

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, MAKING “CLEANUP” AMENDMENTS TO THE ZONING CODE UPDATE, ADDING PROVISIONS FOR MOBILE FOOD VENDORS, MODIFYING SINGLE-FAMILY SETBACK REGULATIONS TO BE CONSISTENT WITH THE CITY’S ADOPTED RESIDENTIAL DESIGN GUIDELINES, CLARIFYING THE MAXIMUM ALLOWED HEIGHT OF SINGLE-STORY ACCESSORY DWELLING UNITS, AND UPDATING CROSS REFERENCES IN TITLE 18 (“ZONING”) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA”

WHEREAS, on January 9, 2024 the City of Santa Clara (the “City”) adopted the first comprehensive update of the City’s Zoning Code in over 50 years; and

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

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

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

WHEREAS, there is a need to update the newly adopted Code to address errata and omissions from the original approval, including provisions for Mobile Food Vendors and for exempt and allowed Temporary Uses: and

WHEREAS, the City wishes to clarify the height limit for one-story Accessory Dwelling Units by adding that development standard to the code; and

WHEREAS, the City also wishes to modify the single-family provisions to include second-story setbacks (also known as stepbacks); and

WHEREAS, the City also wishes to clarify the maximum height of one-story Accessory Dwelling Units (ADUs); and

WHEREAS, the City is including changes to the Zoning code requested by the state Department of Housing and Community Development through the Housing Element Update process; and

WHEREAS, the City Council has reviewed the proposed Zoning Code cleanup ordinance; and

WHEREAS, before acting on the Zoning Code Update, the City reviewed and considered the potential environmental impacts of the Zoning Code Update and determined that as the primary implementation tool of the General Plan, the environmental effects of the proposed Zoning Code Update were consistent with 2010-2035 General Plan EIR, as addended, and that the proposed Zoning Code Update did not alter the conclusions of the adopted General Plan EIR, as addended create new environmental impacts; and

WHEREAS, on May 22, 2024, the Planning Commission conducted a duly noticed public hearing to consider the Zoning Code cleanup ordinance, at the conclusion of which, the Planning Commission voted to recommend adoption of the Zoning Code cleanup ordinance (5-2-0, Huang and Cherukuru voting against); and

WHEREAS, on June 12, 2024, the Planning Commission conducted a duly noticed public hearing to consider an amendment to the Zoning Code to implement the provisions of AB 1397 (2017), including the definition of the term “Use by Right”, at the conclusion of which, the Planning Commission unanimously voted to recommend adoption of the AB 1397 code amendment; and

WHEREAS, on July 16, 2024, the City conducted a duly noticed public hearing to consider the Zoning Code cleanup ordinance, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the

proposed amendments.

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

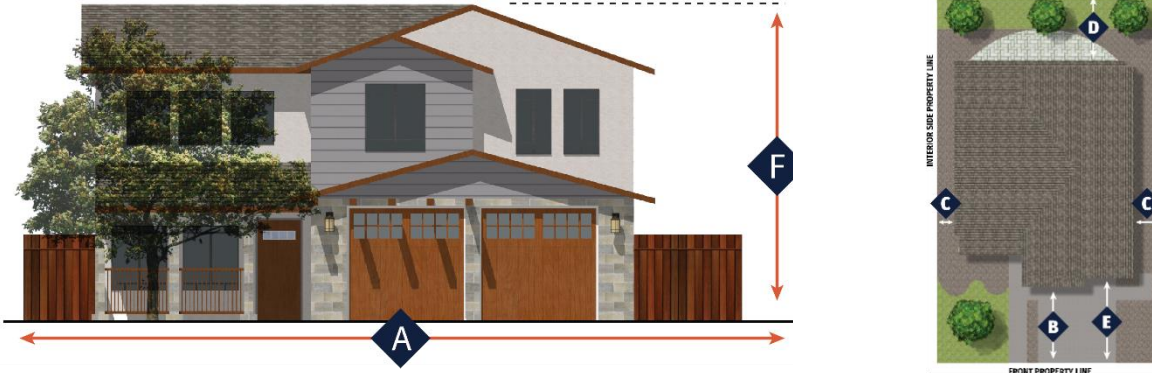
SECTION 1: That Paragraph 5, “High-Density Residential Zone (R4)”, of Subsection B of Section 18.10.010, “Purposes of Residential Zones”, of Chapter 18.10, “Residential Zones”, of Title 18, “Zoning”, of “The Code of the City of Santa Clara, California” (“SCCC”) is hereby amended to read as follows:

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

SECTION 2: That Table 2-1, “Residential Zones Allowed Uses and Permit Requirements”, of Chapter 18.10, “Residential Zones”, of Title 18, “Zoning”, of the SCCC is hereby amended by deleting the enumerated use, “Dwelling, Second Unit”.

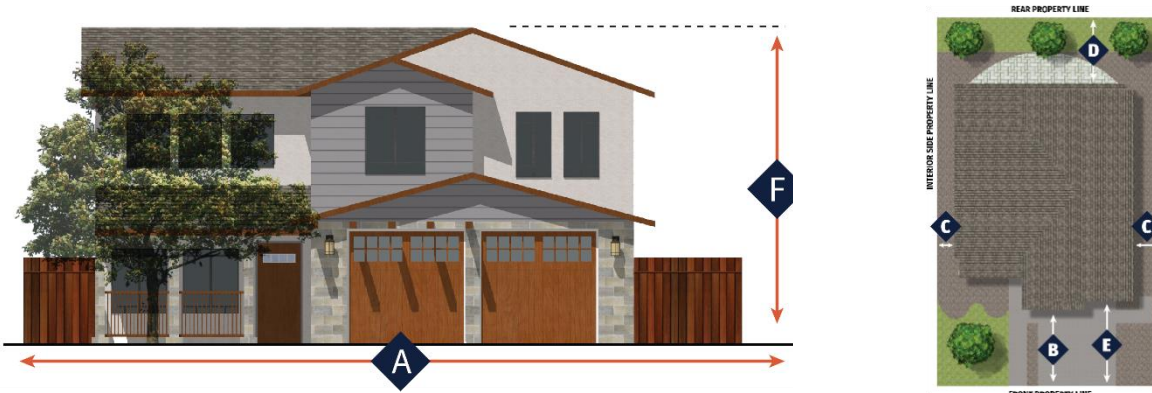
SECTION 3: That Table 2-3, “Residential Zone Development Standards”, of Chapter 18.10, “Residential Zones”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

**Table 2-3
Residential Zone Development Standards**



Development Feature (minimum unless otherwise indicated)	R1-6L	R1-8L	R2	R3	R4	R5	R6	Additional Regulations
Parcel Area (minimum) area required for each NEWLY CREATED parcel.								
Parcel Area	6,000	8,000	7,000	8,500	8,500	10,000	None	
A Street Frontage (feet)	60	70	50	60	70	70	None	
Structure Coverage (maximum percentage)								
Parcel Area (less than 10,000 sq. ft.)	40%	40%	45%	60%	80%	None	None	
Parcel Area (10,000 sq. ft. or greater)	40%	40%	45%	None	None	None	None	
Setbacks (minimum) -Property lines are measured in feet, with those adjacent to the street measured from the face of the curb., adopted plan line, or edge of right-of-way.								
B Front	20	20	15	10	10	10	10	Section 18.30.050
Front, second story	25	25	n/a	n/a	n/a	n/a	n/a	
Side, Corner	10	10	10	10	15	15	15	
Side, corner second story	15	15	n/a	n/a	n/a	n/a	n/a	
C Side, Interior	5	6 and 9	5	5	10	10	10	Section 18.10.040(B) Section 18.30.050
Side, interior, second story	10	11 and 14	n/a	n/a	n/a	n/a	n/a	
D Rear, single-story	20	20	10	10	20	20	20	Section 18.30.050
D Rear, multi-story	20	20	15	15	20	20	20	Section 18.30.050
E Length of driveway approach	20	20	20	20	20	20	20	
Height (maximum) measured in feet								
F Height (within 20 feet of the R1-6L, R1-8L, and R2 zones)	25	25	32	32	32	32	32	Section 18.30.040

**Table 2-3
Residential Zone Development Standards**



Development Feature (minimum unless otherwise indicated)	R1-6L	R1-8L	R2	R3	R4	R5	R6	Additional Regulations
F Height (all other zones)	25	25	32	40	80	100	200	Section 18.30.040
Number of Stories (maximum)								
Number of Stories and the Daylight Plane	All structures adjacent to R1 and R2 zones shall include a 45-degree daylight plan off the property line to implement a compatible transition between structures.							
Number of Stories	2	2	2	4	8	10	20	
Gross Residential Density (minimum to maximum) shown in number of dwelling units per acre								
Allowable Density	0.1-10	0.1-10	8-19	20-36	37-50	51-99	85-350	
Recreation Space for Multi-Family Dwellings (minimum) measured in square feet per dwelling unit								
Private Recreation Space (required for a minimum of 50 percent of units)	None	None	None	60	60	40	40	
Common Recreation Space (per unit)	None	None	None	200	200	200	200	
Additional Regulations								
Residential Accessory Structures	Chapter 18.32							
Basements	Section 18.30.070							
Density Bonus and Affordable Housing	Chapter 18.66							
Fences, Walls, Hedges, and Screens	Chapter 18.34							
Landscaping Standards	Chapter 18.36							
Open Space Standards	City Code Chapter 17.35							
Off-Street Parking Regulations and Design Standards	Chapter 18.38							
Performance Standards	Chapter 18.40							
Sign Standards	Chapter 18.42							

SECTION 4: That a new Paragraph 5 is added to Subsection B, “Specific Residential Regulations” of Section 18.10.040, “Other Applicable Regulations”, of Chapter 18.10, “Residential Zones”, of Title 18, “Zoning”, of the SCCC to read as follows:

“5. Townhouses in R-2 and R-3 districts. Townhouses that have frontage on a public street are required to have their front door on the front elevation.”

SECTION 5: That a new Paragraph 6, “Regulations Applicable to Multifamily Sites Used in the 4th and 5th Cycles of the City’s Housing Element” is hereby added to Subsection B, “Specific Residential Regulations”, of Section 18.10.040, “Other Applicable Regulations”, of Chapter 18.10, “Residential Zones”, of Title 18 (entitled “Zoning”), of the SCCC to read as follows:

“6. Regulations Applicable to Multifamily Sites Used in the 4th and 5th Cycles of the City’s Housing Element. Pursuant to AB 1397 (2017): 1) for all nonvacant sites included in the inventory of the 5th Cycle Housing Element (2015-2023), and 2) for all vacant sites included in the inventory of both the 4th Cycle (2007-2014) and 5th Cycle (2015-2023) Housing Elements, the City shall allow Use-By-Right for housing development pursuant to Government Code 65583.2(c), when 20 percent or more of the units are affordable to lower income households.”

SECTION 6: That Table 2-7 of Chapter 18.12, “Commercial Land Uses and Permit Requirements”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

**Table 2-7
Commercial Zones Allowed Uses and Permit Requirements**

Commercial Zones				
Permit Requirements				
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed				
Land Use (see Article 8 for land use definitions).	C-N	C-C	C-R	Additional Regulations
Residential Uses				
Caretaker Housing	-	P	P	Section 18.60.060
Dwelling, Multifamily	MUP	MUP	MUP	Section 18.10.040(C) Section 18.12.040(A)(7)
Employee Housing	-	-	-	
Home Occupations	-	-	-	Section 18.12.040(B) Section 18.60.120
Live-Work Facilities	MUP	MUP	MUP	Section 18.12.040(B) Section 18.60.130
Single-Room Occupancy (SRO) Facilities	-	P	P	
Supportive Housing	-	-	P	
Transitional Housing Facilities	-	-	P	
Human Services Uses				
Assisted Living Facilities	-	CUP	-	Section 18.60.080
Child Day Care Facilities	P	P	P	Section 18.60.070
Residential Care Facilities, six or fewer residents	P	P	P	
Residential Care Facilities, seven or more residents	MUP	MUP	MUP	
Community Care Facilities	CUP	CUP	CUP	
Child Day Care Homes, Up to 14 Children	-	-	-	
Low-barrier Navigation Centers		P	P	
Emergency Shelters	-	P	P	Section 18.12.040 Section 18.60.110
Recreation, Education, and Public Assembly Uses				
Cemeteries and Mausoleums	-	CUP	-	
Commercial Recreation Facilities, Indoor	CUP	P	P	
Commercial Recreation Facilities, Outdoor	-	P	P	
Fitness Facilities	MUP	P	P	
Libraries	P	P	P	
Mortuaries and Funeral Homes	-	P	P	
Museums	-	P	P	
Parks and Public Plazas	P	P	P	
Recreational Vehicle Parks	-	-	CUP	
Places of Assembly	P	P	P	
Public Schools	P	P	P	
Private Schools	CUP	CUP	CUP	
Public/Private Colleges and Universities	P	P	P	
Theaters and Auditoriums	-	P	P	
Vocational/Trade Schools	P	P	P	
Utility, Transportation, and Communication Uses				

**Table 2-7
Commercial Zones Allowed Uses and Permit Requirements**

Commercial Zones				
Permit Requirements				
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed				
Land Use (see Article 8 for land use definitions).	C-N	C-C	C-R	Additional Regulations
Broadcasting and Recording Studios	-	P	P	
Parking Structures	-	CUP	CUP	
Public Safety Facilities	P	P	P	
Wireless Telecommunication Facilities and Towers, Co-location/Small Cell	P	P	P	Section 18.12.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	Section 18.12.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	CUP	CUP	CUP	Section 18.12.040(A) Chapter 18.66
Transit Stations and Terminals	-	CUP	CUP	
Utility Facilities and Infrastructures	CUP	CUP	CUP	
Diesel Back-up Generators	P	P	P	Section 18.60.260
Photovoltaic Systems	P	P	P	
Retail, Service, and Office Uses				
Adult Businesses Uses	-	-	CUP	Chapter 18.62
Alcoholic Beverage Sales and Service	P	P	P	Section 18.60.040
Ambulance Services	-	CUP	CUP	
Animal Sales and Grooming Facilities	P	P	P	Section 18.12.040(B)
Banks and Financial Establishments, General	P	P	P	
Banks and Financial Establishments, Stand-alone ATM	P	P	P	
Bars	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	-	-	Chapter 18.60.050
Building Material Stores and Yards	-	P	P	
Business Support Centers	P	P	P	
Drive-in/Drive-through Establishments	CUP	CUP	CUP	Section 18.60.100
Equipment Sales and Rentals	-	P	P	
Garden Centers/Plant Nurseries	-	P	P	
Hotels and Motels	CUP	CUP	CUP	
Kennels	-	CUP	CUP	Section 18.12.040(A)
Live Entertainment, Incidental	P	P	P	
Live Entertainment, Standalone Uses	MUP/CUP	MUP/CUP	MUP/CUP	Section 18.12.040(A)
Maintenance and Repair Services	-	P	P	
Medical Services	P	P	P	

**Table 2-7
Commercial Zones Allowed Uses and Permit Requirements**

Commercial Zones Permit Requirements				
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed				
Land Use (see Article 8 for land use definitions).	C-N	C-C	C-R	Additional Regulations
Mobile Food Vendors	P/MUP	P/MUP	P/MUP	Section 18.60.280
Nightclubs	CUP	CUP	CUP	
Offices	P	P	P	
Outdoor Displays and Sales	MUP	CUP	CUP	Section 18.60.150
Outdoor Dining and Seating	MUP	MUP	MUP	Section 18.60.140
Personal Services	P	P	P	
Personal Services, Restricted	-	MUP	MUP	Section 18.60.170
Restaurants	P	P	P	
Retail Establishments				
General, Small Format	P	P	P	
General, Medium Format	-	MUP	MUP	
General, Large Format	-	CUP	CUP	
Smoking Lounges	-	MUP	CUP	Chapter 8.37
Veterinary Facilities	-	MUP	P	Section 18.12.040(A)
Vehicle Oriented Uses				
Car Wash and Detailing Facilities, Full-Service	-	CUP	MUP	
Car Wash and Detailing Facilities, Self-Service	-	MUP	P	
Mobile Fueling Delivery	P	P	P	
Vehicle Service Stations	-	MUP	CUP	Section 18.60.220
Vehicle Rental Facilities, General	-	CUP	MUP	
Vehicle Rental Facilities, Limited	-	P	P	
Vehicle Rental Facilities, Office Only	P	P	P	
Vehicle Sales Facilities, General	-	-	CUP	Section 18.60.210
Vehicle Sales Facilities, Wholesale	-	CUP	CUP	Section 18.60.210
Vehicle Repair Facilities, Minor	-	-	P	Section 18.12.040(A) Section 18.60.200
Vehicle Repair Facilities, Major	-	CUP	CUP	Section 18.12.040(A) Section 18.60.200
Vehicle Parts Sales	-	P	P	
Industrial, Manufacturing, and Processing Uses				
Personal Storage Facilities	-	-	CUP	
Printing and Publishing Facilities	-	P	P	
Wineries, Distilleries, Breweries, and Micro-Breweries	-	MUP	MUP	

SECTION 7: That Table 2-10, “Mixed Use Zones Allowed Uses and Permit Requirements” of Chapter 18.14, “Mixed Use Zones”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

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

Mixed Use Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations	
Residential Uses						
Caretaker Housing	CUP	-	-	P	Section 18.60.060	
Dwelling, Multifamily	P	P	P	P	Section 18.10.040(C) Section 18.14.040(S)	
Employee Housing	P	-	-	-		
Home Occupations	P	P	P	P	Section 18.14.040 Section 18.60.120	
Live-Work	P	P	P	P	Section 18.14.040 Section 18.60.130	
Single-Room Occupancy (SRO) Facilities	-	P	P	-		
Supportive Housing	P	P	P	P		
Transitional Housing	-	-	-	P		
Human Services Uses						
Assisted Living Facilities	-	CUP	-	CUP	Section 18.60.080	
Child Day Care Facilities	P	P	P	P	Section 18.60.070	
Community Care Facilities	CUP	CUP	-	CUP		
Residential Care Facilities, six or fewer residents	P	P	-	P		
Residential Care Facilities, seven or more residents	MUP	MUP	-	MUP		
Day Care Homes, Up to 14 Children	P	P	P	-		
Low Barrier Navigation Centers	P	P	P	P		
Emergency Shelters	-	-	-	P	Section 18.60.110	
Recreation, Education, and Public Assembly Uses						
Cemeteries and Mausoleums	-	-	-	CUP		
Community Gardens	MUP	MUP	MUP	-		
Commercial Recreation Facilities, Indoor	MUP	P	P	CUP		
Commercial Recreation Facilities, Outdoor	-	-	-	P		

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

Mixed Use Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations	
Fitness Facilities	P	P	P	P		
Libraries	P	P	-	P		
Museums	P	P	P	P		
Parks and Public Plazas	P	P	P	P		
Places of Assembly	MUP	CUP	CUP	P		
Public Schools	P	P	P	P		
Private Schools	CUP	CUP	CUP	CUP		
Public/Private Colleges and Universities	P	P	P	P		
Theaters and Auditoriums	P	P	P	P		
Vocational/Trade Schools	-	P	P	P		
Utility, Transportation, and Communication Uses						
Broadcasting and Recording Studios	-	-	-	P		
Park and Ride Facilities	P	P	P	-		
Parking Structures	MUP	MUP	MUP	P	Section 18.14.040	
Public Safety Facilities	P	P	P	P		
Wireless Telecommunications Facilities and Towers, Co-location/Small Cell	P	P	P	P	Section 18.14.040 Chapter 18.66	
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	MUP	Section 18.14.040 Chapter 18.66	
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	-	CUP	CUP	CUP	Section 18.14.040 Chapter 18.66	
Transit Stations and Terminals	P	P	P	CUP		
Utility Facilities and Infrastructure	CUP	CUP	CUP	CUP	Section 18.14.040	
Photovoltaic Systems	P	P	P	P		
Retail, Service, and Office Uses						
Alcoholic Beverage Sales and Service	P	P	P	P	Section 18.60.040	
Ambulance Services	CUP	CUP	-	CUP		
Animal Sales and Grooming Facilities	P	P	P	P	Section 18.14.040	

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

Mixed Use Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations	
Banks and Financial Establishments, General	P	P	P	P		
Banks and Financial Establishments, Stand-alone ATM	P	P	P	P		
Bars	CUP	CUP	CUP	CUP		
Bed and Breakfast Inns	-	-	-	CUP		
Business Support Centers	P	P	MUP	P		
Drive-in/Drive-through Establishments	CUP	-	-	CUP	Section 18.60.100	
Equipment Sales and Rentals	-	-	-	P		
Garden Centers/Plant Nurseries	-	-	-	P		
Hotels and Motels	P	P	P	CUP	Section 18.14.040	
Kennels	MUP	MUP	-	-	Section 18.14.040	
Live Entertainment, Incidental	P	P	P	P		
Live Entertainment, Standalone	MUP/CUP	MUP/CUP	MUP/CUP	MUP/CUP	Section 18.14.040	
Maintenance and Repair Services	P	P	P	P		
Mobile Food Vendors	P/MUP	P/MUP	P/MUP	P/MUP	Section 18.60.280	
Nightclubs	CUP	-	CUP	CUP		
Offices	P	P	P	P		
Outdoor Dining and Seating	MUP	MUP	MUP	MUP	Section 18.60.140	
Outdoor Displays and Sales	CUP	CUP	CUP	CUP	Section 18.60.150	
Personal Services	P	P	P	P		
Personal Services, Restricted	MUP	MUP	MUP	MUP	Section 18.60.170	
Restaurants	P	P	P	P		
Retail Establishments:						
General, Small Format	P	P	P	P		
General, Medium Format	P	MUP	P	MUP		
General, Large Format	CUP	-	CUP	CUP		
Veterinary Facilities	P	P	P	MUP	Section 18.14.040	
Vehicle Oriented Uses						
Vehicle Service Stations	-	CUP	CUP	-		

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

Mixed Use Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	MU-NC	MU-CC	MU-RC	MU-VHD	Additional Regulations	
Vehicle Rental Facilities, Limited	MUP	-	-	-		
Vehicle Rental Facilities, Office Only	P	-	-	-		
Vehicle Repair Facilities, Minor	MUP	-	-	-	Section 18.14.040 Section 18.60.200	
Industrial, Manufacturing, and Processing Uses						
Printing and Publishing Facilities	P	P	P	P		
Wineries, Distilleries, Breweries, and Micro- Breweries	MUP	MUP	MUP	MUP		

SECTION 8: That a new Subsection O, “Regulations Applicable to Mixed Use Sites Used in the 4th and 5th Cycles of the City’s Housing Element” is hereby added to Section 18.14.040, “Other Applicable Regulations”, of Chapter 18.14, “Mixed Use Zones”, of Title 18, “Zoning”, of the SCCC to read as follows:

“O. **Regulations Applicable to Mixed Use Sites Used in the 4th and 5th Cycles of the City’s Housing Element.** Pursuant to AB 1397 (2017): 1) for all nonvacant sites included in the inventory of the 5th Cycle Housing Element (2015-2023), and 2) for all vacant sites included in the inventory of both the 4th Cycle (2007-2014) and 5th Cycle (2015-2023) Housing Elements, the City shall allow Use-By-Right for housing development pursuant to Government Code 65583.2(c), when 20 percent or more of the units are affordable to lower income households.”

SECTION 9: That Table 2-13, “Office and Industrial Zones Allowed Uses and Permit Requirements”, of Chapter 18.16, “Office and Industrial Zones” of Title 18, “Zoning”, of

the SCCC is hereby amended to read as follows:

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

Office and Industrial Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations	
Residential Uses						
Caretaker Housing	CUP	CUP	CUP	CUP	Section 18.60.060	
Transitional Housing Facilities	-	-	MUP	-		
Human Services Uses						
Community Care Facilities	MUP	-	-	-		
Low-barrier Navigation Centers	-	-	MUP	-		
Emergency Shelters	-	-	MUP	-	Section 18.16.040 Section 18.60.110	
Recreation, Education, and Public Assembly Uses						
Cemeteries and Mausoleums	-	-	CUP	CUP		
Crematories	-	-	CUP	CUP		
Fitness Facilities	P	P	-	-	Section 18.16.040(B)	
Commercial Recreation Facilities, Outdoor	MUP	MUP	-	-		
Commercial Recreation Facilities, Outdoor, Ancillary	P	P	-	-	Section 18.16.040(B)	
Parks and Public Plazas	P	P	P	P		
Public Schools	P	-	-	-		
Private Schools	CUP	-	-	-		
Public/Private Colleges and Universities	CUP	-	-	-		
Equipment/Machine/Vehicle Training Facilities	CUP	CUP	P	-		
Vocational/Trade Schools	CUP	-	-	-		
Utility, Transportation, and Communication Uses						
Broadcasting and Recording Studios	P	-	-	-		
Fuel Storage and Distribution Centers	-	-	-	CUP		
Park and Ride Facilities	P	P	P	P		
Parking Facilities	CUP	CUP	CUP	CUP		
Wireless Telecommunications Facilities and Towers, Co-location/Small Cell	P	P	P	P	Section 18.16.040(A) Chapter 18.66	
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	MUP	MUP	Section 18.16.040(A) Chapter 18.66	
Wireless Telecommunication	CUP	CUP	CUP	CUP	Section 18.16.040(A)	

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

Office and Industrial Zones						
Permit Requirements						
	P	Allowed by Right				
	MUP	Minor Use Permit (Chapter 18.124)				
	CUP	Conditional Use Permit (Chapter 18.124)				
	TUP	Temporary Use Permit (Chapter 18.122)				
	-	Not allowed				
Land Use (see Article 8 for land use definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations	
Facilities and Towers, Major (70 feet or higher)					Chapter 18.66	
Transit Stations and Terminals	P	P	P	P		
Utility Facilities and Infrastructure	CUP	CUP	CUP	CUP		
Electric Power Plants	MUP	MUP	MUP	MUP	Section 18.60.260	
Diesel Back-up Generators	P	P	P	P	Section 18.60.260	
Water Wells	MUP	MUP	MUP	MUP		
Photovoltaic Systems	P	P	P	P		
Fuel Cells	P	P	P	P		
Retail, Service, and Office Uses						
Ambulance Services	P	P	-	-		
Banks and Financial Establishments, General	P	P	-	-		
Banks and Financial Establishments, Stand-alone ATM	P	P	-	-		
Business Support Centers	P	P	P	P		
Call Centers	P	P	CUP	-		
Data Centers	CUP	CUP	CUP	CUP	Section 18.16.040(B) Section 18.60.090	
Data Centers, Ancillary	P	P	P		Section 18.16.040(B) Section 18.60.090	
Equipment Sales and Rental Facilities	P	P	P	-	Section 18.16.040(B)	
Hotels and Motels	P	P	CUP	CUP	Section 18.16.040(A)	
Kennels	P	-	-	-	Section 18.16.040(B)	
Maintenance and Repair Services	P	P	P	-		
Medical Services	P	P	-	-		
Mobile Food Vendors	P/MUP	P/MUP	P/MUP	P/MUP	Section 18.60.280	
Offices	P	P	-	-		
Outdoor Dining and Seating (Ancillary)	P	P	CUP	P	Section 18.16.040(A) Section 18.60.140	
Personal Services (Ancillary)	P	P	-	-	Section 18.16.040(A)	
Restaurants (Ancillary)	P	P	MUP	MUP	Section 18.16.040(A)	
Retail Establishments (Ancillary)	P	P	P	P	Section 18.16.040(A) Section 18.16.040(B)	
Vehicle Oriented Uses						
Mobile Fueling Delivery	P	P	P	P		
Vehicle Service Stations	-	-	-	CUP	Section 18.60.220	
Vehicle Repair Facilities, Minor	-	-	P	-	Section 18.60.200	
Vehicle Repair Facilities, Major	-	-	CUP	P	Section 18.60.200	

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

Office and Industrial Zones					
Permit Requirements					
P Allowed by Right MUP Minor Use Permit (Chapter 18.124) CUP Conditional Use Permit (Chapter 18.124) TUP Temporary Use Permit (Chapter 18.122) - Not allowed					
Land Use (see Article 8 for land use definitions).	LO-RD	HO-RD	LI	HI	Additional Regulations
Vehicle Storage Facilities	MUP	P	MUP	P	
Vehicle Dismantling Facilities	-	-	-	CUP	
Vehicle Impound Facility	-	-	-	CUP	
Industrial, Manufacturing, and Processing Uses					
Freight Yards/Truck Terminals	-	-	CUP	CUP	
Hazardous Material Storage Facilities	-	-	-	CUP	
Industrial, Minor	-	P	P	P	
Industrial, Major	-	-	CUP	P	
Laundry and Dry-Cleaning Plants	-	-	P	P	
Printing and Publishing Facilities	P	P	P	P	
Recycling Facilities					
Reverse Vending and Collection Boxes	-	-	P	P	Section 18.60.180
Collection Small	-	-	P	P	Section 18.60.180
Collection, Processing, and Transfer	-	-	CUP	CUP	Section 18.60.180
Research and Development Facilities	P	P	P	P	
Storage					
Personal Storage Facilities	CUP	-	CUP	-	
Warehouse	P	P	P	P	
Wholesaling and Distribution Centers	-	CUP	P	P	

SECTION 10: That Table 2-16, “Special Purpose Zones Allowed Uses and Permit Requirements”, of Chapter 18.18, “Special Purpose Zones” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

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

Special Purpose Zones			
Permit Requirements			
	P	Allowed by Right	
	MUP	Minor Use Permit (Chapter 18.124)	
	CUP	Conditional Use Permit (Chapter 18.124)	
	TUP	Temporary Use Permit (Chapter 18.122)	
	-	Not allowed	
Land Use (see Article 8 for land use definitions).	OS	PQP	Additional Regulations
Residential Uses			
Supportive Housing Facilities	-	CUP	
Transitional Housing Facilities	-	CUP	
Human Services Uses			
Child Day Care Facilities	-	MUP	Section 18.60.070
Community Care Facilities	-	MUP	
Low-barrier Navigation Centers	-	MUP	
Emergency Shelters	-	MUP	Section 18.18.040 Section 18.60.110
Medical Services, Hospitals	-	CUP	
Recreation, Education, and Public Assembly Uses			
Cemeteries and Mausoleums	-	CUP	
Community Gardens	MUP	P	Section 18.18.040
Libraries	P	P	
Museums	-	P	
Parks and Public Plazas	P	P	
Commercial Recreation Facilities, Outdoor	P	CUP	Section 18.18.040(B)
Places of Assembly	-	CUP	
Public Schools	-	P	
Private Schools	-	CUP	
Public/Private Colleges and Universities	-	CUP	
Theaters and Auditoriums	-	CUP	
Vehicle Oriented Uses			
Mobile Fueling Delivery	-	P	
Utility, Transportation, and Communication Uses			
Public Safety Facilities	-	P	
Wireless Telecommunications Facilities and Towers, Co-location	-	P	Section 18.18.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Minor (less than 70 feet)	MUP	MUP	Section 18.18.040(A) Chapter 18.66
Wireless Telecommunication Facilities and Towers, Major (70 feet or higher)	-	CUP	Section 18.18.040(A) Chapter 18.66
Transit Stations and Terminals	-	P	
Utility Facilities and Infrastructure	CUP	CUP	
Electric Power Plants	-	MUP	Section 18.60.260
Diesel Back-up Generators	-	MUP	Section 18.60.260
Water Wells	-	MUP	
Photovoltaic Systems	-	P	
Fuel Cells	-	P	
Retail, Service, and Office Uses			
Mobile Food Vendors	-	P/MUP	Section 18.60.280

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

Special Purpose Zones			
Permit Requirements			
	P	Allowed by Right	
	MUP	Minor Use Permit (Chapter 18.124)	
	CUP	Conditional Use Permit (Chapter 18.124)	
	TUP	Temporary Use Permit (Chapter 18.122)	
	-	Not allowed	
Land Use (see Article 8 for land use definitions).	OS	PQP	Additional Regulations
Offices	-	P	
Outdoor Dining and Seating	-	MUP	
Retail Establishments, Ancillary	-	MUP	

SECTION 11: That Paragraph c, “Emergency Shelters”, of Subsection A, “General Purpose Regulations”, of Section 18.18.040, “Other Applicable Regulations”, of Chapter 18.18, “Special Purpose Zones” of Title 18, “Zoning”, of the SCCC is hereby deleted.

SECTION 12: That Subsection B, “Height Measurement,” of Section 18.30.040, “Height Measurements and Exceptions,” of Chapter 18.30, “Site Planning and General Development Standards,” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“B. Height Measurement. ~~The height of a structure shall be measured as the vertical distance from the elevation of the finished grade to the highest point of the structure. This would be the coping of a flat roof, or the deck line of a mansard roof, or to the highest gable of a pitched or hip roof.~~ For structures, Height is a vertical distance from the grade to the highest point of the coping that defines the volume of the building of a flat roof, or to the deck line of a mansard roof, or to the highest gable of a pitched or hipped roof. See Figure 3-2 (Height Measurement).”

SECTION 13: That Section 18.30.020, “Permitted Projections into Required Setback Areas” of Chapter 18.30, “Site Planning and General Development Standards”, of Title

18, "Zoning", of the SCCC is hereby amended to read as follows:

"18.30.020 – Permitted Projections into Required Setback Areas

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

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

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

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

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

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

F. Decks limited to maximum 3 feet in height may project up to 10 feet into any required rear setback, provided they maintain a minimum 3 foot interior side setback.”

SECTION 14: That the title for Chapter 18.22, “Residential Accessory Structures” of Title 18, “Zoning”, of the SCCC be renumbered to Chapter 18.32.

SECTION 15: That Section 18.32.020, “Permit Requirements”, of Chapter 18.32, “Residential Accessory Structures”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“18.32.020 – Permit Requirements

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

B. Exemptions. The following residential accessory structures are exempt from permits and approvals governed by this Title, provided they comply with ~~any specified limitations~~ all of the requirements listed below. Exempt accessory structures may also require building permits in keeping with the California Building Code.

1. Enclosed and/or solid-roofed accessory structures that are 120 square feet or smaller and no greater than 16 feet in height.

2. Structures shall not be located in a required front yard.

3. In order to maintain necessary fire breaks, all combustible residential accessory structures shall be set back a minimum of four feet from side and rear property lines with a minimum six-foot separation between structures.”

SECTION 16: That Subsection 18.34.040.B, “Retaining Walls”, of Section 18.34.040, “Maximum Heights”, of Chapter 18.34, “Fences, Walls, Hedges, and Screens”, of Title 18,

“Zoning” of the SCCC is hereby amended to read as follows:

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

SECTION 17: That Section 18.36.070, “Additional Requirements for Residential Zones”, of Chapter 18.36, “Landscaping Standards”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“18.36.070 - Additional Requirements for Residential Zones

All new development front yard landscaping shall include, at a minimum, one 15-gallon size tree and an irrigation system used ~~only~~ to establish the landscaping to be installed ~~by the developer~~ prior to occupancy. This requirement shall be in addition to any other tree installation requirements required by law, such as street trees which shall to be approved by the Department of Public Works.”

SECTION 18: That Section 18.42.070, “Exempt Signs” of Chapter 18.42, “Sign Standards”, of Title 18, “Zoning” of the SCCC is hereby amended to read as follows:

“18.42.070 – Exempt Signs

A. Exempt Signs. The following signs are allowed without a Sign Permit in any zone and shall not be included in the determination of type, number, or area or signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type as provided in this Section.

Signs required by Federal/State law;

1. Official signs posted by a governmental body, including, flags, banners,

emblems, traffic or highway signs, railroad crossing signs, or similar regulatory or warning devices and legal notices;

2. Holiday displays and decorations, only when not creating a traffic hazard or located within any visual setback area in the sight distance triangle;

3. Commemorative plaques, tables, date of construction, and similar signs constructed of permanent material. Only one sign for each structure, not to exceed two square feet in area for each sign is allowed;

4. Signs located inside a structure, mall, or other similar structure, provided these signs are not conspicuously visible and readable from a public street or adjacent properties not under the same ownership;

5. Murals or other artistic paintings on walls, provided no names, information, logos, emblems or other similar information or illustrations of activities associated with uses on the premises or in the vicinity are included in the mural or painting;

6. "No Trespassing" signs. Each sign limited to one square foot in area. Signs may be placed at each corner and each entrance to a parcel and at intervals of not less than 50 feet or in compliance with legal requirements;

7. Real estate signs.

a. "For Rent", "For Sale", and "For Lease" signs shall be posted on the subject parcel, including common driveways, that is being advertised by an authorized agent;

b. Real estate signs shall not exceed six square feet for single-family residential and 32 square feet for multi-family or non-residential for each side of a double-sided sign;

- c. There shall be no more than one sign per street frontage; and
- d. Illuminated real estate signs are prohibited.

9. Signs placed by utilities or other publicly regulated service providers indicating location of underground facilities, danger, and aids to service or safety, including official advisory and signal flags;

10. Copy changes in approved changeable copy signs;

11. Signs or notices incidental to a commercial, mixed-use, or industrial establishment (e.g., hours of operation, credit card information, emergency contact information, help wanted, open-close) provided the signs do not contain any commercial messages, the establishment logo, and in total do not exceed four square feet in area for all incidental signs;

12. Memorial tablets or signs and iconic markers;

13. Window signs not exceeding 25 percent of a tenant's total window space. Notwithstanding the foregoing, window signs shall not include the outline of windows with neon/LED light borders;

14. Signs related to the operation of a Mobile Food Vending Facility, provided that the aggregate sign area of all signs on the site, including the signs related to the operation of a Mobile Food Vending Facility, does not exceed the sign area standards in the district in which the Mobile Food Vending Facility is operating.

B. Routine Maintenance. Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign. No Sign Permit shall be required unless structural changes are proposed to be made.

C. Building Permit may be required. Under certain circumstances, temporary signs

and other exempt signs may require a Building or Electrical Permit, as required by the uniform codes adopted by the City.”

SECTION 19: That Subsection C of Section 18.42.170, “Signs in Office and Industrial Zones” of Chapter 18.42, “Sign Standards” of Title 18, “Zoning” of the SCCC is hereby amended to read as follows:

“C. **General ~~Commercial and Mixed-Use~~ Office and Industrial Sign Location Regulations.** Sign shall be placed a minimum of five feet from the front property line and shall not be located within a dedicated utility easement.”

SECTION 20: That the table of contents entry for Section 18.60.120, Home Occupations, of Chapter 18.60, “Standards for Specific Land Uses”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“18.60.120 – ~~some~~ Home Occupations”

SECTION 21: That Section 18.60.020, “Accessory Dwelling Units”, of Chapter 18.60, “Standards for Specific Land Uses”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“18.60.020 – Accessory Dwelling Units

A. **Ministerial ADU Approval on Single-Family Parcels.** The City shall ministerially approve the construction of accessory dwelling units (ADUs) through the issuance of a Zoning Clearance on any single-family residential parcel to create any of the following:

1. One detached ADU;
2. One attached ADU or one attached JADU, subject to the following:
 - a. The attached ADU has exterior access and matches the height of the existing or proposed building or an existing accessory structure;

- b. The attached ADU is within the building space of an existing accessory structure or Single Family Dwelling (SFD) or a proposed SFD. Enclosed uses within the residence, such as attached garages, are considered part of the proposed or existing SFD.
 - c. The JADU has exterior access and is contained within the Building Space of an existing or proposed Single Family Dwelling (SFD); or
 - d. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- 3. One converted ADU satisfying the requirements of subsection 18.60.020.J.
 - 4. Any combination of one detached ADU described in Subsection 1 Above, one attached JADU described in Subsection 2.c or 2.d, above, and one converted ADU described in Subsection 3 above.

B. Ministerial ADU Approval on Multi-Family and Mixed-Use Parcels. The City shall ministerially approve ADUs through the issuance of a Zoning Clearance on any multi-family residential or mixed-use parcel to create any of the following:

- 1. Up to two detached ADUs that comply with ADU height and setback standards;
- 2. At least one attached ADU in a multi-family or mixed-use structure, and additional attached ADUs up to 25 percent of the number of existing dwelling units, provided that any attached ADUs are placed within areas of the structure that are not currently used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages; or

3. A combination of the ADUs listed in Subsections 1. and 2., above.

4. For ADUs subject to ministerial approval in one of the categories above, the following shall apply:

a. Legal nonconforming zoning conditions (setbacks, parcel coverage, etc.) do not need to be brought into conforming status in order to obtain the Building Permit for the ADU. In addition, illegal conditions unrelated to the construction of the ADU do not have to be corrected as a prerequisite to the construction of the ADU. Notwithstanding the foregoing, the City reserves its rights to require correction of any illegal conditions through standard code enforcement processes.

b. All rentals of ADUs and JADUs shall be for a term longer than 30 days beginning in 2020.

C. **Proposed ADUs Not Meeting Above Requirements.** Proposed ADUs not falling within any of the categories listed above may potentially still be approved but shall meet the standards specified in SCCC Chapter 18.10 ~~or 18.12~~ and undergo Architectural Review in compliance with Chapter 18.12076.

D. **Development Standards Applicable to All ADUs.**

1. Parcel size: No minimum parcel size is required to construct an ADU or JADU on a single-family, multi-family. Or mixed-use property.

2. Minimum floor area: 150 square feet.

3. Parking: No parking spaces are required for an ADU or JADU.

4. When a garage, carport, or covered parking structure for the SFD is demolished in conjunction with the construction of an ADU or JADU or converted to an ADU or JADU, those off-street parking spaces need not be replaced.

E. Development Standards for ADUs and JADUs on Single-Family, Multi-Family, and Mixed-Use Parcels.

1. Detached ADUs.

a. Height limit: 1 story, 18 feet, excepting building elements that meet the development standards in Subsection 2, below.

~~b. Maximum number of stories: 1.5.~~ b. Setback, rear: 4 feet.

c. Setback, side: 4 feet.

d. Setback, corner side: 4 feet.

e. Unit size maximum, parcels less than or equal to 5,500 square feet: 1,000 square feet.

f. Unit size maximum, parcels greater than 5,500 square feet: 1,200 square feet.

g. Detached ADUs may include a detached garage.

2. **Additional development standards for detached ADUs greater than one story and 18 feet in height.**

a. Height limit: 1.5 stories, 25 feet

b. Setback, rear, one-story elements: 4 feet.

c. Setback, rear, multi-story elements: 15 feet.

d. Setback, side, one-story elements: 4 feet

e. Setback, side, multi-story elements: 9 feet

f. Maximum width for dormers: 40 percent of the subject building elevation.

- g. Egress windows: Egress windows shall face the primary residence, as opposed to the neighboring properties.

3. **Attached ADUs.**

- a. Height, number of stories: 25 feet and 2 stories
- b. Setback, front: Meet the setback for the subject zone, except as provided in paragraphs H and I.
- c. Setback, side: 4 feet.
- d. Setback, rear, one-story elements: 4 feet.
- e. Setback, rear, multi-story elements: 15 feet.
- f. Unit size: 1,000 square feet or 50 percent of the size of the main unit

(minimum of 800 square feet), whichever is less.

g. All attached ADUs subject to ministerial approval shall be constructed within the setbacks required and at a maximum height of 25 feet will still qualify as being within the “building ~~envelope~~ space” if it includes an expansion of an existing SFD or accessory structure by up to 150 square feet for purpose of creating ingress/egress. Such an expansion may exceed the zoning requirements for the main SFD (such as parcel coverage and setbacks).

h. For the purposes of ADUs, “Bbuilding ~~Envelope~~ space” shall mean the walls of a proposed SFD or an existing SFD or accessory structure. However, an attached ADU will still qualify as being within the “building ~~envelope~~ space” if it includes an expansion of an existing accessory structure by up to 150 square feet for purpose of creating ingress/egress. Such an expansion may exceed the zoning requirements for the main SFD (such as parcel coverage and setbacks).

F. **Development Standards for JADUs.** JADUs are attached ADUs built within the building ~~envelope~~ space of an existing or proposed structure.

1. The maximum area of a JADU is 500 square feet.

2. All JADUs must be constructed within the walls of a proposed or existing SFD. The 150-square foot “building ~~envelope~~ space” expansion is not available for JADUs. JADUs are not permitted in accessory structures.

3. A JADU shall contain an efficiency kitchen (a cooking facility with appliances, a food preparation counter, and storage cabinets).

4. A JADU may include separate bathroom facilities or may share bathroom facilities with the main SFD. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

5. Owner-occupancy is required in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

6. The recordation of a deed restriction is required, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

b. A restriction on the size and attributes of the JADU that conforms

with this section of the Zoning Code.

G. ADUs subject to Parcel Coverage, Floor Area Ratio (FAR), and Open Space Requirements. ADUs and JADUs are subject to front setback requirements, parcel coverage, FAR, and open space requirements, but only to the extent that such requirements would still allow for:

1. A detached ADU of 800 square feet, that is at least 18 feet in height with four-foot rear yard and four-foot side yard setbacks. Setbacks and side yard setbacks to be constructed in compliance with all other applicable City development standards.

2. An attached ADU, staying within the existing bBuilding Envelope space, and constructed in compliance with all other applicable City development standards.

H. ADUs Not Meeting Ministerial Approval Standards. ADUs and JADUs not meeting ministerial approval standards under Paragraph A, are subject to Architectural Review in compliance with Chapter 18.76 and shall meet all applicable Zoning Code regulations.

I. ADUs Proposed in The Location of Existing Accessory Structures. No setbacks are required for conversions of existing structures (garages or other accessory structure) that are constructed in the same location and to the same dimensions as the existing structure.

J. ADUs on Historically Designated Properties.

1. The City is expressly allowed to regulate parking, height, setback, landscape, Architectural Review, maximum unit size, to require standards that prevent adverse impacts on any properties listed in the California Register of Historical Resources.

2. The addition of an ADU to a property listed in the California Register of Historical Resources requires a Significant Properties Alteration (SPA) Permit.

K. **Standards Applicable to Converted ADUs.** The following standards apply only to converted accessory dwelling units:

1. **Definition.** A converted ADU is an ADU converted from an existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses, or an accessory structure including but not limited to a studio, pool house, or other similar structure.

2. **Limited Expansion.** Conversions may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure.

3. **Exterior Access Required.** The converted space or structure shall have exterior access.

4. **Setbacks.** An accessory dwelling unit or portion of an accessory dwelling unit located within the existing space of an existing dwelling or within an existing detached accessory structure shall not require a setback from the rear, street side, or interior side property lines.

5. **Parking.** No additional off-street parking is required for the converted accessory dwelling unit. If replacement parking is provided, the replacement spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space

or in rear yard on a paved surface.

6. **Unit Size Requirements.** The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to unit size requirements established in this Section. For example, if an existing 2,000 square-foot accessory structure was converted to an accessory dwelling unit, it would not be subject to the established unit size requirements.”

~~**B. Ministerial ADU Approval on Multi-Family and Mixed-Use Parcels.** The City shall ministerially approve ADUs through the issuance of Zoning Clearance on any multi-family residential or mixed-use parcel to create any of the following:~~

~~1. Up to two detached ADUs that comply with ADU height and setback standards; At least one attached ADU in a multi-family or mixed-use structure, and additional attached ADUs up to 25 percent of the number of existing dwelling units, provided that any attached ADUs are placed within areas of the structure that are not currently used as livable space, including storage rooms, boiler rooms, passageways, attics, basements, or garages; or~~

~~A combination of the ADUs listed in Subsections 1. and 2., above.~~

~~For ADUs subject to ministerial approval in one of the categories above, the following shall apply:~~

- ~~a. Legal nonconforming zoning conditions (setbacks, parcel coverage, etc.) do not need to be brought into conforming status in order to obtain the Building Permit for the ADU. In addition, illegal conditions unrelated to the construction of the ADU do not have to be corrected as a prerequisite to the construction of the ADU. Notwithstanding~~

~~the foregoing, the City reserves its rights to require correction of any illegal conditions through standard code enforcement processes.~~

- ~~b. All rentals of ADUs and JADUs shall be for a term longer than 30 days beginning in 2020.~~

~~Proposed ADUs not falling within any of the categories listed above may potentially still be approved but shall meet the standards specified in SCCG Chapters 18.10 or 18.12 and undergo Architectural Review in compliance with Chapter 18.76.~~

SECTION 22: That Subsection B of Section 18.60.090, “Data Centers” of Title 18 (entitled “Zoning”), of “The Code of the City of Santa Clara, California” (“SCCC”) is revised as follows:

“**Permit Requirements.** Data Centers are allowed as specified in Table ~~2-13~~ 2-9 (Office and Industrial Zone Allowed Uses and Permit Requirements).

SECTION 23: That Subsection D, “Developmental and Operational Standards,” of Section 18.60.110, “Emergency Shelters” of Chapter 18.60, “Standards for Specific Land Uses,” of Title 18, Zoning, of the SCCG is hereby amended to read as follows:

“**D. Developmental and Operational Standards.** The following standards shall apply to all Emergency Shelters:

- ~~1. Parcel Coverage and Maximum Occupants.~~ **Maximum Number of Beds.** The maximum number of ~~occupants to be served at any given time~~ beds shall not exceed 50.
- ~~2. Separation of Uses.~~ A minimum distance of 300 feet shall be maintained from any ~~other emergency shelter.~~
- ~~3. Length of Stay.~~ The maximum stay at the facility shall not exceed 180 total days in any 365-day period.

~~4.3.~~ Intake Areas. On-site client waiting and intake areas shall be located inside the structure, when feasible, and shall be screened from public and private property. If not feasible, an exterior waiting area shall be provided which:

- a. Contains a minimum of 10 square feet per bed provided at the facility;
- b. Shall be in a location not adjacent to the public right-of-way; and
- c. Shall be visibly separated from public view by a minimum six-foot-tall visual screening.

~~5.4.~~ Intake Area Hours. Hours of intake shall be between the hours of 5:00 p.m. to 9:00 p.m. Overnight occupants shall not be allowed to leave the facility on foot before 7:00 a.m. the following morning.

~~6.5.~~ On-site Employee Requirements. A minimum of one employee for each 15 beds provided, in addition to security personnel, shall be on duty and remain on-site during operational hours whenever occupants are on the site.

~~7.6.~~ Required Security. Security personnel shall be provided during operational hours whenever clients are on the site and when people are waiting outside the facility.

~~8.7.~~ Exterior Lighting. Exterior lighting shall be provided for the entire outdoor area of the site. Exterior lighting shall be stationary, directed downward and away from adjacent properties and public rights-of-way, and be of an intensity compatible with the neighborhood and the regulations of Section 18.40.080 (Outdoor Lighting).

~~9.8.~~ Allowable On-site Services. The emergency shelter may provide the following services and facilities to occupants in a designated area separate from the sleeping areas:

- a. A recreation area either inside or outside the shelter. If located outside, the

area shall be screened from public view.

- b. A counseling center for job placement, educational, health care, legal, or mental health services.
- c. Laundry facilities sized to properly serve the number of occupants at the shelter.
- d. Kitchen for the preparation of meals.
- e. Dining hall.
- f. Client storage areas (i.e., for the overnight storage of bicycles and personal items).
- g. Similar services supporting the needs of homeless occupants.

~~40-9.~~ Annual Report to the City. The operator of the facility shall provide, via the Homelessness Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations, at the City's request, an annual report of the use of the facility and determination of compliance with the City's development standards for the use. The report shall include information regarding client stays, client demographics, client income, and exit destinations.

~~44-10.~~ On-site Management. Professional and on-site management, with experience managing emergency shelters, shall be provided at all times."

SECTION 24: That a new Section 18.60.280, "Mobile Food Vendors" is hereby added to Chapter 18.60, "Standards for Specific Land Uses" of Title 18, "Zoning", of the SCCC to read as follows:

"18.60.280 – Mobile Food Vendors

A. Purpose and Intent. The intent of these regulations is to encourage mobile food

vending that is compatible with associated and surrounding uses and do not obstruct pedestrian or vehicular circulation or create an unsightly appearance.

B. General Developmental Standards. The following developmental standards shall apply to all Mobile Food Vendors:

1. Location. Mobile Food Vendors shall occupy a fixed, specifically approved location that does not disrupt the normal function of the site or its circulation and does not encroach upon driveways, emergency vehicle/fire access lanes, landscaped areas, pedestrian walkways or pathways, bicycle lanes, seating, enhanced pedestrian amenities (e.g., waste receptacles and drinking fountains), or any other requirement listed in the Building Code. Outdoor dining and seating shall not be located within the public right-of-way, in designated vehicle drive aisles, or within required landscape planter areas.

2. Hours of Operation. For Mobile Food Vendors that are located within 100 feet of a residential use, hours of operation are limited to 7 am to 10 pm daily.

3. Signs. No additional business identification or advertising signs for Mobile Food Vendors shall be allowed above the maximum allowable sign area for the corresponding primary use as established in Chapter 18.42 (Sign Standards).

4. Maintenance. Mobile Food Vendor areas shall be kept free of garbage and other debris and shall not encroach into required sidewalk clearance areas.

5. Distance from Residential Uses. Except as otherwise expressly allowed in this Zoning Code, no Mobile Food Vendor shall be located less than 100 feet from the property line of a residentially zoned parcel without prior approval of a Minor Use Permit.

6. Operational Standards. The following operational standards shall apply to all Mobile Food Vendors:

a. Permittee to Ensure Maintenance. The permittee shall be responsible for, and exercise reasonable care in, the inspection, maintenance, and cleanliness of the area containing the Mobile Food Vendor, including any design requirements hereafter enacted, from the structure frontage to the curb.

b. Permittee to Ensure Compliance. The permittee shall restrict the Mobile Food Vendor to the approved location and ensure compliance with all applicable laws, including laws against blocking the public right-of-way, health and safety laws, public cleanliness laws, and laws regulating the sale and public consumption of alcohol.

c. Alcoholic Beverage Sales. Areas in which alcoholic beverages are served shall comply with the standards established by the State Department of Alcoholic Beverage Control.

d. Clean-up Facilities. The property owner shall provide adequate clean-up facilities for Mobile Food Vendors, and associated procedures, in the following manner.

i. Cleaning Schedule. Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety; and,

ii. Waste Receptacles. Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees.

e. Required Parking. No additional parking shall be required for the Mobile Food Vending area associated with the primary use. Up to four parking spaces can be occupied by the Mobile Food Vending Facility.

f. **Amplified Sound.** No amplified sound associated with the Mobile Food Vendor Use is allowed.

g. **Temporary Canopies.** Any temporary canopies associated with seating areas are required to be removed on a nightly basis.

C. Permit Requirements.

1. All Mobile Food Vendor subject to the requirements of this Section shall be allowed as specified in Article 2 (Zones, Allowable Uses, and Development Standards).

2. Mobile Food Vendors are allowed as follows:

a. When operating for less than two hours, no permit is required, except as otherwise provided below;

b. When operating for more than two hours but less than four hours on a site: A Zoning Clearance is required, but no Minor Use Permit, except as otherwise provided below; and

c. When operating for more than four hours on a site, or when operating within 100 feet of a residentially zoned parcel, measured from the Mobile Food Vending Facility to the property line, for any length of time: A Minor Use Permit is required.

3. When a Zoning Clearance is required, the Mobile Food Vendor is subject to the following standards:

a. The Property Owner's written authorization is required.

b. The applicant shall provide a site plan that details the Mobile Food Vending location, seating location and location of required trash receptacles. All plans are subject to approval by the Fire and Building Departments.

c. The applicant is required to provide County Public Health clearance.

d. The applicant is required to provide trash cans for on-site litter control.

e. Seating is limited to a maximum area of 500 square feet and a maximum of 24 seats.

f. Any improvements do not interfere with a continuous pedestrian path of travel in compliance with State and Federal accessibility regulations that will not obstruct fire, pedestrian, and wheelchair access.

4. When a Minor Use Permit is required, in order to approve the proposed Mobile Food Vendor, the Director shall make the Zoning Clearance standards above, the standard findings required for the Minor Use Permit, as well as all the following additional findings:

a. Allows a continuous pedestrian path of travel in compliance with State and Federal accessibility regulations that will not obstruct fire, pedestrian, and wheelchair access.

b. Does not unduly interfere with pedestrian traffic on the sidewalk.

c. Does not unduly interfere with access of public employees and utility workers to meters, fire hydrants, or other objects (street hardware) in the right-of-way.

d. Allows an unobstructed view of traffic devices.”

SECTION 25: That Paragraph 2 of Subsection A of Section 18.60.270, “Developments Located Within the Airport Influence Area” of Chapter 18.60, “Standards for Specific Land Uses”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“2. To ensure compliance with safety zone policies in the SJC Comprehensive Land Use Plan (CLUP), all proposed housing development within the various safety

zones must conform to the applicable density allowances and open space/open area requirements as outlined in in Section 4.3.5.1 and Table 4-2 of the SJC CLUP.”

SECTION 26: That Subsection B, “Quasi-Judicial Actions and Permits”, of Section 18.110.020, “Discretionary Permits and Actions,” of Chapter 18.110, “General Provisions,” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“Quasi-Judicial Actions and Permits, Director Approval. Except when combined with legislative actions, the Director is the designated Review Authority for the Architectural Review, Minor Use Permits and Temporary Use Permits. The Planning Commission is the designated Review Authority for Variances Conditional Use Permits and Variances. following quasi-judicial permits and actions. Additionally Alternatively, the Director may refer applications to the Planning Commission. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 18.146 (Public Notices and Hearings).

1. Architectural Reviews with a Public Hearing. A review process providing for review of projects for compliance with the provisions of this Zoning Code and with any site plan or architectural design guidelines adopted by the City as specified in Chapter 18.120~~2~~ (Architectural Review), for which a public hearing is required by Section 18.120.020.D. ~~The Director’s and Commission’s review roles are specified in Chapter 18.122 and Table 6-1.~~

2. Historic Preservation—Significant Property Alteration (SPA) Permits for either Minor or Major Alterations. A permit allowing for the alteration of properties and buildings on the City’s Historic Resources Inventory (HRI), as specified in Chapter 18.130, Historic Preservation. SPA permits are heard by the Director, with Major SPA permits

reviewed and recommended on by the Historical Landmarks Commission.

3. Minor Use Permits. A ~~administrative~~ permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code and the procedures specified in Chapter 18.114 (Conditional and Minor Use Permits).

4. Temporary Use Permits. A permit authorizing specific limited term uses in compliance with conditions and performance criteria specified in Chapter 18.1242 (Temporary Use Permits).”

SECTION 27: That Subsection C, “Legislative Actions,” and Subsection D, “Subdivision Maps and Other Approvals,” of Section 18.110.020, “Discretionary Permits and Actions,” of Chapter 18.110, “General Provisions,” of Title 18, “Zoning”, of the SCCC are hereby renumbered as new Subsections D and E, respectively.

SECTION 28: That a new Subsection C, “Quasi-Judicial Actions and Permits, Planning Commission Approval,” is hereby added to Section 18.110.020, “Discretionary Permits and Actions,” of Chapter 18.110, “General Provisions,” of Title 18, “Zoning”, of the SCCC to read as follows:

“C. Quasi-Judicial Actions and Permits, Planning Commission Approval. Except when combined with legislative actions, The Planning Commission is the designated Review Authority for the following quasi-judicial permits and actions. Additionally, the Director may refer applications to the Planning Commission. A public hearing is required for the following quasi-judicial actions in compliance with Chapter 18.146 (Public Notices and Hearings).

1. Conditional Use Permits. A permit conditionally authorizing a specific use of

land or a structure in a particular location in compliance with the provisions of this Zoning Code and the procedures specified in Chapter 18.114 (Conditional and Minor Use Permits).

2. **Variances.** An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with Chapter 18.126 (Variances and Minor Modifications).”

SECTION 29: That Table 6-1, “Review Authority”, of Chapter 18.112, “Application Processing Procedures” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

**Table 6-1
Review Authority**

Type of Action	Applicable Code Citation	Role of Review Authority ⁽¹⁾⁽²⁾		
		Director	Planning Commission	Council
A. Administrative Permits and Actions				
Architectural Review				
Review of Single-Family Res.	18.120	Decision	Appeal	Appeal
Review of All Other Items	18.120	Decision		Appeal
Density Bonus for Affordable Housing	18.64	Decision	Appeal	
Minor Modifications	18.124	Decision	Appeal	
Minor Use Permits	18.114	Decision	Appeal	
Off-Site Parking Permit	18.116	Decision	Appeal	
Reasonable Accommodation	18.118	Decision	Appeal	
Sign Permits/Comprehensive Sign Programs	18.44	Decision	Appeal	
Temporary Use Permits	18.122	Decision	Appeal	
Zoning Clearances	18.126	Issuance	Appeal	
B. Quasi-Judicial Permits and Actions				
Conditional Use Permits	18.114		Decision	Appeal
Major Modifications	18.114		Decision	Appeal
Minor Modifications	18.114	Decision	Appeal	
Historic Preservation – Minor SPAs for <u>Minor Alterations</u>	18.130	Decision	Appeal	
Historic Preservation – Major SPAs for <u>Major Alterations</u>	18.130	Decision	Appeal	
Variances	18.124		Decision	Appeal
C. Legislative Actions				
General Plan Text/Map Amendments	18.142		Recommend	Decision
Specific Plans and Amendments	18.150		Recommend	Decision
Zoning Code Text/Zoning Map Amendments	18.142		Recommend	Decision
D. Subdivision Maps and Other Approvals				

**Table 6-1
Review Authority**

Tentative Maps, Final and Parcel Maps	See Title 17 (Development), Chapter 17.05 (Subdivisions)
Lot Line Adjustments, Mergers, and Approvals	See Title 17 (Development), Chapter 17.05 (Subdivisions)
Notes:	
<ol style="list-style-type: none"> 1. "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 18.144 (Appeals); "Issuance" means that the Review Authority may consider and grant the request in compliance with this Zoning Code; "Recommend" means that the Review Authority should provide preliminary review and forward input to the decision-making Review Authority for consideration. 2. Any Review Authority may defer action and refer the request to the next higher Review Authority level for consideration and final action. In cases where the Council is specified as the Review Authority, the Council shall be the final level of review. 	

SECTION 30: That Section 18.116.030, "Administrative Off-Site Parking Permit Required", of Chapter 18.116, "Off Site Parking Permits" of Title 18, "Zoning, of the SCCC is hereby amended to read as follows:

"18.116.030 – Administrative Off-Site Parking Permit Required

All property owners, except the City, Sports and Open Space Authority, Housing Authority, Bayshore North Project Enhancement Authority, and Stadium Authority, who seek to provide parking on their parcel or site for a project or use located elsewhere, shall first obtain an Administrative Off-Site Parking Permit. Applications for Off-Site Parking Permits shall include all of the following:

- A.** Aerial Photo(s). Aerial photo(s) illustrating the boundaries of the parcel or site generating the parking demand and the parcel or site providing the off-site parking. Aerial photo(s) shall clearly indicate the distance between the project site and the off-site parking locations. A pedestrian path of travel between the parcels or sites shall also be illustrated on the aerial photo(s).
- B.** Site Plan. A site plan for the site or parcel where the off-site parking will be provided. The site plan shall clearly illustrate all parking spaces, the dimensions of

parking spaces, a parking space count, any parking spaces reserved for on-site use(s), driveways, curb cuts, drive aisles, landscaping, signs, and light standards.

c. **Written Description.** A written description of the off-site parking, which shall include, but not be limited to all of the following:

1. Days/hours of availability for off-site parking;
2. The term of the off-site parking availability (e.g., annual, until sale of property, etc.);
3. Responsible party for off-site parking management;
4. A written statement acknowledging that designated off-site parking spaces are exclusively for the benefit of off-site uses, and are not available for concurrent use to meet on-site parking demand;
5. Description/count of ~~parking~~ parking spaces available under the Off-Site Parking Permit; and
6. Existing uses on the parcels or sites providing the off-site parking, and the associated parking requirement.

d. **Fee.** Application submittal fees in compliance with Section 18.112.040 (Application and Other Related Fees).”

SECTION 31: That Subsection K, “Appeals”, of Section 18.120.020, “Architectural Review Process”, of Chapter 18.120, “Architectural Review”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“K. Appeals.

1. Single-Family Residential Project.

- a. In the event the applicant or any interested party are not satisfied

with the decision of the Director or designee for a single-family residential project, they may within seven days after such decision, appeal in writing to the Planning Commission, in compliance with the procedures specified in Chapter 18.144 (Appeals).

- b. In the event the applicant or any interested party are not satisfied with the decision of the Planning Commission for a single-family residential project, they may within seven days after such decision, appeal in writing to the Council, in compliance with the procedures specified in Chapter 18.144 (Appeals).

2. Other Than a Single-Family Residential Project.

- a. For a project other than a single-family residential project, in the event the applicant or any interested party are not satisfied with the decision of the Director they may within seven days after such decision, appeal in writing to the Council, in compliance with the procedures specified in Chapter 18.144 (Appeals).
- b. Said appeal shall be taken by the filing of a notice in writing to that effect with the City Clerk.

3. Appeals Shall be Heard de Novo. All appeals of Architectural Review approvals will be heard de novo.

4. Director May Refer to the Council. The Director may refer any application for Architectural Review consideration to the Council for its decision with the same effect as if an appeal had been taken.”

SECTION 32: That Subsection A, “Approvals, Permits, and Variances”, of Section

18.128.030, “Effective Dates of Permits”, of Chapter 18.128, “Permit Implementation, Time Limits, and Extensions” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“A. Approvals, Permits, and Variances.

1. Decisions on a a Reasonable Accommodation, Temporary Use Permit, and Zoning Clearance shall become effective immediately following its approval/issuance.

2. Decisions on an n Architectural Review, Conditional Use Permit, Minor Modifications, Minor Use Permit, or Variance shall become effective on the eighth calendar day following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with Chapter 18.144 (Appeals) prior to the effective date.”

SECTION 33: That Subsection C, “Appeal”, of Section 18.128.100, “Condition Compliance Required”, of Chapter 18.128, “Permit Implementation, Time Limits, and Extensions” of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“C. **Appeal.** If the applicant wishes to appeal any or all the final conditions of approval, the applicant shall file an appeal ~~within five days following the actual date the decision was rendered by the applicable review authority~~ in compliance with Chapter 18.144 (Appeals).”

SECTION 34: That the current Sections 18.122.040, “Application Filing, Processing, and Review”, through 18.122.090, “Post-Decision Procedures”, inclusive, are hereby renumbered as Sections 18.122.060 through 18.122.110, inclusive.

SECTION 35: That a new Section 18.122.040, “Exempt Temporary Uses”, is hereby

added to Chapter 18.122, "Temporary Use Permits", of Title 18, "Zoning" of the SCCC to read as follows:

"18.122.040 - Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the permit requirement for a Temporary Use Permit. Temporary uses that do not fall within the categories defined below shall comply with Section 18.122.050 (Allowed Temporary Uses), below.

A. Construction Sites – On-Site.

1. On-site contractors' construction and/or storage uses, in conjunction with an approved construction project on the same parcel.
2. One caretaker unit may be present on-site during non-construction hours.
3. The construction and/or storage use shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Emergency Facilities. Emergency public health and safety needs/land use activities, as determined by the Director.

C. Garage and Yard Sales. Residential garage and yard sales for the purpose of selling used household merchandise not to exceeding two, two-day periods each year.

D. Events on Publicly Owned Property. Events that are conducted solely on publicly owned property and are sponsored by educational, fraternal, or service organizations directly engaged in civic or charitable efforts, subject to the approval of the Director."

SECTION 36: That a new Section 18.122.050, “Allowed Temporary Uses”, is hereby added to Chapter 18.122, “Temporary Use Permits”, of Title 18, “Zoning” of the SCCC to read as follows:

“18.122.050 – Allowed Temporary Uses

The following temporary uses are allowed on private property, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with the specified time limits and Section 18.124.090 (Conditions of Approval), below. A Temporary Use Permit shall not be issued if another temporary use has occurred on the subject property within the previous 30 (whether by the same applicant or otherwise).

A. Contractors’ Construction Sites – Off-Site. The temporary use of a site for an off-site contractor’s construction, staging, or storage area(s). The permit may be effective for up to 180 days and extended in 180-day increments, with Director approval, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Special Events.

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, festivals, flea markets, food markets/events, outdoor entertainment/ festivals/sporting events, petting zoos, religious revivals, rodeos, rummage sales (not garage or yard sales), tent camps, and swap meets limited to six consecutive days or less within any 30-day period, or six two-day weekends, within a 12-month period. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.

2. Outdoor display and sale events conducted by a retail business,

including auto dealerships, holding a valid Business License, issued in compliance with SCCC Title 5 (Business Licenses and Regulations), may be allowed a maximum of six outdoor sale events (excluding City-sponsored activities). For purposes of this Subsection, an outdoor sale event shall be no longer than seven consecutive days in duration. When an annual plan is submitted to and approved by the Director, the frequency and duration of these special events may be extended.

3. Outdoor meetings and group activities/assemblies for two or less seven consecutive day events, within a 12-month period.

4. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) in compliance with SCCC Title 5 (Business Licenses and Regulations) provided, the length of the activity may not exceed 45 days in any 365-day period

5. Car washes, limited to one event each month for each site, not exceeding three days in length, and prohibited within the residential zones. Sponsorship shall be limited to charitable, educational, fraternal, religious, schools, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with 501(c) of the Federal Revenue and Taxation Code.

C. Temporary Residential Real Estate Sales Offices. One temporary real estate office may be located in any approved residential subdivision located within any residential or mixed-use zone in the City.

1. The temporary real estate office shall be used only for the sale of residential or commercial property located within the subdivision in which the office is located.

2. The temporary real estate office shall be removed at the end of two

years following the date of the recording of the final map of the subject subdivision in which the office is located.

3. If any parcels within the subdivision have not been sold at the end of the original two-year period, the Director may approve extensions for the continuation of the real estate office on a month-to-month basis.

D. Temporary Structures. A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved, for a maximum period of 12 months, as an accessory use or as the first phase of a development project, on sites located within the commercial, industrial, and mixed-use zones of the City.

E. Temporary Work Trailers. A permit for temporary work trailer(s) may be approved by the Director for up to 12 months, as a temporary work site for employees of a business:

1. During construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force; or

2. Upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.

F. Other Similar Temporary Uses. Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

G. Temporary Uses Needing Additional Days to Operate. Applications for temporary uses (other than the uses specified in Subparagraph B., above that are proposed to last more than six days (but not more than 45 days) or those proposed for a period of more than 15 consecutive days shall require the approval by the Director of a Minor Use Permit in compliance with Chapter 18.114.”

SECTION 37: That Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC is hereby renumbered from Chapter 18.60 to Chapter 18.160, with Sections 18.60.010 to 18.60.260, inclusive, being renumbered to Sections 18.160.010 to 18.160.260, inclusive.

SECTION 38: That the definitions for “Banks and Financial Institution” and “Banks and Financial Institution, Stand-alone ATM” located in Section 18.160.020, “B’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC are hereby amended to read as follows:

“Banks and Financial Institution Establishments. Commercial establishments including federally chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses.

Banks and Financial Institution Establishments, Stand-alone ATM. Stand-alone commercial establishments typically in the form of a self-serve kiosk located in retail shopping centers, areas for commercial entertainment, or adjacent to pedestrian walkways, that provide retail banking services to individuals and businesses.”

SECTION 39: That the definitions for the terms “Recreational Facility, Indoor Amusement” and “Recreational Facility, Outdoor Amusement” in section 18.160.180, “R’ Definitions”, be re-named “Commercial Recreational Facility, Indoors” and “Commercial Recreational Facility, Outdoors”, respectively, and are moved to Section 18.160.030, “C’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning” of the SCCC.

SECTION 40: That the definition for “Emergency Shelter” listed in Section 18.160.050, “E’ Definitions” of Article 8, “Definitions”, of Title 18 “Zoning”, of the SCCC is hereby amended to read as follows:

“Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less by homeless persons or families, where no one may be denied emergency shelter because of an inability to pay; as defined and used in California Health and Safety Code Section 50801. The definition also includes other interim interventions, including, but not limited to, navigation centers, bridge housing, and respite or recuperative care.”

SECTION 41: That a new definition for “Fitness Facilities” is hereby added to Section 18.160.060, “F’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC to read as follows:

“Fitness Facilities. A business or an organization charging a membership or use fee, including private clubs and gymnasiums, that provides exercise machines, free weights, swimming pool, spa, steam room or fitness training and classes for use by clients.”

SECTION 42: That a new definition for “Maintenance and Repair Services” is hereby added to Section 18.160.130, “M’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC to read as follows:

“Maintenance and Repair Services. On-site repair and incidental sales of supplies for small household goods, machinery, tools, equipment, and appliances, conducted within an enclosed building. This classification includes furniture refinishing and repair and excludes maintenance and repair of vehicles or industrial equipment.”

SECTION 43: That a new definition for “Parking Facility” is hereby added to Section 18.160.160, “P’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC to read as follows:

“Parking Facility. A parking lot or parking structure customarily used for the temporary parking of motor vehicles. Parking facilities can be either a primary use or an accessory use.”

SECTION 44: That the existing definition for “Public Parks and Playgrounds” is hereby re-named “Parks and Plazas” in Section 18.160.160, “P’ Definitions” of Article 8, “Definitions”, of Title 18, “Zoning”, of the SCCC and the definition is amended to read as follows:

~~**“Public Parks and Playgrounds.** Outdoor recreation facilities that provide a variety of recreational opportunities including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreational facilities. May also include enclosed structures providing for recreational opportunities.~~

“Parks and Plazas. Public parks, including playgrounds and athletic fields/courts and public plazas and outdoor gathering places, for community use.”

SECTION 45: That a new definition for the term “Use by Right” is hereby added immediately after the definition of the term “Use” to Section 18.160.210, “U” Definitions, of Article 8, “Definitions” of Title 18, “Zoning”, the SCCC to read as follows:

“Use by Right. Shall mean that for residential development projects subject to either Section 18.10.040.B.6 or 18.14.040.O, the City’s review of an owner-occupied or multifamily residential use shall not require a Conditional Use Permit, Minor Use Permit, Planned Development Rezoning, or other discretionary review, except that such projects shall still be subject to architectural review pursuant to Chapter 18.120 and any subdivision shall be subject to the City’s Subdivision Ordinance. However, such architectural review or subdivision shall not constitute a “project” for purposes of Division

13 (commencing with Section 21000) of the Public Resources Code.”

SECTION 46: That properties in the Transit Neighborhood (TN) zoning district shall be considered “Mixed-Use” properties to which Table 3-9 applies in Section 18.42.110, “Standards for Signs Requiring a Sign Permit” of Chapter 18.42, “Sign Standards”, of Title 18, “Zoning”, of the SCCC.

SECTION 47: That Paragraph 1, “Commercial Ancillary Uses”, of Subsection B, “General Office and Industrial Regulations”, of Section 18.16.040, “Other Applicable Regulations”, of Chapter 18.16, “Office and Industrial Zones”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

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

- a. The uses are intended to support and serve employees and visitors in the immediate area.
- b. Uses shall be located entirely within structures occupied by the primary use, unless otherwise approved with a Minor Use Permit.
- c. Ancillary uses shall occupy no more than 10 percent of the gross floor area of any structure or a maximum of 20,000 square feet, whichever is less, unless otherwise approved with a Minor Use Permit.
- d. Ancillary uses are limited to the following:
 - (1) Retail Establishments.
 - (2) Personal Services Establishments.

- (3) Restaurants.
- (4) Alcohol service incidental to a restaurant.
- (5) Drinking Establishments, subject to a Conditional Use Permit.
- (6) Outdoor Seating, ancillary to a restaurant.
- (7) Banks and Financial Establishments.”

SECTION 48: That Paragraph 5 of Subsection D, “Public Hearing Required”, of Section 18.120.020, “Architectural Review Process”, of Chapter 18.120, “Architectural Review”, of Title 18, “Zoning”, of the SCCC is hereby amended to read as follows:

“5. Modifications or additions to existing non-residential development, where the modification or addition is greater than 20,000 square feet in size of net new area.”

SECTION 49: That the cross-references to other sections of the code are updated to reflect the correct target destination.

SECTION 50: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

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SECTION 51: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this 16th day of July, 2024, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: None