quarry and restrain and enjoin any person from setting up, or maintaining, or using any quarry, or using any property contrary to the provisions of this ordinance,

The remedies provided for herein shall be cumulative and not exclusive.

**8.420.080 – Validity.**

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors of the county hereby declares that it would have passed this ordinance, and each section, sub-section, clause, sentence, and phrase thereof, irrespective of the fact that any one or more sections, sub-section, sentences, clauses, or phrases be declared unconstitutional,

**8.420.090 - Short Title:**

This ordinance shall be known and cited as the "Quarry Ordinance" of the County of San Mateo.

(Prior code Division VI, Part 4, Chapter 4 added; Ord. 761, 10/27/1947)

(Prior code Division VI, Part 4, Chapter 4 repealed and replaced, Ord. 961, 10/02/1951)

## **CHAPTER 8.424 - OIL AND GAS WELL REGULATIONS**

### **8.424.010 - Purpose**

It is the purpose of this chapter to protect the health, safety and public welfare and physical environment of the County of San Mateo by the regulation of onshore petroleum facilities and operations including but not limited to exploration, production, removal storage and transportation of oil and gas and of operations accessory and incidental thereto. In order to protect resources in the County, petroleum operations are regulated.

The County recognizes that the Division of Oil and Gas of the State Department of Conservation is given primary regulatory authority for the drilling, operation, maintenance and abandonment of all oil, gas, and geothermal wells in the State. It is also recognized that the regulations of other responsible State agencies shall also apply including the Department of Fish and Game., Department of Industrial Safety, State Water Resources Control Board, Air Resources Board and the Department of Water Resources.

It is not the intent of this ordinance to supersede, duplicate or exceed the controls of these State agencies. This chapter, insofar as it regulates oil and gas operations also regulated by the State is intended to supplement such State regulations and to be in support of their intent to encourage the wise development of the oil and gas resources and conserve and protect natural resources and freshwater sources.

This chapter is intended to supplement the State regulations and specifically protect the sensitive resources of San Mateo County.

### **8.424.020 - Oil and Gas Well Permit**

It is required to obtain a permit for the drilling, sinking, or boring of any well, hole, or bore for oil or gas or any other hydrocarbon substance. Such permit shall be required in accordance with procedures and conditions of this chapter.

### **8.424.030 – Hearings**

The Planning Commission shall hold hearings and shall approve or disapprove all applications for exploration and production of oil and gas drilling and production operations, in accordance with the provisions of this chapter.

### **8.424.040 - Definitions.**

The following definitions shall be used in the context of this chapter.

1. "Applicant" means any person signing and/or making application for a permit under this chapter.

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2. "Well" means any oil or gas well for the discovery of oil or gas; any prospect well on lands producing or reasonably presumed to contain oil or gas; any well drilled for the purpose of injecting fluids or gas for stimulating oil or gas recovery, repressuring or pressure maintenance of oil and gas reservoirs, or disposing of waste fluid from an oil or gas field; any well used to inject or withdraw gas from an underground storage facility.
3. "Prospect well" means any well drilled to extend a known oil and/or gas field or to explore a new potentially productive reservoir.
4. "Exploratory phase" means the operation necessary to drill the prospect well and collect data on its potential and either abandon the well or propose development.
5. "Producer well" means any well drilled and completed which shows commercial production potential.
6. "Production phase" means the operation necessary to construct and operate facilities to extract the resource until the well is abandoned.
7. "Drilling site" means the area of land within which wells, structures, and uses and improvements accessory thereto are located and maintained for either a prospect or producer well.
8. "Structure" means anything constructed or erected for a prospect or producer well, the use of which requires location on the ground, including roads.
9. "Inspector" means oil and gas well inspector and includes their deputies and assistants.
10. "Abandoned well" means a well which has been permanently withdrawn from production activities.
11. "Shut-in well" is a well which has been temporarily taken out of production.
12. "Operator" means any person engaged in exploration, production or abandonment activities of a well.
13. "Sump" means a temporary open depression or pit in the ground for the purpose of holding cuttings or other materials.

**8.424.050 - Authority.**

The Planning Commission shall have the authority to enforce the provisions of this chapter and the Director of Planning and Building may appoint an oil and gas inspector to act in the Director's behalf to enforce the provisions

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of this chapter as required by the Planning Commission. The inspector shall be a person having knowledge of the methods used in the drilling and operation of oil and gas wells adequate to enable the performance of duties in a proper and efficient manner. No action implied or intended by these regulations are to be construed as duplicating or as being more restrictive than the regulations of Division 3 (commencing with Section 3000) of the Public Resources Code governing the extraction of oil and gas of the State of California.

**8.424.060 - Permits Required.**

For the purpose of these regulations and to establish an orderly procedure for exploration and development of oil and gas in San Mateo County, oil and gas well drilling shall be handled in two distinct phases.

A. Exploratory Well Permit:

The Planning Commission may issue an exploratory oil or gas drilling permit following a public hearing. Such a permit may be issued on a prospect well or re-entry of a previously abandoned well providing the applicant can meet the specific requirements of this ordinance and other applicable ordinances as well

as provide for the general health, safety, and welfare of the citizens of this County and the protection of the environment. Such a permit shall be only for the duration of the proving of the well or its appropriate abandonment when not proved. Also, such a permit will become inactivated within 2 years of its issuance. An extension to the permit may be made by the Director of Planning and Building for no longer than one year and for good cause.

B. Production Well Permit:

A producer well may be given a production well permit by the Planning Commission following a hearing. Such a permit shall be for the life of the well and shall be effective until such time as it is abandoned in accordance with State and County regulations.

**8.424.070 - Permit Application.**

Separate applications shall be required for the drilling and structure siting of prospect wells and producer wells. Prospect wells shall require an exploratory well permit and producer wells shall require a production well permit.

- A. Application for a prospect well shall be done in writing on an exploratory well permit form provided in the office of the Planning Division. Accompanying such an application, the applicant shall also provide a copy of the application to the State Division of Oil and Gas. The following information shall be required as part of the application:
1. The name and address of the person, firm, association, or corporation desiring such permit.
  2. The name, address, and telephone number of personnel responsible for emergency problems and on-going maintenance and operation of the drilling site and structures.
  3. The applicant shall prepare and submit a brief concept plan which contains a description of the environmental setting and a description of the exploration plan. The description of the environmental setting shall include environmental resources of the property, including the constraints that such resource

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characteristics place on oil or gas development. The description shall include topography, geology, soil characteristics, hydrology, climate, vegetation and landscape characteristics, wildlife, road access, and cultural and other special features pertinent to the proposed site, drilling, and oil and gas extraction. The plan shall include, in general terms, the development intentions of the applicant and the surface rights owner, consistent with the findings and conclusions of the environmental setting description. The exploration plan shall include but not be limited to:

- a) a statement of the location and intensity of all proposed uses and activities;
  - b) a physical description of proposed facilities accommodating such uses, including types of structures and landscape and circulation elements;
  - c) a statement of the type of site management and sequence of development;
  - d) the exact location of each well;
  - e) limits of the pad preparation;
  - f) location and dimensions of sump or tanks;
  - g) inventory and location of structures such as temporary storage tanks, trailers, drilling rigs and other appurtenant facilities
  - h) a timetable indicating the time within which it is proposed to commence using the drilling permit. The timetable shall include: timing of preparation of the site, including grading for roads, drilling pads and sumps, drilling phase and abandonment, including revegetation. Notice of such activities shall be required no later than 30 days prior to planned commencement of drilling.
4. Plans and profiles of any grading required as part of the drilling activity, including but not limited to; access roads, pad construction and sump construction and a site restoration plan, in the event that the well does not prove productive.
  5. A description of the land and the title held by the applicant and document of rights for access.
  6. A plan for eliminating or mitigating adverse impacts on habitat areas, scenic resources, archaeological resources, streams and to neighboring residents.
  7. Provide noise data and mitigation for the proposed drilling rig including attention to the clanging of drill pipes,
  8. Information concerning the source, quantity, quality of water; how the water will be transmitted and stored on-site; where water and liquid drilling discharge wastes will be disposed; and the transportation route to be used. ·
  9. The applicant shall submit an accurate topographic map of the proposed development area at a scale not less than 111=4001 and a scale sufficient to show all pertinent information. The contour interval shall be no greater than 10 feet. The following information must be presented upon the map:
    - a) Property lines indicating total ownership upon which oil or gas development is to occur;
    - b) Location of existing and proposed roads;
    - c) Location of drainage structures required on roads, including a specification list (type of drainage structure, diameter and length, contributing drainage area to the structure in acres, schematic plans for structure if other than manufactured culverts);
    - d) Location of all buildings within 500 feet of drilling site;
    - e) Location of all streams;

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- f) All wells within 1 mile radius, including pending applications.
- B. Application for a production well shall be done in writing on a production well permit form provided in the office of the Planning Division. The following information shall be required as part of the application:
1. A production plan which includes all the information as required for the exploration plan described in Section 8.424.070 (A) except the description of the production plan shall include:
    - a) The facilities located on-site (at the well) and off-site including a phasing plan for construction and timetable for development including an approximation for the life of the well.
    - b) Estimate of future wells which may be proposed on the drill site or additional drill sites.
    - c) A description of all potential development facilities and consideration of consolidating these facilities, particularly storage tanks and a plan indicating frequency, number of trucks, haul routes and timing for unloading oil from the storage facilities.
  2. A plan for eliminating or substantially mitigating adverse impacts on habitat areas, recreational areas, scenic resources, streams, ambient noise, air and water quality and archaeological resources due to construction and operation.
  3. An oil spill contingency plan indicating location and type of cleanup equipment, designation of responsibility for cleanup, disposition of wastes and reporting of incident.
  4. The application shall be accompanied with plans and profiles of any grading required for construction and production of a development well including pad and road preparation. A site restoration plan shall also be included indicating restored contours of the land, topsoil replacement and revegetation upon abandonment.
  5. Landscape plan to include methods and materials for screening storage tanks and pumping equipment. These may include siting, depression below grade, and/or berms, fencing and plant species.

**8.424.080 - Examination Of Permit.**

The inspector and the Planning Division shall examine the application for permit and report to the Planning Commission. Legal notice shall be given as required for use permits (Section 8.280.030 of the San Mateo County Ordinance Code) in the newspaper and to property owners within 300 feet of the exterior limits of the property. The Planning Commission shall hold a public hearing or public hearings and make a finding whether the granting of such permit will or will not have a significant effect on the environment, conform to the criteria and standards of the zoning ordinance and be consistent with the General Plan. Based on their finding the Commission shall either grant or deny the permit.

**8.424.090 - Action Of Planning Commission.**

The action of the Planning Commission in authorizing or denying either an exploratory or production well permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or non-issuance of the permit or any conditions thereof.

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Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written protest with the Secretary of the Board of Supervisors within ten (10) days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal and render a decision following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the Board of Supervisors shall be reported to the affected parties.

#### **8.424.100 - Bonds And Fees**

A. **Bond or Security Cash Deposit.** A bond or security cash deposit shall be made with the County in an amount of \$5,000 per well to cover the permit conditions in accordance with recommendations of the Planning Commission. The Planning Commission may require a larger amount to assure proper restoration. No single property shall require more than a total \$75,000 bond or security cash deposit. Such a bond or cash deposit shall run concurrently with the bond or security deposit required by the State Division of Oil and Gas for the life of the well. After three (3) years, the bond may be reduced to no less than \$2,000 per well for the life of the well.

Release of the bond shall be conditioned on the faithful performance of the conditions of the permit and that upon the abandonment of the oil or gas well within one hundred twenty (120) days from the date of such abandonment. This bond will be subject to release after the site has been restored to the satisfaction of the County Inspector, and when abandonment has been approved and the final letter of approval is issued by Division of Oil and Gas.

The principal on said bond shall be a person for whom the well is drilled or pumping structures are erected or the owner of the land, and the surety shall be a corporate surety authorized to do business in the State of California.

In the event that any drilling or pumping structures are not removed or completely torn down or dismantled, or the site and roads not restored, as required by this chapter and in accordance with State regulations, the applicant shall be deemed to have defaulted under this chapter upon the expiration of 120 days.

B. **Inspection Fee.** An inspection fee, as set by the Board of Supervisors in the Fee Schedule, for each well shall be payable to the County no later than one week before drilling." Once a well has been proved capable of producing, the annual inspection fee shall be required on the first day of January following proving of the well.

All inspection fees shall be paid in lawful money of the United States to the Planning Division.

C. **Permit Fee.** Exploratory well permit and production well permit fees as set by the Board of Supervisors in the Fee Schedule shall be paid with the permit applications. All permit fees shall be paid in lawful money of the United States to the Planning Division,

#### **8.424.110 - Zoning.**

Prospect drilling and production of oil and gas wells may be permitted in the following zones: Resource Management (RM), Timber Preserve Zone (TPZ), Planned Agricultural District (PAD), Heavy Industrial (M 2), Agricultural (A-1), Exclusive Agricultural (A-2); as set forth in the San Mateo County Ordinance Code.

### **8.424.120 - Performance Requirements.**

The permit authorized by Sections 8.424.060 (A) and (B) shall specify the conditions under which the applicant may drill and/or produce oil and gas. The following performance requirements shall be and are hereby made part of said permit and apply to each well depending upon location and type of the well as determined by the Planning Commission.

#### A. Land and Water Resources.

##### 1. Roads and Drilling Pads Location:

- a) Location: All roads and drilling pad locations shall be subject to the approval of the Planning Commission.
- b) Use of existing roads: Roads existing prior to application for a drilling permit may be used regardless of location when, in the opinion of the Planning Commission, their use will result in less ground disturbance and stream contamination than a new road constructed in accordance with this chapter.
- c) Road cut banks: Roads shall be constructed with no overhanging banks and any trees with more than 25% of the root surface exposed by reason of road construction shall be felled. Where road cuts exceed 6 feet in vertical height, all trees over 6 inches in diameter for a distance of equal to the height of the cut at right angles from the top of the cut may be required to be removed by the County representative. All roads shall be constructed to the standards established by the Department of Public Works.
- d) Follow contour of land: Roads are to be laid out and constructed in such a manner that the general contours of the land are utilized to the fullest extent possible to avoid excessive cuts, fills and road grades that will increase erosion.
- e) Builder: The person constructing the road shall be a licensed contractor or other person whose work has been reviewed and found adequate for such construction by the Planning Commission.
- f) The Planning Department shall be notified 5 days in advance of any construction under this section.
- g) Clearing, grading, filling, cutting or other movement of earth shall not be conducted except in an - emergency during periods of inclement weather.
- h) All grading shall be governed by the current County Grading Ordinance.

##### 2. Erosion Control.

Roads, drilling pads; and other structures shall be so located, constructed, used and left after well abandonment so that water flow therefrom and water flow in natural water courses shall not cause erosion and not impair the productivity of the soil or appreciably diminish the quality of the water. No equipment shall be operated in. the bed of any watercourse.

- a) Streamside buffer strip: Construction of roads shall only be permitted when it is clearly shown that there is a protective strip between the proposed construction and the stream having sufficient filter capacity to effectively remove water-borne sediment to prevent any serious risk that construction and use of said facilities will cause significant degradation of water quality. Construction shall not



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occur within the buffer zones established in the Local Coastal Plan. Where it is determined that the filter capacity is insufficient, additional erosion control may include but is not limited to any or all of the following:

- i. Increased width of a protective strip.
  - ii. Decreased interval between waterbreaks.
  - iii. Treatment of the travel surface to protect soil from erosion.
  - iv. Treatment of fill slopes to protect soil from erosion which may include installation of surface water control measures.
  - v. Installation of surface water control measures between the toe of the fill and the stream.
- b) Seeding or planting of disturbed areas.  
Waterbreaks: Waterbreaks shall be constructed on all roads prior to significant rainfall so as to prevent excessive erosion. Waterbreaks shall:
- i. Be effective in diverting surface water from the road.
  - ii. Provide unrestricted and controlled discharge into an area having sufficient filter capacity to effectively remove water-borne sediment to prevent a serious risk of causing significant erosion or degradation of water quality.
  - iii. Be installed at such intervals as is necessary to reasonably prevent surface water on or from such roads from accumulating in sufficient volume or accelerating to sufficient velocity to cause excessive erosion.
- c) Waterbreak interval: The following will aid in determining waterbreak interval:
- i. On grades of 10% or less--at intervals of 100 to 200 feet.
  - ii. On grades of 11-20%--at intervals of 75 to 150 feet.
  - iii. Advance flagging of waterbreak location shall be required to insure that the location and spacing of the waterbreaks is adequate to prevent water flow from creating a serious risk of causing significant degradation of water quality.
- d) Permanent roads, which have been compacted and rock surfaced or paved are not required to have waterbreaks. Other roads shall have waterbreaks cut a minimum of 12 inches into the road surface and shall be constructed so they will not be rendered ineffective by the passage of motorized vehicles.
- e) In an emergency, should weather and/or soil conditions prevent installation of waterbreaks as specified above, the drainage of roads shall be constructed and maintained by hand to prevent excessive erosion until permanent facilities can be installed.
- f) Roadside berms shall be constructed where necessary to guide surface waterflow to the point of planned diversion and prevent unnecessary erosion of fills and side cast material.
- g) To provide protective ground cover, all side cast and fill material that exceeds 5 feet in slope distance at right angles to a road shall be seeded, planted or treated for prevention or reduction of soil erosion. Such work shall be completed within 15 days following the first rain in the fall season.
- h) When a well or drilling site is left in an inactive state, the permittee is responsible to ensure that all erosion control facilities are constructed prior to November 1 of the current year and that said erosion control facilities are maintained in effective condition through April 1 of the following year. Should the drilling permittee fail, after being contacted in writing, to provide the required erosion

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control measures, the County is authorized to perform the required work to correct the violation and to assess the drilling permittee accordingly and charge all reasonable costs against the drilling permittees security deposit.

3. Restoration.

- a) Cleared and exposed lands, abandoned roads, well sites, and work sites and other areas not needed for normal operation of a development well shall be revegetated within 120 days of either site abandonment or construction of the development well.
- b) The abandonment of any well drilled for the purpose herein described shall be deemed complete upon the approval of abandonment by the State Division of Oil and Gas.
- c) Upon the completion of the exploratory phase of drilling pursuant to the terms of this chapter, all earthen sumps used in conjunction with the drilling (unless used in conjunction with other operations on said land) shall be emptied of all liquid and refilled with dry earth and the premises restored as nearly as possible to its original grade and condition, as required by the California Administrative Code, Section 1776,. and approved by the inspector.

4. Removal of Materials.

The exercise of any right granted by the permit shall conform in all respects to the regulations and requirements of the California State Regional Water Pollution Control Board and the Division of Oil and Gas. All water, mud, oil, or any other substances removed as waste material from the land for which the permit is issued shall be deposited in a disposal site approved by the San Francisco Regional Water Quality Control Board.

5. Archaeological or Historical Sites.

If archaeological or historical artifacts are uncovered during construction activities, all work shall be stopped and a qualified archaeologist shall be retained to determine the significance of the site.

6. Siting Limitations.

In accordance with good operating procedures, well and structure locations shall not be allowed where the site would be in conflict with the Local Coastal Program as defined in Policies .3 (Locational Criteria) and 4.4-4.21 (Performance Standards) including public recreation areas, scenic corridors, or where significant geotechnical hazards exist. Siting shall be prohibited on prime agricultural soil and in sensitive habitats.

7. Water Quality.

- a) It shall be unlawful for any person to deposit, place, throw, divert, or in any manner dispose of or to cause or permit to be deposited, placed, thrown, diverted, or in any manner disposed of, any water produced or arising from the drilling operation containing more than fifty (50) grains of salt content per gallon, or any other mineral or material which may substantially injure or damage the soil, plant life, or surface or subsurface water supply, into, along, or upon any land premises, or place in such a manner that the same or any portion thereof may run or be transferred or carried to the waters of any fresh- water, lagoon, river, or tributary thereof, or stream, or percolate, or penetrate to any subsurface strata containing water that might be suit- able for irrigation or domestic purposes.

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- b) In order to conserve potable water, the applicant shall use non-potable water where possible in drilling operations.
- c) No pollution of surface or subsurface waters or lands by oil field wastes shall be permitted (as protected by the State Water Resources Control Board and State Division of Oil and Gas respectively). Oil wastes shall be kept to a minimum and shall be prevented from entering stream courses or adjacent properties by the construction of levees, ditches or other structures.

8. Sensitive Resources.

- a) In areas of permeable sediments, tank ponds, sumps and brine mixing ponds shall be lined with impermeable material to prevent release of harmful substances.
- b) Direct flow of water from well pads shall be prohibited from entering sensitive habitat areas.

B. Neighborhood Quality

1. Pollution Control.

- a) Applicant shall furnish a pollution control plan including provisions for disposing of human and other wastes, for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching the water courses and reservoirs. The plan shall be consistent with the requirements of County Department of Environmental Health, State Water Resources Control Board and the Environmental Protection Agency.
- b) Any oil spill from pipes or sumps shall be cleared and corrected in accordance with the oil spill contingency plan provided in 7716.2.c. and shall comply with the oil spill contingency plan required by the Division of Oil and Gas under the California Administration Code, Section 1722.
- c) The permittee shall immediately suspend any drilling and production operations, except those which are corrective, protective, or mitigative, in the event of any disaster or of pollution of ocean or domestic waters caused in any manner or resulting from operations under a permit. Such drilling and production operations shall not be resumed until adequate corrective measures have been taken and authorization for resumption of operations has been made by the Director of Planning and Building and the Division of Oil and Gas.

2. Lights.

All lights shall be directed or shielded so as to confine direct rays to the drill site wherever there are homes or structures present or the public is likely to be adversely affected by direct light beams.

3. Oil Transfer.

Except in an emergency, transfer activities shall be restricted to daylight hours where homes are within such distance to production storage tanks that transfer activities create noise greater than allowed by the County Noise Element to the General Plan.

4. Safety

- a) Fire suppression equipment shall be required and approved by the appropriate fire authority and shall be maintained on the premises at all times during drilling and production operations.
- b) Unless permitted to remain by the State Division of Oil and Gas, all drilling equipment and sumps shall be removed from the well site within 90 days after the drilling of each well. Landscaping or revegetation shall be required with approval of the Director of Planning and Building. Fencing or removal of structures shall be required if for any reason the well is temporarily or permanently

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abandoned.

C. Scenic Quality.

1. Drilling within 500 feet of a residence or scenic corridor as described and mapped in the Coastal Element of the General Plan shall require special mitigation to be approved by the Planning Commission.
2. All permanent facilities for a development well shall be fenced in accordance with the requirements of the Division of Oil and Gas and screened with vegetative materials, painting or other methods subject to the approval of the Planning Commission.
3. Pumps, storage tanks and other major structures associated with a development well shall be painted to blend with its surrounding.
4. Pumping units and equipment shall be sited at least their height below the ridge line or otherwise screened from public view.

D. Air Quality.

1. All drilling operations shall be constructed and operated in accordance with the rules and regulation of the Bay Area Air Quality Management District.
2. All valves, flanges, and connections shall be routinely maintained (i.e., tightening and replacing packings) in a manner re- presentative of good oil industry practices so as to minimize air pollution emissions as required by the State Division of Oil and Gas.
3. Within 60 days of the completion of each production well, storage capacity with vapor recovery equipment which reduces emissions to the atmosphere by at least 90% by weight or a control system acceptable to the Bay Area Quality Management District, shall be utilized on the subject site.

E. Noise.

1. The engines used in connection with the drilling of any well shall be equipped with muffler systems which meet current State standards.
2. Noise shall be controlled to limit interference to surrounding land uses. Maximum noise levels at the nearest residence shall not exceed those required by State regulation or the San Mateo County Noise Element whichever is stricter.

**8.424.130 - Legal Requirements**

- A. Right of Inspection. The inspector, or any person designated by them, shall have the right, at any time, to enter upon the premises where any oil or gas well is located in the unincorporated portion of the County for the purpose of inspecting any well and to make such investigations as they may deem necessary to determine compliance with County regulations. A key and lock shall be provided for the oil and gas inspector for those areas where fencing and gates are provided to prohibit trespass.

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- B. Abandonment of Well. For the purpose of this chapter, the abandonment of any well drilled for the purposes herein described shall be deemed complete upon the approval of abandonment by the State Division of Oil and Gas and the County Oil and Gas Inspector.

Upon the abandonment of any well drilled pursuant to the terms of this chapter, all earthen sumps used in conjunction with the drilling or operation of such wells shall be emptied of all liquid and refilled with dry earth and the premises restored as nearly as possible to its original grade and condition as required by the State Division of Oil and Gas and to the satisfaction of the Planning Commission.

- C. Conditions for Permit. The following conditions shall be and are hereby made part of an exploratory and/or production well permit (where appropriate) and apply to each well.
1. That said operations shall meet the requirements of the Division of Oil and Gas of the State of California, the agency given primary regulatory authority for the drilling, operation, maintenance and abandonment of all oil, gas and geothermal wells in the State or its successor under whatever name it may be known. The County inspector has the right at all times to inspect the operations.
  2. Copies of all logs and records shall be presented to the inspector for every hole drilled either for geological purposes or for the development of oil or gas. These logs are required by the State in accordance with Section 1724 and 1724.1 of Title 14 of the State Oil and Gas Regulations.
  3. The operator of a producing oil or gas well or wells shall file a copy of the Oil Production and Gas Production Report filed by such operator with the Division of Oil and Gas of the State of California or with its successor by whatever name it may be known, with the inspector, on or before the 20th day of each month, designating the location of, and the amount of oil produced from each well during the preceding calendar month. Statements or records filed pursuant hereto by any operator shall be open to inspection only by the Planning Commission, the inspector, and to persons authorized in writing by such operator.
- D. State Responsible Agencies. All operations for exploration and development of oil and gas resources shall meet the requirements of State responsible agencies where applicable, including the Division of Oil and Gas, the Department of Fish and Game, Department of Industrial Safety, State Water Resources Control Board and the Regional Water Quality Control Board, Air Resources Board and the Bay Area Air Quality Management District and the Department of Water Resources.
- E. Ownership. In the event of any change of ownership of any oil or gas well or any well proposed to be drilled after a permit to drill same has been issued (whether permit is obtained pursuant to this chapter or any ordinance repealed by this chapter), both the new owner or owners and the old owner or owners shall notify the inspector of such change of ownership and furnish such inspector with the address of such new owner or owners.
- F. Notices.
1. Each applicant must submit the following notices, in writing, to the inspector at a time to be set by the inspector. Copies of reports submitted to the State Division of Oil and Gas will be acceptable notice.
    - a) Change of well status.

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- b) Intention to install or remove permanent production facilities.
  - c) Intention to plug and abandon a well.
  - d) Transfer of operation and/or surety: The operator of (or any persons who acquires) any well, property or equipment appurtenant thereto, whether by purchase, transfer, assignment, conveyance, exchange or otherwise, shall each notify the inspector within ten (10) days of said action. The notice shall contain the following:
    - i. The names and addresses of the persons from whom and to whom the well(s) and property changed.
    - ii. The name and location of the well(s) and property.
    - iii. The date of acquisition.
    - iv. The date possession changed.
    - v. A description of the properties and equipment transferred.
    - vi. The new owner's agent, or person designated for service of notice and their address.
    - vii. The names and addresses of the new owners, bonding and insurance companies.
  - e) Suspension of Drilling Operations: The operator of any well shall notify the inspector of suspension of any drilling operations, greater than five (5) days. The operator shall notify the inspector, in writing, upon resumption of operations giving the date thereof.
  - f) Change in name and/or address and telephone number of applicant's representative responsible for emergency problems and on-going maintenance and operation of the drilling site and structures.
2. Notification of the following operations must be given to the inspector in advance, but need not be in writing, when:
- a) Drilling operations start.
  - b) Work over of any well no later than 14 days in advance.
- G. Violations. Violations of this ordinance shall be punished as provided for in Sections 1.08.010 through 1.08.050 of the San Mateo County Ordinance Code.
- H. Permit Revocation. The Planning Commission may revoke any permit, or revoke and reinstate any permit upon suitable conditions, if applicant fails, neglects, or refuses to fulfill any of the requirements of this chapter or conditions of the permit or violates any provisions of applicable law. The inspector shall give notice to the permittee. If after ten (10) days from the receipt of the notice the applicant fails to respond or if the applicant fails to correct the requirements of the notice within the time limit set by the inspector, the inspector shall bring the matter before the Planning Commission after proper notice. The Director of Planning and Building may request the District Attorney (without approval of the Planning Commission or the Board of Supervisors) to secure an injunction to stop all work should time be of the essence. The Director of Planning and Building shall immediately notify the Planning Commission and Board of Supervisors in writing of their action.

(Prior code Chapter 4 Repealed and Replaced by Chapter 6 - Ordinance #02676 - September 16, 1980)

(Prior code Section 7721.l(f) - Amended by Ordinance #02696 - December 16, 1980)

## **ARTICLE 8 - HISTORIC PRESERVATION**

### ***CHAPTER 8.428 - HISTORIC PRESERVATION PERMITS AND PROCEDURES.***

#### **8.428.010 - Purpose.**

The purpose of the Historic Preservation Ordinance is to:

- a) Safeguard the historic resources of San Mateo County by preserving buildings, structures and sites of historic, cultural, architectural, archaeological or aesthetic significance.
- b) Promote the use and enjoyment of historic resources for the public's education, pleasure and welfare.
- c) Enhance the visual character of the County by encouraging through regulations the development and maintenance of architectural styles within historic districts which reflect unique and established architectural traditions.
- d) Integrate the preservation of historic resources into public and private land management and development processes.
- e) Establish County historic landmarks and historic districts where uses other than those allowed by existing zoning regulations may be permitted through the provisions of section 8.280.010(g) of the San Mateo County Ordinance Code.

#### **8.428.020 - Definitions.**

For the purposes of this chapter, the following definitions shall apply:

1. ALTERATION means any exterior change or modification to the exterior of any landmark or of any property located within an historic district including, but not limited to, removal of architectural detail, grading, surface paving, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.
2. CONSTRUCTION means the putting together, erecting or arrangement of materials to form a new building, structure or portions thereof.

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3. DEMOLITION means to destroy, raze, dismantle, deface or in any other manner cause partial or total ruin, of a historic landmark.
4. HISTORIC DISTRICT means any area containing historic resources which have a special, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the County, and which improvements constitute a distinct section of the County that has been designated an historic district pursuant to this ordinance.
5. HISTORIC RESOURCE means buildings, structures, signs, features, sites, places, areas or other objects of scientific, educational, cultural; architectural, archaeological, or historical significance to the citizens of the County.
6. HISTORIC RESOURCES ADVISORY BOARD means body appointed by the Board of Supervisors who serve as an advisory body to the Board of Supervisors, Planning Commission, Parks and Recreation Commission and other appropriate County departments on matters pertaining to implementation of the Historic Resources Element of the County General Plan and the protection and preservation of the County historic resources.
7. LANDMARK means any historic resource that has special historical, cultural, archaeological, aesthetic or architectural character, interest or value as part of the development, heritage or history of the County, the State of California, or the nation and that has been designated a landmark pursuant to this ordinance.
8. LANDMARK SITE means a parcel or part thereof on which a landmark is situated, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated, and which has been designated a landmark site pursuant to this ordinance.
9. PRESERVATION means the identification, study, protection, restoration, rehabilitation, or enhancement of historic resources.
10. RELOCATE means to establish or layout in a new place or move to a new location.

**8.428.030 - Criteria For The Designation Of County Historic Landmarks And Historic Districts**

The Board of, Supervisors may designate a structure as an historic landmark or an area as an historic district pursuant to section 8.428.040 of this chapter if it meets the following criteria:

- a) It exemplifies or reflects elements of the County's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- b) It has special aesthetic or artistic interests or values; or



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- c) It is identified with persons or events significant in local, State, or national history; or
- d) It embodies distinctive architectural characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- e) It is representative of the notable work of a master builder, designer, or architect.

### **8.428.040 -Procedures For Designating A County Historic Landmark And An Historic District**

Historic landmarks and historic districts shall be designated in the following manner:

#### **1. Application.**

Any person, group or organization may request the designation of a structure as an historic landmark or the designation of an area as an historic district by submitting an application for such designation to the County Planning Commission.

#### **2. Application Requirements.**

The applicant shall file a written application with the Planning and Development Division on a form provided by the Director of Planning and Building and shall be accompanied by the following information:

- a. Assessor's parcel number(s) of the site.
- b. Map showing location of the structure and/or boundaries of the historic district.
- c. Description of the structure's special cultural, architectural, aesthetic or engineering interest or value of an historic nature.
- d. Photographs of the existing structure(s) and site. Other descriptive material may also be submitted, i.e., drawings, sketches, lithographs, etc.
- e. Statement of condition of structure(s).
- f. Other material or information as may be requested by the Director of Planning and Building.

#### **3. Referral Of Application.**

- a. The Planning Division shall refer the application to the Historic Resources Advisory Board for review and recommendation.

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- b. In making its recommendation to the Planning Commission the Historic Resources Advisory Board's report shall include the basis for the Board's finding drawn from the criteria in section 8.428.030.

**4. Public Hearing And Comment.**

- a. The Planning Commission and Board of Supervisors shall hold a public hearing before taking action on the designation of the historic landmark or a historic district.
- b. In addition to testifying at a public hearing, any person may submit written comment on an application at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate commission or board.

**5. Public Hearing Notice.**

Notice of the time and date set for public hearings by the Planning Commission and Board of Supervisors shall be given as required for use permits in section 8.280.030 of the San Mateo County Ordinance Code, Zoning Annex.

**6. Action By Board Of Supervisors.**

The Board of Supervisors shall by resolution approve the application in whole or in part, or shall by motion disapprove it in its entirety.

**7. Recording Designation.**

Within thirty (30) days of the date on which the Board of Supervisors designates any building, structure, or site as a landmark worthy of preservation, the Clerk of the Board of Supervisors shall file with the County Recorder a certificated copy of the resolution stating that such property is designated a County Historic Landmark, and said resolution shall be maintained on the public records until such time as the landmark designation may be withdrawn by the Board of Supervisors.

**8.428.050 - Historic Preservation Permits.**

A permit shall be required to:

- a. Demolish, alter, or relocate any structure(s), or any portion thereof, which has been designated an historic landmark or historic district pursuant to the provisions of this chapter.
- b. Construct, place, alter or relocate any signs, exterior lighting, fences, parking areas, or any other structure or pertinent feature within an historic district or on a landmark or landmark site.

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In the Coastal Zone, a coastal development permit consistent with chapter 8.252 of the County Ordinance Code shall also be required.

**8.428.060 - Historic Preservation Permit Procedure.**

The following procedures shall be followed in processing applications for historic preservation permits required by section 8.428.050.

**1. Application Requirements.**

The applicant shall file a written application with the Planning and Development Division on a form provided by the Director of Planning and Building and, where applicable, shall be accompanied by the following information:

- a. Elevation drawings of proposed construction or alterations.
- b. Photographs of existing and adjacent structures.
- c. Site plan.
- d. Proposed use (Coastal Zone only).

**2. Review, Referral And Report.**

- a. The Planning Division shall refer the application to the Historic Resources Advisory Board for review and recommendation.
- b. In making its recommendations to the Planning Commission, the Historic Resources Advisory Board shall include in its report the basis for its recommendation drawn from the criteria in section 8.428.060(4).

**3. Public Hearing And Comment.**

- a. The Planning Commission shall hold a public hearing before taking action on the permit application. The decision of the Commission to approve, approve with conditions, or disapprove the permit shall be based on the criteria described in section 8.428.060(4).

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- b. In addition to testifying at a public hearing, any person may submit written comment on an application at any time prior to the close of the applicable public hearing. Written comments shall be submitted to the Director of Planning and Building who shall forward them to the appropriate commission or board.
- c. In review of permits sought in order to wholly or partially remove or demolish an historic landmark or historic district, the Planning Commission may approve issuance of said permit or permits or disapprove the issuance of said permit or permits for a period not to exceed 180 days, beginning on the date the application is disapproved. This period may be extended for an additional 180 days by action of the Board of Supervisors.

**4. Standards For Application Review.**

The Planning Commission, or Board of Supervisors, upon appeal (pursuant to section 8.428.060(5).), shall issue an approval for any permit as described in section 8.428.050 if it determined that:

- a. ALTERATION. The proposed alteration conforms to the Guidelines for Historic Rehabilitation contained in the adopted Historic Resources Element of the County General Plan and does not detrimentally alter, destroy, or adversely affect the exterior architectural character of the structure.
- b. CONSTRUCTION. The construction of a new improvement, building or structure in an historic district, does not adversely affect and is compatible with the external appearance of existing designated landmarks.
- c. DEMOLITION. The Commission shall consider the following criteria in determining whether or not to grant a permit for razing or demolition.
  - 1. The landmark is of such interest or significance that it could qualify as a National or State historic landmark.
  - 2. The landmark is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be produced with great difficulty and/or expense.
  - 3. The owner of the landmark would have no reasonable economic use of the property unless the structure is removed.
  - 4. The proposed use of the property would provide a substantial benefit which could not be provided unless the landmark is removed.

**5. Appeals.**

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The action of the Planning Commission in authorizing or denying a permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or non-issuance of the permit or any conditions thereof.

Permits considered and acted upon by the Planning Commission may be appealed to the Board of Supervisors by filing a written notice of appeal with the Planning Division within ten (10) calendar days from issuance or denial of said permit. The Board of Supervisors shall hear such appeal and render a decision following such hearing. The decision of the Board of Supervisors shall be final. The action taken by the decision maker shall be reported to the affected parties.

**6. Duration Of Permit.**

If a substantial amount of work authorized by any permit is not commenced within one (1) year of the date of issuance or as otherwise indicated on the face of the permit, or on the improvement agreement, or if said work is not completed within one (1) year of commencement or as otherwise indicated on the permit, or the improvement agreement, the permit shall expire and become void.

**7. Renewal.**

The renewal of an expired permit may be administratively approved by the Director of Planning and Building providing no changes to the plans have been made. An application for such renewal must be made in writing no later than one month prior to the expiration date, in the same manner as specified for in the original application.

**8. Permit Amendment.**

Upon application by the permittee, the permit required by this chapter may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of the permit. All sections of this chapter shall apply to the permit amendment.

**8.428.070 - Ordinary Maintenance And Repair.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Inspector certified to the Commission that such action is required for the public safety due to an unsafe or dangerous condition and cannot be repaired under the California Historical Building Code.

**8.428.080 – Duty To Keep In Good Repair.**

The owner, occupant or other person in actual charge of an historic landmark, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvements, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

**8.428.090 - Enforcement.**

The Director of Planning and Building shall administer and enforce the provisions of this chapter. The Director may refer violations of this chapter to the Planning Commission, Board of Supervisors or County Counsel for appropriate action when deemed necessary.

**8.428.100 - Severability.**

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, it shall not affect the remaining portions of this chapter.

[Prior code Chapter 7 Added by Ordinance No. 2894 - Adopted June 5, 1984]

[Prior code Amended by Ordinance No. 3304 - Adopted 03/12/91]

[Prior code Section 7738 Amended by Ordinance No. 3214 - Adopted 04/24/90]

**ARTICLE 9 - SPECIAL HOUSING REQUIREMENTS & PROGRAMS**

***CHAPTER 8.432 - INCLUSIONARY REQUIREMENTS FOR AFFORDABLE HOUSING***

**8.432.010 - Findings**

1. The State of California requires local governments to plan to meet the housing needs of all income groups. Specifically, “local governments have a responsibility to use their powers to facilitate the improvement and development of housing to meet the housing needs of all economic segments of the community (State Government Code Section 65580) and to assist in the development of adequate housing to meet the needs of low and moderate income households (Government Code Section 65583(c)(2)).”
2. It is a public purpose of the County, as expressed in the County’s General Plan Housing Element “to promote sufficient production of new housing of affordable cost and diverse size to accommodate the housing needs of all persons who reside, work, or who can be expected to work or reside in the County (Policy 14.2, Housing Element, County General Plan).”
3. As documented in the County’s General Plan Housing Element, there is a housing shortage for extremely low, very low and low-income households in the County and a shortage of ownership housing for moderate income households. Increasingly, very low and low-income persons who work or live within the

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County are unable to locate suitable housing at prices they can afford and are increasingly excluded from living in San Mateo County. Federal and State housing subsidy programs are not sufficient by themselves to satisfy the housing needs of very low and low-income households.

4. The County finds that newly constructed housing does not, to any appreciable extent, provide housing affordable to extremely low, very low and low-income households. New development which does not include or otherwise provide for affordable housing will serve to further aggravate the current housing shortage for extremely low, very low and low income households and the shortage of ownership housing for moderate income households, by reducing the supply of developable land and causing increases in land costs which make affordable housing prohibitively difficult to develop.
5. The County further finds that the housing shortage for extremely low, very low and low-income households, and the shortage of ownership housing for moderate income households, is detrimental to the public health, safety and general welfare.
6. This ordinance will help create affordable housing for extremely low, very low, low and moderate income households.
7. Large families and the disabled have special housing needs which may be served by this ordinance.

**8.432.020 - Purpose.**

The purpose of this Chapter is to:

1. Enhance the public health, safety, and general welfare by increasing the production of housing units affordable to extremely low, very low and low-income households and the production of ownership housing affordable to moderate income households in unincorporated San Mateo County.
2. Increase the supply of affordable housing in unincorporated San Mateo County by requiring the inclusion of housing affordable to extremely low, very low or low-income households, or the inclusion of ownership housing affordable to moderate income households, in new residential developments.
3. Implement Policy 14.37 of the San Mateo County General Plan (Housing Element).

### **8.432.030 - Definitions**

1. Extremely Low Income Household – “Extremely low income household” is a household whose income, with adjustments for household size, does not exceed the qualifying limits for extremely low income households as established by and amended from time to time by the U.S. Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937, as amended. The current extremely low income limits are available at the San Mateo County Office of Housing.
2. Very Low Income Household – “Very low income household” is a household whose income, with adjustments for household size, does not exceed the qualifying limits for very low income households as established by and amended from time to time by the U.S. Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937, as amended. The current very low income limits are available at the San Mateo County Office of Housing.
3. Low Income Household – “Low income household” is a household whose income, with adjustments for household size, does not exceed the qualifying limits for low income households as established by and amended from time to time by the U.S. Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937, as amended. The current low income limits are available at the San Mateo County Office of Housing.
4. Moderate Income Household – “Moderate income household” is a household whose income, with adjustments for household size, does not exceed 120 percent of the County median household income as established by and amended from time to time by the U.S. Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937, as amended. The current moderate income limits are available at the San Mateo County Office of Housing.
5. Disabled Household – A disabled household is a household with at least one person who has either a physical or developmental impairment that affects the ability to perform activities of daily living.
6. Large Family Household – A large family household is a household that has five (5) or more persons living together as a family unit.
7. Inclusionary Unit – An inclusionary unit is a dwelling unit included in a residential development in order to meet the inclusionary requirement set forth in Section 8.432.040 of this Chapter.

### **8.432.040 - Inclusionary Requirement.**

For all new multiple-family developments creating five (5) or more residential units require that a minimum of 20% of the total units constructed be designated for sale or rent to extremely low, very low, low or moderate-income households as follows:



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1. For Multiple-Family Ownership Housing Developments: The 20% inclusionary requirement may be satisfied by designating the required inclusionary units for extremely low, very low, low or moderate income households, in any combination; however, no more than 1/2 of the required inclusionary units may be designated for moderate income households. If the number of required inclusionary units is less than two, the required inclusionary unit may be designated for moderate income households.
2. For Multiple-Family Rental Housing Developments: The 20% inclusionary requirement shall be satisfied by designating at least 1/2 of the required inclusionary units for extremely low or very low-income households. The remaining 1/2 of the required inclusionary units may be designated for extremely low, very low or low-income households, in any combination. Units designated for moderate income households may not be used to satisfy the inclusionary requirement for rental housing developments contained in this section. If the number of required inclusionary units is less than two, the required inclusionary unit may be designated for low-income households.
3. Credit for Disabled or Large Family Units: A reduction in the inclusionary requirement contained in this section may be allowed, at the County's discretion, if required affordable units are designed, constructed and designated for either disabled or large family households. Specifically, one affordable unit designated for a disabled or large family household will count as two units towards satisfaction of the inclusionary requirement. A unit designed and constructed to be accessible or adaptable for disabled households must comply with Section 1107A of the California Building Code. A unit designed and constructed for large families must contain three or more bedrooms.
4. Calculation of Inclusionary Units: The inclusionary requirement shall be 20% of the total units constructed, not including density bonus units granted pursuant to the County Density Bonus Program (County Ordinance Code Part VI, Division VI, Chapter 1). If inclusionary units are to be provided on-site, any fractional portion resulting from the calculation of inclusionary units required hereunder shall be disregarded. If in-lieu fees are to be paid, any fractional portion resulting from the calculation of inclusionary units required hereunder shall be included in calculation of in-lieu fees.

#### **8.432.050 - Alternatives To Constructing Units On Site.**

The following alternatives to constructing the required inclusionary units shall be allowed upon the County's approval, based on supporting evidence submitted by the applicant demonstrating how the alternative will further affordable housing opportunities in the County to an equal or greater extent than on-site construction of the required inclusionary units.

1. In-Lieu Fee Option for Developments of 5 to 9 Units. The payment of an in-lieu fee may be allowed for developments creating 5 to 9 units. The in-lieu fees shall be deposited in a county housing fund for use by the County, or its contracted profit or non-profit housing organization, to support affordable housing programs in the County.

The in-lieu fee shall equal a percentage of the estimated cost to construct all the inclusionary units that would otherwise be required for each residential development pursuant to Section 8.432.040. The amount of the fee shall be determined as follows:

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- a. The estimated cost to construct a single unit of average size for the residential development shall be determined by multiplying the square footage of the average size unit by the average cost per square foot to construct the appropriate type of dwelling as shown on the most recent Building Valuation Table in use by the County Planning and Building Division.
- b. The estimated cost to construct all the inclusionary units required for the residential development shall be determined by multiplying the number of required inclusionary units by the estimated cost to construct a single unit of average size for the residential development.
- c. The applicable percentage used to calculate the in-lieu fee shall be related to the total number of units in a residential development as specified in the Table below:

Total Number of Units in Development	Applicable Percentage of Construction Cost
5	50
6	60
7	70
8	80
9	90

- d. The In-lieu fee shall be determined by multiplying the applicable percentage by the estimated cost to construct all the inclusionary units required for the residential development.

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Example: 8-unit residential development, average unit size 1,000 sq. ft. 20%  
Inclusionary requirement = 1.6 units, pursuant to Section 8.432.040.

- a.  $1,000 \times \$90.85 = \$90,850$   
(ave. size unit) x (ave. construction cost per sq. ft. from most recent Building Permit Valuation Table) = (estimated cost to construct a single unit of average size)
- b.  $\$90,850 \times 1.6 = \$145,360$   
(estimated cost to construct a single unit of average size) x (the number of inclusionary units required) = (the estimated cost to construct all the inclusionary units required for the development)

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- c. 80% required percentage for 8-unit development (from Table in Section 8.432.050)
  
  - d.  $\$145,360 \times 0.80 = \$116,288$   
(estimated cost to construct all the inclusionary units required for the development)  
x (the required percentage from Table in Section 8.432.050 for an 8-unit  
development) = (In-lieu Fee)
- 

- 2. Transfer to Alternative Development Site. A developer who is developing more than one project in the unincorporated area may be allowed to transfer the obligation for inclusionary units from one development to another if the units transferred to another location are targeted to meet the same goals (number of units, affordability level) that they would have had to meet if they were built on the subject site. This option will only be allowed if the alternative development occurs prior to or concurrently with the development of market-rate units on the subject site.
  
- 3. Land Dedication. Land dedication may be allowed as an option if the site being dedicated is in the unincorporated area, is of equal or greater value than the amount of the in-lieu fee specified by this section, and is physically suitable and has infrastructure adequate to support development that meets the inclusionary requirement applicable to the subject development site. Sufficient resources must be available to assure production of the units by the County or its agent.
  
- 4. Acquisition/Rehabilitation/Enforcement. Acquisition and rehabilitation, if necessary, of existing dwelling units may be allowed as an alternative to constructing inclusionary units on-site if the acquired/rehabilitated units are targeted to meet the same goals (number of units, affordability level) that they would have had to meet if they were built on the subject site. This option will only be allowed if the acquisition/rehabilitation occurs prior to or concurrently with the development of market-rate units on the subject site.

#### **8.432.060 – Assistance Available To Developers.**

Residential developments providing inclusionary units on-site as required pursuant to Section 8.432.040 will be eligible to receive the following assistance from the County:

- 1. Fee Reduction or Deferral. The County may reduce or defer planning and building permit processing fees, as specified in Housing Element Policy 14.30.
  
- 2. Priority Processing. The County Planning and Building Division may provide priority permit processing, as specified in Housing Element Policy 14.31.

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3. Density Bonus. The County shall offer a density bonus, i.e., an increase in the number of units permitted in a proposed residential development, as specified in the Density Bonus Ordinance (Chapter 8.436 of the County Ordinance Code ).

### **8.432.070 - Standards For The Provision Of Inclusionary Units**

1. General Standards for all Inclusionary Units

- a. Inclusionary units in a residential development shall be constructed concurrently with market-rate units. Where the phasing of construction is necessary, each phase shall provide the required ratio of inclusionary units to market-rate units to ensure that the inclusionary units are made available for sale or rent at the same time as the market-rate units.
- b. Inclusionary units shall be integrated into the overall design and distributed throughout the development. The units shall be generally the same size as the market-rate units and their exterior materials and appointments shall be architecturally compatible with the market-rate units in the development.
- c. The mix of unit sizes and bedroom counts in the inclusionary units should be proportional to the mix of unit sizes and bedroom counts provided in the market rate units (i.e., if 50% of the market rate units are two bedroom units, 50% of the inclusionary units should be two bedroom units).

2. Specific Standards for Ownership Inclusionary Units

- a. Price Levels. Ownership inclusionary units shall be offered at sales prices that are considered affordable to extremely low, very low, low-income, or moderate households, as defined in Section 8.432.030.
- b. Assurance of Continued Affordability: Resale Controls
  - (1) In order to maintain the affordability of the inclusionary units constructed pursuant to this Chapter, the purchase price paid by the original qualified purchaser and each subsequent purchaser of an ownership inclusionary unit shall be limited to:
    - (a) The original purchase price plus the percentage increase defined in the original deed from the developer to the first eligible home buyer, plus the amount of any substantial capital improvement expenditures greater than one percent of the original purchase price, minus any costs necessary to bring the unit into conformity with

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County Building Regulations, in the event that the occupant has allowed the unit to deteriorate due to deferred maintenance; or

- (b) The fair market value, whichever is less.
- (2) The deed restrictions, recorded as part of the grant deed to the first eligible home buyer, will contain provisions which will provide the County with a first right to either purchase the unit at the contract price or assign the County's first right to a eligible buyer. Such restrictions shall include provisions that, should the County fail to exercise its first right to purchase, the seller is required to sell the unit at the defined "affordable sales price" to an eligible buyer selected by the seller. The seller shall not levy or charge any additional fees nor shall any "finders fee" or other monetary consideration be charged other than customary real estate commissions and closing costs.
- (3) The owners of any inclusionary unit shall incorporate as a part of the grant deed conveying title of any such unit, a declaration of restrictions, stating the restrictions imposed by this Chapter including, but not limited to, all applicable resale controls and occupancy restrictions. The terms of the restrictions shall specifically assign to the County all of the sellers' rights to enforce the declaration of restrictions in the manner provided by law. The County or its designee shall monitor resales of inclusionary units, for purposes of preventing any abuse or violation of sale or resale controls. Unless otherwise agreed to by the County, the restrictions shall last no less than 55 years. The determination of the term of affordability by the County may be impacted as necessary to facilitate the use of Federal or State affordable housing financing programs.
- c. Buyer Certification and Selection. Inclusionary units are to be sold to households who qualify as extremely low, very low, low-income, or moderate households, as defined in Section 8.432.030. Buyers eligible to purchase inclusionary units will be selected by the developer in accordance with a marketing program approved, in advance by the County. The marketing program shall set forth an equitable selection process to be used for the marketing of the affordable units established in conformance with this Chapter.

Selection criteria may include, but not be limited to, household income and assets, household size, and the size of available units. In addition, priority may be given, first, to current residents of San Mateo County, and second, to persons employed in San Mateo County.

- d. Monitoring Fee. At the time of resale, or whenever the County exercises its option to purchase any ownership inclusionary unit, the current owner shall pay a monitoring fee to the County. The amount of the fee shall be set by resolution of the Board of Supervisors, and may be adjusted periodically as necessary to cover the County's costs to monitor resales of inclusionary units.

3. Specific Standards for Rental Inclusionary Units

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- a. Rent Levels. Rental inclusionary units shall be offered at rent levels that are considered affordable to extremely low, very low or low-income households, as defined in Section 8.432.030.
- b. Assurance of Continued Affordability. A developer of rental inclusionary units required by this Chapter will be required to assure the continued affordability of such units. This assurance shall be in the form of an agreement recorded prior to issuance of a certificate of occupancy. Unless otherwise agreed to by the County, the agreement shall provide that the developer agrees, and binds any successors, to maintain the units as affordable housing for no less than 55 years. The determination of the term of affordability by the County may be impacted as necessary to facilitate the use of Federal or State affordable housing financing programs.
- c. Tenant Certification and Selection. Rental inclusionary units are to be rented to households who qualify as extremely low, very low or low-income households, as defined in Section 8.432.030. Owners of rental inclusionary units must make available to the County adequate records in order to prove to the County that all tenants occupying the designated affordable rental units are eligible under the term of this ordinance, and the specific agreement implementing the affordability requirements executed by the County and the developer. The agreement will provide for a fair and equitable tenant selection process to insure the selection of eligible tenants. Selection criteria may include, but not be limited to, amount of household income and assets, household size, and the size of available units. In addition, priority may be given, first, to current residents of San Mateo County, and second, to persons employed in San Mateo County.
- d. Monitoring Fee. For each inclusionary rental unit provided under this Chapter, the owner shall pay an annual monitoring fee each year for the term of required affordability. The amount of the fee shall be set by resolution of the Board of Supervisors, and may be adjusted periodically as necessary to cover the County's costs to monitor inclusionary rental units.

**8.432.080 - Procedure To Ensure Compliance With Inclusionary Requirements**

1. No planning approval, building permit or certificate of occupancy shall be granted to a multiple-family residential development of five (5) or more units that does not meet the requirements of this Chapter.
2. The manner of compliance with this Chapter shall be specified as a condition of the County's formal approval of the project (i.e., as a condition of any subdivision, design review, or other planning approval required for the project). In those instances where a residential development may need no formal approval other than a building permit, the Director of Planning and Building shall specify the manner of compliance with this Chapter prior to issuance of a building permit.
3. The inclusionary units required pursuant to this Chapter shall be ready for occupancy or the in-lieu fees shall be paid to the County before the final certificate of occupancy for market rate units is issued. No County official or agency shall issue the final certificate of occupancy for market rate units until the inclusionary units are ready for occupancy or the fees have been paid.

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4. Failure of any County official or agency to fulfill the requirements of this Chapter shall not excuse any applicant from meeting the requirements of this Chapter.

#### **8.432.090 - Enforcement**

1. The County may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to, actions to revoke, deny or suspend any permit or planning approval.
2. In case of failure to pay when due an in-lieu fee under this Chapter, the fee shall be the greater of: (1) the fee that would have been payable at the time of completion of construction plus interest from that date at the rate of interest on one-year treasury bills as of the date of completion of construction; or (2) the fee that would have been payable if the development had been completed at the time of enforcement, whichever is greater. The payment of fees may be enforced as a lien on the property.
3. It shall be unlawful for any person to sell or rent an inclusionary unit constructed pursuant to this Chapter either at a price or rent exceeding the maximum allowed under this Chapter, or to a household not qualified under this Chapter.

#### **8.432.100 - Adjustments.**

A developer of any project subject to the inclusionary requirements in this Chapter may request and apply to the Planning Commission for a reduction, adjustment, or waiver of the requirements. Any such request or application shall be made in writing and filed with the Planning Division. The request shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The Planning Commission shall consider the request at the public hearing on the permit application or at a separate hearing. The applicant shall bear the burden of presenting substantial evidence to support the request, including technical information to support the applicant's position. A reduction, adjustment or waiver shall be approved only if the Planning Commission finds that: (1) the project will not be feasible if subjected to the full requirements of this Chapter and affordable housing units would accordingly not be constructed; or (2) full enforcement of the inclusionary requirement as provided herein (including payment of an in-lieu fee) will not foster the development of affordable housing units.

#### **8.432.110 - Severability**

1. If any clause, sentence, section or part of this Chapter, or any fee imposed upon any person or entity, is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this Chapter, or such person or entity, and shall not affect or impair any of the remaining provisions, clauses, sentences, sections, or parts of this Chapter or the effect of the Chapter on other persons or entities.

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2. It is hereby declared to be the intention of the Board of Supervisors of San Mateo County that this Chapter would have been adopted had such unconstitutional, illegal, or invalid clause, sentence, section, or part of this Chapter not been included herein, or had such person or entity been expressly exempted from the application of this Chapter. To this end, the provisions of the Chapter are severable.

(Prior code Sections 7908 to 7918; Ord. 4206 - March 16, 2004)

## ***CHAPTER 8.436 - DENSITY BONUS***

### **8.436.010 - Purpose.**

The purpose of this Chapter is to:

1. Increase the supply of housing units in the unincorporated area for very low, low, and moderate income households, senior citizens, transitional foster youth, disabled veterans, homeless persons, and lower income college students by offering a density bonus and other incentives, concessions, and waivers to developers of new residential developments that include housing units for such households;
2. Implement State Density Bonus Law (California Government Code Sections 65915 et seq.); and
3. Implement the policies of the San Mateo County General Plan Housing Element.

### **8.436.020 - Definitions.**

1. Affordable Housing Unit. An ownership or rental dwelling unit affordable to households with very low, low, or moderate incomes, as those terms are defined in State Density Bonus Law.
2. Childcare Facility. A childcare facility as defined in State Density Bonus Law.
3. Concession or Incentive. A modification in development standards, zoning code requirements, architectural design requirements, parking requirements, or other concessions or incentives identified in State Density Bonus Law, or any successor provision, that results in identifiable and actual cost reductions, in order to provide for affordable housing.



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4. Density Bonus Unit. A dwelling unit within a residential development that has been granted to a developer in excess of the number of units otherwise allowed in exchange for having met the requirements of State Density Bonus Law and this Chapter.
5. Disabled Veteran Housing. Housing dedicated to disabled veterans, as defined in Section 18541 of the California Government Code.
6. Homeless Housing. Housing dedicated to homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.).
7. Land Donation. A direct donation of land by a project developer to the County as part of a development project pursuant to the provisions of State Density Bonus Law.
8. Low Income Household. A low income household as defined in State Density Bonus Law.
9. Low Income College Student Housing. Housing dedicated for qualifying college students, as defined in State Density Bonus Law.
10. Maximum Net Density. The maximum number of dwelling units allowed on a parcel per net acre, under the Zoning Regulations and land use element of the General Plan, prior to the application of the State Density Bonus Law. If a range of densities is permitted, the maximum allowable density in the range is applicable. Where the density allowed under the Zoning Regulations is inconsistent with the density allowed under the land use element of the General Plan, the General Plan density shall prevail.
11. Moderate Income Household. A moderate income household as defined in State Density Bonus Law.
12. Qualifying Unit. A dwelling unit included in a residential development which enables the developer to qualify for a density bonus and concessions and incentives required by this Chapter. Qualifying units include units dedicated for occupancy by: (1) very low, low, or moderate income households; (2) senior households; or (3) disabled veteran households, transitional foster youth households, formerly homeless households, or low income college student households.
13. Residential Development. A project that contains five or more parcels or dwelling units as allowed by the Zoning Regulations, excluding any density bonus or second units. A residential development may include one or more housing types designed for permanent occupancy including, but not limited to, single family dwellings and/or multiple-family dwellings (both ownership and rental). A residential development includes projects with both residential and non-residential components, provided that the residential components meet the definitions in this Section.

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14. Senior Citizen Housing Development. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the California Civil Code.
15. State Density Bonus Law. California Government Code Section 65915 et seq., including any amendments thereto.
16. Transitional Foster Youth Housing. Housing for transitional foster youth, as defined in State Density Bonus Law.
17. Very Low Income Household. A very low income household as defined in State Density Bonus Law.
18. Waiver. A modification of development standards that would otherwise physically preclude the construction of a development meeting the criteria of this Chapter at the density otherwise permitted by State Density Bonus Law and the other provisions of this Chapter, including the concessions and incentives granted under this Chapter pursuant to State Density Bonus Law.

**8.436.030 -State Density Bonus Law.**

Regardless of the provisions of this Chapter, in order to receive a density bonus and any other concessions, incentives, modifications or waivers, a project must comply with all applicable provisions of State Density Bonus Law. In the event that any provisions of this Chapter conflict with State Density Bonus Law, the State Density Bonus Law shall prevail.

**8.436.040 - Ministerial Approval.**

Pursuant to State Density Bonus Law, the granting of any density bonus consistent with the provisions of this Chapter shall not require, in and of itself, any amendments to regulations or other discretionary approval.

**8.436.050 - Density Bonus Requirements And Bonus Amounts.**

In exchange for the provision of qualifying units or provision of other public benefits as defined in this Chapter, and as required by and defined in State Density Bonus Law, a proposed project may exceed the maximum density otherwise allowed for the project (such excess being the “density bonus”), and may receive various other concessions, incentives or waivers in addition to the density bonus, as described in Sections 8.436.070 through 8.436.090.

Eligibility for Density Bonus. To be eligible for a density bonus and other concessions, incentives, and waivers pursuant to this Chapter, a project must provide the required amount of qualifying housing units, as described in Section 8.436.050. The project must also: (1) meet the definition of “residential development” contained in Section 6440.2.13; (2) meet all requirements and standards of the Zoning Regulations, prior to the calculation of any additional density pursuant to the density bonus, and prior to any granted concessions, incentives, or waivers;

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and (3) be located within unincorporated San Mateo County, with the exception of the rural area of the Coastal Zone, as defined in the County's Local Coastal Program. Projects located within the rural area of the Coastal Zone are not eligible for a density bonus pursuant to this Chapter. A separate density bonus program, as described in Local Coastal Program Policy 3.24, applies in the rural areas of the Coastal Zone.

1. Calculation of Density Bonus. The density bonus shall be calculated based on the maximum net density allowed by the applicable zoning or the general plan land use designation, as described in Section 8.436.020(10), and the number of qualifying units proposed.
  - a. Units Not Counted. When calculating the maximum density of residential development allowed, the number of qualifying units required, and the number of density bonus units to be granted, neither accessory dwelling units nor density bonus units shall be counted.
  - b. Fractional Attainable Density. For the purposes of this Chapter, when calculating the maximum attainable density of residential development allowed by zoning, any resulting fraction of a unit shall be disregarded, unless the Zoning Regulations clearly state otherwise.
  - c. Fractional Qualifying and Bonus Units. For the purposes of this Chapter, when calculating (1) the number of qualifying units required to receive a density bonus and (2) the number of density bonus units to be granted, any resulting fraction shall be rounded up to the nearest whole number.
  
2. Qualification for Density Bonus. The minimum amount and type of qualifying units that must be provided to qualify for a density bonus is described below:
  - a. Very Low Income. If at least 5 percent of the housing units in a project are restricted to very low income households, a 20 percent density bonus shall be granted, with an additional 2.5 percent density bonus granted for each additional 1 percent of housing units restricted to very low income households, up to a maximum density bonus of 35 percent.
  - b. Low Income. If at least 10 percent of the housing units are restricted to low income households, a 20 percent density bonus shall be granted, with an additional 1.5 percent density bonus granted for each additional one percent of housing units restricted to low income households, up to a maximum density bonus of 35 percent.
  - c. Moderate Income. If at least 10 percent of the housing units in a for-sale common interest development are restricted to moderate income residents, a 5 percent density bonus shall be granted, with an additional 1 percent density bonus granted for each additional one percent of housing restricted to moderate income households, up to a maximum bonus of 35 percent. The moderate income category bonus applies only to for-sale common interest development projects, and is not available for rental housing.

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- d. Transitional Foster Youth, Disabled Veterans, or Homeless. If at least 10 percent of the housing units in a project are dedicated for transitional foster youth, disabled veterans, or homeless persons, with rents of all such units restricted to the very low income level, the density bonus shall be 20 percent of the number of the type of units giving rise to the bonus.
  
- e. Low Income College Student. If at least 20 percent of the housing units are dedicated for low income college students, the density bonus shall be 35 percent of the college housing units.
  
- f. Senior Housing and Senior Mobile Home Park. If the project is 100 percent dedicated to senior citizen housing with units available to senior households of any income level, including a mobile-home park restricted entirely for the use of senior citizens at any income level, a 20 percent density bonus shall be granted.
  
- g. Childcare. A residential development that meets all provisions of this Chapter and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project shall be eligible for either:
  - (1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility, or
  - (2) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
  

The provision, maintenance, operation, and attendance of the childcare facility shall be in accordance with all the provisions of State Density Bonus Law, Section 69515(h).

  
- h. 100 Percent Affordable. If 100 percent of the units in a project are reserved for very low, low, and moderate income households, with a maximum of 20 percent reserved for moderate income, an 80 percent density bonus shall be granted.
  
- i. Land Donation. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the County, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density for the entire development, in addition to the otherwise allowed density bonus, up to a maximum combined density bonus of no more than 35 percent. The donated land must be in accordance with all provisions of State Density Bonus Law, Section 69515(g).

The available density bonuses in the categories described in Section 8.436.050(2) are summarized in the table below:

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Qualifying Unit Percentage	Very Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus	Land Donation Bonus	Foster Youth/Disabled Vets/Homeless Bonus <sup>1</sup>	Low-Income College Student Bonus <sup>1</sup>	Senior Bonus (for 100% senior projects) <sup>2</sup>
5	20						20
6	22.5						20
7	25						20
8	27.5						20
9	30						20
10	32.5	20	5	15	20		20
11	35	21.5	6	16	20		20
12	35	23	7	17	20		20
13	35	24.5	8	18	20		20
14	35	26	9	19	20		20
15	35	27.5	10	20	20		20
16	35	29	11	21	20		20
17	35	30.5	12	22	20		20
18	35	32	13	23	20		20
19	35	33.5	14	24	20		20
20	35	35	15	25	20	35	20
21	35	35	16	26	20	35	20
22	35	35	17	27	20	35	20
23	35	35	18	28	20	35	20
24	35	35	19	29	20	35	20
25	35	35	20	30	20	35	20
26	35	35	21	31	20	35	20
27	35	35	22	32	20	35	20
28	35	35	23	33	20	35	20
29	35	35	24	34	20	35	20
30	35	35	25	35	20	35	20
31	35	35	26	35	20	35	20
32	35	35	27	35	20	35	20
33	35	35	28	35	20	35	20
34	35	35	29	35	20	35	20
35	35	35	30	35	20	35	20
36	35	35	31	35	20	35	20
37	35	35	32	35	20	35	20
38	35	35	33	35	20	35	20
39	35	35	34	35	20	35	20
40	35	35	35	35	20	35	20

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1. For the Foster Youth, Disabled Veterans, Homeless, and Low Income College Student Categories, the density bonus is a percentage of the qualifying units in those categories, rather than the total units in the proposed project.
2. Senior projects need not provide any restricted affordable housing, but must be 100% senior projects or senior mobile home projects.
3. No Combining of Categories. Except in the case of land donations, as described in Section 8.436.050(2)(i), and in the case of provision of childcare, as described in Section 8.436.050(2)(g), the bonus requested and granted pursuant to this Section can be based on only one of the qualifying categories. Categories cannot be combined.

**8.436.060 - Relationship Between The Density Bonus And The County's Inclusionary Housing Requirement.**

Any units required to be provided as affordable pursuant to the County's Inclusionary Housing Ordinance (Chapter 8.432 of the County Ordinance Code.) shall count toward the qualifying units required to receive a density bonus as described in this Chapter, so long as the units meet all required provisions of this Chapter. Regardless of any provisions of this Chapter, however, projects must always meet the applicable requirements of the County's Inclusionary Housing Ordinance.

**8.436.070 - Incentives And Concessions.**

In addition to the density bonus, a qualifying project applicant may request various concessions and incentives that provide relief from development standards otherwise required.

1. The applicant shall receive the following number of incentives and concessions:
  - a. One incentive or concession for projects with at least 5 percent of the total units for very low income households, 10 percent for low income households, or 10 percent for moderate income households.
  - b. Two incentives or concessions for projects with at least 10 percent of the total units for very low income households, 20 percent for low income households, or 20 percent for moderate income households.
  - c. Three incentives or concessions for projects with at least 15 percent of the total units for very low income households, 30 percent for low income households, or 30 percent for moderate income households.

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- d. Four incentives or concessions for projects meeting the criteria of Section 6440.5.2.h (100 percent affordable projects).
  - e. One additional incentive or concession for projects meeting the criteria of Section 6440.5.2.g (projects providing childcare).
2. Request for Incentives and Concessions. A request for incentives and concessions must be submitted in writing as part of the project application, as described in Section 8.436.110. Granted concessions, incentives, or parking modifications shall be identified by the County as described in that Section, and in project conditions and approvals. Concessions and incentives shall be granted in the amounts described in Section 8.436.060(1) unless the County makes the following findings, supported by substantial evidence:
- a. The concession or incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.
  - b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety, or the physical environment, with no feasible method to satisfactorily avoid or mitigate without rendering the project unaffordable to low income and moderate income households.
  - c. The concession or incentive would have a specific adverse impact on real property that is listed in the California Register of Historical Resources, with no feasible method to satisfactorily avoid or mitigate without rendering the project unaffordable to low income and moderate income households.
  - d. The concession or incentive would be contrary to State or federal law.
3. Concessions and Incentives. Concessions and incentives, as defined in Section 8.436.020(3), include the following:
- a. Building height or building stories.
  - b. Side and rear yard setbacks.
  - c. Lot coverage.
  - d. Floor area.

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- e. Parking.
- f. Architectural design standards related to bulk and mass.
- g. Minimum separation between buildings.
- h. Parking modifications in addition to or distinct from those provided by State Density Bonus Law as described in Section 6440.8.
- i. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
- j. Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

**8.436.080 - Parking Modifications.**

The State Density Bonus Law provides alternative parking requirements that may be lower than those otherwise allowed by County regulations. Parking reductions specified in State Density Bonus Law and described in this Section are not considered concessions, incentives, or waivers. However, the applicant may request additional concessions, incentives, or waivers related to parking, as described in Sections 8.436.070 and 8.436.090.

- 1. Parking required, inclusive of handicapped and guest parking, may be no more than:
  - a. 1 on-site parking space for studio and one bedroom units
  - b. 2 on-site parking spaces for two and three bedroom units
  - c. 2.5 on-site parking spaces for units with four or more bedrooms
- 2. Lower parking ratios apply to the following specified projects:



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- a. 0.5 spaces per bedroom for rental or for sale projects with at least 11 percent very low income or 20 percent low income units, located within one-half mile of an accessible major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.
  - b. 0.5 spaces per unit for rental projects which are 100 percent affordable to low income households, located within one-half mile of an accessible major transit stop.
  - c. 0.5 spaces per unit for rental senior projects which are 100 percent affordable to low income households, and have paratransit service or are located within one-half mile of an accessible fixed bus route service operating at least eight times per day.
  - d. For rental special needs projects, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, which are 100 percent affordable to low income households and have paratransit service or are located within one-half mile of an accessible fixed bus route service operating at least eight times per day, no parking requirement shall be imposed.
3. In the calculation of required parking spaces, any resulting fraction shall be rounded up to the nearest whole number.
  4. All parking required pursuant this Section may be provided as uncovered parking or tandem parking.

**8.436.090 - Waivers.**

Developers of projects eligible for a density bonus may request a waiver of any development standard that would physically preclude the construction of a housing development with the density bonus and incentives to which the project is entitled.

1. Demonstration of Impact. The applicant shall bear the burden of demonstrating that the development standards that are requested to be waived will have the effect of physically precluding the construction of the housing development with the density bonus and incentives.
2. No Limit on Waivers. There is no limit to the number of waivers that may be granted.
3. Request for Waivers. A request for a waiver must be submitted in writing as part of the application process specified in Section 8.436.110.
4. Granting or Denial of Waivers. The County shall grant a waiver unless the decision maker makes any of the following findings in writing and supported by substantial evidence:

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- a. The waiver would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the impact.
  - b. The waiver would have an adverse impact on real property that is listed in the California Register of Historical Resources with no feasible method to satisfactorily mitigate or avoid the impact.
  - c. The development standard for which a waiver is requested would not physically preclude the construction of the housing development with the density bonus and incentives.
  - d. The waiver would be contrary to State or federal law.
5. The granting of any waivers pursuant to this Section shall not reduce the number of concessions, incentives, or parking modifications for which a project may otherwise be eligible pursuant to Sections 8.436.070 and 8.436.080.
  6. If the housing development receives a waiver of maximum density based on its location within one-half mile of a major transit stop, as described in State Density Bonus Law, it shall not be eligible for waivers.

**8.436.100 - Standards For Qualifying Units.**

Qualifying units for the density bonus shall meet the following standards.

1. Standards for Design and Construction of Qualifying Units
  - a. Qualifying units must be constructed concurrently with the other units in a residential development. Where phasing of construction is necessary, each phase shall provide the required ratio of qualifying units to market-rate units to ensure that the qualifying units are made available for sale or rent at the same time as other units in the development.
  - b. Qualifying units shall be integrated into the overall design and distributed throughout the development. The units shall generally be of the same size and quality and shall have similar amenities as the market-rate units, and their exterior materials and appointments shall be architecturally compatible with the market-rate units in the development.
  - c. The mix of unit sizes and bedroom counts in the qualifying units shall be directly proportional to the mix of unit sizes and bedroom counts provided in the development as a whole (i.e., if 20 percent of the units are of one size and style, 20 percent of the qualifying units shall be of that size and style).

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2. Occupancy Standards for Qualifying Units. Qualifying units are to be sold or rented only to households certified by the County Housing Department as qualifying for the appropriate category of household as defined in this Chapter, pursuant to the provisions of State Density Bonus Law. Qualification and certification of tenants or buyers shall be at the sole discretion of the Housing Department, unless otherwise determined by the Director of Planning and Building.
  
3. Specific Standards for Ownership Qualifying Units
  - a. Sale Prices for Qualifying Ownership Units. Ownership qualifying units shall be offered at prices that are considered affordable to very low, low or moderate income households, as determined by the County Housing Department, pursuant to affordability provisions described in State Density Bonus Law.
  
  - b. Buyer Certification and Selection. Qualifying units are to be sold to households certified by the County Housing Department. Buyers eligible to purchase qualifying units will be selected by the developer in accordance with a marketing program approved by the County Housing Department. The marketing program shall set forth an equitable selection process to be used to market the affordable units established in conformance with this Chapter. Selection criteria may include, but not be limited to, household income and assets, household size, and the size of available units, pursuant to the provisions of State Density Bonus Law.
  
  - c. Guarantee of Continued Availability; Resale Controls.
    - (1) Qualifying for-sale units are required to be sold only to persons and/or families of very low, low, or moderate income, as required by the qualifying provisions of State Density Bonus Law, and the units must offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5. The County Housing Department shall determine and certify the qualifications of the initial purchaser, and the allowable price of the qualifying units.
  
    - (2) The County shall require an equity sharing agreement for all for-sale units, unless such an agreement is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:
      - (a) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The County shall recapture any initial subsidy, as defined in subparagraph (2), and its proportionate share of appreciation, as defined in subparagraph (3), which amount shall be used within 5 years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.

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- (b) For purposes of this subdivision, the County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
- (c) For purposes of this subdivision, the County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the home at the time of initial sale.
- (3) The owners of any qualifying unit shall incorporate as a part of the grant deed conveying title of any such unit, the declaration of restrictions, stating the restrictions imposed by this Chapter including, but not limited to, all applicable resale controls and occupancy restrictions. The terms of the restrictions shall specifically assign to the County all of the sellers' rights to enforce the declaration of restrictions in the manner provided by law. The County or its designee shall monitor resales of qualifying units, for purposes of preventing any abuse or violation of sale or resale controls.

4. Specific Standards for Qualifying Rental Units

- a. Rents for Qualifying Rental Units. Qualifying rental units required to be offered at below-market rents shall be offered at rent levels affordable to very low, low or moderate income households, as determined by the County Housing Department, consistent with the provisions of State Density Bonus Law.
- b. Tenant Certification and Selection. Rental qualifying units are to be rented to households certified by the County Housing Department. Owners of rental qualifying units must provide adequate records to the authorized staff of the Housing Department to demonstrate, to the satisfaction of the County, that all tenants occupying the designated affordable rental units are eligible under the terms of this Chapter and the specific agreement implementing the affordability and occupancy requirements executed by the County and the developer at the time of construction of the units, as described in Section 6440.11. The agreement will provide for a fair and equitable tenant selection process to ensure the selection of eligible tenants. Selection criteria may include, but not be limited to, amount of household income and assets, household size, and the size of available units. Selection methodology must be approved by the County Housing Department.
- c. Guarantee of Continued Availability; Rent Controls. Prior to final approval of a rental development project, the developer shall enter into an agreement with the County, which shall be recorded, specifying the manner of compliance with this Chapter. The agreement shall be binding for no less than fifty-five years, regardless of any change of ownership of any qualifying units. At a minimum, the agreement shall specify the following for the qualifying units in the development, all of which, with the exception of the density bonus units and other concessions, incentives, modifications, and waivers required by State Density Bonus Law, shall be approved at the County's discretion:
  - (1) The number of qualifying units, their size and number of bedrooms.

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- (2) The party/process responsible for certifying buyer/tenant eligibility, which must be approved by the County Housing Department.
- (3) The method by which vacancies will be marketed and filled, which must be approved by the County Housing Department.
- (4) The standards for maximum qualifying incomes for very low, low, or moderate income households, which must be approved by the County Housing Department.
- (5) The standards for maximum rents for qualifying units for very low, low, or moderate income households, which must be approved by the County Housing Department.
- (6) The restrictions and enforcement mechanisms binding on the property upon sale or transfer, which shall be in accordance with the provisions of State Density Bonus Law and must be approved by the County Housing Department.

The above provisions shall take the form of a binding agreement between the developer and the County, and execution of the agreement shall be a condition of permit approval. The above provisions shall also be, in the case of rental units, recorded as a deed restriction on the title of the rental property, and in the case of for-sale units, as a deed restriction on the title of each of the individual qualifying for-sale unit. The form of agreement shall be approved by County Counsel.

#### **8.436.110 - Procedure For Granting Of Density Bonus.**

##### **1. Application for Density Bonus and Determination of Bonus**

- a. Formal application and determination. An applicant requesting a density bonus pursuant to the provisions of this Chapter shall make a request for the bonus, describing the bonus requested, the qualifying units proposed, and any concessions, incentives, waivers, and modifications requested, in addition to any financial justification or other documentation as required by this Chapter, upon submittal of an application for development.

When the application is deemed complete, the County shall provide the applicant with a determination of the amount of the density bonus for which the project is eligible, and a determination of all other incentives, concessions, waivers, and modifications that will be granted.

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- b. Preliminary Application and County Guidance. Prior to formal submittal of an application for project approval, an applicant may submit to the County a preliminary proposal for the development of housing pursuant to this Chapter. The preliminary proposal should describe the project, specifying the total number of units, the proposed number and type of qualifying units, and any concessions, incentives, modifications and/or waivers requested. The preliminary proposal should also include a statement demonstrating how the concessions and/or incentives will improve the financial feasibility of the project and assist the developer in providing the qualifying units.

Within 90 days of receipt of a preliminary proposal, the County shall notify the developer in writing of the manner in which the County will comply with this Chapter. The report to the developer should confirm the maximum attainable density of residential development allowed by the Zoning Regulations for the subject site, the number of density bonus units that will be allowed, and which concessions, incentives, modifications, and/or waivers will be granted by the County, pending formal approval by the relevant decision-maker, and the justification for denying any requested concessions, incentives, modifications, or waivers, if applicable.

2. Project Approval and Granting of Density Bonus

- a. The density bonus shall be granted by the County ministerially, without any additional discretionary approvals separate from those otherwise required for the project, based on the number of qualifying units proposed.
- b. Any concessions, incentives, waivers, and modifications granted to the project will also be considered and approved by the final decision-maker for the project, which, depending on the nature of the approvals required for the project, may be the Director of Planning and Building, the Zoning Hearing Officer, the Planning Commission, or the Board of Supervisors. However, any denial of requested concessions, incentives, waivers, or modifications, if applicable, must be accompanied by written findings establishing the basis for the denial, and meeting the requirements of State Density Bonus Law

(Prior code Chapter 22.6, Sections 6440.1 through 6440.11; Ord. 4831, August 4, 2020)

## **ARTICLE 10 - ZONING CODE ADMINISTRATION**

### ***CHAPTER 8.440 - ESTABLISHMENT OF FEES***

#### **8.440.010 – Fees Related To Planning Activities.**

The Board of Supervisors of the County of San Mateo shall be responsible for establishing all fees related to planning activities by resolution.

(Prior code Chapter 5, of Part 4, of Divisions VI; Ord. 2512, June 13, 1978)

## **CHAPTER 8.444 - AMENDMENTS**

### **8.444.010 – Initiation of Amendments.**

This Part may be amended by changing the boundaries of districts or by changing any other provisions hereof whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure specified in this Chapter. Amendments may be proposed by:

- (a) Direction of the Board of Supervisors; or by
- (b) Direction of the Planning Commission;
- (c) Initiation of the Director of Planning and Building;
- (d) The filing of an application with the Planning Division by property owners or their duly authorized agents, or a plaintiff in an action in eminent domain for amendments to this Part involving their property or property to be acquired by the plaintiff in an action in eminent domain.

Upon receipt of a direction or an application, or by their own initiation, the Director of Planning and Building shall set a date of hearing thereof and give notice as set forth in Section 8.444.020 (a) and (b).

### **8.444.020 – Public Hearing Notice Requirements.**

Upon receipt of a direction, or an application, or by their own initiation, the Director of Planning and Building shall set a date of hearing thereof and give notice thereof by at least one (1) publication in a newspaper of general circulation in the County at least ten (10) days before the hearing and may give additional notice by either one or both of the following means when the amendment involves reclassification of the property.

- (a) Posting public notices of the proposed amendment not less than ten (10) days prior to the date of the first of such hearings. Such notices shall be placed not more than five hundred (500) feet apart along each and every street upon which the property proposed to be reclassified abuts and such posting shall extend along said street or streets a distance of not less than five hundred (500) feet from the exterior limits of such property or properties as are proposed for reclassification. Such notice shall consist of the words, "Notice of proposed change of Land Use District" printed or lettered in plain type or letters not less than one (1) inch in height, and in addition thereto, there shall be a statement in smaller type setting forth a description of the property involved in the proposed change of district, the time and place at which the public hearings on the proposed change will be held, and other information which the Planning Commission may deem to be necessary; and by

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- (b) Mailing a postal card notice not less than ten (10) days prior to the date of such hearing to the owner or owners of all property within the posting area above defined, as said property owners are shown on the last equalized assessment roll of the County.

Any failure to post public notices or to mail postal card notices as aforesaid shall not invalidate any proceedings taken for the amendment of this Part.

The Planning Commission may hold such additional hearings as it may deem necessary.

#### **8.444.030 – Public Hearing**

The Board of Supervisors may hold one or more public hearings upon the proposed amendment and before adopting the proposed amendment shall hold at least one public hearing thereon, notice of which shall be published at least once in a newspaper of general circulation in the County at least ten (10) days before the hearing.

At the conclusion of such hearing, the Board of Supervisors, if it so determines, may adopt an ordinance amending this Part in accordance with the proposal of the Planning Commission. The Board of Supervisors may not make a change in any proposed amendment by the Planning Commission until the proposed change has been referred to the Planning Commission for a report and such report received.

#### **8.444.040 – Post Hearing Report.**

Following the aforesaid hearing or hearings, the Planning Commission shall make a report of its findings, summaries of hearings, and recommendations with respect to the proposed amendment and shall file with the Board of Supervisors such report within thirty (30) days from the final hearing thereon.

#### **8.444.050 – Amendments.**

The Board of Supervisors may declare its own intention to amend this Part when it deems it to be for the public interest, but shall not adopt an amendatory ordinance until it shall have first referred such proposal to the Planning Commission for a report. Before making a report, the Planning Commission shall hold at least one (1) public hearing in the same manner as heretofore prescribed. The failure of the Planning Commission to make such report within forty (40) days after the reference to it shall be deemed an approval of the proposed change.

Upon receipt of such report or the expiration of time above-mentioned, the Board of Supervisors may proceed to hold a hearing as provided in Section 8.444.030, at the conclusion of which it may adopt an ordinance amending this Part.

#### **8.444.060 – Decision time limits.**

The decision of the Board of Supervisors shall be rendered within ninety (90) days after the receipt of a report and recommendation from the Planning Commission.



**8.444.070 – Withdraw of Amendment.**

Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all the persons who signed such petition. The Board of Supervisors or the Planning Commission, as the case may be, by resolution, abandon any proceedings for an amendment initiated by its own resolution of intention provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

(Prior code Section 6540 - Amended by Ordinance No. 2347 - January 20, 1976)

(Prior code Chapter 26, Section 6540 - Repealed by Ordinance No. 2586 - May 15, 1979)

(Prior code Sections 6550 and 6551 - Amended by Ordinance No. 2320 - June 10, 1975)

(Prior code Sections 6550 and 6551 - Amended by Ordinance No. 2347 - January 20, 1976)

(Prior code Section 6553 - Amended by Ordinance No. 1232 - July 16, 1957)

(Prior code Section 6554 - Amended by Ordinance No. 2347 - January 20, 1976)

***CHAPTER 8.448 – FORM OF PETITION, APPLICATIONS, AND APPEALS.***

**8.448.010 - Planning Commission To Adopt Rules.**

The Planning Commission shall, in their rules, prescribe the form and scope of all petitions, applications, and appeals provided for in this Part and of accompanying data to be furnished so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. Any petition for a variance, as provided in Chapter 8.320 of Title 8, or for a use permit, as provided in Chapter 8.280, or for an amendment, as provided in Chapter 8.444, shall include a verification by at least one of the petitioners attesting to the truth and correctness of all facts and maps presented with said petition. Such verification shall be signed before a notary public or other officer authorized to administer oaths.

**8.448.020 - Procedure When Application Denied.**

Where an application for a use permit, variance, or amendment is finally disapproved, a new application on the same matter shall not be accepted if presented within one (1) year of the date of the first application, unless the application sets forth facts showing a material change in conditions since the hearing on the prior application.

**8.448.030 - Application To Be Accompanied By Fee.**

Applications for use permit, variances, and/or amendments shall be accompanied by a fee set by resolution of the Board of Supervisors to cover the cost of such of the following items as are required for the particular case: Field investigation; preparation of necessary reports; preparation of site maps; mailing notices; printing and posting notices and legal publications. These fees, no part of which shall be returnable, shall be paid to the Secretary of the Commission, who shall deposit them in the Treasury of the County.

**8.448.040 - Fees.**

The fees provided for in Section 8.448.030 hereof as set by resolution of the Board of Supervisors.

(Prior code Section 6582 - Amended by Ordinance No. 2193 - April 10, 1973)

(Prior code Section 6583 - Amended by Ordinance No. 1401 - June 8, 1960)

(Prior code Section 6583 - Amended by Ordinance No. 2193 - April 10, 1973)

***CHAPTER 8.452 – ENFORCEMENT, LEGAL PROCEDURES, PENALTIES.***

**8.452.010 - Duty of All Departments and employees of the County of San Mateo.**

All departments, officials, and public employees of the County of San Mateo which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Part and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Part, and any such permit or license, if issued in conflict with the provisions of this Part, shall be null and void.

**8.452.020 – Enforcement, Duty of the Director of Planning and Building.**

It shall be the duty of the Director of Planning and Building of the County of San Mateo to enforce the provisions of this Part pertaining to land use and the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.

**8.452.030 - Enforcement, Duty of the Director of Planning and Building and All County Officers.**

It shall be the duty of the Director of Planning and Building of the County of San Mateo and all officers of said County herein and/or otherwise charged by law with the enforcement of this Part to enforce this Part and all the provisions of the same.

**8.452.040 – Punishment of Violations**

Violations of these Zoning Regulations shall be punishable pursuant to Chapter 1.40 (*Administrative Remedies*) of the San Mateo County Ordinance Code.

**8.452.050 – Remedies.**

The remedies provided for in this Part shall be cumulative and not exclusive.

(Prior code Sections 6591 and 6592 - Amended by Ordinance No. 2587 - May 15, 1979)

(Prior code Section 6593 - Amended by Ordinance No. 04648 - January 8, 2013)

(Prior code Section 6594 - Amended by Ordinance No. 2345 - January 20, 1976)

(Prior code Section 6594 - Deleted by Ordinance No. 04648 - January 8, 2013)