

ORDINANCE NO. 674

AN ORDINANCE OF THE CITY OF FOSTER CITY AMENDING TITLE 17, "ZONING" MAKING REVISIONS TO VARIOUS CHAPTERS INCLUDING 17.12 R-1 SINGLE FAMILY RESIDENCE DISTRICT; 17.04 DEFINITIONS; 17.14 R-2 TWO FAMILY RESIDENCE DISTRICT; 17.16 R-T TOWNHOUSE RESIDENCE DISTRICT; 17.18 R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT; 17.20 R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT; 17.26, C-2 GENERAL BUSINESS DISTRICT; 17.28 C-M COMMERCIAL MIX DISTRICT; 17.36 PD PLANNED DEVELOPMENT COMBINING DISTRICT; 17.58 ARCHITECTURAL CONTROL AND SUPERVISION; AND 17.62 OFF-STREET PARKING REGULATIONS AND FINDING THAT THE PROPOSED AMENDMENTS TO TITLE 17 ARE EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) - RZ2021-0001

CITY OF FOSTER CITY

WHEREAS, the recent state laws have limited a local jurisdiction's ability to apply subjective design standards for qualifying housing projects and local jurisdictions can now only rely on the application of objective design standards to multi-family and residential mixed-use projects; and

WHEREAS, objective standards are those that do not involve personal or subjective judgment; and

WHEREAS, on May 3, 2021, the City Council adopted Resolution No. 2021-52, directing staff and the Planning Commission to prepare the Multi-Family Objective Design Standards in a new chapter of Title 17, Zoning, of the Foster City Municipal Code; and

WHEREAS, the City has conducted a robust community engagement process to ensure that residents' views regarding the design of new multi-family developments are captured in the new regulations, including four (4) Planning Commission study sessions, a data walk, 30-day public comment period on the draft ordinance, a dedicated website, and various tabling events; and

WHEREAS, implementing the ODDS will include new development requirements for parking, height, setbacks, open space, and materials and colors to multi-family and residential mixed-use projects and therefore, as part of the implementation of these ODDS, there are will also updates to other chapters of the Municipal Code, including 17.04 Definitions; 17.12 R-1 Single Family Residence District; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-Street Parking Regulations; and

WHEREAS, on November 16, 2023, the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and considered a Resolution recommending amendments to Title 17, Zoning, to various chapters including 17.04 Definitions; 17.12 R-1 Single Family Residence District; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-Street Parking Regulations, and after conducting the public hearing, adopted Resolution No. P-18-23 recommending the City Council adopt the Ordinance approving the various amendments to Title 17; and

WHEREAS, on December 6, 2023, a public hearing notice was published and posted in three public places, pursuant to California Code Section 65090 for the City Council public hearing on December 18, 2023.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES ORDAIN AS FOLLOWS:

Section 1. The City Council does hereby find and determine based upon the aforementioned Record as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference; and
2. The ordinance making various amendments to Title 17 is not subject to review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000 et. seq.), including without limitation, Public Resources Code section 21065 and California Code of Regulations 15378 as the adoption of the amendments to zoning regulations are not a “project” that may cause a direct, or reasonably foreseeable indirect, physical change in the environment and if a “project,” the amendments to zoning regulations in Title 17 would be exempt under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

Section 2. Amendment. Chapters 17.04 Definitions; 17.12 R-1 Single Family Residence District; 17.14 R-2 Two Family Residence District; 17.16 R-T Townhouse Residence District; 17.18 R-3 Medium Density Multiple-Family Residence District; 17.20 R-4 High Density Multiple-Family Residence District; 17.26, C-2 General Business District; 17.28 C-M Commercial Mix District; 17.36 PD Planned Development Combining District; 17.58 Architectural Control and Supervision; and 17.62 Off-Street Parking Regulations within Title 17, “Zoning” of the Foster City Municipal Code are hereby amended as set forth in the attached Exhibits A through K, attached hereto and incorporated herein by reference.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 5. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the 18<sup>th</sup> day of December, 2023, and passed and adopted on the 16<sup>th</sup> day of January, 2024, by the following vote:

AYES: Councilmembers Froomin, Hindi, Jimenez, Kiesel, and Mayor Sullivan

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

*Patrick Sullivan*

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PATRICK SULLIVAN, MAYOR

ATTEST:

DocuSigned by:

*Priscilla Schaus*

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PRISCILLA SCHAUS, CITY CLERK

## **EXHIBIT A**

The following sections of Chapter 17.04 Definitions are hereby added or for existing definitions, the following sections shall be repealed and replaced in their entirety to read as follows:

### **“17.04.XXX Articulated roof form.**

“Articulated roof form” means either a gable roof, or a flat/parapet roof accompanied by a change in height. Articulated roof forms shall be:

- A. located directly above projecting or recessed building massing elements, significant building breaks, or façade articulation; and
- B. Occupiable, subject to Building Code provisions and height limits.

### **17.04.XXX Articulation, horizontal.**

“Horizontal articulation” means changes in massing or architectural details that occur in the horizontal direction (i.e., when moving left or right along a building frontage).

### **17.04.XXX Articulation, vertical.**

“Vertical articulation” means changes in massing or architectural details that occur in the vertical direction (i.e., when moving up or down a building frontage).

### **17.04.XXX Bicycle parking, long-term (Class I).**

“Bicycle parking, long-term (Class I)” means secured bicycle storage intended for long-term use, including bicycle lockers, storage rooms, or cages where each bicycle can be individually locked.

### **17.04.XXX Bicycle parking, short-term (Class II).**

“Bicycle parking, short-term (Class II)” means bicycle parking intended for short-term use, including sidewalk bicycle racks, metered bicycle rings, and on-street corrals.

**17.04.XXX Durable exterior materials.**

“Durable exterior materials” means materials suited for long-term outdoor use in a non-submerged marine environment with long-term resistance to ultraviolet radiation. Durable exterior materials shall be limited to:

- A. Redwood
- B. Cedar
- C. Teak
- D. UV stable mineral-composite high-density polyethylene or polyvinyl composite woods.
- E. Hard anodized 5052 or 5083 Aluminum alloys
- F. 316L Stainless Steel Alloy
- G. Other metals with either Thermoplastic powder coatings or Fluoropolymer powder coatings.

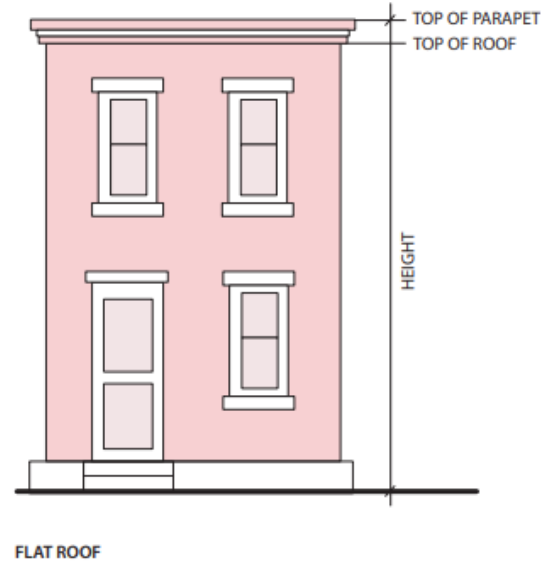
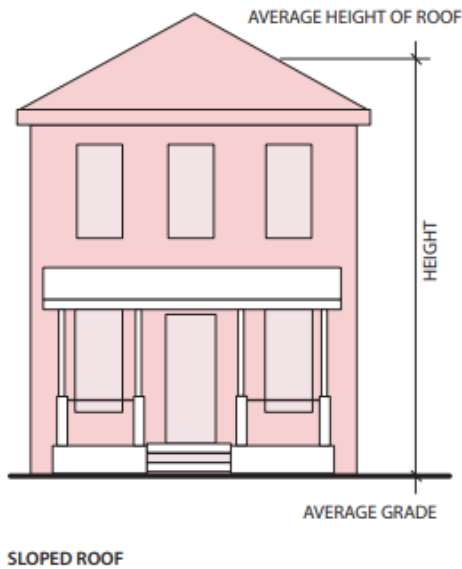
**17.04.XXX Façade.**

“Façade” means the exterior face of a building wall.

**17.04.XXX Height of building.**

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“Height of building” means the vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the building to the highest point of a flat roof or parapet for a building with a flat roof; the average height of a sloped roof; and is exclusive of accessory components such as but not limited to, mechanical penthouse, tower structures, chimneys, and mechanical equipment screens.



#### **17.04.XXX\_ Mechanical parking systems.**

“Mechanical parking systems” means a device, including an elevating device such as a vertical lift or automated vehicle storage system, that allows for the provision of parking in a compact form.

#### **17.04.XXX Mixed use.**

“Mixed use” means a zone district that has the potential for several types of land use or combinations of different land uses within a single development.

#### **17.04.XXX Multifamily.**

“Multifamily” means any structure designed for human habitation that is divided into two or more independent living quarters, not including accessory dwelling units.

#### **17.04.XXX\_ Multistory parking facilities.**

“Multistory parking facilities” means a structure consisting of more than one floor used for the temporary storage of motorized vehicles.

#### **17.04.XXX Open green area.**

“Open green area” means the area of a lot which is not occupied by building coverage, parking lot or driveway and in residential or mixed use developments includes common open green area and/or private green open area.

**17.04.XXX Open green area, common**

“Open green area, common”, means the portion of the open green area in residential or mixed use developments that is not limited to use by a single dwelling unit or tenant.

**17.04.XXX Open green area, private**

“Open green area, private”, means the portion of the open green area in residential or mixed use developments that is limited to use by a single dwelling unit or tenant.

**17.04.XXX Pedestrian-scaled lighting.**

“Pedestrian-scaled lighting” means a light source not more than fifteen feet above grade that is directed towards a pedestrian walkway, such as a bollard light, pole light, or street lamp.

**17.04.XXX Stepback.**

“Stepback” means any portion of the upper floor or floors that is horizontally recessed from the main wall of a frontage.

**17.04.XXX Turf, synthetic**

“Synthetic turf means a surface of synthetic fibers made to look like natural grass.”

All other existing sections in Chapter 17.04 not specifically identified herein shall remain unchanged. Any existing sections shall be renumbered as necessary.

**EXHIBIT B****Amendments to Chapter 17.12, R-1 SINGLE-FAMILY RESIDENCE DISTRICT**

Section 17.12.040 is hereby amended to be repealed and replaced in its entirety to read as follows:

**“17.12.040 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the R-1 district, except as modified by Chapter [17.54](#), Yards:

Minimum Building Site Required		Maximum Density Permitted	Minimum Yards Required			Maximum Height Permitted		Maximum Coverage Permitted
Minimum Width (ft.)	Minimum Area (sq. ft.)	(units per acre.)	Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.	(%)
40	5,000	8	20	5	20	2	25	50

All other existing sections in Chapter 17.12 not specifically identified herein shall remain unchanged.



## EXHIBIT C

### Amendments to Chapter 17.14, R-2 TWO-FAMILY RESIDENCE DISTRICT

Chapter 17.14 is hereby amended to be repealed and replaced in its entirety to read as follows:

**“17.14.010 Regulations generally.**

The specific regulations set forth in this chapter shall apply in all R-2 districts.

**17.14.020 Permitted uses.**

The following uses shall be permitted in the R-2 districts:

- A. Those uses permitted in any R-1 districts and as regulated therein;
- B. Two-family residences or duplex structures.

**17.14.030 Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit issued in accordance with Chapter [17.72](#):

- A. Those uses permitted in the R-1 districts with a conditional use permit and as regulated therein;
- B. Any otherwise conforming structure built upon a nonconforming legally constituted lot.

**17.14.040 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the R-2 districts:

Minimum Building Site		Maximum Density Permitted	Minimum Yards Required				Maximum Height Permitted	Maximum Coverage Permitted
Minimum Width (ft.)	Minimum Area (sq. ft.)	(units per acre)	Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.	(%)
40	5,000	13	20	5	20	2	25	50

**17.14.050 Parking.**

Parking shall be provided in accordance with Chapter [17.62](#).

**17.14.060 Design Standards.**

All development shall comply with Chapter 17.96.”

## EXHIBIT D

### Amendments to Chapter 17.16, R-T TOWNHOUSE RESIDENCE DISTRICT

Chapter 17.16 is hereby amended to be repealed and replaced in its entirety to read as follows:

**“17.16.010 Regulations generally.**

The specific regulations set forth in this chapter shall apply in all R-T districts.

**17.16.020 Permitted uses.**

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The following uses shall be permitted in the R-T district:

- A. One-family attached residential or townhouse units; provided, that a maximum of six units may be joined together by common walls;
- B. Accessory structures and uses located on the same site as the townhouse unit for which the use is clearly related to the primary unit;
- C. Home occupations as defined in Section [17.04.250](#);
- D. Common open areas maintained and available for the use of the residents of the development;
- E. Private roads and driveways; provided, that:
  - 1. A minimum road width of twenty-four feet shall be maintained where no driveway access occurs, and width of twenty-eight feet shall be minimum where driveways or parking bays occur;
- F. Common recreation facilities including but not limited to community buildings, swimming pools, activity court and the like. A minimum of ten percent of the development shall be devoted to active recreational activity;
- G. Community care facilities including family day care homes, day care centers, residential care facilities, transitional housing and supportive housing as defined by Sections [17.04.135](#), [17.04.149](#), [17.04.215](#), [17.04.459](#), [17.04.544](#) and [17.04.547](#);

H. Accessory dwelling units in compliance with Chapter [17.78](#).

#### **17.16.030 Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit issued in accordance with Chapter [17.72](#):

A. Temporary sales office and model complex for first sale of residences within the development;

B. Temporary buildings or trailers used during construction on the site, to be removed upon issuance of the first occupancy permit.

#### **17.16.040 Development regulations.**

Due to the unique character of townhouse development and the required common area and recreation areas, a use permit shall be required for each separate development. The R-T zone shall be developed only in conjunction with the PD combining district zone and processed in the method prescribed therein.

#### **17.16.045 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the R-T districts:

Minimum Building Site	Maximum Density Permitted	Minimum Yards Required			Maximum Height Permitted		Maximum Coverage Permitted	Minimum Open Green Area
		Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.		
Minimum Width (ft.)	(units per acre)						(%)	(%)
20	15	5	0/10 <sup>1</sup>	0/10 <sup>1</sup>	3	38	50	30

<sup>1</sup>Side and rear setbacks of 10 feet are required where adjacent to properties zoned R-1 or R-1/PD.

#### **17.16.050 Parking.**

Parking shall be provided in accordance with Chapter [17.62](#).

17.16.060 Design Standards.

All development shall comply with Chapter 17.96.”

## EXHIBIT E

### Amendments to Chapter 17.18, R-3 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT

Chapter 17.18 is hereby amended to be repealed and replaced in its entirety to read as follows:

#### **“17.18.010 Regulations generally.**

The specific regulations set forth in this chapter shall apply in all R-3 districts.

#### **17.18.020 Permitted uses.**

The following uses shall be permitted in the R-3 districts:

- A. Multiple-family dwellings.
- B. Accessory uses which are related to multiple-family dwellings.
- C. Home occupations as defined in Section [17.04.250](#).
- D. Community care facilities including family day care homes, day care centers, residential care facilities, transitional housing and supportive housing as defined by Sections [17.04.135](#), [17.04.149](#), [17.04.215](#), [17.04.459](#), [17.04.544](#) and [17.04.547](#).
- E. Accessory dwelling units in compliance with Chapter [17.78](#).

#### **17.18.030 Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit issued in accordance with Chapter [17.72](#):

Those uses permitted in any R-1 or R-2 districts with a conditional use permit and as regulated therein.

#### **17.18.040 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the R-3 districts:

Minimum Building Site		Minimum Density Permitted (units per acre)	Maximum Density Permitted (units per acre)	Minimum Yards Required			Maximum Height Permitted		Maximum Coverage Permitted (%)	Minimum Open Green Area Required (%)
Average Width (ft.)	Minimum Area (sq. ft.)			Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.		
150	15,000	15/20 <sup>1</sup>	35	10	10	/10	3	38	50	30

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<sup>1</sup> Minimum density shall depend upon the general plan land use designation. For condominium residential, the permitted density range is 15-35 units per acre. For apartment residential, the permitted density range is 20-35 units per acre.

#### **17.18.050 Parking.**

Parking shall be provided in accordance with Chapter [17.62](#).

Parking on the first level, not to exceed four feet above finished grade, shall not constitute a story.

#### **17.18.060 Design Standards.**

All development shall comply with Chapter 17.96.”

## EXHIBIT F

### Amendments to Chapter 17.20, R-4 HIGH DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT

Chapter 17.20 is hereby amended to be repealed and replaced in its entirety to read as follows:

#### **“17.20.010 Regulation generally.**

The specific regulations set forth in this chapter shall apply in all R-4 districts.

#### **17.20.020 Permitted uses.**

The following uses shall be permitted in the R-4 districts:

- A. Any use permitted in any R-3 residential districts;
- B. Accessory uses which are necessary to the above-mentioned uses.

#### **17.20.030 Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit issued in accordance with Chapter [17.72](#):

- A. Any conditional use permitted in the R-3 multiple-family residential districts;
- B. Convalescent homes, rest homes or nursing homes accommodating more than five persons in addition to the owner or manager and his family wherein the total structure has been designed specifically for the use permitted.

#### **17.20.040 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the R-4 districts:



Minimum Building Site		Minimum Density Permitted (units per acre)	Maximum Density Permitted (units per acre)	Minimum Yards Required			Maximum Height Permitted		Maximum Coverage Permitted (%)	Open Green Area Required (%)
Average Width (ft.)	Minimum Area (sq. ft.)			Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.		
150	15,000	15/20 <sup>1</sup>	35	10	5/10 <sup>2</sup>	/10	5	55	50	30

<sup>1</sup> Minimum density shall depend upon the general plan land use designation. For condominium residential, the permitted density range is 15-35 units per acre. For apartment residential, the permitted density range is 20-35 units per acre.

<sup>2</sup>Side setbacks shall be increased to 10 feet where the property abuts property in the R-1 or R-1/PD district.**17.20.050 Parking.**

Parking shall be provided in accordance with Chapter [17.62](#).

**17.20.060 Design Standards.**

All development shall comply with Chapter 17.96.”

## **EXHIBIT G**

### **Amendments to Chapter 17.26, C-2 GENERAL BUSINESS DISTRICT**

Chapter 17.26 is hereby amended to be repealed and replaced in its entirety to read as follows:

#### **“17.26.010 Regulations generally.**

The specific regulations set forth in this chapter shall apply in all C-2 districts:

Any recreational or instructional school or business teaching or offering dance, music, singing, gymnastics, boxing, wrestling, martial arts, sports training, and fitness training shall, with the exception of allowing ingress into and egress out of the school or business, keep all of the windows and doors serving the facility closed when conducting noise-generating activities such as classes, training, instructions, recitals, exhibitions or performances.

#### **17.26.020 Permitted uses.**

The following uses shall be permitted in the C-2 districts:

- A. Any use which is a permitted use in the neighborhood commercial C-1 districts, except that the following uses are excluded from the C-2 zone: laundromats;
- B. Retail stores and services establishments which supply commodities or provide service primarily to meet the needs of residents of the community, such as large department stores, automobile sales agencies, bars and cocktail lounges, sale of antiques and specialty items, costume rental shops, bicycle stores (including rental and repair), hotels and motels (including restaurant and meeting rooms), and other general commercial uses serving the needs of the community as a whole and which, in the opinion of the city planning director, are similar to the above-mentioned uses;
- C. Parking lots, open and other than accessory, for the storage of private passenger automobiles and subject to the provisions of Chapter [17.62](#);

D. Incidental and accessory structures and uses on the same site with and necessary to the operation of a permitted use.

**17.26.030 Conditional uses.**

The following uses shall be permitted only when authorized by a conditional use permit issued in accordance with Chapter [17.72](#):

- A. Any use which is a conditional use in the neighborhood commercial C-1 districts;
- B. Automobile accessory shops and repair garages, provided no such enterprise shall have a driveway entrance across the sidewalk;
- C. General commercial amusement and entertainment enterprises, including theaters, bowling alleys and similar establishments, and entertainment provided in connection with a permitted use;
- D. Clubs, lodges and fraternal organizations, including the serving of food and beverages to members and their guests, and including such other facilities customarily provided for the comfort and convenience of the membership;
- E. Municipal or privately-owned recreation building or center, including Y.W.C.A. and Y.M.C.A. buildings;
- F. Residential uses as described in Chapters [17.18](#), R-3 Medium Density Multiple-Family Residence District, and [17.20](#), R-4 High Density Multiple-Family Residence District, subject to development regulations described in Section [17.26.040](#);
- G. Incidental and accessory structures and uses located on the same site with and necessary to the operation of a conditional use.

**17.26.040 Area, bulk, yard and height regulations.**

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The following area, bulk, yard and height regulations shall apply in the C-2 district:

Minimum Building Site Required		Minimum Density Permitted (units per acre) <sup>2</sup>	Maximum Density Permitted (units per acre) <sup>2</sup>	Minimum Yards Required <sup>1</sup>			Maximum Height Permitted		Maximum Coverage Permitted (%)	Minimum Open Green Area Required (%)
Average Width (ft.)	Minimum Area (sq. ft.)			Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.		
200	40,000	15	60	0	0	0	8	90	50	25

<sup>1</sup>Where the commercial zone abuts a residential zone, no building shall be closer than twenty-five feet to the residential zone.

<sup>2</sup>Where residential uses are included in the development.

#### **17.26.050 Parking and loading.**

Parking and loading facilities shall be provided in accordance with the provisions of Chapter [17.62](#).

#### **17.26.060 Use enclosure requirements.**

All uses permitted within this chapter, except parking and other permitted outside accessory uses, shall be conducted within an enclosed building.

#### **17.26.070 Design Standards.**

All development containing residential uses shall comply with Chapter 17.96.”

## EXHIBIT H

### Amendments to Chapter 17.28, C-M COMMERCIAL MIX DISTRICT

Chapter 17.28 is hereby amended to be repealed and replaced in its entirety to read as follows:

#### **“17.28.010 Regulations generally.**

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The specific regulations set forth in this chapter shall apply in all C-M districts:

Any recreational or instructional school or business teaching or offering dance, music, singing, gymnastics, boxing, wrestling, martial arts, sports training, and fitness training shall, with the exception of allowing ingress into and egress out of the school or business, keep all of the windows and doors serving the facility closed when conducting noise-generating activities such as classes, training, instructions, recitals, exhibitions or performances.

#### **17.28.020 Combining zone required.**

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The C-M district shall be used only in conjunction with the combining zone PD (planned development). This requirement is deemed necessary to insure the provision of adequate parking, to minimize potential conflict between dissimilar uses and to provide maximum flexibility of development.

#### **17.28.030 Permitted uses.**

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A. The uses permitted within the C-M district are only those uses consistent with the General Plan Land Use designation and as specified within the use permit required in connection with such district. Other uses may be approved from time to time by the planning commission and found to be similar to the uses previously approved.

B. Cannabis testing laboratories may be an allowable use within the required use permit only in that portion of the C-M district that is located north of California State Highway Route 92, subject to the requirements of Chapter [8.10](#) and subject to the requirements of this chapter.

C. No use shall be established on a parcel of land which causes the amount of parking required by this title for that parcel to exceed the number of parking spaces

provided. Where combined use of parking is requested, the number of parking spaces provided shall not be reduced below the number of spaces required by the maximum user.

#### **17.28.040 Area, bulk, yard and height regulations.**

The following area, bulk, yard and height regulations shall apply in the C-M district:

Minimum Building Site Required		Minimum Density Permitted (units per acre) <sup>2</sup>	Maximum Density Permitted (units per acre) <sup>2</sup>	Minimum Yards Required <sup>1</sup>			Maximum Height Permitted		Maximum Coverage Permitted (%)	Minimum Open Green Area Required (%)
Average Width (ft.)	Minimum Area (sq. ft.)			Front (ft.)	Side (ft.)	Rear (ft.)	Stories	Ft.		
200	40,000	15	60	0	0	0	8	90	50	25

<sup>1</sup>Where the commercial zone abuts a property in the R-1 or R-1/PD district, no commercial building shall be closer than twenty feet to the residential zone.

<sup>2</sup>Where residential uses are included in the development. **17.28.050 Parking.**

Parking shall be provided in accordance with Chapter [17.62](#).

#### **17.28.060 Design Standards.**

All development containing residential uses shall comply with Chapter 17.96.”

## EXHIBIT I

### Amendments to Chapter 17.36, PD PLANNED DEVELOPMENT COMBINING DISTRICT

Chapter 17.36 is hereby amended to be repealed and replaced in its entirety to read as follows:

#### **“17.36.010 Purpose.**

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The PD or planned development combining district is designed to accommodate various types of development, such as single-family residential developments, multiple housing development, neighborhood and community shopping centers, professional and administrative areas, commercial service centers, and industrial parks and other uses or a combination of uses which can be made appropriately a part of a planned development. The district is established to allow flexibility of design which is in accordance with the objectives and spirit of the general plan.

#### **17.36.020 Establishment.**

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A. PD combining districts may be established or removed from the zoning map upon the application of a property owner or owners, or upon the initiative of the city council or planning commission, in accordance with the procedures set forth in Chapter [17.74](#).

B. The following standards as usually prescribed by the zoning ordinance may, upon planning commission approval, be waived in a PD district without being processed under the variance procedure:

1. Minimum building site;
2. Minimum lot dimension;
3. Maximum building site coverage by buildings and structures;
4. Minimum yards;
5. Maximum building or structure height, bulk or massing;

6. Maximum height of fences and walls;
7. Signs;
8. Street or road widths dimensions;
9. Any other minimum or maximum standards as usually required or applied with the exception of off-street parking requirements.

#### **17.36.030 General development plan.**

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An application for the establishment of a PD district shall be accompanied by a graphic general development plan which, if approved by the planning commission and city council, shall become a part of the zoning map of the city, except that for general development plans including residential uses, the general development plan shall be adopted by resolution of the city council and shall not require changes in the zoning map.

A. The graphic general development plan shall show the following information presented in graphic and schematic form and at a scale satisfactory to the city with a reduced reproducible print of the approved drawing suitable to the city for publication purposes:

1. Proposed land uses;
2. Location of buildings, structures and building groups;
3. A tabulation of proposed dwelling unit density in residential areas;
4. A tabulation of the maximum heights of proposed buildings;
5. Proposed circulation systems, including preliminary street cross-sections;
6. Proposed parks, playgrounds, school sites, and other open spaces;
7. Location and type of existing and proposed landscaping; identification of any existing trees to be removed;
8. An economic feasibility analysis of proposed commercial uses;



9. Development phasing (for entire project);
10. Relation to future land use in surrounding area, as proposed in the general plan;
11. Proposed off-street parking (ratio, locations, total number of spaces);
12. Any additional data required by the planning director as necessary to analyze the rezoning application.

B. The planning commission may waive the requirements of subsection A of this section, in whole or in part, when it deems such action to be in the best interests of the city, or when it determines that the information required is not relevant to or useful for the PD application at hand.

C. A PD district initiated by the planning commission or city council will require a graphic general development plan only if so determined by the initiating body. In such cases, the initiating body may require a graphic general development plan which contains all or only part of the required information as outlined in subsection A of this section.

D. The planning commission and city council may require such other information which, combined with the original information submitted, shall be for the purpose of ascertaining substantial conformity with the adopted general plan of the city and compatibility with the surrounding area.

E. In order to approve, conditionally approve, or recommend approval or conditional approval of a general development plan, the planning commission shall find that:

1. The planned development complies with the applicable provisions of the adopted city general plan;
2. The planned development complies with the City's applicable objective design and development standards.
3. Utility and service providers have verified that the proposed facilities will meet the needs of the population densities and land uses proposed;

4. The proposed ratios for off-street parking are consistent with the parking regulations of the city, as provided in Chapter [17.62](#);

**17.36.040 Conditional uses.**

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A use permit shall be required for any and all uses in a PD district. The planning commission shall not grant a use permit for any use or uses in a PD district unless it finds:

- A. Such use or uses conforms to the applicable provisions of the adopted general plan of the city;
- B. Such use or uses are shown on the approved general development plan for the particular PD district;
- C. That a specific development plan has been submitted which meets all of the requirements as outlined in Section [17.36.050](#).

**17.36.050 Specific development plan.**

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An application for a use permit in a PD district shall include and be accompanied by a specific development plan which, if approved by the planning commission, shall become a part of the use permit.

- A. Following adoption of a general development plan, no development, improvement or building construction within the planned development area covered by the adopted general development plan shall be commenced until the planning commission shall have approved a specific development plan for the entire planned development or, if the project is to be phased over several years, the first phase thereof.
- B. Within one year following the adoption of the general development plan for the proposed planned development, the applicant shall submit to the planning commission an application for approval of a specific development plan for the proposed planned development, or the first phase thereof, including time limitations for submitting successive phases. All phases of the specific development plan shall consist of the following:

1. A map showing the existing topography and the proposed topography of the development at one-foot contour intervals, or as approved by staff;
2. A map showing:
  - a. Vehicular/pedestrian/bicycle circulation;
  - b. Parking areas and proposed parking ratios (off-street/on-street), all parking aisles, stall and curve radii dimensions, and landscaped areas;
  - c. Areas proposed for dedication for parks, parkways, school sites, playgrounds, public buildings;
  - d. Landscaped public open space;
  - e. Landscaped private open space;
3. A plot plan for each building site or sites showing:
  - a. Approximate placement of all proposed buildings and structures;
  - b. Distances between all buildings and structures, and distances between buildings and structures and property lines;
4. A detailed tabulation of the densities of persons and dwelling units;
5. Any or all of the following plans, diagrams and information, when deemed appropriate by the planning director:
  - a. Off-street parking and loading plan;
  - b. Circulation diagram, indicating the proposed movement of vehicles, pedestrians, bicycles and goods within the PD district, and to and from adjacent public thoroughfares;
  - c. Any special engineering features and traffic-regulation devices needed to facilitate or ensure the safety of movement of vehicles, pedestrians, bicycles and goods;

- d. A landscaping and tree planting plan; such a plan shall show the approximate location, type, and size of plant materials to be installed;
- e. Detailed engineering site-grading plans, including proposed finished grades and all public improvements, and site drainage;
- f. Detailed engineering improvement plans for the provision of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site;
- g. A written statement, describing the disposition of recreation and open space areas, including proposals for ownership, development and maintenance.

6. Architectural Drawings, including:

- a. Scale and character (building and structure height; height of walls and fences; building massing; density; configuration; facade treatments; basic shapes of buildings);
- b. Rooftop treatments;
- c. Materials (materials palette);
- c. Colors (colors palette);
- d. Elevations and perspective drawings of all proposed structures. (Such drawings need not be the result of the final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of the proposed buildings and the general appearance of the proposed structure, to the end that the entire development will have architectural unity and be in harmony with surrounding developments.)

**17.36.060 Off-street parking requirements in a PD district.**

A. The off-street parking requirements for land uses, as provided in Chapter [17.62](#), shall be those that apply to all off-street parking requirements in all PD developments and districts except in residential PD districts, which shall be governed by the

requirements of state law. The parking ratios and related standards contained within Chapter [17.62](#) are, for purposes of the PD district, considered minimum ratios and standards, and may be revised by the planning commission depending on certain factors as noted below.

B. When the planning commission has determined that conditions allowing a deviation from the total number of required off-street parking spaces are present, the planning commission may grant such deviation as deemed appropriate, based upon the following information provided by the applicant:

1. A parking analysis discussing all impacts resulting from the deviation from usual off-street parking requirements, including alternative parking designs or strategies considered, and why they were deemed infeasible, if applicable, and alternatives for mitigating negative impacts identified.
2. The parking analysis may include a clear, documentable rationale describing how and why the proposed parking will work at the given site and specifically identifying where it has been successfully used in other comparable projects and cities, and/or any other information as requested by staff and the planning commission.
3. The parking analysis shall include a parking demand study that demonstrates that the parking demand for the proposed use is less than the minimum off-street parking required by Section [17.62.060](#). The parking demand study shall be prepared by a licensed transportation professional.
4. Any such request for reduction of off-street parking capacity may be satisfied by providing a transportation systems management plan (TSM)/travel demand management (TDM) program consistent with the requirements outlined in Section [17.62.060\(D\)\(3\)](#).

C. The planning commission will not consider the following reasons or conditions acceptable as the sole rationale for allowing a deviation from the provisions of the off-street parking requirements contained in Chapter [17.62](#):

1. The potential or estimated increase in or benefit to a project's revenue generation, cash flow, market value, marketing strategy, or financial feasibility;
2. A desire or unsubstantiated need to increase the dwelling unit (residential uses) or square footage (office, retail, service, other uses) yield of a project by decreasing the required off-street parking ratio associated with the project or its individual uses.

#### **17.36.080 Design guidelines/standards.**

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All development containing residential uses shall comply with Chapter 17.96.

#### **17.36.100 Amendment of development.**

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A. Changes in the general development plan shall be considered the same as changes in the zoning map, and shall be made in accordance with the procedures set forth in Chapter [17.74](#), except that for amendment of general development plans including residential uses, the amended general development plan shall be adopted by resolution of the city council and shall not require changes in the zoning map.

B. Changes in the specific development plan shall be considered the same as changes to the use permit, and shall be made in accordance with the procedures set forth in Chapter [17.06](#).

#### **17.36.110 Development schedule and extensions.**

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An approval of a use permit in a PD district shall include a condition of approval that the use permit will expire two years from the date of approval, unless subject to time limits for a tentative map or development agreement. Extensions may be granted at the discretion of the planning commission, not to exceed a cumulative total of two years, in annual extensions not to exceed one year.

#### **17.36.120 Rezoning.**

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If, in the opinion of the planning commission, the owner or owners of property in a PD district are failing or have failed to comply with an approved general development plan or specific development plan, the planning commission may initiate proceedings under Chapter [17.74](#) to rezone the property to another zoning district which conforms to the adopted general plan of the city.

**17.36.130 Relationship of PD district to other ordinance.**

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Unless expressly provided otherwise in the PD zoning ordinance, the general provisions of the city zoning ordinance which apply to all zones also apply to PD districts.

**17.36.140 Application and fees.**

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Application for approval of a planned development in accordance with the provisions of this chapter shall be made by the owner or owners of the land involved, or any agent thereof, on forms prescribed by the city and shall be accompanied by fees to be established by resolution adopted by the city council.”

## EXHIBIT J

### Amendments to Chapter 17.58 ARCHITECTURAL CONTROL AND SUPERVISION

Chapter 17.58 is hereby amended to be repealed and replaced in its entirety to read as follows:

**“17.58.010 Intent and purpose.**

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A. It is the intent of the city council in enacting this chapter to protect the health, safety, and general welfare of the city by maintaining the high standards of architectural design that have distinguished Foster City as the first successful planned community created in California.

B. This chapter establishes procedures and criteria for review of proposed structures, buildings, and improvements to real property and modifications to such which are necessary in order to meet the following objectives:

1. To preserve the architectural character and scale of the neighborhoods and community;
2. To assure that development is well designed, in and of itself and in relation to surrounding properties, including that the height, facade length, roof form, colors, materials, and architectural details of a proposed building should be compatible with the height, facade length, roof form, colors, materials, and architectural details of buildings in the immediate vicinity;
3. To prevent the erection of structures, additions or alterations or other property improvements which significantly impact the privacy of adjacent properties; cause a significant diminution of sunlight to the interior of an adjacent building or to the exterior of adjacent properties; cause undue glare or noise impacts to adjacent properties; and significantly block or limit existing views from the interior and exterior of adjacent properties, and that individual rights are weighed against the needs and requirements of the community;
4. To assure that developments enhance their sites and are harmonious with the highest standards of improvements in the surrounding area;



5. To promote and protect the health, safety and general welfare of the city;
6. To preserve views of and from the lagoons and waterways which provide a visual connecting link for adjacent lots and developments;
7. To enhance the residential and business property values within the city and in neighborhoods surrounding new or modified development;
8. To assure that each new development is designed to best comply with the intent and purpose of the zone in which the property is located and with the general plan of the city;
9. To encourage the maintenance, repair, replacement or improvement of surrounding properties.

**17.58.020 Improvements subject to architectural review.**

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A. Each improvement as defined in Section [17.04.265](#) which is not otherwise declared exempt below shall be subject to architectural review as provided in this chapter.

Improvements subject to architectural review include:

1. New buildings, structures or additions to existing structures;
2. Modifications to the exterior of a structure, including, but not limited to, the addition of windows, the introduction of bay or bow windows or new/unapproved window shapes or materials (such as glass block), doors, rooftop equipment, roof material or color, nontubular skylights, solar panels or loading docks;
3. Addition of paved area to a front yard including asphalt, cement and brick except for walkways;
4. Decks above grade at any point (except as exempted below), gazebos, patio covers, trellises, windscreens and similar improvements;
5. Exterior storage of recreational vehicles, recreational vehicle equipment, boats, boat trailers, campers and camper shells pursuant to Chapter [17.64](#);

6. Flagpoles more than fifteen feet in height in an “R” district or more than twenty-five feet in height in a “C” or “M” district or in multi-family common areas;

7. All improvements which the community development director deems similar to those listed above;

8. Elimination of the setback requirement between a spa or hot tub and a common area property line in the RT/PD, C-2/PD, or R-3/PD districts upon securing architectural review approval by the planning commission in each planned development;

9. Children’s play structures not otherwise exempt pursuant to subsection (B)(20) of this section. These structures shall be reviewed for location, height, size, colors, materials and impact on neighboring properties.

B. Improvements Exempt from Architectural Review. The following improvements shall be exempt from architectural review:

1. Modifications to the interior of a structure;

2. Repainting or restaining of buildings or structures on properties in R districts, which are not in a PD (planned development) district, provided the new color is not bright pastel, fluorescent or a primary color, or out of character with the existing colors used in the neighborhood;

3. Repainting or restaining of buildings or structures on properties in C-U, C-I, C-2, C-M, M-I, PF, OSC or any PD (planned development) district, provided the new color is within the project color palette previously approved by the city with the specific development plan for the project. However, within projects zoned R1/PD, adjacent properties which front on the same street shall not use the same color scheme;

4. Exterior landscaping of single-family detached homes unless required as a condition of approval of use permit or architectural review;

5. Replacement of landscape materials with the same species of plant;

6. Replacement of portions of the exterior of structures or improvements using materials of the same size, type and color;
7. Maintenance which does not involve replacement of any parts;
8. Improvements which are otherwise subject to use permit;
9. Storage sheds and other accessory structures lower than the fence line in a side or rear yard, except that storage sheds on waterfront property which are visible from public waterways shall require an architectural review by the community development director;
10. Decks less than eighteen inches above grade at any point which are also a minimum of five feet from any property line;
11. Flagpoles which are fifteen feet or less in height in an R district or less than twenty-five feet in height in a C or M district or in multifamily common areas;
12. Modifications (frame materials, muntins (grids) or other similar minor modifications as determined by the community development director) to existing windows and doors;
13. Replacement of existing first story rear or side yard windows with garden or greenhouse style windows;
14. Replacement of existing doors, including garage doors;
15. Fences on nonwaterfront property which do not face a public right-of-way;
16. New windows three square feet or less in size located on the first floor on a nonwaterfront property, not in a planned development (PD) district, and not facing a public right-of-way;
17. Exterior spas, hot tubs or swimming pools, whether portable, temporary or permanent, that comply with the requirements of Chapter [17.66](#), including but not limited to setbacks of the spa, hot tub, or swimming pool and associated equipment;

18. Replacement of exterior siding in the R-1 district with stucco, wood, wood shingle, vinyl or fiber cement siding, except that changes of siding on Eichler style houses as determined by the community development director shall require an architectural review permit;

19. Tubular style skylights;

20. Children's play structures located in a side or rear yard, with a maximum height of eight feet, set back a minimum of five feet from any property line and located behind a minimum five-foot-tall fence with no electrical outlets or lights;

21. Basketball standards or similar equipment as determined by the community development director.

C. Improvements Which Are Prohibited. The following types of improvements are prohibited:

1. Repainting or restaining which uses a bright pastel, fluorescent, or a primary color or a color out of character with existing colors used in the neighborhood;

2. Repainting or restaining which uses murals, multi-colored patterns, or similar features.

a. Exception – Murals of landscapes, hardscapes or foliage may be displayed on the interior side of fence and walls.

**17.58.030 Architectural review approval required prior to construction or improvement.**

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A. Prior to the issuance of any building permit or construction of any improvement for any of the items listed in Section [17.58.020\(A\)](#), architectural review approval shall be obtained as required by this chapter.

**17.58.040 Architectural review procedures.**

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A. Application. To obtain architectural review approval, an application accompanied by plans, supporting information and an application fee as established by city council resolution must first be submitted to the city. The required content of the application,

supporting information and plans shall be as determined by the community development director. The supporting information shall include evidence that the applicant provided the adjacent property owners an opportunity to review the proposed plans and mail in their comments either in the form of a signed statement from the adjacent property owners or a certified mail receipt.

B. Review for Completeness. Within thirty days of submittal of the application the community development director or his/her designee shall determine if the application is complete.

C. Decision.

1. Planning Commission Review. The planning commission shall either approve, approve with conditions or deny the application in accordance with the provisions of this chapter and any other applicable requirements of federal, state or local law for all architectural review applications pertaining to:

a. Major improvements on properties in any district, including but not limited to the following improvements to property in R districts:

i. Room additions on waterfront property which the community development director cannot approve pursuant to subsection (C)(2) of this section;

ii. Second-floor room additions on nonwaterfront property which the community development director cannot approve pursuant to subsection (C)(2) of this section;

iii. Substantial changes or additions to waterfront decks that in the opinion of the community development director might significantly impact neighbors' waterfront views; or

iv. Any improvement deemed by the community development director to be similar in nature.

b. On waterfront properties, room additions reviewed by the planning commission shall be subject to a use permit approved by the planning commission.

c. In districts other than R districts, the planning commission shall review modifications which result in an increase in floor area or a substantial change in the appearance of the building as determined by the community development director, including but not limited to use of lighting to outline features of a building, or any other item as determined by the community development director.

d. The planning commission shall review proposed changes to shopping center building colors in a legally noticed public hearing for the following neighborhood business or commercial mix districts: Charter Square Shopping Center/APN 094-473-010, 094-473-020 and 094-473-030; Beach Park Plaza Shopping Center/APN 094-261-330 and 094-261-270; The Market Place at Metro Center/APN 094-522-190; Edgewater Place Shopping Center/APN 094-541-070 and Marlin Cove Shopping Center/APN 094-330-150.

2. Community Development Director Review. For all architectural review applications other than those requiring planning commission action pursuant to subsection (C)(1) of this section, the community development director shall either approve, approve with conditions or deny the application in accordance with the provisions of this chapter and any other applicable requirements of federal, state or local law within ten days from the date the application was deemed complete unless a time extension is granted by the applicant. The community development director may refer the application to the planning commission for comment or final action. The community development director shall review:

a. Room additions on the waterfront side of waterfront property that are less than two hundred square feet in area on the first floor only.

b. Greenhouse/solariums on waterfront and non-waterfront properties.

c. The community development director shall review all room additions on nonwaterfront property and the nonwaterfront side of waterfront properties

except second-floor additions that exceed four hundred square feet or are visible from the waterfront.

d. The community development director shall also review changes in windows and doors, addition of detached accessory buildings, fences, rooftop equipment, minor changes or additions to waterfront decks that in the opinion of the community development director will not significantly impact neighbors' waterfront views.

e. Changes in building and roofing material in all districts not otherwise exempt from review.

f. Other minor exterior changes and building color changes in all zoning districts not otherwise exempt from review with the exception of shopping center building colors in the following neighborhood business or commercial mix districts: Charter Square Shopping Center/APN 094-473-010, 094-473-020 and 094-473-030; Beach Park Plaza Shopping Center/APN 094-261-330 and 094-261-270; The Market Place at Metro Center/APN 094-522-190; Edgewater Place Shopping Center/APN 094-541 070 and Marlin Cove Shopping Center/APN 094330-150.

D. Notice of Decision. Written notice of the decision shall be provided to the applicant and owner within five calendar days after the decision is rendered. In the case of decisions rendered by the community development director, written notice of the decision shall also be provided to the planning commission within five calendar days after the decision is rendered.

E. Decision Not Effective Until Permittee Acknowledges Acceptance of Any Conditions. Any architectural review decisions shall not be effective until the permittee acknowledges acceptance of any conditions of approval and any appeal period has lapsed or if there is an appeal until a final decision has been made on the appeal.

F. Appeals. The appeal period as prescribed in Section [17.06.140](#) shall begin on the date the notice of decision was issued. Any decision on an architectural review application shall not be effective until the appeal period prescribed in Section [17.06.140](#) has lapsed or, if there is an appeal, until a final decision has been

made on the appeal or upon the preparation of a notice of decision if the appeal period is waived pursuant to this section. The appeal period may be waived by the community development director if all abutting property owners have submitted signed statements waiving their rights to file an appeal.

**17.58.050 Findings required.**

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Prior to approving an application for architectural review, the following findings must be made by the approving body:

- A. That the proposal is consistent with the applicable provisions of the Foster City general plan and Title [17](#), Zoning, of the Foster City Municipal Code.
- B. That the design of the proposal conforms to city's objective design and development standards and other adopted guidelines.

**17.58.060 Architectural guidelines adopted by resolution.**

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- A. The planning commission may, by resolution, approve or authorize the community development director to approve architectural guidelines for specific developments or specific types of development which are consistent with the intent and purpose of this chapter.
- B. Architectural guidelines may include regulations for property improvements which are different than are contained elsewhere in Title [17](#), Zoning, and where they differ, such guidelines shall supersede the provisions of this title. For items not specifically mentioned in such guidelines, the provisions of this title shall otherwise apply.

**17.58.070 Special provisions.**

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- A. Private Architectural Review. Where deed restrictions or private property covenants, codes, and restrictions require review by a private architectural board, committee, or Homeowners' Association, the review shall be accomplished by the applicant and the findings of the board or committee shall be transmitted in writing to the city prior to city action. Application to the board and transmission of its findings shall be the responsibility of the applicant, not the city."



**EXHIBIT K**

## Amendments to Chapter 17.62, OFF-STREET PARKING REGULATIONS

Chapter 17.62 is hereby amended to be repealed and replaced in its entirety to read as follows:

**“17.62.010 Purpose and intent.**

The regulations set out in this chapter are established in order to assure that parking facilities are properly designed and located in order to meet the parking needs created by specific uses, and to protect the public safety.

**17.62.020 Definitions.**

As used in this chapter (see also Chapter 17.04 Definitions):

- A. “California Building Code” means as referred to in Titles 24 and 25 of the California Administrative Code.
- B. “Carpool” means two or more people travelling together on a continuing and prearranged basis in a motor vehicle over routes tailored to accommodate rider needs.
- C. “Certificate of occupancy” means the permit required for occupancy of any building, pursuant to Sections 307 and 502 of the Uniform Building Code.
- D. “Handicapped persons” a handicapped/disabled person shall be defined pursuant to Section [22511.5](#) of the California Vehicle Code.
- E. “Multiple uses” means industrial, commercial, office, retail or residential land uses, co-located in a project/development site or land subdivision map.
- F. “Passenger drop-off zone” means an area for passenger loading and unloading, ride share, deliveries, and similar uses that is parallel to the curb, a minimum of twenty-four feet long and eight feet wide with an accessible loading area at the side of at least sixty inches wide.
- G. “Peak-demand hour (parking)” means that period of time within which demand for available off-street parking is most strong.

- G. “Private street,” “private road” or “driveway” means a way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other members of the public (Section [490](#) of the California Vehicle Code).
- H. “Public accommodation area” means those areas within restaurants, taverns, lounges and other establishments for the sale and consumption on the premises of food and beverages, designed to accommodate public seating and gathering, excluding hallways, restrooms, stairways, elevator shafts and common areas used only for major pedestrian movement.
- I. “Public transit” means publicly provided transportation, usually either by bus or rail, to users at a fixed cost per ride.
- J. “Secondary residential unit” means a housing unit established pursuant to the requirements of Chapter [17.78](#) of this code.
- K. “Staggered/variable work hours” means work schedules in which employees chose their arrival and departure times within management limits, and which increase the opportunity for employees to find convenient ridesharing arrangements.
- L. “Tandem parking spaces” means two parking spaces placed one behind the other.
- M. “Transportation coordinator (TC)” means a person, usually a company employee, responsible for helping employees find ridesharing or public transit commuting alternatives.
- N. “Transportation systems management (TSM)” means a low-cost transportation improvement, action or plan, implementable in the short term, that reduces traffic congestion and/or increases traffic system capacity and off-street parking capacity.
- O. “Uniform Building Code” means the rules, regulations and standards, printed and published by the International Conference of Building Officials, as adopted by the city pursuant to Government Code Section [50022.1](#) and State Health and Safety Code Section [179222](#), and adopted as and for the rules, regulations and standards within the city and collectively called the “Foster City Building Code.”

P. "Vanpool" means seven or more people travelling together on a continuing and prearranged basis in a motor vehicle designed for the transportation of persons over routes tailored to accommodate rider needs.

**17.62.030 Basic regulations for off-street parking.**

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A. Off-street parking shall be provided subject to the provisions of this chapter for:

1. Any new building constructed;
2. Any new use established;
3. Any addition or enlargement of an existing building or use; and
4. Any change in the occupancy or use of any building or the manner in which any use is conducted that would result in additional parking stalls being required.

B. With the exception of uses that have entered into city-approved shared-parking agreements, city-approved off-site parking agreements, or city-approved parking in-lieu fee agreements, required parking stalls or garages shall be located on-site.

C. All off-street parking stalls and areas required by this title shall be designed and maintained to be fully usable for the duration of the use requiring such areas and spaces.

D. On-street parking within public or private streets, driveways or drives shall not be used to satisfy the off-street parking requirements, except where allowed by this chapter.

E. Whenever the computation of the number of off-street parking stalls required by this section results in a fractional parking stall, one additional parking stall shall be required for one-half or more fractional parking stalls, and any fractional space less than one-half of a parking stall shall not be counted.

F. Temporary use of off-street parking stalls for non-parking purposes will not violate this title only if such use is specifically approved by the city.

- G. Parking facilities approved to be constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this chapter, as amended, whether or not previously required, shall conform to the design standards set forth in this chapter. For the purposes of this chapter, substantially reconstructed shall include significant changes in the location, shape, or configuration of the parking lot or to the number or size of parking stalls, with the exception of the creation or adjustment of handicapped parking stalls. Substantially reconstructed shall not include simple maintenance such as repaving, oil and screening of lot surfaces, and/or repainting. When a parking facility is required to conform to the design standards pursuant to this section, the entire parking facility shall be required to conform. Existing legal nonconforming parking lots constructed pursuant to approved development plans shall be permitted to remain as approved until they are substantially reconstructed.
- H. All off-street parking required by this chapter shall be constructed prior to the issuance of a certificate of occupancy.
- I. If the parking requirements of this chapter conflict with any parking requirements established in this code for a specific zoning district, such as those contained in Section [17.36.060](#), or specific locations in the city or district, then those specific parking requirements shall prevail over the general requirements established in this chapter.
- J. The public works and community development department shall recommend off-street parking requirements for any land use not mentioned in this chapter, subject to planning commission review and approval.
- K. With the exception of a valet parking plan approved by the planning commission, or a parking management plan approved pursuant to Section [17.36.060](#), or two tandem parking stalls assigned to the same dwelling unit, no tandem parking (one space directly behind another) shall be allowed.
- L. Parking lots designed for more than ten cars must have one lane for lot ingress and one lane for lot egress.
- M. Whenever compact-car parking stalls are employed to meet off-street parking demand, whether in a residential, commercial, office or industrial project, they shall be distributed throughout the project rather than all clustered in one location.

N. Whenever possible, parking in all districts should be ninety degrees in orientation (perpendicular).

O. If a parking lot is so operated that a charge is required for the use of the parking facilities, the rates for parking shall be legibly posted upon city-approved parking regulation signs at all entrances to the lot.

#### **17.62.040 Calculating parking requirements.**

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A. Whenever parking requirements are based on use square footages, calculations shall be based on gross leasable area of a building, which shall include the total interior floor area of the building or structure, measured at the inside face of the exterior walls, but excluding stairwells, elevator shafts, lobbies and bathrooms located for common or public usage of the total building rather than for tenant or internal usage, and space occupied by mechanical equipment or space related to the operation and maintenance of the building. Gross leasable area shall also include outside areas used for sales and/or display. When public lobby areas, outdoor areas or malls contain uses that generate a demand for parking, they shall be included as a part of the gross leasable area of the building.

B. When a single structure or parcel contains multiple uses, more than one parking standard may apply.

C. Parking stalls on public streets shall not be used to meet the requirements set forth herein. No development plans shall be based on the assumption that excess vehicles can be parked on public streets except where public streets have been specifically designed to accommodate on-street parking, and receive city approval for such use.

D. When parking regulations are based on the number of employees, parking calculations shall use the largest number of employees who work at any one work shift. Where shift changes may cause substantial overcrowding of parking facilities, the city may require additional spaces.

#### **17.62.050 Design standards.**

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Design standards are established by this section to set basic minimum dimensions and guidelines for design, construction, and maintenance of parking stalls and areas within all of the zoning classifications.

A. General. The following standards shall apply to all zoning classifications:

1. Standard Parking Stall Size. Each standard parking stall shall consist of a rectangular area not less than nine feet wide by nineteen feet long. All covered parking stalls should have a vertical clearance of not less than seven feet.
2. Compact Parking Stall Size. Stalls designated for use by compact cars may be reduced in size to a minimum of eight feet in width and sixteen feet in length. All covered parking stalls should have a vertical clearance of not less than seven feet.
3. Universal Parking Stall Size. Each universal parking stall shall consist of a rectangular area not less than eight and one-half feet wide by eighteen feet long. All covered parking stalls should have a vertical clearance of not less than seven feet.
4. Handicapped Persons Parking Stall Size. Parking stalls for the use of the physically handicapped and accessibility to structures and areas by the physically handicapped shall comply with the requirements as set forth in Part 2, Title 24, of the California Administrative Code and Division 11, Chapter 9, of the California State Vehicle Code.
5. Aisle Dimensions. Each parking and loading space shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, in accordance with Table 17.62.050-A.
6. Paving. Parking and loading facilities shall be surfaced and maintained with asphaltic, concrete, or other permanent, impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances. Alternate surface material can be considered by the city, if shown that such material will not cause adverse effects and that it will remain in a usable condition.

7. Drainage. All parking and loading facilities shall be graded and provided with permanent storm-drainage facilities. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys, and to preclude standing pools of water within the parking facility.

8. Safety Features. Parking and loading facilities shall meet the following standards:

a. Safety barriers or curbing, and directional markers shall be provided to assure pedestrian/vehicular safety, efficient utilization, protection to landscaping, and to prevent encroachment onto adjoining public or private property.

b. Visibility of pedestrians, bicyclists and motorists shall be assured when entering and exiting individual parking stalls, when circulating within a parking facility, and when entering and exiting a parking facility.

c. Internal circulation patterns, and the location and traffic direction of all access drives, shall be designed and maintained in accord with accepted principles of traffic engineering and traffic safety.

d. With the exception of single-family residential districts, backing of vehicles across a public walkway in order to exit from a parking space shall not be permitted.

9. Lighting. Lights provided to illuminate any parking facility or paved area shall be designed to reflect away from residential use and motorists. All lighting shall maintain one footcandle of illumination at ground level.

10. Screening. Unenclosed off-street parking areas shall be screened from view from public streets and adjacent land uses. Screening may be accomplished by one or more, or a combination of several, of the following methods:

a. Walls. Low-profile walls, not exceeding forty inches in height shall consist of concrete, stone, brick, or similar types of solid masonry materials.

- b. Fences, Solid. A solid fence, not to exceed forty inches in height, shall be constructed of wood, or wood and masonry or other materials to form an opaque screen.
- c. Planting. Plant materials, when used as a screen shall consist of compact evergreen plants. They shall be of a kind, or used in such a manner, as to provide screening, have a minimum height of two feet, within eighteen months after initial installation.
- d. Berms. Berms, including grass or plant materials shall be provided.
- e. Plant Materials. All plant materials used to provide a screen for off-street parking areas shall be maintained in a condition such that impairment of safe sight distances does not result.

11. Landscaping. The following basic standards shall be observed:

- a. A minimum of ten percent of the total off-street parking area shall be landscaped with at least one fifteen-gallon minimum size tree per each three parking stalls (which may be clustered or grouped) and appropriate ground cover. The parking area shall be computed by adding the areas used for access drives, aisles, stalls, maneuvering and landscaping within that portion of the premises that is devoted to vehicular parking and circulation.
- b. Each unenclosed parking facility shall provide a perimeter landscaped strip at least four feet wide (inside dimension) where the facility adjoins a side or rear property line. The perimeter landscaped strip may include any landscaped yard or landscaped area otherwise required, and shall be continuous, except for required access to the site or to the parking facility.
- c. All landscaping shall be protected with concrete curbs. Where trees are planted within four feet of sidewalks, curbs or streets, root barriers and tree-trunk protectors shall be used. Decorator planter boxes may, upon city approval, be used in appropriate locations.



- d. All landscaping shall be regularly cut, trimmed and maintained in a healthy condition and be kept free of weeds, debris or litter.
- e. No planting bed may be less than four feet in width (inside dimension) and twenty-four feet in area.
- f. Planting beds must be reasonably distributed throughout the parking area.
- g. A detailed landscaping plan drawn to scale shall be provided with all planting, clearly located and labeled, as well as any and all landscape features other than plantings. The plan must include the following information:
  - i. Common name/botanical name;
  - ii. Size of materials in diameter and height at planting and at maturity;
  - iii. Number and spacing of plants and trees to be planted;
  - iv. Method of irrigation;
  - v. Methods to protect plant materials and landscaped areas from vehicle and pedestrian traffic;
  - vi. Maintenance schedule;
  - vii. Proposed treatment of all ground surfaces (paving, turf, other);
  - viii. Grading and drainage;
  - ix. Type, dimensions, and locations of all direction and regulation signs;
  - x. Dimensions and locations of all parking-lot attendant shelters (such shelters shall be compatible with site architecture, materials and design).
- h. Planting material shall meet the approval of the city's standards and specifications.

- i. No paved parking areas shall be more than thirty-five feet from a landscaped area, with the exception of ingress/egress and collector aisles located adjacent to a building.
  - j. Not more than twenty-five percent of a landscaped planter or landscaped area may be covered with hard surfaces such as gravel, landscaping rock, concrete, or other impervious materials.
  - k. To the extent that they are used as part of a landscape treatment for a parking lot, trash receptacles, bollards, walls or fences, planters, pots, light poles and fixtures, and tree guards and grates shall be coordinated in style, consistent in materials, and must be consistent with and related to the architectural style of the building(s) that are served by the parking lot.
  - l. Parking lot planters shall be separated from maneuvering and parking areas by a six-inch raised concrete curb.
  - m. Tree planters along the front of parking stalls shall contain a minimum of twenty-four square feet and the smallest outside dimension shall not be less than four feet.
  - n. Landscape planters along the sides of parking stalls shall contain a minimum of sixty-four square feet, and the smallest outside dimension shall not be less than four feet.
  - o. Pedestrian walks shall be provided in landscape planters along the sides of parking stalls as shown below. They shall consist of a minimum twelve-inch paver stepping stones, or pavers shall be provided adjacent to the curb (including curb width).
12. Parking Lot Striping and Markings. Parking stall striping, directional arrows, and parking stall identification shall meet the following standards.
- a. All parking stalls shall be painted with a single four-inch-wide contiguous line.

b. All aisles, entrances and exits shall be clearly marked, with directional arrows painted on the parking surface and, if necessary, appropriately designed signage.

c. All compact parking stalls shall be individually labeled with the word "compact" painted on the parking surface of each such parking stall.

d. All handicapped persons' parking stalls shall be individually labeled and signed in accordance with the requirements as set forth in Part 2, Title 24 of the California Administrative Code.

e. Parking lot striping and markings shall be maintained in a condition such that they can easily be seen.

13. Maneuvering. With the exception of single-family residential districts, parking and maneuvering areas shall be arranged such that any vehicle entering a public right-of-way on a major or secondary street can do so traveling in a forward direction.

14. Overhang. Surface-area parking stalls may permit vehicle overhang of eighteen inches into a landscaped planter.

15. Parking Facility Design. Following are charts and diagrams in accordance with which all parking facilities shall be designed.

a. Parking Bay Widths. Each parking facility shall be designed with parking bay units. The size or width of this unit is dependent on one- or two-way traffic and single- or double-loaded aisles. The following Table 17.62.050-A and accompanying parking diagram shall be used to determine the sizes of parking stalls, aisles, and bay widths. When configuration of the property or the location of existing structures constricts the design of parking areas, the deciding body may make minor modifications of up to five percent in a limited number of the parking stalls, aisle width, and minimum landscape planter dimensions, provided that the applicant can demonstrate that the modification will not impair the function of the parking area. The additional cost of

improvements that meet the requirements of this chapter shall not be considered grounds to make minor modifications in the required dimensions.

Table 17.62.050-A

**PARKING STALL DIMENSIONS (IN FEET)(1)**

<b>Type of Parking Stall</b>	<b>Angle in Degrees</b>	<b>Stall Width</b>	<b>Stall Length</b>	<b>Stall Depth</b>	<b>Curb Length</b>	<b>One-Way Aisle Width</b>	<b>Two-Way Aisle Width</b>	<b>One-Way Parking Bay Width</b>	<b>Two-Way Parking Bay Width</b>
		<b>A<sup>(2)</sup></b>	<b>B<sup>(1)(2)</sup></b>	<b>C<sup>(2)(3)</sup></b>	<b>D<sup>(2)</sup></b>	<b>E<sup>(2)</sup></b>	<b>F<sup>(2)</sup></b>	<b>G<sup>(2)(3)</sup></b>	<b>H<sup>(2)(3)</sup></b>
Universal 8.5' × 18	'Parallel	8.5	22.0	8.5	22.0	14.0	24.0	31.0	41.0
	30	8.5	18.0	16.4	17.0	12.0	22.0	44.8	54.8
	45	8.5	18.0	18.7	12.0	14.5	22.0	51.9	59.4
	60	8.5	18.0	19.8	9.8	16.0	22.0	55.6	61.6
	90	8.5	18.0	18.0	8.5	24.0	24.0	60.0	60.0

Table 17.62.050-A

## PARKING STALL DIMENSIONS (IN FEET)(1)

Type of Parking Stall	Angle in Degrees	Stall Width  <b>A<sup>(2)</sup></b>	Stall Length  <b>B<sup>(1)(2)</sup></b>	Stall Depth  <b>C<sup>(2)(3)</sup></b>	Curb Length  <b>D<sup>(2)</sup></b>	One-Way Aisle Width  <b>E<sup>(2)</sup></b>	Two-Way Aisle Width  <b>F<sup>(2)</sup></b>	One-Way Parking Bay Width Double-loaded <b>G<sup>(2)(3)</sup></b>	Two-Way Parking Bay Width Double-loaded <b>H<sup>(2)(3)</sup></b>
Compact  8' × 16	'Parallel	9.0	21.0	8.0	21.0	13.0	22.0	29.0	38.0
	30	8.0	16.0	14.9	16.0	12.0	22.0	41.8	51.8
	45	8.0	16.0	17.0	11.3	14.0	22.0	48.0	56.0
	60	8.0	16.0	17.9	9.2	16.0	22.0	51.8	57.8
	90	8.0	16.0	16.0	8.0	22.0	22.0	54.0	54.0
Standard	'Parallel	9.0	23.0	9.0	23.0	14.0	24.0	32.0	42.0

Table 17.62.050-A

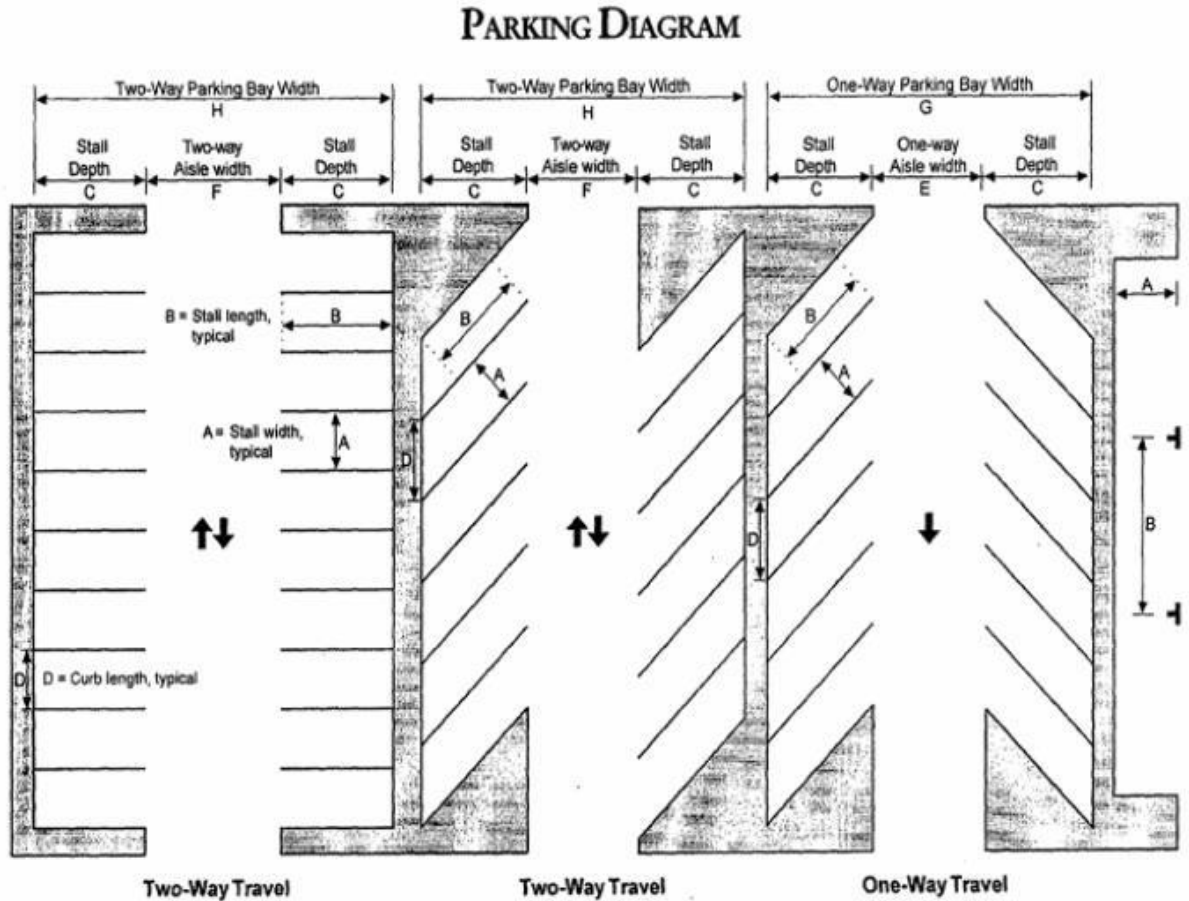
## PARKING STALL DIMENSIONS (IN FEET)(1)

Type of Parking Stall	Angle in Degrees	Stall Width  <b>A<sup>(2)</sup></b>	Stall Length  <b>B<sup>(1)(2)</sup></b>	Stall Depth  <b>C<sup>(2)(3)</sup></b>	Curb Length  <b>D<sup>(2)</sup></b>	One-Way Aisle Width  <b>E<sup>(2)</sup></b>	Two-Way Aisle Width  <b>F<sup>(2)</sup></b>	One-Way Parking Bay Width Double-loaded  <b>G<sup>(2)(3)</sup></b>	Two-Way Parking Bay Width Double-loaded  <b>H<sup>(2)(3)</sup></b>
9' × 19'	30	9.0	19.0	17.3	18.0	12.0	22.0	46.6	56.6
	45	9.0	19.0	19.8	12.7	14.5	22.0	54.1	61.6
	60	9.0	19.0	21.0	10.4	16.0	22.0	58.0	64.0
	90	9.0	19.0	19.0	9.0	24.0	24.0	62.0	62.0

<sup>(1)</sup>An overhang of 1.5 feet at the head of the stall into a landscaped planter may be deleted from these requirements.

<sup>(2)</sup>See attached Parking Diagram.

<sup>(3)</sup>May be reduced with an interlocking herringbone layout for angled parking.



b. Mechanical parking systems. Mechanical parking systems may be used for multi-family residential or for employee use in office, or institutional uses. Other uses may use mechanical parking systems subject to approval of the Community Development Director and may be required to provide on-site valet assistance at no fee to the user.

1. Mechanical parking systems shall be located within an enclosed parking facility. All lifts, platforms, and associated equipment shall be screened from public views.

2. The applicant shall submit an analysis and report prepared by a qualified professional for review and approval of the Community Development Director that demonstrated the effectiveness of the proposed mechanical



parking system, operational details, schematic or technical drawings, regular and emergency maintenance schedule, procedures and backup systems, vehicle queuing, access and retrieval efficiency.

3. Mechanical parking systems shall not be used for accessible parking spaces, visitor parking, or loading spaces.

4. Additional information, reports and analysis may be required and conditions may be imposed to ensure the use, operation and function of the mechanical parking system is not detrimental to the public welfare, property, land uses, and users of the property, other properties, or the public right of way, or the general vicinity.

5. The Community Development Director shall have authority to adopt design standards to implement this section.

16. All development containing residential uses shall comply with Chapter 17.96.

B. Residential. The following design standards shall apply to the residential districts and developments.

1. Covered off-street parking stalls in a garage or carport designed for one car shall be a minimum of twelve feet in width and twenty feet in depth of unobstructed area provided for parking purposes, or if a tandem configuration shall be twelve feet in width and forty feet in depth. Two-car garages or carports shall be a minimum of twenty feet in width and twenty feet in depth of unobstructed area provided for parking purposes. The required minimum measurements may not include the exterior walls or supports of the structure.

2. All covered off-street parking shall be architecturally consistent with the main site structure(s) and meet all building setback requirements.

3. Driveways providing access to garages, carports and parking areas serving three or less dwelling units shall be a minimum of ten feet in width for one-way traffic, and twenty feet for two-way traffic.

4. Driveways providing access to garages, carports, and open parking stalls serving four or more dwelling units shall be a minimum of twelve feet in width for one-way traffic, and twenty-four feet for two-way traffic, except for double loaded aisles for compact parking stalls, which may be twenty-two feet in width.
5. Driveways or aisles serving multiple dwelling units with garages or carports on either or both sides shall be increased a minimum of five feet on one side only, thus providing a twenty-nine-foot wide accessway between garage or carport spaces for two-way traffic.
6. The off-street parking stalls required by this chapter shall not be subleased, sublet, or otherwise made available to residents of other properties.
7. All required covered off-street parking stalls shall be located conveniently accessible to the dwelling unit served by such parking stall.
8. All recreational vehicle parking and/or storage areas located within the front yard setback shall be paved with either asphaltic concrete, cement.

C. Commercial, Office, Industrial Uses. The following design standards shall apply to commercial, office, industrial uses.

1. Those areas designated for use by motorcycles shall measure four feet by eight feet. Such areas shall be clearly marked for motorcycle parking, sufficient to prevent automobile parking in the area.
2. Those areas designated for use by bicycles shall measure at least two feet by seven feet, shall be located in groups, and shall be equipped to allow for the locking of each bicycle. Bicycle spaces shall be located where access to such spaces is not hampered by physical barriers or parked vehicles.
3. Two-way access drives with no parking shall be a minimum of twenty-four feet. One-way access drives with no parking shall be a minimum of twelve feet.

**17.62.060 Off-street parking requirements.**

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The following subsections list the required amount of off-street parking for each category of uses, special requirements, and optional requirements.

A. Residential.

1. Single-family dwellings (conventional), detached: two parking stalls per unit, at least two of which must be within a garage or carport;
2. Secondary residential units (“granny flats”): One off-street parking stall which may be uncovered or a part of the existing driveway serving the main residence;
3. Multifamily, cluster developments (condominium, townhouse), semidetached single-family (zero lot-line, patio homes, duplexes):
  - a. Studio/bachelor Units. One off-street parking stall per unit, which shall be in a garage or carport,
  - b. One-bedroom Units. One and one-half off-street parking stalls per unit, of which one stall shall be in a garage or carport,
  - c. Two-bedroom Units. Two off-street parking stalls per unit, of which two parking stalls shall be in a garage or carport,
  - d. Three or More Bedroom Units. Two off-street parking stalls per unit, of which two parking stalls shall be in a garage or carport,
  - e. Resident Parking. All off-street resident parking shall be located within two hundred feet of an entrance to the unit(s) it is designed to serve,
  - f. Guest/visitor Parking (Projects With Twenty-Five or more Dwelling Units). In addition to the required number of covered off-street parking stalls for each unit, .25 off-street uncovered parking stalls shall be provided for each unit for visitor parking.
  - g. Guest/visitor Parking (Projects With Less Than Twenty-five Dwelling Units). In addition to the required number of covered.off-street parking stalls

for each unit, .3 off-street uncovered parking stalls shall be provided for each unit for visitor parking,

h. All guest parking spaces should be well-distributed throughout a project and be clearly marked by signing and pavement markings. Directional signs to guest parking should be posted starting at each driveway entrance to a complex. Signing should also be used at each guest parking area indicating the addresses of the closest buildings served by that area;

4. For developments containing five or more units, up to thirty percent of the required uncovered parking stalls may be compact car size;

5. Senior Citizens Rental Housing.

a. A housing development designed and maintained as rental housing for senior citizens (persons aged sixty years or older) will be permitted a reduction in the required number of resident off-street parking stalls down to a ratio of .5 off-street parking stalls per bedroom.

b. Guest parking shall be provided at a ratio of .5 off-street parking stalls per unit.

B. Commercial/Nonresidential Uses. The following requirements will generally apply for all commercial/nonresidential uses in the city:

1. a. Commercial and Service Uses. One off-street parking stall for each two hundred fifty square feet of gross floor area for all buildings and/or uses in the center;

b. General Office Uses. One off-street parking stall for each two hundred fifty square feet of gross floor area.

Whenever delineation of specific uses is required, the following standards shall apply:

c. Automobile Washing and Cleaning Establishments, Except Self-Service. Two and one-half parking stalls per washing bay;

- d. Self-service Automobile Washer. Two parking stalls for each washing stall;
- e. Automobile Service and Gas Station. Three parking stalls plus two parking stalls for each service bay;
- f. Barbershops or Beauty Parlors. One and one-half parking stalls for each barber chair or beautician station and one parking stall per employee;
- g. Buildings Used Solely for Coin-operated Laundromats or Dry Cleaning Establishments. One parking stall for each three washing machines, or three plus one parking stalls for each five hundred square feet over one thousand square feet of gross floor area;
- h. Commercial Banks, Savings and Loan Offices, and Other Financial Institutions. One parking stall for each three hundred thirty square feet of gross floor area;
- i. Contractor's Storage Yards in Connection With Contractor's Business; Junkyard, Automobile Wrecking Yard; Storage Yard. Six parking stalls separated from the enclosed storage area;
- j. Lumber and General Building Materials Yards. One parking stall for each three hundred square feet of gross floor area for retail sales, plus one parking stall for each one thousand square feet of open area devoted to display (partially covered, by roof, awning, etc.) or sales;
- k. Mortuaries and Funeral Homes. One parking stall for every forty-five square feet or fraction thereof of assembly room or gross floor area, plus one parking stall for each vehicle used in the operation of the funeral home or mortuary;
- l. Motels and Hotels. One parking stall for each guest unit and two parking stalls for resident manager or owner;

m. Motor Vehicle Sales and Automotive Repair, Painting, Body Work or Service. Minimum of five parking stalls, plus one parking stall per four hundred square feet of gross floor area;

n. Stores Solely for the Sale of Furniture and Appliances. One parking stall for each five hundred square feet of gross floor area;

o. General Retail Stores, Food Stores, Supermarkets, Drugstores. One parking stall for each two hundred fifty square feet of gross floor area.

2. Commercial Recreation Uses.

a. Bowling Establishments and/or Billiard Halls. Five parking stalls for each lane and/or two parking stalls for each billiard table and one parking stall for each two hundred fifty square feet of gross floor area containing amusement games or devices, plus one locking bicycle facility per two amusement games or devices. All bicycle facilities shall be located clear of public walkways and convenient to the main entrance of the use;

b. Driving Ranges (Golf). One parking stall per tee, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

c. "Pitch and Putt" and Miniature Golf Courses. Three parking stalls per hole, plus the parking stalls required for accessory uses, and one parking stall per employee;

d. Skating Rinks, Ice or Roller. One parking stall for each one hundred square feet of gross floor area, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

e. Swimming Pool (Commercial). One parking stall for each one hundred square feet of water surface, plus one parking stall for each employee, but not less than ten parking stalls for any such use;

f. Tennis, Handball and Racquetball Facilities. Three parking stalls for each court, plus the parking stalls required for additional uses on the site, and one parking stall per employee;

g. Amusement Arcades. One parking stall for each two hundred fifty square feet of gross floor area, plus one locking bicycle facility per two amusement games or devices, with a minimum of ten locking bicycle facilities. All bicycle facilities shall be located clear of public walkways and within fifty feet of the main entrance.

3. Educational Uses.

a. Elementary and Junior High Schools. One parking stall for each employee (excluding auditoriums and stadiums which must be parked according to subsection B6c of this section);

b. Senior High Schools. One parking stall for each member of the faculty and each employee, plus one parking stall for each six students regularly enrolled (excluding auditoriums and stadiums which must be parked according to subsection B6c of this section);

c. Colleges, Universities and Institutions of Higher Learning, Parochial and Private. One parking stall for each three students, plus one parking stall for each two members of the faculty and employees (excluding auditoriums and stadiums which must be parked according to subsection B6c of this section);

d. Trade Schools, Business Colleges and Commercial Schools. One parking stall for each two student seating or study areas in each classroom, plus one parking stall for each faculty member or employee (excluding auditoriums and stadiums which must be additionally parked according to subsection B6c of this section).

4. Health Uses.

a. Dental Clinics or Offices; Medical Clinics or Offices, Veterinary Hospitals and Clinics. One parking stall for every two hundred square feet of gross floor area, plus one parking stall per employee;

b. Hospitals. One parking stall for each two patient beds.

c. Health Studios and Spas. One parking stall for each two hundred thirty square feet of gross floor area and one parking stall per employee. (For the purpose of this subsection, swimming pool area shall be counted as floor area).

5. Industrial, Wholesale, Manufacturing and Like Uses.

a. Heavy manufacturing and processing factories or plants. One parking stall for each employee on the largest shift or one parking stall for each five hundred square feet of gross floor area, whichever is greater;

b. Light Manufacturing, Warehouse, Wholesale and Assembly Plants. One parking stall for each employee on the largest shift, or one parking stall for each five hundred square feet of gross floor area, whichever is greater;

c. Research and Development Facilities. One parking stall for each three hundred square feet of gross floor area;

d. Unspecified Use Buildings. One parking stall for each three hundred square feet of gross floor area;

e. Public Utility Facilities, Including, But Not Limited to Electric, Gas, Water, Telephone and Telegraph Facilities Not Having Business Offices on the Premises. One parking stall for each employee on the largest shift, plus one parking stall for each vehicle used in connection with the use. A minimum of ten parking stalls shall be provided for each such use, regardless of building space or number of employees.

f. Biopharmaceutical campus developments consisting of office buildings, research and development buildings, laboratory buildings/facilities, and supporting ancillary facilities that are developed and continue to meet the below criteria may be allowed to use a reduced parking ratio for laboratory buildings. The actual parking ratio to be used for laboratory buildings, including ancillary office space and related support space within laboratory buildings used by laboratory scientists and staff, throughout the campus shall be established by the city at the time the general development plan (or an



amendment to the general development plan) for the biopharmaceutical campus is approved by the city council. All of the laboratory buildings within the campus shall be subject to the requirements of subsection (D)(1) of this section, with the exception of subsection (D)(1)(c) of this section. The following criteria apply:

- i. The entire land area encompassing the biopharmaceutical campus shall be owned or leased and occupied by one biopharmaceutical company, unless the city, in its sole discretion and based on the factors set forth in subsection (B)(5)(f)(vi) of this section, approves the lease or sale of a portion of the biopharmaceutical campus to another entity or entities.
- ii. The biopharmaceutical campus shall consist of a minimum of thirty acres, contiguous or across the street.
- iii. The biopharmaceutical campus shall contain sufficient land area so that at build-out it can support all required parking in either at-grade parking lots or within parking structures.
- iv. Once approved by the city as a part of the initial use permit, the use(s) housed within buildings in the biopharmaceutical campus shall not be changed without the prior review, evaluation of parking available to serve the changed use(s), and approval by the city.
- v. If the city allows a parking ratio for laboratory buildings within a biopharmaceutical campus that is less stringent than would be required for the same type of buildings not located within the subject biopharmaceutical campus, such parking ratio shall be recorded with the San Mateo County recorder's office along with the general development plan approved by the city. The recorded document shall make clear that the reduced parking ratio applies to laboratory buildings in the subject biopharmaceutical campus only and that if removed from the biopharmaceutical campus or if title is transferred to another entity, at the discretion of the city, the laboratory buildings may be subject to the

parking requirements then in effect for similar buildings in the city that are not located within the subject biopharmaceutical campus. The documents shall be recorded with the San Mateo County recorder's office such that this information shall be easily detected and routinely included in a standard preliminary title report.

vi. No proposed sale or lease of any portion of the biopharmaceutical campus shall close escrow or otherwise be finalized without the prior review and approval of the city, which shall limit its review and approval to the impact of the proposed sale or lease on the ability of the existing and new occupants to meet their off-street parking requirements, both individually and in the aggregate. Any purchase and sale agreement or lease with respect to any portion of the biopharmaceutical campus shall be conditioned upon such city approval; shall specifically identify all land use approvals for the biopharmaceutical campus, including, without limitation, any environmental impact report, mitigation monitoring plan, general development plan, specific development plan or other approval applicable to the biopharmaceutical campus; and shall include an express obligation on the part of the transferee or lessee to abide by all conditions and requirements set forth in such existing land use approvals, including, without limitation, the conditions set forth in any environmental impact report, mitigation monitoring plan, general development plan, specific development plan or other approval applicable to the biopharmaceutical campus.

6. Places of Assembly.

a. Restaurants, Taverns, Lounges and Other Establishments for the Sale and Consumption on the Premises of Food and Beverages. One parking stall for every forty square feet of public accommodation area, plus one stall per two hundred fifty square feet of remaining area, or one stall per employee, whichever is greater;

b. Fast-food Restaurants (With or Without Drive-through). One parking stall for each seventy-five square feet of gross floor area, with a minimum

requirement of ten parking stalls, plus a minimum requirement of ten locking bicycle facilities. All bicycle facilities shall be located clear of public walkways and convenient to the main entrance of the use;

c. Auditoriums, Sports Arenas, Stadiums. One parking stall for each three seats, or one parking stall for each thirty-five square feet of gross floor area where there are no fixed seats;

d. Theaters, Movies.

i. Single Screen. One parking stall per three seats, plus one parking stall per employee,

ii. Multi-screen. One parking stall per three seats, plus one parking stall per employee;

e. Libraries. One parking stall for each four hundred square feet of gross floor area;

f. Private Clubs, Residential Recreation Buildings, Lodge Halls, Union Headquarters (No Sleeping Facilities). One parking stall for each seventy-five square feet of gross floor area, or one parking stall for each five fixed seats, whichever is greater;

g. Churches and Other Places of Assembly Not Specified Above. One parking stall for each four fixed seats within the main auditorium, or one parking stall for each thirty-five square feet of seating area within the main auditorium where there are no fixed seats; eighteen linear inches of bench shall be considered a fixed seat.

7. Other Uses.

a. Day Nurseries, Including Preschools and Nursery Schools. One parking stall for each staff member, plus one parking stall for each five children.

8. Unlisted Uses. For uses not specifically listed the public works and community development department shall recommend off-street parking requirements subject to planning commission review and approval.

C. Special Requirements. The following parking requirements are applicable to all uses. Special parking stalls (handicapped, motorcycle, bicycle) shall be closest to the facility for which they are designated in order to encourage their use.

1. Handicapped. The required number of parking spaces for the physically handicapped shall be as set forth in Part 2, Title 24 of the California Administrative Code and Division 11, Chapter 9 of the California State Vehicle Code.

2. Motorcycle. Parking facilities with twenty-five or more parking stalls shall provide at least one parking stall as a designated parking area for use by motorcycles. Parking facilities with over one hundred parking stalls shall provide motorcycle parking at the rate of one percent of the total number of parking stalls provided. Areas delineated for use by motorcycles shall meet standards set forth in subsection C1 of Section [17.62.050](#).

3. Bicycle parking.

a. Bicycle parking shall be provided, at a minimum, in an amount equal to:

BUILDING USE	SHORT-TERM BICYCLE PARKING REQUIREMENTS	LONG-TERM BICYCLE PARKING REQUIREMENTS
Residential with private garage for each unit	One (1) parking space per ten (10) units for developments of ten (10) or more units	None
All other residential	One (1) parking space per ten (10) units for	1 per unit

BUILDING USE	SHORT-TERM BICYCLE PARKING REQUIREMENTS	LONG-TERM BICYCLE PARKING REQUIREMENTS
	developments of ten (10) or more units	
Retail and recreation	1 space per 3,000 square feet of building area within 50 feet of primary building entrance	1 space per 10,000 square feet of building area
Office, R&D, and Other Nonresidential uses	1 space per 8,000 square feet of building area within 75 feet of primary building entrance	1 space per 10,000 square feet of building area

b. The long-term bicycle parking requirement may be reduced by up to fifty percent (50%) with a Transportation Demand Management (TDM) program that includes bicycle sharing, subject to approval of the Community Development Director.

4. Stall Sizes. All new parking facilities shall consist of the universal parking stall size or larger, with up to five percent compact stalls allowed where necessary to accommodate existing curves, obstructions, or other site or lot configuration problems. For unusual circumstances, including but not limited to existing utility installations, lot shape or dimensions, commercial non-residential facilities with ten or more parking stalls may provide up to thirty percent of their parking for use by compact cars, if determined necessary by the community development director.

5. Drive-through Facilities. Drive-through facilities require special consideration as their design can significantly impact the vehicular circulation on a site. The following requirements apply to any use with drive-through facilities.

- a. Each drive-through lane shall be separated from the circulation routes necessary for ingress or egress from the property, or access to any parking stall.
- b. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
- c. The vehicle-stacking capacity of the drive-through facility and the design and location of the ordering and pickup facilities will be determined by the city, based on appropriate traffic engineering and planning data. The applicant shall submit to the city a traffic study addressing the following issues:
  - i. Nature of the product or service being offered;
  - ii. Method by which the order is processed;
  - iii. Time required to serve a typical customer;
  - iv. Arrival rate of customers;
  - v. Peak demand hour;
  - vi. Anticipated vehicular stacking required.

6. Signs, Markings. Spaces provided for the specific uses as listed above shall be clearly designated through signs, colored lines, etc., all of which must be approved by the city.

D. Optional Provisions. The following may be provided at the option of the developer when applicable to commercial, residential or office off-street parking uses, subject to city approval:

1. Shared Parking Facilities. The city, through the use permit procedure, may allow the parking requirements of this chapter to be satisfied by the sharing of parking stalls by more than one use, provided:

- a. The proposal is in the best interests of the city and does not inhibit the implementation of other city ordinances, policies or plans; and
- b. The applicant is able to show that peak hours of use will not overlap or coincide to the degree that peak demand for parking stalls from all uses is greater than the total supply of parking stalls; and
- c. The shared parking facility is within three hundred feet of the principal entrance containing the use(s) for which the parking is required; and
- d. A written agreement between landowner(s) and the city, satisfactory in form and content to the city attorney, is approved by the city. This agreement concerning use and access to parking stalls shall be in the form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:
  - i. A guarantee that there will be no substantial change in the uses that will create a greater demand for parking,
  - ii. A guarantee among the landowners for access to and use of the shared parking facilities,
  - iii. A provision that the city may require parking facilities in addition to those originally approved upon finding by the city council that adequate parking to serve the use(s) has not been provided, and
  - iv. A provision stating that the city may, with due cause, notice and hearing, unilaterally modify, amend or terminate the agreement at any time.

2. Off-Site Parking Facilities. The city may allow the parking requirements of this chapter to be satisfied through the provision of off-site parking facilities.

- a. The proposal is in the best interests of the city and does not inhibit the implementation of other city ordinances, policies or plans;
- b. The off-site parking facility is within three hundred feet of the principal entrance(s) containing the use(s) for which the parking is required or the off-site parking facility containing the use(s) for which the parking is required is served by a shuttle bus system the operations of which are approved by the City and guaranteed by an agreement which is subject to the provisions of subsection "d" below;
- c. Off-site parking facilities may be shared by more than one use by meeting the shared parking requirements;
- d. A written agreement between landowner(s) and the city satisfactory in form and content to the city attorney is approved by the city. This agreement concerning use and access to parking stalls shall be in a form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:
  - i. A guarantee that there will be no substantial change in the uses that will create a greater demand for parking.
  - ii. A guarantee among the landowners for access to and use of the shared parking facilities for the period of time that the off-site parking facilities are needed in order to serve the subject uses.
  - iii. A provision that the city may require parking facilities in addition to those originally approved upon the making of a finding by the city council that adequate parking to serve the use(s) has not been provided or has not been maintained, and
  - iv. A provision stating that the city may, with due cause, notice and hearing, unilaterally modify, amend or terminate the agreement at any time.



3. Transportation Systems Management Plans. Off-street parking facilities and/or the number of required off-street parking stalls may be decreased up to a maximum of fifteen percent, subject to the approval of the city planning commission, based upon a detailed transportation systems management plan supplied by the applicant which may include, but is not limited to, provisions for assisting employees to use public transit, carpooling, vanpooling, preferential parking arrangements, charter buses, club buses, employer's contribution to bus service costs, staggered or variable work hours. Plans which employ the use of mass transit as a means of reducing the demand for employee and customer parking shall provide loading/unloading areas and facilities within a reasonable walking distance to and from the site and buildings for which they are provided. In evaluating the request, the city shall consider, among other factors:

- a. Projected effectiveness of carpool, vanpool, staggered work hours or similar transportation programs;
- b. Proximity to public transportation facilities serving a significant portion of employees and/or customers;
- c. Evidence that employees and/or customers utilize, on a regular basis, transportation alternatives to the automobile.
- d. Where transportation systems management techniques are employed and plans approved which reduce the number of required off-street parking stalls for a development, employment site, commercial or office complex, a written agreement between the landowner(s) and the city must be approved. Such written agreement must be satisfactory in form and content to the city attorney, and is subject to planning commission and city council approval. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land. The agreement shall include:
  - i. A provision to identify that the position of transportation coordinator is created by the agreement, whose purpose is to insure that the transportation systems management plan is successful. The city will be

kept informed regarding who the transportation coordinator is and how he/she may be contacted;

ii. A guarantee that the transportation systems management techniques will not be diminished, suspended, eliminated or in any way be operated at a lower level of effort on the part of the parties identified as responsible for the implementation of these techniques in the transportation systems management plan without prior city approval;

iii. Provision for an annual report to the city reviewing the past year's efforts to encourage employees and customers to use transportation systems management techniques, and an accounting of the number of employees and customers actually and regularly employing the techniques to and from the site. Such report will also update that section of the plan outlining efforts to increase employee and customer participation in the transportation systems management program during the coming year;

iv. A provision that the city, acting with due cause, notice, and at a public hearing, may unilaterally amend or terminate the agreement at any time, thereby requiring the landowner to construct an adequate amount of off-street parking that meets the requirements of the existing parking ordinance at the time the project was constructed.

4. Credit for Bicycle and Motorcycle Parking in Commercial and Industrial Districts. Where bicycle spaces or motorcycle spaces are provided for uses in commercial and industrial districts in excess of the amount of bicycle and/or motorcycle parking otherwise required, parking stalls otherwise required pursuant to this chapter may be omitted in accordance with the following provisions and subject to the following limitations:

a. One parking stall may be omitted for each eight bicycle spaces provided (see Sections [17.62.050](#) C2 and 17.62.060 C3 for requirements);

b. One parking stall may be omitted for each two motorcycle spaces provided (see Sections [17.62.050](#) C1 and 17.62.060 C2 for requirements);

c. In no instance shall credit for motorcycle or bicycle parking or combination thereof exceed five percent of the total required parking stalls.

5. Parking In-lieu Fees. The city may allow the parking requirements of this chapter to be satisfied through the payment of parking in-lieu fees.

a. In commercial, service and office districts where it can be demonstrated that the reasonable and practical development of property precludes the provision of required off-street parking, the city council, upon recommendation of the planning commission, may permit the off-street parking requirements for the use to be satisfied by the payment to the city of a sum equivalent to the estimated, normal, current cost of providing required off-street parking to serve the contemplated use. Any off-street parking satisfied in this manner shall run with the land, and any subsequent change of use which requires more parking shall require subsequent action to satisfy the additional parking requirement. No refund of such payments shall be made when there is a change to a use requiring less parking. Such payment shall be made to the city in one lump sum prior to the issuance of a building permit and/or business license.

b. The amount of payment for each required parking space shall be fixed by resolution adopted from time to time by the city council. Funds derived from such payments shall be deposited by the city in a special fund, and shall be used and expended exclusively for the purpose of planning, designing, acquiring and developing off-street parking facilities located, insofar as practical, in the general vicinity of the property for which the in-lieu payments were made.

**17.62.070 Basic regulations for off-street loading and unloading spaces.**

A. Unless waived or modified by the planning commission, every use shall have permanently maintained off-street loading and unloading spaces, as follows. Such off-street loading and unloading spaces shall be exclusive of driveways, setbacks and public rights-of-way, and shall be designed so that parking maneuvers for loading or unloading shall not interfere with traffic on collector or thoroughfare streets, or emergency vehicle accessways.

B. Off-street loading and unloading spaces shall be provided subject to the provisions of this chapter for:

1. Any new commercial/office, service, industrial or wholesale building constructed;
2. Any new commercial/office, service, industrial or wholesale use established;
3. Any addition or enlargement of an existing commercial/office, service, industrial or wholesale building or use;
4. Any change in occupancy of any commercial/office service, industrial or wholesale building, or the manner in which any use is conducted that would result in additional loading/unloading spaces being required.
5. Any new residential building containing 100 or more dwelling units.

C. All required off-street loading/unloading spaces shall be located on the site of the building or uses that they are constructed to serve, shall be clearly marked as loading/unloading spaces only, and shall not interface with site access or emergency vehicle access.

D. All off-street loading/unloading spaces and areas shall be designed, landscaped and maintained in a manner such that they are fully integrated with the design and landscape of any required off-street parking, unless such loading/unloading spaces are located away from off-street parking areas and out of the public view. Off-street loading/unloading spaces located away from off-street parking and out of the public view shall be regularly maintained and kept free of trash and litter.

E. Required off-street loading/unloading spaces shall not be used to satisfy required off-street parking.

F. No motor vehicle repair work or service of any kind shall be permitted in areas designated for loading and unloading purposes.

G. All loading shall take place on the site where the delivery is to be made, and freight-handling doors and facilities shall be oriented to legal off-street loading spaces, not to street or curb parking.

H. Freight-handling docks shall be so located as to permit free use of aisles, driveways, and sidewalks during freight loading/unloading operations.

I. Whenever the computation of the number of off-street loading/unloading spaces required by this section results in a fractional space, one additional space shall be required for one-half or more fractional space, and any fractional space less than one-half of a space shall not be counted.

J. All required off-street loading/unloading spaces shall be provided prior to the issuance of a certificate of occupancy.

K. All required off-street loading/unloading spaces shall be posted as an enforced "tow-away" zone for vehicles violating this section. Signs posting the area as a tow-away zone shall be designed in conformance with Division 11, Chapter 10 of the California State Vehicle Code.

L. The public works and community development department shall recommend off-street loading/unloading space requirements for any land use not mentioned in this chapter, subject to planning commission review and approval.

**17.62.080 Design standards.**

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A. The required size of an off-street loading/unloading space shall be a minimum of twelve feet wide by thirty-five feet long, with a minimum of fourteen feet in vertical clearance, except that an off-street loading/unloading space for a residential use may be ten feet in width and 30 feet in length with a minimum of fourteen feet in vertical clearance.

B. No off-street loading/unloading space shall be located within twenty-five feet of a property in the R-1 or R-1/PD district.

**17.62.090 Loading/unloading space requirements.**

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A. Commercial/Office/Service Uses. All freestanding (i.e., not located in a shopping center) commercial, office or service uses shall provide a minimum of one loading/unloading space. Freestanding commercial, office or service uses greater than five thousand square feet of gross leasable area shall provide loading/unloading space at a ratio of one space per fifty thousand square feet of gross leasable area, up to a maximum of five spaces.

B. Shopping Centers.

1. Within shopping centers, all commercial, office or service uses containing greater than five thousand square feet of gross leasable area shall provide a minimum of one loading/unloading space. Loading/unloading space shall be provided at a ratio of one space per fifty thousand square feet of gross leasable area.

2. Within shopping centers, all commercial, office or service uses containing less than five thousand square feet of gross leasable area may share the loading/unloading spaces of other commercial, office or service uses within the shopping center, provided that:

- a. An agreement for shared use of loading/ unloading space is entered into by the space-sharing uses and the shopping center owner (or representative);
- b. The shared loading/unloading space is within a reasonable distance of each user sharing the space;
- c. Each user sharing a loading/unloading space is allocated a specific weekly time period when the space is reserved for that user only.

C. Industrial, Wholesale, Manufacturing and Like Uses. All industrial, wholesale, manufacturing and like uses shall provide a minimum of one loading/unloading space. In addition, all industrial, wholesale, manufacturing and like uses containing greater than ten thousand square feet of gross leasable area shall provide one loading/unloading space at a ratio of one space per ten thousand square foot of gross leasable area, up to a maximum of five loading/unloading spaces. Thereafter, one loading space per fifty thousand square feet of gross leasable area shall be required.

D. Residential Use of 100 or more Dwelling Units Per Building. All residential buildings containing 100 or more dwelling units shall provide one loading/unloading space.

**17.62.095 Passenger drop-off zone requirements.**

A. A minimum of one passenger drop-off zone shall be provided for the following:

1. Any new commercial, hotel, or office building constructed of 40,000 square feet or larger;
2. Any change in occupancy of any commercial or office building or the manner in which any use is conducted that would result in additional occupancy limits.
3. Any new residential building containing 50 or more dwelling units.

**17.62.100 Relief from the provisions of this chapter.**

A. Parking Variance. With the exception of projects located in a planned development (PD) district, an applicant may apply to the planning commission for a variance from the off-street parking and/or loading space requirements in order to be relieved of providing the usual off-street parking and/or loading spaces required of a particular land use or set of land uses.

B. In reaching its decision, the planning commission shall require a review of the total off-street parking and/ or loading space needs of the proposed project, and an analysis of the request for a variance from such usual requirements. This analysis shall be conducted by a qualified traffic-engineering firm paid by the applicant and selected by the city, and shall include information regarding:

1. Justification for the variance;
2. Potential impacts caused by the requested variance (on-site and in the surrounding area);
3. Required mitigation (if necessary).

C. In reaching its decision, the planning commission shall be free to consider any other information it deems necessary and appropriate.

D. An application for a variance shall be filed with the planning division in a form prescribed by the city.

E. The planning commission shall hold a public hearing on each application for a variance.

F. Before granting a variance, the planning commission shall make the following findings that the circumstances prescribed below do apply:

1. That strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code;
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone;
3. That strict or literal interpretation and enforcement of the specified regulations would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone;
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

G. Notwithstanding the above-mentioned required findings for a variance from the provisions of this chapter, a variance may be granted from the provisions of this chapter in order that some or all of the required off-street parking stalls be located off-site, including locations in other local jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking stalls, if both the following conditions are met:

1. The variance will be an incentive to, and a benefit for, the nonresidential development;



2. The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.

H. Within a planned development (PD) district, deviation from the provisions of the off-street parking or loading/unloading requirements contained in this chapter will be considered subject to the provisions of Section [17.36.060](#) of this title.”