Article 3
Regulations ~~A~~a~~n~~d Standards Applicable To All Zoning Districts

CHAPTER 25.30
RULES OF MEASUREMENT

§ 25.30.010. Purpose.

This chapter provides general rules for measurement and calculation applicable to all zoning districts unless otherwise stated in this title.
(Ord. 2000 § 2, (2021))

§ 25.30.020. Fractions.

A. Parking Spaces. If the number of on-site parking spaces for a use required by this title contains a fraction, that fraction shall be rounded to the nearest whole number. Any such fraction equal to or greater than 0.50 shall be rounded up to the nearest whole number, and any such fraction less than 0.50 shall be rounded down to the nearest whole number.

B. Dwelling Units.

1. Residential Density. When the number of dwelling units allowed on a site is calculated based on the minimum site area per dwelling unit, any fraction of a unit shall be rounded down to the next lowest whole number. For projects eligible for a density bonus pursuant to Government Code Section 65915 or any successor statute and Section 25.33.010 (Density Bonus), any fractional number of permitted density bonus units shall be rounded up to the next whole number.

2. Other Calculations. For calculations other than residential density, the fractional/ decimal results of calculations of one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions of less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

3. Other Fractions. Notwithstanding subsections B.1 and B.2 above, when a measurement is expressed in terms of maximum or minimum limits or requirements, any other fractional measurement shall not be rounded. For example, if a maximum height for a building is 35 feet and the proposed building measures 35 feet and six inches, then the height is not in compliance with the requirement.

(Ord. 2000 § 2, (2021))

§ 25.30.030. Measuring Distances.

A. Measurements Are Shortest Distance. Where a required distance is indicated, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the two objects, unless otherwise specifically stated.

B. Distances Are Measured Horizontally. When determining distances for setbacks, all distances shall be measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances shall not be

measured by following the topography or slope of the land unless otherwise specifically stated.

C. Measurements Involving a Structure. Measurements involving a structure shall be made to the closest support element of the structure and to improvements that are more than 30 inches above adjacent grade, such as an uncovered deck. Structures or portions of structures that are underground shall not be included in measuring required distances unless otherwise specifically stated.

D. Measuring Distances to a Major Transit Stop: Measurements to a major transit stop shall be taken as a straight line from the nearest parcel property line of the subject property to the nearest parcel property line of the closest major transit stop.

(Ord. 2000 § 2, (2021))

§ 25.30.040. Measuring Height.

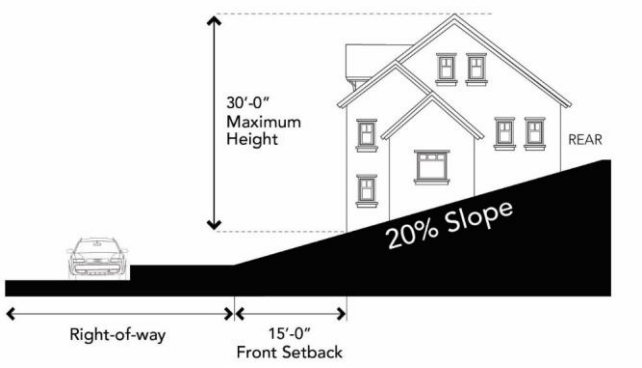
A. Buildings or Structures.

1. General. On flat lots and lots with an average (cross-parcel) slope of less than 20 percent, building height shall be measured as the vertical distance between the average top of curb (taken from the corners of the lot extended) and the highest edge of a gable, hip, or shed roof or top of parapet. On corner lots the average top of curb is calculated using the corners of the lot considered to be the front.

2. Downward Slope. On lots that slope downward more than 20 percent toward the rear of the lot, the maximum height of the building shall not exceed 20 feet above the curb level, irrespective of the number of stories at the rear of the building.

3. Upward Slope. On lots that slope upward more than 20 percent toward the rear of the lot, the maximum height of the building shall not exceed 30 feet above average grade, as measured 15 feet from the front property line at the intersection of the side property line elevation points.

Figure 25.30-1: Measurement of Structure Height: Upward Slopes of 20 Percent or Greater



4. Height Exceptions.

a. See Chapter 25.78 (Special Permit).

5. Allowed Projections.

a. Elevators and Stairwells. Elevator shafts and stairwells up to 14 feet in height, as measured from the roof surface, are allowed to exceed the maximum height limit. Any such structures shall be integrated into the overall architectural design.

b. Mechanical Equipment. Mechanical equipment ~~are~~is allowed to exceed the height limit and may be placed on rooftops only if the equipment is not visible from the public right-of-way or adjacent properties at grade, except for solar collectors that are compatible with the roof line and architecturally integrated with the structure. Building-mounted telecommunications facilities, antennas, and microwave equipment shall comply with the provisions of the City's wireless communications facilities regulations.

c. Roof Area. Elevators, stairwells, and mechanical equipment shall not cover more than 80 percent of the roof area and shall comply with subsections A.5.a. and A.5.b, above. If more than 25 percent of the roof area is covered by mechanical equipment, it shall be adequately screened by the building parapet or with screening with a design and materials matching those of the building.

B. Fences, Walls, and Hedges. Except as provided in Section 25.31.070 (Fences, Walls, and Hedges), the height of a fence or hedge shall be measured from the highest adjacent grade.

(Ord. 2000 § 2, (2021))

§ 25.30.050. Measuring Lot Width and Depth.

A. Lot Width. Lot width is the horizontal distance between the side lot lines measured at right angles to the lot depth line, measured from the front property line or at the required front setback line, whichever is greater.

B. Lot Depth. Lot depth is the measured distance along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line.

(Ord. 2000 § 2, (2021))

§ 25.30.060. Determining Floor Area.

A. Generally. The floor area of a building shall be the sum of all floors of a building or buildings, as measured to the outside surfaces of the exterior walls of the structure or structures and including such areas as halls, stairways, covered porches and balconies, elevator shafts, service and mechanical equipment rooms and basements, cellars, and improved space in attic areas.

B. Parking Excluded. Floor area shall exclude parking garages and parking structures for commercial, industrial, multi-unit and mixed-use buildings, either above ground or underground.

C. Single-Unit Residential.

1. Inclusions. Floor area shall include the residential floor area of any building(s) located on the lot, including the main dwelling, detached accessory structures, all garage area, covered patios, and basements with a ceiling height of seven feet or greater (as measured from the finished floor to the ceiling or bottom of the floor joists of the floor above the

basement), unless otherwise noted in subsection C.2. The floor area of enclosed stairways within the structure shall be counted on each floor. The floor area of open spaces within a~~the~~ structure with a ceiling height ~~that are~~ greater ~~higher~~ than 12 feet shall be counted on each floor.

2. Exclusions. The following shall be excluded for the purposes of calculating floor area:

   a. Basements up to 600 square feet in area with a ceiling height of seven feet or greater if it meets both of the following standards:

      i. The top of the finished floor above the basement is less than two feet above existing grade; and

      ii. No part of the basement is intended or used for parking.

   b. Covered porches or decks on the first floor totaling up to the first 200 square feet ~~or less~~ which face a street and are not located on the rear of the dwelling. An area under a balcony shall be considered a covered porch if the balcony is over an exterior exit from the building. If a covered porch is greater than 200 square feet, then only the square footage above 200 square feet shall count towards the overall floor area.

   c. Lower floor or basement of 100 square feet or less solely used for mechanical equipment.

   d. Crawl space between the surface of the ground or floor and the bottom of the first floor joists that measures less than seven feet in height.

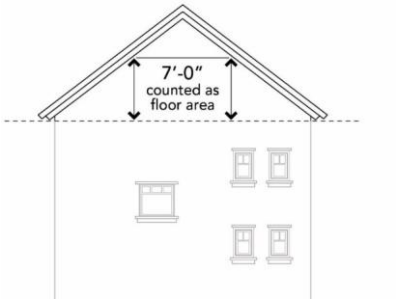
   e. Open spaces under decks that are open on at least two sides.

   f. Uncovered front entrance stairs and stoops.

   g. Covered walkways.

   h. Non-habitable attic areas. In all other cases, attic areas that are made habitable and accessible and contain a ceiling height of seven feet or greater shall be counted as floor area.

Figure 25.30-2: Habitable Attic Areas



   i. Patio covers and trellises at the side or rear of the house that are open on at least two sides (up to a maximum of one detached and one attached) up to a maximum of 120 square feet. If the structure is greater than 120 square feet, then only the square footage above 120 square feet shall count towards the overall floor area ratio.

j. Decorative trellises with no ground supports, extending up to three feet from the exterior wall of the house.

k. Cornices and eaves.

l. Fireplace chimneys.

m. Bay and greenhouse windows located on the first floor if all of the following conditions are met:

i. Footprint of each window shall not exceed 20 square feet; and

ii. Total cumulative bay/greenhouse window area shall not exceed 60 square feet.

n. Uncovered balconies.

o. Mechanical equipment.

p. Accessory dwelling units which comply with the provisions of Section 25.48.030.

D. Nonresidential.

1. Floor Area Ratio Calculation. In calculating the floor area ratio for commercial development, the measurement shall apply to the gross floor area of the building and does not include basements or cellars.

2. Exemptions. Exempted from floor area ratio computation for commercial development are:

a. Chimneys, cupolas, and flag poles.

b. Canopies at entrances to buildings.

c. Balconies (uncovered or covered).

d. Covered walkways and arcades.

e. Ground level trellises.

f. Trash enclosures.

g. Water tanks, elevator penthouses, and other mechanical appurtenances.

h. Fire or hose towers.

i. Ground level service yards, if open to the sky, and which may otherwise be partially enclosed.

E. Mixed Use.

1. Mixed-Use Residential/Commercial. In a mixed-use building that includes residential and nonresidential uses, floor area ratio (FAR) maximums shall apply to only the nonresidential component of the development; the density standards shall apply only to

any residential component of development on a site. The nonresidential (FAR) and residential (density) components are additive.

2. Multiple FARs. In some of the commercial zoning districts, a separate maximum floor area ratio is established for a particular use on a lot as well as a maximum overall floor area ratio for a lot.

(Ord. 2000 § 2, (2021))

§ 25.30.070. Determining Lot Coverage.

A. Generally. Structures included in lot coverage calculations shall include building or structures that are 30 inches in height or more above adjacent existing grade and shall be measured from exterior walls, exclusive of projecting, unenclosed architectural features.

Excluded from Lot Coverage. The following features shall not count toward lot coverage.

1. Covered porches or decks on the first floor totaling up to the first 200 square feet which face a street and are not located on the rear of the dwelling. An area under a balcony shall be considered a covered porch if the balcony is over an exterior exit from the building. If a covered porch is greater than 200 square feet, then only the square footage above 200 square feet shall count towards the overall lot coverage.

~~1.~~2. Patio covers and trellises that are open on at least two sides (up to a maximum of one detached or attached) up to a maximum of 120 square feet. If the structure is greater than 120 square feet, then only the square footage above 120 square feet shall count towards the overall floor area ratio.

~~2.~~3. Uncovered swimming pools and spas, sports courts, and other athletic and/or recreational surfaces that are not more than 30 inches above the adjacent finished grade, at any point, on which they are placed.

~~3.~~4. Cornices and eaves.

~~4.~~5. Front entrance stairs and stoops if uncovered and not more than four feet above grade.

~~5.~~6. Fireplace chimneys.

~~6.~~7. Outdoor kitchens and fire pits.

~~7.~~8. Bay and greenhouse windows located on the first floor if all the following conditions are met:

a. Footprint of each window shall not exceed 20 square feet; and

b. Total cumulative bay/greenhouse window area shall not exceed 60 square feet.

~~8.~~9. Uncovered balconies projecting up to four feet from the building.

~~9.~~10. Basements.

~~10.~~11. Mechanical equipment.

~~11.~~12. Upper floor cantilevers projecting up to 30 inches from the building.

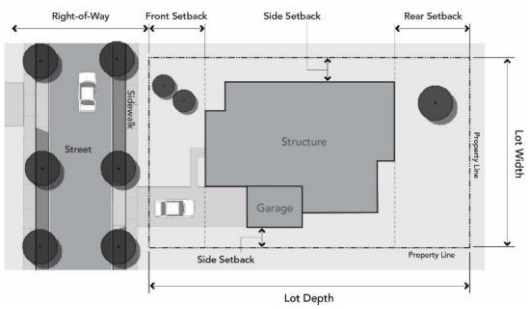
~~12.~~13. Any attached or detached accessory dwelling unit which complies with the

provisions of Section 25.48.030.
(Ord. 2000 § 2, (2021))

§ 25.30.080. Determining Setbacks.

A. Generally. All setback distances shall be measured at right angles from the designated property line to the building or structure, and the setback line shall be drawn parallel to and at the specified distance from the corresponding front, side, or rear property line.

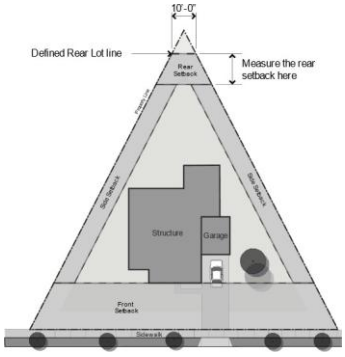
Figure 25.30-3: Setbacks



B. Interior Side Setbacks. If front and rear lot lines are equal, the lot width for determining an interior side setback shall be measured from the front property line. If front and rear lot lines are unequal, the setback shall be based on the width of the lot as measured between the midpoints of the two side lot lines.

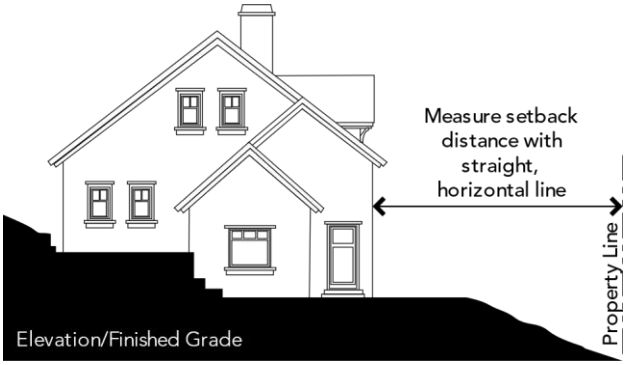
C. Rear Property Line Exception. Where no rear property line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear setback.

Figure 25.30-4: Setbacks on Irregular Lots



D. Sloped Lots. For sloped lots, the measurement shall be made as a straight, horizontal line from the property line to the edge of the structure, not up or down the hill slope.

Figure 25.30-5: Setback Measurement for Sloped Lots



E. Flag Lots. For flag lots, the pole portion of the parcel shall not be used for defining setback lines.

F. Other Irregularly Shaped Lots. For irregular shaped lots not covered herein, the Director will determine setbacks.

(Ord. 2000 § 2, (2021))

§ 25.30.090. Allowed Projections in Residential Zones.

A. General. In residential zones, architectural and similar features may extend into required setback areas as identified in Table 25.30-1 (Allowable Projections into Required Setback in Residential Zones).

Table 25.30-1 Allowable Projections into Required Setback In Residential Zones

Type of Projection	Allowable Projection
Cornices, eaves	Must be located at least 2 feet from any property line
Stairs and stoops	6 feet into required front setback; must be uncovered and not extend more than 4 feet above grade
Covered porches	5 feet into required front setback
Bay windows on first floor	2 feet; maximum of 20 sq. ft. each; cumulative total of 60 sq. ft.; must be located at least 4 feet from side property line
Fireplace chimneys	2 feet; maximum of 6 feet in width; 2 ft from property line
Greenhouse windows	1 foot; 3 feet above finished floor; maximum 17 sq. ft.; 3 feet from any property line
Open balconies in multi-unit buildings	4 feet; maximum of 16 feet in width; 10-foot separation if multiple balconies but must be located at least 4 feet from property lines
Basements and underground parking garages	Front - Shall not extend past required front setback line. Side - Shall not extend past required side setback line, and in no case be closer than 4 ft to side property line. Rear - May extend into rear setback up to 10 ft from rear property line. See also Section 25.03.080.H.
Basement lightwells and stairs	6 feet; must be uncovered
Mechanical equipment	

Table 25.30-1 Allowable Projections into Required Setback In Residential Zones

Type of Projection	Allowable Projection
Tankless water heaters	2 feet
Equipment for swimming pools, spas, water features	Allowed if located 10 feet from property line; may be located closer to property line if enclosed and determined to be adequately sound insulated by Building Official
Air conditioning equipment	As established in the Building Code and as regulated by City noise restrictions
Public utility structures	Allowed

B. ~~Basement lightwells and stairs6 feet; must be uncoveredMechanical equipmentTankless water heaters2 feetEquipment for swimming pools, spas, water featuresAllowed if located 10 feet from property line; may be located closer to property line if enclosed and determined to be adequately sound insulated by Building OfficialAir conditioning equipmentAs established in the Building Code and as regulated by City noise restrictionsPublic utility structuresAllowedB. Basements and Underground Parking Garages.~~ Basements and parking facilities constructed entirely below ground level shall be subject to the following limitations:

1. Plans for underground garages, together with methods of access and egress for the vehicles, must be prepared and submitted for approval by the Planning Commission prior to the issuance of a building permit.

2. Allowance shall be made on the surface of the structure lying within a required yard or setback area, where permitted, to provide for landscaping.

3. The uppermost portion of any structure or attachment thereto within any required yard or setback area, where permitted, shall not extend above natural grade.

4. On lots abutting or fronting El Camino Real, basements and underground garages may not be constructed within any portion of the required setback area on such frontage.

(Ord. 2000 § 2, (2021))

§ 25.30.100. Allowed Projections in Nonresidential Zones.

In commercial, industrial, and mixed-use zoning districts, architectural and similar features may extend into required setback areas as identified in Table 25.30-2.

Table 25.30-2: Allowed Projections into Required Setbacks in Commercial, Industrial and Mixed-Use Zoning Districts

Type of Projection	Allowable Projection
Architectural features	
Cornices, canopies, eaves, buttresses, chimneys, solar collectors, shading louvers, reflectors, water heater enclosures, and bay or other projecting windows	30 inches
Uncovered balconies, uncovered porches, decks, fire escapes, exit stairs	5 feet or setback required by Building and Fire Codes
Basements and underground garages	As set forth in 25.30.090.B (Allowed Projections in Residential Zones)
Mechanical equipment	
Tankless water heaters	2 feet

Table 25.30-2: Allowed Projections into Required Setbacks in Commercial, Industrial and Mixed-Use Zoning Districts

Type of Projection	Allowable Projection
Equipment for swimming pools, spas, water features	Allowed if located a minimum of 3 feet from property line and are acoustically shielded or otherwise treated to ensure compliance with City noise control regulations
Public utility structures	
Fences, Walls, and Hedges	As permitted by Section 25.31.070
Signs	As permitted by Chapter 25.42
Trash enclosures	See Section 25.31.130

CHAPTER 25.31
SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS

§ 25.31.010. Purpose and Applicability.

A. Purpose. The purpose of this chapter is to ensure that all development produces quality, desirable places and environments that complement the character of existing and future development, protect the use and enjoyment of neighboring properties, and are consistent with General Plan policy.

B. Applicability. The standards of this chapter apply to all zoning districts. These standards shall be considered in combination with the standards for each zone in Article 2 (Zoning Districts, Allowable Uses, and Development Standards) and Article 4 (Regulations for Specific Land Uses and Activities). Where there may be a conflict, the standards specific to the zone or specific land use shall override these general standards. All structures, additions to structures, and uses shall conform to the standards of this chapter, as determined applicable by the Director.

(Ord. 2000 § 2, (2021))

§ 25.31.020. Accessory Structures.

A. Purpose. Regulations applicable to accessory structures are established to ensure that the development and use of accessory structures do not adversely impact abutting properties with respect to drainage~~, aesthetics, noise,~~ and life safety. ~~Also, these regulations establish standards to prevent the unlawful conversion of accessory structures into unpermitted living space.~~

B. Applicability.

1. Application. This section shall apply to:

   a. New Structures. All new structures, as defined in the Building Code, located on the same site as the primary structure or use to which it is accessory, including, but not limited to, garages, carports, porte-cocheres, sheds, workshops, gazebos, greenhouses, cabanas, pool houses, trellises, play structures, aviaries, covered patios, etc.

   b. Decks and Patios. Detached decks and patios that are more than 30 inches above the existing ground elevation, excluding above ground pools and hot tubs.

C. Development Standards for the R-1 and R-2 Zoning Districts. The following standards shall apply to accessory structures in the R-1 and R-2 zoning districts. Any proposed accessory structure that does not meet these requirements may be eligible for a minor modification permit pursuant to Chapter 25.74 (Minor Modifications) or a variance pursuant to Chapter 25.84 (Variances).

1. Number. No more than two covered accessory structures, each measuring more than 120 square feet, shall be permitted per lot. If one of the accessory structures is a permitted accessory dwelling unit, it shall be counted as one of the structures.

2. Size. The maximum size for each accessory structure other than an accessory dwelling

unit is 600 square feet, in addition to a permitted accessory dwelling unit. If there is no permitted accessory dwelling unit, the maximum square footage of all accessory ~~.0~~structures shall not exceed 800 square feet. If an accessory dwelling unit is proposed subsequent to the establishment of two accessory structures on a parcel, one of the accessory structures shall be removed prior to construction of the accessory dwelling unit.

3. Small Structures Under 120 Square Feet. Small structures under 120 square feet not considered a structure pursuant to the Uniform Building Code are excluded from subsections C.1 and C.2. No more than two small structures shall be permitted per lot. Small structures shall not exceed 11 feet in height and may only be located in the side and rear yards.

4. Location. Accessory structures shall not be located in front of the main building, except that a garage may be erected in front of the main building if the dwelling is located in the rear 60 percent of the lot and was built prior to January 15, 1954. In no case shall the accessory structure be constructed between the front of the main building and the front property line.

5. Setbacks. If located within the rear 30 percent of the lot, detached accessory structures shall have a minimum side and rear setback of 18 inches. If located forward of the rear 30 percent of the lot, detached accessory structures shall comply with the side setback requirement of the applicable zoning district in which it is located.

6. Location From Other Structures. Accessory structures shall be located at least four feet from another structure on the lot, as measured between the exterior walls of the structures, and at a minimum shall meet Fire Code separation requirements.

7. Coverage. Accessory structures shall not cover more than 50 percent of the rear 30 percent of a lot. A permitted accessory dwelling unit shall not be included in this calculation.

8. Height.

    a. Plate Line Height. The plate line of the accessory structure shall not exceed nine feet six inches (9’-6”) above grade at the closest point between the plate line and adjacent grade. An accessory structure shall not exceed one story in height.

    b. Roof Height. The roof height of the accessory structure shall not exceed 10 feet above grade, as measured to the highest roof ridge or top of parapet. The height may be increased one foot for each foot of separation from an adjacent property line, up to a maximum height of 15 feet, provided that the roof is pitched from ridge to plate on at least two sides, and the ridge is no closer than five feet to a side property line.

~~9. Windows, Glazing, and Skylights. Windows and glazing on accessory structures are permitted for any structure located at least three feet from the property line. Glazing on vehicle garage doors shall be not subject to this subsection. Skylights shall be allowed on sloping roofs facing interior yards; on sloping roofs facing side yards, provided that the skylight is located at least 10 feet from property line; and on flat roofs.~~

~~10. Bath Facilities. No accessory structure shall contain a shower, bath, or toilet. A sink is permitted provided that it does not encroach within the required parking area in a garage.~~

~~11.~~9.Mechanical Equipment. See Section 25.31.080 (Mechanical and Other Equipment).

D. Development Standards for All Other Zoning Districts. Accessory structures are permitted in other zones provided they meet the development standards for that zoning district.

(Ord. 2000 § 2, (2021))

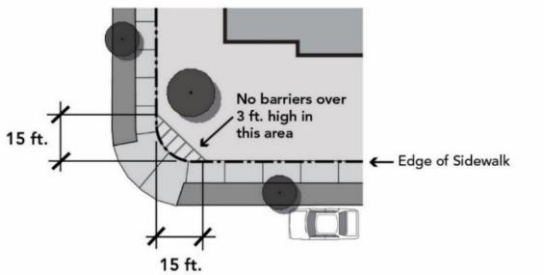
§ 25.31.030. Business Access.

Every business or every building containing one or more businesses shall have its primary entrance upon a City street. Access to such a City street shall not be across or through an alley, lane, or a public parking lot unless approved through a minor modification.
(Ord. 2000 § 2, (2021))

§ 25.31.040. Clear Sight Triangle.

That portion of a lot located within 15 feet of the external corner of the lot adjacent to a public or private street shall be kept free of any tree, hedge, brush or shrub, or fence, wall, or like structure over three feet in height.

Figure 25.31-1: Clear Sight Triangle



(Ord. 2000 § 2, (2021))

§ 25.31.050. (Reserved)

§ 25.31.060. (Reserved)

§ 25.31.070. Fences, Walls, and Hedges.

A. Purpose and Applicability. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, and overall character of neighborhoods, and to ensure the provision of adequate light, air, and public safety. These regulations apply to any type of visible or tangible obstruction that has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including, but not limited to, any type of artificially constructed barriers of wood, metal, or concrete posts connected by boards, rails, panels, wire, or mesh, and any type of natural growth such as hedges and screen plantings.

B. Height of Fences in R Districts.

1. Front Setback. In any front setback, fences and hedges shall be limited to a maximum height of three feet if it is of a solid design or four feet if it is of an open design freely allowing light and air to pass through. These regulations shall apply to fences and hedges

located on the same frontage as the front entry door, for 15 feet on either side of the front entry door, regardless of whether the front entry door is located in the front or side yard. No such fence shall extend into any required clear sight triangle, as described in Section 25.31.040 (Clear Sight Triangle).

2. Arbor. One arbor with a maximum height of nine feet, width of eight feet, and depth of four feet is allowed within the front setback.

3. Side and Rear Setbacks. In any side or rear setback, fences shall be limited to a maximum height of six feet, except that one additional foot up to seven feet is allowed if the last foot in height is of an open design freely allowing light and air to pass through. No such fence shall extend into any required clear sight triangle, as described in Section 25.31.040 (Clear Sight Triangle).

C. Fence Height in All Other Districts. In all other districts, fences shall be limited to a maximum height of seven feet, provided the last foot in height is of an open design freely allowing light and air to pass through. In the Innovation/Industrial district, a maximum fence height of eight feet is allowed.

D. Building Permit Required. Any fence exceeding six feet in height, whether alone or atop a wall exceeding six feet in total height, shall require a building permit. In addition, a building permit shall be required for any fence that exceeds three feet in height located on any corner lot.

E. Fences and Hedges on El Camino Real. No fence or hedge which exceeds three feet in height is permitted within 20 feet of any property line on El Camino Real when such property line is crossed by a driveway for regular vehicle ingress and egress.

F. Fences in Right-of-Way. Fences shall not be allowed to extend beyond the property line into any right-of-way.

G. Nonconforming Fences and Hedges. Any existing fence or hedge existing whose height exceeds that specified is nonconforming. The Council may order a nonconforming fence or hedge to be caused to conform upon the Council's conclusion that a public hazard or public inconvenience results from such nonconformance.

H. Exception for Schools, Playgrounds, and Government Facilities. The regulations of this chapter shall not apply to the construction of ~~metal~~ fences for the protection of schools, playgrounds, and government facilities.

I. Driveway Gates. Gates across driveways in all zoning districts shall be set back a minimum of 20 feet behind the property line to allow for adequate space to queue vehicles entering the property.

J. Pilasters. Decorative pilasters, statuary, flowerpots, and similar ornamental elements attached to or incorporated into the design of conforming fences or walls may exceed the required height limit up to 18 inches, provided that the decorative element is not wider than 18 inches and that such elements are used to define a gateway or other entryway or are otherwise at least four feet apart.

K. Exceptions. Exceptions to the regulations of this section shall be applied for and granted pursuant to the minor modification provisions of Chapter 25.74 (Minor Modifications) of this title. (Ord. 2000 § 2, (2021))

§ 25.31.080. Mechanical and Other Equipment—Residential and Mixed-Use Development.

A. For the purposes of this chapter, mechanical equipment shall include machines and devices, including HVAC units, fans, vents, generators, and elevator motors integral to the regular operation of climate control, electrical, and similar building systems. Mechanical equipment shall not include water heaters (both tank and tankless styles) and enclosures for such units.

B. The following regulations apply to newly installed mechanical equipment for new and existing residential dwellings and mixed-use developments:

1. Mechanical equipment may only be located in the rear 75 percent of the lot.

2. Mechanical equipment shall not be located within the front yard between the building and the property line.

3. Mechanical equipment shall be fully screened from view from any portion of adjacent streets by fences, ~~or~~ hedges, or other screening material approved by the Director.

4. Mechanical equipment shall not be mounted on sloping roofs. Mechanical equipment may be mounted on flat roofs with prior approval by the Director, provided the equipment is concealed with solid screening that is integrated into the overall architectural design.

5. Equipment shall not exceed a maximum outdoor noise level (measured in A-weighted decibels, or dBA) of 60 dBA between the hours of 7:00 a.m. and 10:00 p.m. or 50 dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured from the property line of the property on which the equipment is located.

(Ord. 2000 § 2, (2021))

§ 25.31.090. Public Safety Communications and Wireless Access Point Agreement for Tall Buildings.

As a condition of approval of any structure over 35 feet in height, the Director shall require a location to be agreed upon by the City and the property owner to locate public safety communications equipment and a wireless access point for City communications on the structure proposed. The property owner shall permit this equipment to be installed if the City determines that the structure interferes with critical City public safety communications. The applicant shall provide an electrical supply source for use by the equipment. The applicant shall permit authorized representatives of the City to gain access to the equipment location for purposes of installation, maintenance, adjustment, and repair upon reasonable notice to the property owner or owner's successor in interest. This access and location agreement shall be recorded in terms that convey the intent and meaning of this condition.

(Ord. 2000 § 2, (2021))

§ 25.31.100. Outdoor Lighting and Illumination.

A. Glare. Exterior lighting on all properties shall be designed and located so that the cone of light and/or glare from the lighting element is kept entirely on the property or below the top of any fence, edge, or wall.

B. Shielded Light Fixtures. On all residential properties, exterior lighting outlets and fixtures shall not be located more than nine feet above adjacent grade or required landing. Only shielded light fixtures which focus light downward shall be allowed, except for illuminated

street numbers required by the Fire Department.
(Ord. 2000 § 2, (2021))

§ 25.31.110. (Reserved)

§ 25.31.120. (Reserved)

§ 25.31.130. Trash and Refuse Collection Areas.

A. Purpose and Applicability. This section establishes standards for the location, development, and operations of trash enclosures to ensure that the storage of trash, green waste, and recyclable materials does not have significant adverse health consequences and does minimize adverse impacts on surrounding properties.

B. When Required. All new and expanded commercial and industrial projects with a floor area exceeding 500 square feet, all intensifications of commercial and industrial uses, all new multi-unit residential projects located in any zoning district, and all new mixed-use projects shall be required to provide and maintain at least one trash enclosure. Trash enclosures may be located indoors or outdoors to meet the requirements of this section.

C. Location.

1. Residential. Outdoor trash enclosures required under this section for residential projects shall not be located within any required front or street side yard.

2. General. No outdoor trash enclosures shall be located within any public right-of-way or in any location where it would obstruct pedestrian walkways, obstruct vehicular ingress and egress, reduce motor vehicle sightline, or in any way create a hazard to health and safety, as determined by the Director.

D. Maintenance. Outdoor trash enclosures required shall be maintained in the following manner:

1. Prompt removal shall be required of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
2. Trash enclosure covers shall be closed when not in use.
3. Trash enclosures shall be easily accessible for garbage and recyclables collection.
4. Trash enclosures shall be regularly emptied of garbage.

E. Design of Enclosure Area.

1. Each trash enclosure shall be of a material and colors that complement the architecture of the buildings they serve or shall have exterior landscape planting that screens the walls.

2. The interior dimensions of the trash and recyclables enclosure shall provide convenient and secure access to the containers to prevent access by unauthorized persons and to minimize scavenging, while allowing authorized persons access for disposal and collection of materials.

3. All outdoor trash enclosures shall have full roofs to reduce stormwater pollution and to screen unsightly views. The design of the roof and the materials used shall be compatible

with the on-site architecture, with adequate height clearance to enable ready access to any containers.

4. Designs, materials, or methods of installation not specifically prescribed by this section may be approved by Director, and subject to Director's action. In approving such a request, the Director shall find that the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

(Ord. 2000 § 2, (2021))

CHAPTER 25.33
AFFORDABLE HOUSING ~~AND DENSITY BONUS~~

§ 25.33.010. Purpose and Applicability.

The specific purpose of this chapter is to ensure the adequate provision of housing for all income levels in the City, at rental and sales prices affordable for the appropriate income category.

§ 25.33.02~~1~~0. Density Bonus.

A. Purpose and Applicability.

1. It is the City Council's intent that the City comply with Government Code Sections 65915 through 65918, referred to herein as the "density bonus law," for the granting of residential density bonuses and the submission, review, and granting of incentives and concessions consistent with State law. All applicable provisions of the density bonus law are hereby incorporated by reference and shall be the default law unless otherwise provided by this chapter.

2. This chapter shall not abrogate any other requirements set forth by Federal, State, or local law, including, but not limited to, California Environmental Quality Act requirements and the Burlingame Municipal Code.

B. Application and Review Process.

1. An application for a density bonus or incentive shall be made to the Community Development Department on forms provided by the City. The application shall include the following information:

   a. A brief description of the proposed housing development, including the total number of dwelling units, affordable housing units, and density bonus units proposed.

   b. The requested density bonus amount and requested incentives, if any.

   c. Site plans showing the location of market-rate, density bonus, and affordable housing units.

   d. Any other such information as is necessary to verify that the applicant and/or the housing development meets all requirements set forth by State and local law.

2. The application, or an incentive therein, may be wholly or partially denied for any of the following reasons:

   a. The application is incomplete.

   b. The application contains a material misrepresentation.

   c. The incentive has an insufficient relationship to providing affordable housing.

   d. The incentive has a specific, adverse impact as defined in Government Code Section 65589.5(d)(2).

   e. The incentive is contrary to Federal or State law.

3. The applicant may file an appeal to the City Council within 10 calendar days of being notified of his or her application's final denial.

C. Standards for Development.

1. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the City and developer agree within the affordable housing agreement to an alternative schedule for development.

2. The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

3. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Section 50052.5 of the California Health and Safety Code and California Code of Regulations Title 25, Sections 6910-6924, as they may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

4. A regulatory agreement, as described in subsection D., shall be made a condition of the discretionary permits for all developments pursuant to this chapter. The regulatory agreement shall be recorded as a restriction on the development.

D. Regulatory Agreement.

1. After approval of the application pursuant to the requirements of this title, the applicant shall enter into a regulatory agreement with the City. The terms of this agreement shall be approved as to form by the City Attorney's Office and reviewed and revised as appropriate by the reviewing City official. This agreement shall be on a form provided by the City, and shall include the following terms:

   a. The affordability of very low-, lower-, and moderate-income housing shall be assured in a manner consistent with Government Code Section 65915(c)(1).

   b. An equity sharing agreement pursuant to Government Code Section 65915(c)(2).

   c. The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units.

   d. A description of any bonuses and incentives, if any, provided by the City.

   e. Any other terms as required to ensure implementation and compliance with this section and the applicable sections of the density bonus law.

2. This agreement shall be binding on all future owners and successors in interest. The agreement required by this section shall be a condition of all development approvals and shall be fully executed and recorded prior to the issuance of any building or construction permit for the project in question.

25.33.30 Additional Local Incentives.

A. Purpose. To encourage the construction of additional housing stock, the incentives below are available for eligible projects.

B. Applicability. The following types of project are eligible for up to two incentives described in subsection C below. In no event shall a project be entitled to more than two incentives:

1. Lot Consolidation: Projects consolidating parcel(s) smaller than 0.5 acre into a larger parcel may choose up to two incentives from the Incentives Menu.

2. Larger Affordable Units: Projects constructing at least 25% of the affordable units included in the project as 2- and/or 3-bedroom units may choose up to two incentives from the Incentives Menu as long these affordable units are for households at an income level of 80% AMI or lower.

3. Duplexes or Townhomes: Projects including at least 25% of units as duplexes or townhomes affordable to households making up to 80% AMI may choose up to two incentives from this menu.

C. Incentives Menu.

1. Reduced Setbacks: An up to 10-foot reduction to the required setback(s). The reduction can be used on one or multiple setbacks but cannot exceed 10 feet total.
2. Height Increases: An up to 10-foot height increase above the maximum allowable height.

§ 25.33.040. Affordable Housing.

A. Purpose and Applicability.

The purpose of this Chapter is to require replacement housing and protect occupants of existing protected units proposed for demolition to accommodate a development project, consistent with California Government Code Sections 66300.5 – 66300.6, as may be amended from time to time. All references to state codes include successor provisions, and all provisions are intended to be consistent with other provisions of the law.

B. Definitions.

As used in this chapter, the following terms shall have the following meanings:

1. "Comparable unit" shall have the same meaning as provided in California Government Code Section 66300.6(b)(4)(c)(i).

2. “Development project" means any housing development project or nonresidential development project.

3. "Equivalent size" shall have the same meaning as provided in California Government Code Section 66300.5.

4. "Nonresidential development project" means any development project except a housing development project, unless all of the following conditions apply: (1) the project is an industrial use; (2) the project site is entirely within a zone that does not allow residential uses; (3) the zoning applicable to the project site that does not allow residential uses was adopted prior to January 1, 2022; and (4) the protected units that are or were on the project are or were nonconforming uses.

5. "Prior to or concurrently" means that a certificate of occupancy for the replacement housing must be obtained no later than the issuance of a final certificate of occupancy for the nonresidential development project.

6. "Protected units" shall have the same meaning as provided in California Government Code Section 66300.5.

7. "Replace" shall have the same meaning as provided in California Government Code Section 66300.5.

C. Replacement Housing Required.

1. No-Net-Loss of Dwelling Units in Development Projects. A development project that involves the demolition of one or more residential dwelling units must create at least as many residential dwelling units as will be demolished or include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the five years preceding submittal of the development application, whichever is greater.

2. Replacement of Protected Units in All Development Projects. A development project that proposes to demolish existing vacant or occupied protected units, or that is proposed on a site where protected units were demolished in the five years preceding submittal of a development application, must meet all the following requirements, as applicable:

a. Required Replacement of Protected Units. The development project must replace all existing protected units, and all protected units demolished on or after January 1, 2020, with at least the same number of units of an equivalent size, pursuant to the replacement requirements of Government Code Section 65915(3)(c) incorporated herein.

i. Income Requirements. Replacement units must be made available at an affordable rent or affordable housing cost to income categories, as follows:

(a) Incomes Known. For projects for which incomes of the last occupants of protected units are known, and the protected units were either occupied on the date that the application is submitted or were vacated in the previous five years, occupants (persons and households) must be in the same or lower income category as the existing or last occupants, and rent or housing cost must be set at an affordable rate for the income category, pursuant to Government Code Section 65915(c)(3)(B)(i).

(b) Occupied; Incomes Unknown. For projects for which incomes of

the occupants are not known, and protected units are occupied on the date that the application is submitted, the number of lower income households must be in the same proportion of lower income renter households to all renter households within the City, and rent or housing cost must be set at an affordable rate for the income category, as determined by the most recently available data from the Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) database.

(c) Vacant or Demolished; Incomes Unknown. For projects where protected units were demolished or vacated in the last five years and the incomes of the last households in occupancy are unknown, the number of very low- and low-income household occupants must be the same proportion to all renter households within the City, as determined by the most recently available data from HUD's CHAS database, and rent or housing cost must be set at an affordable rate for the income category.

ii. Equivalent Size. Replacement units for protected units shall meet the definition of equivalent size, as defined in this chapter.

iii. Relationship to Other Affordability Requirements. Any protected units replaced pursuant to this paragraph shall be considered in determining whether a housing development project satisfies any state, local, or federal requirement that conditions the development of residential units on the provision of a certain percentage of residential units affordable to, and/or occupied by, households whose incomes do not exceed the limits for moderate-, lower-, very low-, extremely low-, or acutely low-income households.

b. Protections for Existing Occupants. The project must comply with all the requirements in Section 1.01.104 of this Chapter.

c. Additional Requirements for Nonresidential Development Project. Nonresidential development projects must meet the following requirements:

i. Prior to permit issuance, the project applicant must sign an agreement, in a form approved by the City Attorney, that commits the project applicant to construct required replacement housing prior to or concurrently with the nonresidential development project.

ii. The required replacement housing may be located on any site located within the City zoned for residential use.

iii. The project applicant may contract with another entity to develop the required replacement housing, provided that replacement housing units cannot fulfill the affordability requirements of any other development pursuant to another law.

iv. The project applicant seeking a commercial density bonus may propose providing restricted affordable housing units through an agreement with a housing developer for partnered housing, as defined by, and pursuant to, Government Code Section 65915.7, subject to City approval.

D. Protections for Existing Occupants of Demolished Housing.

1. Right to Remain. Existing occupants of residential dwelling units that will be demolished may occupy their units until six months before the start of construction.

2. Required Notice. The project proponent shall provide written notice of the planned demolition to existing occupants of the residential dwelling units that will be demolished at least six months prior to the date occupants must vacate. Written notice must include the date occupants must vacate and occupants' rights under this section.

3. Right to Return if Demolition Does Not Proceed. Any existing occupants who are required to leave their units shall be allowed to return to the same rental unit or a comparable unit at their prior rental rate if the demolition does not proceed and the property is returned to the rental market. The unit provided shall be in the same condition, or better, as when it was last occupied by the tenant.

4. Right to Relocation Benefits. Prior to issuance of any demolition permit for the site, the project applicant must pay relocation benefits to any existing occupants of protected units who are lower income households. Relocation benefits must be in an amount equivalent to the relocation benefits to be paid by public entities pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the California Government Code and any implementing regulations.

5. Right to Return to Replacement Units. The project applicant must provide any existing occupants of protected units who are lower income households a right of first refusal for a comparable unit available in the new housing development, or in any required replacement units associated with a nonresidential development project, at their prior rental rate or at an affordable rent or affordable housing cost, whichever is lower.

a. Single Family Home Replacement. Notwithstanding Section 25.33.030.B.3. of this Title, where one or more single family homes with four or more bedrooms are being replaced by a development project that consists of two or more units, a comparable unit may have three bedrooms, and a comparable unit is not required to have the same or similar square footage or same number of total rooms.

b. Exemption. Notwithstanding Section 25.33.030.D.5.a. of this Title, the right to return shall not apply to any of the following:

i. A housing development project that consists of a single residential unit located on a site where a single protected unit is being demolished;

ii. Units in a housing development project in which 100 percent of the units, exclusive of the manager's unit(s), are reserved for lower-income households, except when protected units occupied by a person or household who qualifies

for residence in the new housing development and for whom providing a comparable unit would not be precluded due to size limitations or other requirements of any funding source of the housing development project, as determined by the community development director; or

iii. A development project that meets the requirements of Government Code Section 66300.6(b)(1)(C).

E. Procedural Requirements.

1. Application Requirements. The following materials must be submitted with all applications for any development project that requires the demolition of one or more residential dwelling units, or that is proposed on a site where one or more residential dwelling units existed in the five years preceding submittal of the application:

a. Information Regarding Existing or Prior Occupants and Use of Ellis Act. Information regarding any existing occupants of, or occupants who vacated, the existing or demolished residential dwelling units on the project site in the five years preceding submittal of the application, including identification of the units occupied or vacated, the current or last monthly rents for those units, the names of every member of the household who is a signatory on a written lease or rental agreement for that unit, the household income (if known), and the number of household members included on the lease or rental agreement. Where there is no written lease or rental agreement, the project proponent shall provide the name of every person the project proponent considers to be a lawful occupant under an oral lease or rental agreement. Information regarding any residential dwelling units located on the property withdrawn from rent or lease under the Ellis Act (commencing with Government Code Section 7600) in the last ten (10) years.

b. Recorded Restriction or Equity Share Agreement. A written commitment to do the following, as applicable:

i. If the replacement units will be rental dwelling units, to record, prior to the issuance of the first building permit for the development project, a land use restriction or covenant for the required replacement units providing that the housing shall remain affordable for a period of at least fifty-five (55) years or longer pursuant to Government Code Section 65915(c)(1);

ii. If the replacement units will be for-sale dwelling units, to enter an equity sharing agreement that meets all the requirements of Government Code Section 65915(c)(2); or

The recorded restriction or equity sharing agreement shall also include the location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units, be binding on all future owners and successors in interest, and shall be fully executed and recorded prior to the issuance of any building or construction permit for the project in question.

2. Existing Occupant Notification Requirements.

a. Notice of Rights Under Section 1.01.104. In addition to the notice required by Section 1.01.104(A)(1), the project applicant shall notify existing occupants in writing of their legal rights under Section 1.01.104 of this Chapter. Information regarding the occupant's eligibility for these rights, rent guidelines for a comparable unit in the new development, and any procedures the occupant will need to follow to exercise these rights shall be provided in writing to the occupant in accordance with all requirements and procedures of the City. The applicant shall maintain accurate contact information for these occupants for the purposes of communicating throughout the construction and leasing of the development project.

b. Notice of Availability of Replacement Unit. The project applicant (or their successor-in-interest) shall inform any eligible occupant of their right to return pursuant to Section 1.01.104(D) and shall notify the eligible occupant household of the anticipated availability of the replacement unit within 60 days of the issuance of the certificate of occupancy for the replacement unit.

    i. Occupant Notice of Intent to Reoccupy. Within 60 days of receipt of the notice from the proponent of the development project (or their successor-in-interest) of the anticipated availability of the replacement unit, the occupant household shall notify the proponent (or their successor-in-interest) if it wishes to reoccupy the replacement unit.

    ii. Holding Period. The proponent (or their successor-in-interest) must hold the replacement unit vacant at no cost to the occupant household for 30 days from the date that the occupant household's written notice of its intent to return to the replacement unit is received.

CHAPTER 25.40
PARKING REGULATIONS

§ 25.40.010. Purpose and Applicability.

A. Purpose. The purposes of this chapter are to:

1. Ensure that adequate off-street parking is provided for new land uses and major alterations to existing uses, considering the demands likely to result from various uses, combinations of uses, and settings, and to avoid the negative impacts associated with spillover parking into adjacent neighborhoods and districts;

2. Minimize the negative environmental and urban design impacts that can result from parking lots, driveways, and drive aisles within parking lots;

3. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, project with transportation demand management programs (TDM), and other situations expected to have lower vehicle parking demand;

4. Where possible, consolidate parking and minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities, parking lifts/mechanical parking, valet parking, or other similar approaches;

5. Ensure that parking and loading areas are designed to operate efficiently and effectively and in a manner compatible with on-site and surrounding land uses;

6. Ensure that adequate off-street bicycle parking facilities are provided;

7. Promote parking lot designs that offer safe and attractive pedestrian routes;

8. Encourage bicycling, transit use, walking, carpooling, and other modes of transportation (other than by motor vehicle) that can move the City toward achieving modal split goals in the General Plan Mobility Element; and

9. Accommodate and encourage increased use of alternative fuel and zero-emissions vehicles.

B. Applicability. The minimum off-street parking spaces established in this chapter shall be provided for new construction or intensification of use, and for the enlargement or increased capacity and use of land.

(Ord. 2000 § 2, (2021))

§ 25.40.020. General Provisions.

A. Vehicle Parking Spaces to Be Provided.

1. Parking Required. At the time of erection of any building or structure, or at the time any building or structure is enlarged or increased in capacity, there shall be provided off-street parking spaces with adequate and proper provision for ingress and egress by

standard size automobiles.

2. Reconstruction, Expansion and Change in Use of Existing Nonresidential Buildings. When a change in use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this chapter. The existing parking shall be maintained, and additional parking shall be required only for such addition, enlargement, or change in use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

3. Reconstruction, Expansion and Change of Use of Existing Residential Buildings. When any building is remodeled, reconstructed, or changed in use by the addition of dwelling units, such additional garage or parking facilities as may be required must be provided, except for accessory dwelling units approved per Section 25.48.030 (Accessory Dwelling Units).

4. Minimum Requirements. The regulations in this chapter are the minimum requirements unless specific requirements are made for a particular use in a district. Additional spaces may be provided.

5. Parking to Be Provided on Same Lot. Unless otherwise expressly permitted by this chapter, required parking shall be provided on the same lot as the use for which the parking is required. Parking may be provided on a project-wide basis for a master planned project where the parcels are either under common ownership or adequate assurances are provided, such as through reciprocal easement agreements, to the Director's satisfaction.

6. Uses Not Listed. The Director shall determine the parking requirement for uses that are not listed in Table 25.40-10 (Parking Requirements by Use). The Director's determination shall be based on similarity to listed uses. That decision may be appealed to the Commission.

7. Parking Calculations.

    a. Floor Area. The parking requirement calculation shall be based on the gross floor area of the entire use, unless stated otherwise. Areas that are not leasable or generally not occupied, such as lobbies, hallways, stairways, break rooms, restrooms, and utility rooms, shall not be included in the parking requirement calculation.

    b. Sites with Multiple Uses. If more than one use is located on a site (including a mix of uses or a mixed-use development), the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use, unless a reduction is approved pursuant to Section 25.40.040 (Parking Reductions).

B. Use of Required Parking Spaces. Required parking spaces and any portion of the area on a site encompassing the required parking and the required landscaping within the parking area on a site shall not be rented or leased to any party on or off the site or used for some purpose other than that permitted or allowed on the site. These spaces shall be made available and maintained in safe, useable condition for the tenants and their clients or customers, at no charge, except as may be authorized by a City-approved shared parking program or where the City has authorized alternative parking arrangements, such as through a Transportation Demand Management program or unbundled parking approach.

C. Parking Lifts and Other Mechanical Parking Approaches. The required number of parking spaces may be satisfied with the use of parking lifts and other mechanical parking devices pursuant to Section 25.40.070.H (Mechanical Parking Lifts).

(Ord. 2000 § 2, (2021))

§ 25.40.030. Required Parking Spaces.

A. Minimum Number of Spaces Required. Each land use shall be provided at least the number of on-site parking spaces set forth in Table 25.40-1.

Table 25.40–1: Parking Requirements by Use

Type of Land Use	Number of Off-Street Parking Spaces Required
Commercial – Retail	
Eating and Drinking Establishments (Bars and Taverns; Night Clubs; Restaurants)	1 space per 200 sq. ft. See 25.40.030.E. for outdoor dining requirements.
Food and Beverage Sales (General Markets, Convenience Stores, Liquor Stores)	1 space per 400 sq. ft.
Nurseries and Garden Centers	1 per 600 sq. ft.; plus 1 per 2,000 sq. ft. of outdoor display area
Retail Sales Retail Sales - Large Format	1 space per 400 sq. ft. 1 space per 600 sq. ft.
Vehicle Fuel Sales and Accessory Service	2 parking spaces for employees plus parking for retail/convenience store
Vehicle Sales	1 space per 300 sq. ft. of office area, plus 1 space per 800 sq. ft. of parts sales and service area, plus 1 space per 2,000 sq. ft. of indoor and outdoor sales area
Commercial – Services and Recreation	
Animal Care Services Kennels Pet Hotels Grooming Veterinarian	 1 space per 1,000 sq. ft. of indoor area 1 space per 1,000 sq. ft. of indoor area 1 space per 400 sq. ft. of indoor area 1 space per 250 sq. ft. of indoor area
Banks and Financial Institutions	1 space per 300 sq. ft.
Commercial Recreation (Large, Small)	1 space per 300 sq. ft for small; 1 space per 500 sq. ft. for large
Day Care Centers	1 space per 500 sq. ft. of indoor space
Food Preparation (catering)	1 space per 1,000 sq. ft with no on-site sales or service
Funeral Services and Cemeteries	1 space per four fixed seats or one space per 80 sq. ft. of assembly area, whichever is greater
Office - Medical or Dental	1 space per 400 sq.ft in BFC, NBMU, RRMU, and all Downtown zones 1 space per 250 sq. ft. for all other zones
Office - Professional	1 space per 400 sq.ft in BFC, NBMU, RRMU, and all Downtown zones 1 space per 300 sq. ft. in all other zones
Personal Services	1 space per 400 sq. ft.

Table 25.40–1: Parking Requirements by Use

Type of Land Use	Number of Off-Street Parking Spaces Required
(General, Specialized)	
Studios – Dance, Martial Arts, and the Like	1 space per 300 sq. ft.
Theaters (Live, Movie or Similar)	1 for each 6 permanent seats in main assembly area, or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater
Educational Services	
Schools, Primary and Secondary (Private)	Elementary and Middle Schools: 1 per classroom, plus 1 per 300 sq. ft. of office area High Schools: 5 per classroom, plus 1 space per 300 sq. ft. of office area
Trade Schools	1 space per 200 sq. ft. In office buildings over 20,000 sq.ft., 1 space per 300 sq. ft.
Tutoring and Educational Services	1 space per 200 sq. ft. In office buildings over 20,000 sq.ft., 1 space per 300 sq. ft.
Industrial, Manufacturing, Processing, Warehousing, and Wholesaling Uses	
Breweries, Wineries, and Distilleries	1 space per 1,500 sq. ft. of production area; 1 space per 200 sq. ft. of tasting room area
Building Materials and Contractor Services	1 space per 1,000 sq. ft.
Food Processing and Production	1 space per 1,500 sq. ft.
Laboratories/Research and Development	1 space per 1,000 sq. ft.
Light Industrial	1 space per 1,500 sq. ft.
Personal Storage	1 space per 2,000 sq. ft. of combined storage space and business/sales office.
Recycling Facilities Light Processing Reverse Vending Machines (s) Small Collection	 1 space per 2,000 sq. ft. of processing area None required, except as required for the primary use None required, except as required for the primary use
Vehicle Service and Repairs Major and Minor Repair Vehicle Rental Washing	 1 space for each 800 sq. ft. 1 per 300 sq. ft. of office area in addition to spaces for all vehicles for rent 1 space plus sufficient waiting line(s) or 2 spaces plus washing area(s)
Warehousing/Logistics	1 space for each 1,000 sq. ft.
Wholesaling	1 space for each 1,000 sq. ft.
Lodging	
Bed and Breakfast	1 space per lodging room
Extended Stay Hotels	1 space per lodging room
Hostels	1 space per lodging room
Hotels and Motels	1 space per lodging room See Section 25.40.040.B. for parking reduction
Public and Quasi-Public Uses	
Assembly Facilities (Community Assembly, Religious Assembly)	1 space per six permanent seats or 1 space per 60 sq. ft. of assembly area if there are no fixed seats.
Community Open Space	None required
Emergency Shelters, Permanent	2 spaces for the facility plus 1 space for each 6 occupants at maximum allowed occupancy
Emergency Shelters, Temporary	No additional parking required beyond the primary use
Government Buildings and Facilities	As required for the type of use (e.g., professional office, warehouse)
Hospitals	1 space per 1.5 beds
Low Barrier Navigation Center	1 per 300 sq. ft.
Medical Clinics	1 space per 250 sq. ft.
Residential Uses	
Dwellings	

Table 25.40–1: Parking Requirements by Use

Type of Land Use	Number of Off-Street Parking Spaces Required	
Accessory Dwelling Units	Per Section 25.48.030~~.H.8 (Parking)~~	
Single-Unit Dwelling	See Section 25.40.030.B.	
Two-Unit and Multi-Unit Dwellings		
All zoning districts except Downtown Specific Plan, BRMU, RRMU, NBMU, and R-4	1 space for studio units 1.5 spaces for one-bedroom units 2 spaces for two- or more bedroom units 0.5 spaces per unit for housing occupied exclusively by persons aged 62 or older 0.75 spaces for micro units	Guest parking: One additional guest parking space shall be provided for every 4 units for projects greater than 10 units
Downtown Specific Plan zoning districts, BRMU, RRMU, NBMU, and R-4	1 space for studio or one-bedroom units 1.5 spaces for two-bedroom units 2 spaces for three or more-bedroom units 0.75 spaces for micro units 0.5 spaces per unit for housing occupied exclusively by persons aged 62 or older	No additional guest parking spaces are required
All	80 percent of the total required parking spaces shall be covered or within a garage or carport.	
Caretaker Quarters	1 space per dwelling	
Communal Housing	1 space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater	
Elderly and Long-Term Care	1 space per 3.5 beds	
Family Day Care Small Large	 None in addition to what is required for the residential use Same as dwelling type, plus 1 space for every two employees providing day care services	
Live/Work	1 space for studio or one-bedroom units 1.5 spaces for two-bedroom units 2 spaces for three or more-bedroom units	
Residential Care Facilities Limited General, Senior	 None in addition to what is required for the residential use. 2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each nonresident employee	
Supportive and Transitional Housing	See Section 25.48.240	
Mixed Use		
Mixed Use Development	As required for each separate use in the mixed-use development See Section 25.40.040 for parking reductions.	
Transportation and Utilities		
Air Courier, Terminal, and Freight Services	1 space for each 1,000 sq. ft. of indoor space	

B. Requirements for Single-Unit Dwellings. The following are parking requirements for single-unit dwellings.

1. Parking Space Requirements. Each single-unit dwelling shall provide off-street parking spaces for at least two vehicles, one of which must be covered by a garage or carport. ~~The following requirements apply to certain additions and to new single-unit dwellings:~~

~~b. Two, Three, and Four Bedrooms. An existing single-unit dwelling increased in size to two, three, or four bedrooms and a new single-unit dwelling with up to four bedrooms shall provide off-street parking spaces to current code dimensions for at least two vehicles, one of which must be covered by a garage or carport.~~

~~b. Five or More Bedrooms. A single-unit dwelling hereafter increased in size to five or more bedrooms and a new single-unit dwelling with five or more bedrooms shall provide off-street parking to current code dimensions for at least three vehicles, two of which must be covered by a garage or carport. Required covered parking spaces shall be provided in a side-by-side configuration.~~

~~b. Additions to Existing Single-unit Dwellings. For the purposes of subsections 1.a and 1.b above, an existing garage not less than 18 feet wide and 18 feet deep interior dimension shall be considered to provide two covered off-street parking places.~~

~~b. Accessory Dwelling Unit Bedrooms. Bedrooms that are within Accessory Dwelling Units shall not be counted toward the overall number of bedrooms for the primary single-unit dwelling on the lot on which it is located.~~

~~7.~~2. Parking Limitations.

a. A vehicle shall not be parked between a structure and the front property line, except in a garage or on a driveway directly leading to a garage or carport. Parking may be provided on a paved pad between the driveway and a side property line with issuance of a ~~s~~Special ~~p~~Permit. Parking provided in conjunction with establishment of an accessory dwelling unit shall comply with the provisions of Section 25.48.030 (Accessory Dwelling Units).

b. Inoperative vehicles, vehicle parts, boats, and campers (as defined by Section 243 of the Vehicle Code) shall not be stored or parked in driveways or between a structure and front or side property line.

c. Required covered parking shall not be provided in tandem configuration, except as may be permitted for an accessory dwelling unit pursuant to which complies Section 25.48.030.

d. ~~For an addition to an existing single-unit dwelling and for accessory dwelling units, r~~Required uncovered spaces may be provided in tandem configuration and may extend:

i. In areas with sidewalks, to the inner edge of the sidewalk.

ii. In areas without sidewalks, to five feet from the inner edge of the curb.

iii. In areas without either sidewalks or curbs, to five feet from the edge of

pavement.

C. Special Requirements for Burlingame Downtown Specific Plan. Notwithstanding any other provision of this Code, the following shall apply to vehicle parking requirements for certain properties within the boundaries ("parking sector") of the Burlingame Downtown Specific Plan, as shown on the Parking Sector Boundaries Map, Figure 3-3 of the Burlingame Downtown Specific Plan.

1. All uses located on the first floor or below the first floor within the parking sector shall be exempt from providing off-street parking. All uses above the first floor, shall provide off-street parking as required by this chapter.

2. Any new development, except reconstruction because of catastrophe or natural disaster, shall provide on-site parking, except that the first floor and floor below the first floor of such new development in the parking sector shall be exempt from parking requirements.

3. Buildings reconstructed after catastrophe or natural disaster shall be required to provide parking only for the square footage over and above the square footage existing at the time of the disaster. This parking shall be provided on site.

D. Broadway Mixed-Use Parking Requirements. Notwithstanding any other provision of this title, the following shall apply to vehicle parking requirements in the Broadway Mixed-Use (BRMU) zoning district:

1. Ground Floor Alterations of Use – Nonconforming Remedy. Upon change of use, if the prior use did not meet parking standards pursuant to this Chapter 25.40 (Parking Regulations), the new use shall not be required to provide additional parking beyond that existing at the time of change of use.

2. Upper Floor Alterations of Use. All uses above the first floor shall provide off-street parking as required by this chapter.

E. Outdoor Dining.

1. Additional parking is not required when an outdoor dining area is less than 1,000 square feet.

2. If the outdoor dining area exceeds 1,000 square feet, parking shall be required for the area in excess of 1,000 square feet at a ratio of 50 percent of what is required for the use.

3. For centers with multiple tenants, each tenant may have up to 1,000 square feet of outdoor dining area.

(Ord. 2000 § 2, (2021); Ord. 2035, 12/16/2024)

§ 25.40.040. Parking Alternatives and Reductions.

A. Unbundled Parking Alternative. For new residential projects, parking may be "unbundled" from a residential project as follows:

1. For the purposes of this section, "unbundled parking" means that parking may be leased under a separate contract, and the cost of parking may not be included in the price of rent.

2. All off-street parking spaces may be leased or sold separately from the rental or purchase price for dwelling units for the life of the dwelling units, and potential renters or buyers may

have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).

3. In cases where there are fewer parking spaces than dwelling units, the parking spaces may be offered first to the potential buyers or renters of three-bedroom or more units, second to potential buyers or renters of two-bedroom units, and then to potential buyers and renters of other units.

4. Potential renters or buyers of on-site alternative affordable units shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units.

5. A tenant's failure to pay an associated parking fee may not be used as the basis for proceedings regarding the tenant's residential rights.

~~A.~~B. Parking Reductions Pursuant to a Minor Modification ~~Approved by the Director~~. The parking reductions set forth in this section are not additive, except that a project which qualifies for a Parking Adjacent to Transit or Transportation Demand Management reduction may also apply for a shared parking reduction.

1. Affordable Housing Developments. See Chapter 25.33 (Affordable Housing ~~and Density Bonus~~) for parking reductions applicable to affordable housing developments.

2. Shared Parking Reduction. Where a shared parking facility serving more than one use will be provided, such as a mixed-use development, the total number of required parking spaces may be reduced by up to 20 percent with Director approval.

   a. Criteria for Approval. The Director may only approve other parking reductions if the following findings are made:

      i. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses or projects will be greater than the total supply of spaces;

      ii. The proposed shared parking provided will be adequate to serve each use and/or project; and

      iii. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared and recorded with the Office of the County Recorder requiring the parking to be operated on a nonexclusive basis and to be open and available to the public for shared use, short-term parking during normal business hours.

   b. Parking Demand Study. A parking demand study shall be conducted and prepared under procedures set forth by the Director that substantiates the basis for allowing shared parking facilities.

3. Transportation Demand Management Parking Reductions. A 20 percent reduction may be applied to the off-street parking requirement for any project that is required to submit a Transportation Demand Management Plan pursuant to Chapter 25.43 (Transportation Demand Management).

~~B.~~C. Parking Reductions Pursuant to a Special Permit ~~Approved by the Planning Commission~~. The Planning Commission may approve a parking reduction, which may include exceeding the

amounts pursuant to subsection A., above, if the following findings are made:

1. Parking Demand Study. The parking reduction is supported by a parking demand study that outlines the unique characteristics of the proposed use and substantial evidence that the increased reduction with not be detrimental to surrounding properties.

2. Vehicle Trip Reduction Plan. Based on the parking study, the Commission may impose conditions deemed necessary to ensure that the appropriate parking demand is maintained as set forth in the parking demand study.

D. Reductions and Common Parking. Where there has been a reduction in required parking, all resulting spaces must be available for common use and not exclusively assigned to any individual use. In residential and mixed-use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.

~~C.~~E. Development Projects Adjacent to Public Transit. Minimum parking requirements do not apply to development projects that meet the requirements of California Government Code Section 65863.2.

(Ord. 2000 § 2, (2021))

§ 25.40.050. Bicycle Parking.

A. Minimum Bicycle Parking Required. Bicycle parking shall be provided for multifamily residential, public and civic facilities, schools, retail, commercial, office, and industrial uses in accordance with standards set forth in the CalGreen Building Code and/or successor code.

B. Bicycle Parking Location. Bicycle parking shall be located on a paved surface, in proximity to a building entrance, in a visibly secure and well-lit location, and adjacent to the building served.

C. Bicycle Parking Minimum Dimensions. The minimum dimensions for outdoor bicycle parking spaces shall be two feet by six feet, plus a five-foot-wide maneuvering space behind the bicycle rack area.

D. Long-term Bicycle Parking Standards. Secure, long-term bicycle parking facilities shall have direct access to the street and shall meet one of the following requirements:

1. Covered, lockable enclosures with permanently anchored racks for bicycles;

2. Lockable bicycle rooms with permanently anchored racks; or

3. Lockable, permanently anchored bicycle lockers.

(Ord. 2000 § 2, (2021))

§ 25.40.060. Parking for Electric Vehicles.

A. Parking spaces for electric vehicles shall be provided for all uses in accordance with the requirements of the CalGreen Building Standards Code and/or successor code and local City codes, such as the Burlingame Reach Code, whichever yields the greater number of spaces. These dedicated parking spaces shall count toward the minimum required parking spaces for the associated use.

B. All electric vehicle spaces shall be equipped with electric vehicle charging equipment as set

forth in the CalGreen Building Standards Code and/or successor code and local City codes, such as the Burlingame Reach Code, the use of which the property owner or operator may require payment at his or her discretion.

C. Any charging or similar equipment shall not be placed within the required parking space dimensions and shall not obstruct any pedestrian path of travel.

D. Electric vehicle charging equipment shall be provided for all new developments and whenever a substantial addition to an existing development is proposed.

(Ord. 2000 § 2, (2021))

§ 25.40.070. Parking Area Design and Development Standards.

A. Location of Parking and Off-Site Parking. Required parking spaces serving any use shall be located on the same lot as the use they serve, except parking in an off-site parking facility may be provided upon request for a parking variance as follows:

1. Location.

   a. Residential Uses. Any off-site parking facility must be located within 100 feet of the outermost property line, along a pedestrian route, of the unit or use served.

   b. Nonresidential Uses. Any off-site parking facility must be located within 300 feet of the outermost property line, along a pedestrian route, of the primary entrance containing the use(s) for which the parking is required.

2. Parking Agreement. A written agreement between the landowner(s) and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:

   a. A guarantee between the landowner(s) for access to and use of the parking facility; and

   b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation.

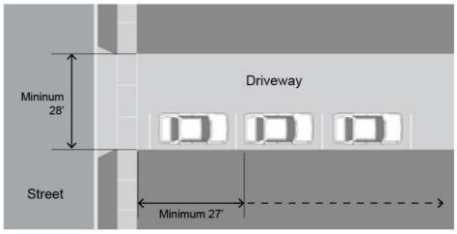
B. Parking Space and Drive Aisle Dimensions.

1. Standard Parking Spaces and Drive Aisles. The standards set forth in Table 25.40-2 are established as minimum parking space dimensions. Alternative dimensions may be provided if it can be shown, to the satisfaction of the City Engineer, that due to unique circumstances on a property, dimensions that are less than the minimum requirements will allow for the safe movement of vehicles into, within, and exiting a parking lot.

Table 25.40-2: Parking Space and Aisle Dimensions				
			Aisle Width	
Parking Stall Angle	**Stall Width**	**Stall Length**	**One-Way**	**Two-Way**
Standard Parallel	8.5 ft	22 ft	13 ft	18 ft
30-Degree	8.5 ft	17 ft	13 ft	18 ft
45-Degree	8.5 ft	17 ft	13 ft	18 ft
60-Degree	8.5 ft	17 ft	18 ft	18 ft
90-Degree	8.5 ft	17 ft	24 ft	24 ft

2. Parking Parallel to Entrance Driveway. Where parallel parking is provided alongside an entrance driveway, the minimum width of the driveway/drive aisle shall be increased to 28 feet, and the driveway/drive aisle shall be at least 27 feet in length for parallel parking to be allowed in this location.

Figure 25.40.08.B.2: Parking Parallel to Entrance Driveway



3. Compact Spaces. Compact car spaces, where allowed as shown in Table 25.40-3, shall have a clear interior measurement of eight feet in width and 17 feet in length.

4. Single-Unit Dwellings. Garages and carports for single-unit dwellings shall have a clear interior measurement of at least 10 feet in width and 18 feet in length for each required space.~~when one parking space is required and at least 20 feet in width and 18 feet in length when two spaces are required.~~ Open parking spaces for single-unit dwellings shall have a clear interior measurement of nine feet in width and 18 feet in length.

5. Parking Spaces Abutting Wall or Fence. Each parking space abutting a wall, fence, column, or other obstruction higher than six inches adjacent to that space shall have a minimum width of 10 feet to allow a vehicle door to open and to provide additional maneuvering space to drive into and out of the parking space. In the review of the parking plan, the Director, upon consulting with the City Engineer, may require additional width.

6. Increase in Dimension. Any parking space dimension shall be increased to a size acceptable to the City Engineer to provide for safe movement into and out of a parking space.

7. Vertical Clearance for Interior Parking. All parking spaces and aisles shall have an unobstructed vertical clearance from floor to lowest projections on the ceiling within the parking area of seven feet.

8. Separate Egress. A separate means of egress shall be provided for all parking spaces at

angles less than 90 degrees unless an area is provided on site which allows a motor vehicle exiting such spaces to do so within three movements. A turning radius of 28 feet for outside clearance and 14 feet for inside clearance shall be assumed.

9. Garage Doors. The minimum garage door widths are eight feet for a one-car garage and 16 feet for a two-car garage.

10. Motorcycle Parking. Extra space in parking lots can be used for motorcycle parking. The following guidelines apply where such spaces are provided:

    a. Motorcycle parking should be located near a main entrance to encourage use and enhance visibility to minimize theft and vandalism.

    b. Each motorcycle parking space shall have a minimum delineated area of four feet by eight feet.

    c. Parking lots that include motorcycle parking spaces shall have signage indicating that motorcycle parking is available.

C. Driveways. Driveway standards shall be as follows:

1. The minimum driveway width for single-unit and two-unit residences shall be nine feet six inches. A driveway shall be no wider than the garage or parking area it serves. For a single-wide driveway, the maximum driveway width shall be 12 feet.

2. In all other cases than single-unit and two-unit residential, the minimum driveway width shall be 12 feet for parking areas with one to 30 vehicle spaces. Parking in areas with more than 30 vehicle spaces shall have either two 12-foot-wide driveways or one 18-foot-wide driveway.

3. Egress onto a public right-of-way from a driveway shall be in the forward direction, except that backing onto a public right-of-way shall be allowed for single-unit and two-unit residences.

4. Driveway slopes in excess of 15 percent shall require approval of the Department of Public Works.

5. A seven-foot minimum vertical clearance, measured at right angles to the slope, shall be maintained at all points on the driveway. However, a knockout bar with not less than six feet nine inches vertical clearance may be installed at each entry or exit point with permission of the Department of Public Works.

6. A six-inch rise above curb grade shall be installed at the property line for flood protection when required by the Department of Public Works.

D. Landscaping in Parking Lots. The following landscaping standards apply to all surface parking lots, in addition to other required landscaping pursuant to Chapter 25.36 (Landscaping and Open Space).

1. Buffer. Where a surface parking lot abuts a public street, a minimum five-foot-deep landscape buffer shall be provided between the sidewalk and the first parking row.

2. Minimum Amount. A minimum of 10 percent of the parking area shall be landscaped.

3. Minimum Planter Dimension. No landscape planter that is to be counted toward the

required landscape area shall be smaller than two feet in any horizontal dimension where no trees are provided and four feet where trees are provided, excluding curbing.

4. Screening. Parking areas shall be screened from view from public streets and adjacent lots in a more restrictive district by a combination of planting or low-profile walls and fences to a height of three feet.

5. Layout. Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of landscaped planting strips and islands between rows of parking stalls, between parking areas and adjacent building, at ends of rows of parking stalls, or at the parking lot perimeter.

E. Heat Island Reduction. To reduce ambient surface temperatures in surface parking areas, at least one tree shall be planted for every three parking spaces. T~~50 percent of the areas not landscaped shall be shaded by durable, permanent shade structures, trees, or other approach acceptable to the Director. If shade structures are provided, they shall not count toward limits on lot coverage. If shade is provided by trees, the t~~rees shall be at least 24-gallon in size at installation, be of a variety that provides year-round shade, have a minimum 30 foot canopy, and be maintained in healthy condition. Trees shall be selected from a list maintained by the ~~Planning~~ Parks Division. If a tree dies or is removed, it shall be replaced.

F. Compact Parking. Compact car spaces shall be allowed only in industrial and commercial zoning districts in the following ratios. Each compact car space shall be clearly marked "COMPACT CAR." The compact car spaces shall be distributed throughout the parking area.

Table 25.40-3: Compact Parking

Required Parking Spaces	Allowable Compact Spaces
1-11	0
11-20	Up to 10 percent of spaces
Over 20	Up to 20 percent of spaces over 20

G. Tandem Parking.

1. Residential Uses. For residential uses, when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to a ~~m~~Minor ~~m~~Modification. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. For single-unit dwellings, required parking may be provided in tandem configuration where safe and compatible with the surrounding neighborhood.

2. Hotel and Restaurant Projects (New and Existing). Tandem parking may be used for hotel and restaurant development where valet parking service is provided, subject to approval of a parking management plan and a minor modification or as part of a design review.

3. New Office Uses. Tandem parking may be considered for office development if all the following requirements are satisfied:

   a. With review of the location and design as part of a design review, where adequate

maneuverability and access arrangements are provided;

b. When the tandem spaces are set aside for the exclusive use of onsite employees;

c. Where the total number of tandem spaces does not exceed 30 percent of the total parking provided for projects that require 10 vehicle parking spaces or less, and 15 percent of the total parking provided for projects that require 11 or more vehicle parking spaces; and

d. With a parking management plan approved as part of a design review or other discretionary permit to ensure that proper management and oversight of the use of the proposed tandem spaces will occur.

4. Existing Office Uses. For existing office development where there is a desire to upgrade or modify the parking layout to increase efficiency or better meet standards, the new tandem parking spaces shall be subject to a minor modification, and the additional finding that adequate maneuverability and access arrangements are provided.

H. Mechanical Parking Lifts. In commercial and industrial zones and in mixed-use and multi-unit developments and subject to design review, mechanical parking lifts may be used to satisfy all or a portion of vehicle parking requirements. Up to 25 percent of the required minimum number of spaces may be required to be provided as non-mechanical parking for lift systems unable to accommodate a range of vehicles, including trucks, vans, SUVs, or large sedans. Application submittals shall include any information deemed necessary by the Director to determine parking can adequately and feasibly be provided and that the following performance standards can be met and the following findings for approval can be made:

1. The use of mechanical lift parking results in superior design and implementation of City goals and policies for infill development.

2. In existing developments and established neighborhoods, mechanical lift parking shall be screened and compatible with the character of surrounding development.

3. In new developments, mechanical lift parking shall comply with applicable design guidelines and be compatible and appropriately considered with overall building and site design.

4. Mechanical lift parking systems shall comply with all development standards including, but not limited to, lot coverage, height and setback requirements, and parking and driveway standards, except for minimum parking stall sizes, which are established by lift specifications, with a minimum typical width of seven feet six inches.

5. The owner of the property shall record a covenant applicable to the property and all subsequent owners that states that the mechanical parking systems will be safely operated and maintained in continual operation, except for limited periods of maintenance.

6. There are no circumstances of the site or development or particular model or type of mechanical lift system that could result in significant impacts to those living or working on the site or in the vicinity.

7. Adequate queuing area is provided.

8. Operation of the mechanical lift system, whether located indoors or outside, complies

with Burlingame Municipal Code Section 10.40.035 (General Noise Regulations) and any specific conditions that may have been imposed on the project.

I. Valet Parking.

1. Where Permitted and Approval Process. Valet parking may be permitted in commercial and mixed-use zoning districts subject to the approval of the Director, including to meet a portion of minimum parking requirements, based on the review criteria outlined in subsection I.2. of this section and in compliance with Burlingame Municipal Code Chapter 6.30 (Valet Parking).

2. Review Criteria.

   a. Valet parking shall be subject to review of hours of operation, circulation, and other pertinent impacts. All proposals for valet parking shall be accompanied by a parking study, prepared by a registered traffic engineer, that addresses circulation impacts, operational characteristics of the use, parking space size and configuration, and other issues deemed necessary by the Director.

   b. Valet parking shall be provided on the same site as the business for which the valet parking is being approved, except as otherwise provided in Section 25.40.020.A.5. In the event the location for the valet parking is off site from the business, the provisions in this section regulating off-site parking shall also apply.

3. Development Standards for Valet Parking Uses.

   a. Because of the unique characteristics of valet parking facilities, parking space size shall be determined on a case-by-case basis and not necessarily subject to the standards listed in this chapter.

   b. Valet parking facilities shall not be permitted to use parking that is specifically set aside or required for another use, unless a shared parking or off-site parking agreement, as applicable, is approved by the City. (Ord. 2000 § 2, (2021))

CHAPTER 25.45
RESIDENTIAL IMPACT FEES

§ 25.45.010. Purpose.

The purpose of this chapter is to:

A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels within the City as mandated by State law, including California Government Code Section 65580 and related provisions.

B. Offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new residential development by protecting the economic diversity of the City's housing stock; reducing traffic, transit, and related air quality impacts; promoting jobs/housing balance; and reducing the demands placed on transportation infrastructure in the region.

C. Promote the City's policy to provide an adequate number of affordable housing units to the City's housing stock in proportion to the existing or projected need in the community, as identified by the Housing Element.

D. Support the Housing Element goal of providing housing opportunities for those who work in Burlingame.

E. Support the Housing Element goal of achieving increased affordability of housing.

F. Support the Housing Element policy of developing ~~of~~ a variety of housing types that are affordable to lower-income ~~very low-income and extremely low-income~~ households.

G. Support the Housing Element goal of preserving residential character by encouraging maintenance, improvement, and rehabilitation of the City's neighborhoods and housing stock.

(Ord. 2000 § 2, (2021))

§ 25.45.020. Definitions.

As used in this chapter, the following terms shall have the following meanings:

"Administrator" means the Community Development Director of the City or other person designated by the City Manager.

"Affordable housing fund" means a separate fund or account designated by the City to maintain and account for all monies received pursuant to this chapter.

"Affordable ownership cost" means the sales price of a for-sale affordable unit resulting in projected average monthly housing payments, during the first calendar year of a household's occupancy, including interest, principal, mortgage insurance, property taxes, homeowners insurance, homeowners' association dues, if any, and a reasonable allowance for utilities, property maintenance, and repairs, not exceeding the sales prices specified by Section 50052.5 of the California Health and Safety Code and California Code of Regulations Title 25, Sections 6910-6924, as they may be amended from time to time.

"Affordable rent" means the total monthly housing expenses for an affordable rental unit not exceeding the rents specified by Section 50053 of the California Health and Safety Code and California Code of Regulations Title 25, Sections 6910-6924, as they may be amended from time to time. As used in this chapter, "affordable rent" shall include the total of monthly payments by the tenant for all of the following: (1) use and occupancy of the rental unit and land and all facilities associated with the rental unit, including, but not limited to, ~~parking,~~ bicycle storage, storage lockers, and use of all common areas; (2) any additional separately charged fees or service charges assessed by the owner on all residents, other than security deposits; (3) an allowance for utilities paid by the tenant as established by the San Mateo County Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking. and refrigeration fuel, but not telephone service or cable ~~N~~; and (4) any other interest, taxes, fees, or charges for use of the land or affordable unit or associated facilities and assessed by a public or private entity other than the owner and paid by the tenant.

"Affordable unit" means a dwelling unit which a builder proposes as an alternative to payment of the residential impact fee, as defined in this chapter and which is required to be rented at a rate affordable to very low-, low-, or moderate-income households, or sold at an affordable ownership cost to very low-, low-, or moderate-income households.

"Builder" (may also be referred to as developer) means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities which seeks City approvals for all or part of a residential development project.

"Building permit" includes full structural building permits as well as partial permits such as foundation-only permits.

"Decision-making body" means the City staff person or body authorized to approve or deny an application for a planning or building permit for a residential development project.

"First approval" means the first discretionary approval to occur with respect to a residential development project or, for residential development projects not requiring a discretionary approval, the issuance of a building permit.

"For-sale unit" means a residential dwelling unit that may be sold individually in conformance with the Subdivision Map Act. For-sale units also include units that are converted from rental units to for-sale units.

"Low-income households" means households with incomes no greater than the maximum income for low-income households, as published annually by the County of San Mateo for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County, unless stated otherwise in this chapter.

"Market rate unit" means a new dwelling unit in a residential development project that is not an affordable unit.

"Median income" means the median income applicable to San Mateo County, as published annually by the County of San Mateo for each household size, based on median income data for San Mateo County published by the United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD), unless stated otherwise in this chapter.

"Moderate-income households" means households with incomes no greater than the maximum income for moderate-income households, as published annually by the County of San Mateo for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County, unless stated otherwise in this chapter.

"Planning permit" means any discretionary approval of a development project, including, but not limited to, a comprehensive or specific plan adoption or amendment, rezoning, tentative map, parcel map, conditional use permit, variance, or architectural review.

"Rental unit" means a dwelling unit that is intended to be offered for rent or lease and that cannot be sold individually in conformance with the Subdivision Map Act.

"Residential development project" means an application for a planning permit or building permit at one location to create one or more additional dwelling units, convert nonresidential uses to dwelling units, subdivide a parcel to create one or more separately transferable parcels intended for residential development, or implement a condominium conversion, including development constructed at one time as well as in phases. "One location" includes all adjacent parcels of land under common ownership or control, the property lines of which are contiguous at any point, or the property lines of which are separated only by a public or private street, road, or other public or private right-of-way, or separated only by the lands owned or controlled by the builder.

"Residential floor area" means all horizontal areas of the several floors of such buildings measured from the exterior faces or exterior walls or from the center line of party walls separating two buildings, minus the horizontal areas of such buildings used exclusively for covered porches, patios, or other outdoor space, amenities and common space, parking, elevators, stairwells or stairs between floors, hallways, and between-unit circulation.

"Very low-income households" means households with incomes no greater than the maximum income for very low-income households, as published annually by the County of San Mateo for each household size, based on United States Department of Housing and Urban Development (HUD) and the California Department of Housing and Community Development (HCD) income limits for San Mateo County, unless stated otherwise in this chapter.
(Ord. 2000 § 2, (2021))

§ 25.45.030. Residential Impact Fees.

~~Initial fees shall be imposed on new residential development projects as follows:~~

~~-~~	~~Impact Fee – Per Square Foot~~	
	~~Base~~	~~With Prevailing/Area Wage~~
~~Rental Multifamily – 11 units and above~~		
~~Up to 50 dwelling units/acre~~	~~$17.00 / sq ft~~	~~$14.00 / sq ft~~
~~51 to 70 dwelling units/acre~~	~~$20.00 / sq ft~~	~~$17.00 / sq ft~~
~~71 dwelling units/acre and above~~	~~$30.00 / sq ft~~	~~$25.00 / sq ft~~
~~For Sale Multifamily (Condominiums) – 7 units and above~~		

-	~~$35.00 / sq ft~~	~~$30.00 / sq ft~~

~~B.~~A. Fees shall be based on the calculation of the residential floor area as defined in this chapter and shall include a credit for existing uses. The Council may amend these fees through the public hearing process for the City's Master Fee Schedule. Residential impact fees shall not exceed the cost of mitigating the impact of the residential development projects on the need for affordable housing in the City.

~~C.~~B. Rental projects that convert to condominiums within 10 years of completion of construction would be subject to the fee differential between rental and for sale units as a condition of conversion. The fee differential shall be based on the fee structure in place at the time of conversion to condominiums, minus the fees originally submitted at the time of construction.

(Ord. 2000 § 2, (2021))

§ 25.45.040. Fee Payment.

Any residential impact fee shall be paid in full prior to the issuance of the first building permit for the residential development project subject to the fee or at a time otherwise specified by Council resolution. The fee shall be calculated based on the fee schedule in effect at the time the building permit is issued.

(Ord. 2000 § 2, (2021))

§ 25.45.050. State Density Bonus.

For residential development projects that are granted a density bonus pursuant to California Government Code Section 65915 et seq. (the "State Density Bonus Law"), the residential impact fee shall apply to all market-rate units, including any additional market-rate units provided under the State Density Bonus Law. The residential impact fee shall not apply to affordable units provided under the State Density Bonus Law. The required residential impact fee shall be reduced to the extent that any affordable units mitigate the market rate units' impact on the need for affordable housing in the City. The Director may issue guidelines from time to time regarding the calculation of any fee reduction.

(Ord. 2000 § 2, (2021))

§ 25.45.060. Exemptions.

A. The following residential development projects are exempt from the provisions of this chapter:

1. Rental multifamily projects with a total of 10 units or fewer;

2. For sale multifamily (condominiums) with a total of six units or fewer;

3. Projects that have established a vested right not to be subject to this chapter;

~~0. Applications under review by the Planning Commission or Community Development Department that had been deemed complete at the time of adoption of the residential impact fees provided for in this chapter.~~

~~D.~~B. The Council may elect to waive payment of the residential impact fee if it finds that: (1) the residential development project is dedicated to a public use owned and operated by other public agencies or a nonprofit public benefit corporation; and (2) the benefits to the

community provided by such public use exceed those that would be provided by the payment of the residential impact fee. If the Council elects to waive residential impact fees pursuant to this provision, the public use of the site shall be guaranteed by a recorded document in a form acceptable to the City Attorney.

~~E.~~C. The Council by resolution may adopt additional exemptions from time to time.
(Ord. 2000 § 2, (2021))

§ 25.45.070. Alternatives.

A. Alternatives Available to Projects Requiring an Impact Fee. As an alternative to compliance with the impact fee requirements included in this chapter, developers of residential projects may propose to mitigate the affordable housing impacts of such development through the construction of affordable units on site or through an alternative mitigation program proposed by the developer, such as the provision of off-site affordable units, donation of land for the construction of affordable units, or purchase of existing units for conversion to affordable units. ~~Any such alternative must include a guarantee of affordability for a period of 55 years~~. The ~~Commission~~ Review Authority may approve the provision of affordable units on site, consistent with the requirements set forth in subsection B., below, as part of its review of the project. For all other alternatives, the Director shall analyze the proposal and provide advice to the Council which, in its sole discretion, shall determine whether the proposed alternative is sufficient to meet the objectives of this chapter.

B. The provision of on-site affordable units in lieu of payment of residential impact fees shall be allowed as of right, provided the project meets the following criteria:

1. If a rental multi-unit~~family~~ project provides 10 percent of the units on site to be affordable to low-~~moderate~~ income households and 5 percent to very-low income households ~~(in this instance 80 to 120 percent AMI)~~ in perpetuity~~for a period of 55 years~~, the impacts of residential development on the need for affordable housing shall be deemed mitigated.

2. If a for-sale multi-unit~~family~~ (townhome/condominium) project provides 15~~0~~ percent of the units on site to be affordable to ~~above-moderate~~ low-income households ~~(in this instance 120 to 150 percent AMI, with the price set at the 135 percent AMI level)~~ for a period of 55 years, the impacts of residential development on the need for affordable housing shall be deemed mitigated.

3. Any affordable rental or for-sale units proposed as an alternative to the payment of the residential impact fee shall be subject to the requirements described in subsection A of this section.

C. Approval of Off-Site Affordable Units and Alternatives. If a developer proposes off-site affordable units or any other alternative in the affordable housing plan required under Section 25.45.080 (Affordable Housing Plan and Agreement), the Council may, in its sole discretion, approve such a proposal if it finds the proposal meets the following conditions:

1. Financing or a viable financing plan, which may include public funding sources, is in place for the proposed affordable housing units; and

2. The proposed location is suitable for the proposed affordable housing, is consistent with the Housing Element, general plan, and zoning, and will not cause residential segregation; and

3. The proposed units will be maintained as affordable in perpetuity. ~~for a period of 55 years.~~

D. Approval of Off-Site Preservation Units. The developer may provide the Affordable Units off-site through the purchase and conversion of existing market-rate units to affordable units, either by the developer or by a non-profit entity. The total square footage must, at minimum, equal the square footage that would have been expected on-site, at affordability levels that meet or exceed the on-site requirements.

E. Dedication of Land. The developer may propose dedicating land within the city that is suitable for affordable housing development to the City or to the designee of the City. The value of the land shall be not less than the sum of the in-lieu fee that would be due under Section 25.45.030 of this Chapter. The valuation of any land offered in-lieu shall be determined by an appraisal made by an appraiser mutually agreed upon by the City and the developer. Costs associated with the appraisal shall be borne by the developer.

~~D.~~F. Other Alternatives. The Council may consider an alternative mitigation program ~~proposed by the developer, such as donation of land for the construction of affordable units, purchase of existing units for conversion to affordable units or alternatives~~ to Section 25.45.090 (Standards for Development).

~~E.~~G. Agreement with City for Financing. If the City enters into a financing agreement with the applicant, the parties may agree to alter the requirements of Section 25.45.090 (Standards for Development).

(Ord. 2000 § 2, (2021))

§ 25.45.080. Affordable Housing Plan and Agreement.

A. If the developer ~~builder~~ seeks an alternative to the payment of the residential impact fee pursuant to Section 25.45.070 (Alternatives), the application for the first approval of a residential development project for which the alternative is sought shall include an "affordable housing plan" that describes how the alternative will comply with the provisions of this chapter and the terms of the alternative. No affordable housing plan is required if the developer~~builder~~ proposes only to pay the residential impact fee.

1. Residential development projects requesting an alternative to payment of the residential impact fee require that an affordable housing plan be submitted in conformance with this chapter prior to the application being deemed complete.

2. The affordable housing plan shall be processed concurrently with all other permits required for the residential development project. Before approving the affordable housing plan, the decision-making body shall find that the affordable housing plan conforms to this chapter. A condition shall be attached to the first approval of any residential development project to require ~~recordation of~~ an affordable housing agreement, as described in this subsection, prior to the approval of any final or parcel map or building permit for the residential development project.

3. The approved affordable housing plan may be amended prior to issuance of any building permit for the residential development project. A request for a minor modification of an approved affordable housing plan may be granted by the Director if the modification is substantially in compliance with the original affordable housing plan and conditions of approval. Other modifications to the affordable housing plan shall be processed in the

same manner as the original plan.

4. If required to ensure compliance with the approved affordable housing plan, affordable housing agreements acceptable to the Director or designee shall be recorded against the residential development project prior to or concurrently with and as a condition of approval of any final or parcel map, or issuance of any building permit, whichever occurs first. The affordable housing agreement shall specify the number, type, location, size, and phasing of all affordable units, provisions for income certification and screening of potential purchasers or renters of units, and resale control mechanisms, including the financing of ongoing administrative and monitoring costs, consistent with the approved affordable housing plan, as determined by the Director or designee.

B. After approval of the application, the applicant shall enter into a regulatory agreement with the City. The terms of this agreement shall be approved as to form by the City Attorney's office and reviewed and revised as appropriate by the reviewing City official. This agreement shall be on a form provided by the City and shall include the following terms:

1. The affordability of extremely low-, very low-, low~~er~~-, and moderate-income housing shall be assured in a manner consistent with this chapter.

~~2. An equity sharing agreement pursuant to Government Code Section 65915(c)(2).~~

~~3.~~2. The location, dwelling unit sizes, rental cost, and number of bedrooms of the affordable units.

~~4.~~3. A description of any bonuses and incentives, if any, provided by the City.

~~5.~~4. Any other terms as required to ensure implementation and compliance with this section, any affordable housing guidelines established by the City, and as applicable sections of State Density Bonus Law.

(Ord. 2000 § 2, (2021))

§ 25.45.090. Standards for Development.

All affordable units provided pursuant to Section 25.45.070 shall meet the following standards:

A. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the final decision-making authority of the City and developer agree within the affordable housing agreement to an alternative schedule for development.

B. The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

C. The square footage of the affordable units shall be equal to or greater than the market-rate units in the same residential development. The Director may approve smaller unit sizes as long as the overall total affordable square footage provided remains comparable, yielding additional units.

D. The affordable units may have different interior finishes, fixtures, or appliances, than market-rate units in the same residential development, as long as the finishes and features are valued at least 60% of the value of the finishes and features of the market-rate units, as determined by the Director.

~~C.~~E. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent as defined in Section 25.45.020 or at affordable ownership cost as defined in Section 25.45.020. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

~~D.~~F. A regulatory agreement, as described in Section 25.45.080 (Affordable Housing Plan and Agreement), shall be made a condition of the discretionary permits for all developments pursuant to this chapter. The regulatory agreement shall be recorded as a restriction on the development.

(Ord. 2000 § 2, (2021))

§ 25.45.100. Affordable Housing Fund.

A. Special Revenue Fund. A fund for the deposit of fees established under this chapter shall be established and may also receive monies for housing from other sources.

B. Purpose and Limitations. Monies deposited in the fund shall be used to increase, improve, and/or protect the supply of housing affordable to moderate-, low-, very low-, and extremely low-income households. Such purpose may include, but not be limited to, the construction of new affordable units, the ~~purchase of affordability covenants or similar initiatives whose purpose is to~~ preservation~~e~~ of existing income restricted affordable units~~housing that may otherwise be lost due to market conditions~~, the purchase or purchase/rehabilitation of income restricted or naturally occurring affordable units, and support to workforce households experiencing unanticipated short-term income disruptions. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this chapter.

C. Administration. The fund shall be administered by the Administrator, who may develop procedures to implement the purposes of the fund consistent with the requirements of this chapter and subject to any adopted budget of the City and generally applicable accounting and procurement processes.

D. Expenditures. Fund monies shall be used in accordance with the City's Housing Element, or subsequent plans adopted by the Council to maintain or increase the quantity, quality, and variety of affordable housing units or assist other governmental entities, private organizations or individuals to do so. Permissible uses include, but are not limited to, land acquisition, debt service, parcel assemblage, gap financing, housing rehabilitation, grants, unit acquisition, new construction, and other pursuits associated with providing affordable housing. The fund may be used for the benefit of both rental and owner-occupied housing.

(Ord. 2000 § 2, (2021))

§ 25.45.110. Administrative Relief/Appeal.

A. The builder of a project subject to this chapter may request that the requirements of this chapter be waived or modified by the Council, based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed.

B. The application shall be made in writing and filed with the Director not later than:

1. Twenty days prior to the public hearing before the Commission on the development project application under this title; or

2. If no hearing before the Commission is required by this title, at the time of the filing of the application for a development permit.

3. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment.

C. The Council shall consider the application at a public hearing held within 60 days after the filing of the fee adjustment application. If a reduction, adjustment, or waiver is granted, any change in use within the development project shall invalidate the waiver, adjustment, or reduction of the fee. The decision of the Council is final.

(Ord. 2000 § 2, (2021))

§ 25.45.120. Enforcement ~~Affordable~~.

A. Payment of the residential linkage fee is the obligation of the builder of a residential development project. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including, but not limited to, actions to revoke, deny, or suspend any permit or development approval.

B. The City Attorney shall be authorized to enforce the provisions of this chapter and all below market rate housing agreements, regulatory agreements, and all other covenants or restrictions placed on affordable units, by civil action and any other proceeding or method permitted by law.

C. Failure of any official or agency to fulfill the requirements of this chapter shall not excuse any builder or owner from the requirements of this chapter. No permit, license, map, or other approval or entitlement for a commercial development project shall be issued, including, without limitation, a final inspection or certificate of occupancy, until all applicable requirements of this chapter have been satisfied.

D. The remedies provided for in this chapter shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. 2000 § 2, (2021))

CHAPTER 25.46
PUBLIC FACILITIES IMPACT FEES

§ 25.46.010. Definitions.

Words, when used in this chapter and in resolutions adopted thereunder, shall have the following meanings:

"Development permit" means any building permit, electrical permit, plumbing permit, demolition permit, moving permit, or any other permit required by this code for issuance before construction, reconstruction, remodeling, moving structures or any similar activity can be lawfully undertaken on a parcel of property in the City.

"Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

"Fee" means a money exaction, other than a tax or special assessment, which is charged by the City to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

"Public facility" includes public improvements, public services. and community amenities.
(Ord. 2000 § 2, (2021))

§ 25.46.020. Collection of Public Facilities Impact Fees.

Except as otherwise provided in this chapter, public facilities impact fees shall be paid pursuant to this chapter before the issuance of any development permit.
(Ord. 2000 § 2, (2021))

§ 25.46.030. Conditions for Collection.

A. The following public facilities impact fees are established and imposed on the issuance of development permits within the City as determined by resolution of the Council:

   1. General Facilities and Equipment. A development fee is established for general facilities and equipment.

   2. Libraries. A development fee is established for library facilities, equipment, and materials.

   3. Police. A development fee is established for police facilities and equipment.

   4. Parks and Recreation. A development fee is established for parks and recreation facilities and equipment.

   5. Streets and Traffic. A development fee is established for streets and traffic facilities and equipment.

   6. Fire. A development fee is established for fire facilities and equipment.

   7. Storm Drainage. A development fee is established for storm drainage facilities and

equipment.

B. In establishing and imposing the schedule and application of the public facilities impact fees by resolution, the Council will do the following:

1. Identify the purpose of the fee;

2. Identify the use to which the fee is to be put;

3. Determine how there is a reasonable relationship between the fees used and the type of development on which the fee is imposed; and

4. Determine that there is a reasonable relationship between the need for the public facility and the impacts caused by the type of development project on which the fee is imposed.

(Ord. 2000 § 2, (2021))

§ 25.46.040. Deposit of Fees.

A. Upon receipt of a fee subject to this chapter, the City shall deposit, invest, account for and expend the fees pursuant to Government Code Section 66006. The City shall retain fee interest accrued and allocate it to the accounts for which the original fee was imposed.

B. Each fee collected pursuant to this chapter shall be deposited in a special fund created to hold the revenue generated by each such fee. Moneys within each such fund may be expended only by appropriation by the Council for specific projects which are of the same category as that for which the money was collected. In this regard, the following special funds are created and established for the purposes indicated:

1. A General Facilities and Equipment Fund Is Established. The general facilities and equipment fund is a fund for payment of the actual or estimated costs of constructing and improving the general municipal facilities within the City, including any required acquisition of land.

2. A Library Facilities, Materials, and Equipment Fund Is Established. The library facilities, material, and equipment fund is a fund for payment of the actual or estimated costs of library facilities, materials and equipment, including any required acquisition of land.

3. A Police Facilities and Equipment Fund Is Established. The police facilities and equipment fund is a fund for payment of the actual or estimated costs of police facilities and equipment, including any required acquisition of land.

4. A Parks and Recreation Facilities and Equipment Fund Is Established. The parks and recreation facilities and equipment fund is a fund for the payment of the actual or estimated costs of parks and recreation facilities and equipment, including any required acquisition of land.

5. A Streets and Traffic Facilities and Equipment Fund Is Established. The streets and traffic facilities and equipment fund is a fund for the payment of the actual or estimated costs of streets and traffic facilities and equipment, including any required acquisition of land.

6. A Fire Facilities and Equipment Fund Is Established. The fire facilities and equipment fund is a fund for payment of the actual or estimated costs of fire facilities and equipment, including any required acquisition of land.

7. A Storm Drainage Facilities and Equipment Fund Is Established. The storm drainage facilities and equipment fund is a fund for payment of the actual or estimated costs of constructing and improving the storm drain facilities and for associated equipment, including any required acquisition of land.

C. The City Manager shall provide a report on these funds to the Council no less than once a year in accordance with Government Code Section 66006.

(Ord. 2000 § 2, (2021))

§ 25.46.050. Computation of Fee.

A. The uses in the development project approved by the City shall be utilized in the computation of fees required to be paid with respect to any property. If a parcel contains more than one use, then the applicable fees shall be prorated by square footage or dwelling units, as appropriate, attributable to each use.

B. The fees shall be based on the uses, the number of dwelling units, and the amount of square footage to be located on the property after completion of the development project. New development that, through demolition or conversion, will eliminate existing development is entitled to a fee credit offset if the existing development is a lawful use under this title, including a nonconforming use.

C. New development that will replace development that was partially or totally destroyed by fire, flood, earthquake, mudslide, or other casualty or act of God, is entitled to a fee credit offset if the development that was partially or totally destroyed was a lawful use under this title, including a nonconforming use, at the time of the destruction.

D. All fees due under this chapter shall be determined and calculated by the Director or designee.

(Ord. 2000 § 2, (2021))

§ 25.46.060. Natural Disaster Fee Exemption.

No fee adopted pursuant to this chapter shall be applied by the City to the reconstruction of any residential, commercial or industrial development project that is damaged or destroyed as a result of a natural disaster as declared by the Governor of the State insofar as the reconstruction is substantially equivalent in size and use as defined under Government Code Section 66011.

(Ord. 2000 § 2, (2021))

§ 25.46.070. Exemption for Existing Buildings and Uses.

A. The following shall be exempted from payment of applicable public facilities impact fees:

1. Alterations, renovations or expansion of an existing residential building or structure where no additional dwelling units are created and the use is not changed.

2. Alterations or renovations of an existing commercial or industrial building or structure where no expansion occurs and the use is not changed.

B. For purposes of this section:

1. "Expansion" shall be defined as any increase in the gross floor area of the existing building or structure.

2. "Change of use" shall be defined as a change or intensification of the use of a portion or all of a building or structure in such a way that additional parking is required by this title.

(Ord. 2000 § 2, (2021))

§ 25.46.080. Fee Payment.

A. Fees shall be paid at or before the time of issuance of the first required development permit for a development project. However, if the development project is a residential project as defined in Government Code Section 66007, then the time for payment of fees shall be governed by the provisions of Section 66007.

B. The fee shall be determined by the fee schedule in effect on the date the vesting tentative map or vesting parcel map is approved, or the date a development permit is issued.

C. When application is made for a new building permit following the expiration of a previously issued building permit for which fees were paid, a new fee payment shall not be required, unless the fee schedule has been amended during the interim; in this event, the appropriate increase or decrease shall be applied to permit issuance.

D. In the event that development has already lawfully occurred on a parcel for which public facilities impact fees were imposed, fees shall be required only for additional square footage of development that was not included in computing a prior fee.

E. When a fee is paid for a development project and that project is subsequently reduced so that it would have been entitled to a lower fee, the City shall issue a prorated refund of the paid fee.

F. When a fee is paid for a development project and the project is subsequently and irrevocably abandoned in writing without any further activity beyond the obtaining of a first development permit, the payer shall be entitled to a refund of the fee paid, minus the administrative portion of the fee. A written request for a refund of a fee paid in connection with an expired or abandoned development project must be made to the Director within 120 days of the expiration of the permit. Failure to submit the request within this time limit shall constitute a waiver of any right to any refund of the fee, and the fee shall be retained in and expended from the fund to which it was deposited.

(Ord. 2000 § 2, (2021))

§ 25.46.090. In-lieu Construction or Provision of Facilities or Equipment.

A. In-lieu Credit.

1. A developer that has been required by the City to construct any facilities or improvements, or a portion thereof, referenced in a resolution adopted pursuant to this chapter as a condition of approval of a development permit may request an in-lieu credit of the specific public facilities impact fee for the same development. Upon request, an in-lieu credit of fees shall be granted for facilities or improvements that mitigate all or a portion of the need therefor that is attributable to and reasonably related to the given development.

2. Only costs proportional to the amount of the improvement or facility that mitigates the need therefor attributable to and reasonably related to the given development shall be eligible for in-lieu credit, and then only against the specific, relevant fees involved to which the facility or improvement relates.

3. Fees required under this chapter shall be reduced by the actual construction costs of the facilities or improvements that relate to the fee, as demonstrated by the applicant and reviewed and approved by the director of community development, and consistent with the provisions of subsections A.1. and A.2., above. Subject to the applicable provisions of subsection B., below, if the cost of the facilities or improvements is greater than required relevant fees, this chapter does not create an obligation on the City to pay the applicant the excess amount.

4. An amount of in-lieu credit that is greater than the specific fee required under this chapter may be reserved and credited toward the fee of any subsequent phases of the same development, if determined appropriate by the Director. The Director may set a time limit for reservation of the credit.

B. Developer Construction of Facilities Exceeding Needs Related to Development Project. Whenever an applicant is required, as a condition of approval of a development permit, to construct any facility or improvement (or a portion thereof) referenced in a resolution adopted which is determined by the City to exceed the need therefor attributable to and reasonably related to the given development project, a reimbursement agreement with the applicant and a credit against the specific relevant fee which would otherwise be charged pursuant to this chapter on the development project shall be offered. The credit shall be applied with respect to that portion of the improvement or facility which is attributable to and reasonably related to the need therefor caused by the development, and shall be determined, administered and processed in accordance with and subject to the provisions of Section 25.46.140. The amount to be reimbursed shall be that portion of the cost of the improvement or facility which exceeds the need therefor attributable to and reasonably related to the given development. The reimbursement agreement shall contain terms and conditions mutually agreeable to the developer and the City and shall be approved by the Council. Reimbursement shall be provided from fees which are deposited into the relevant fund or funds by other applicants for development projects.

C. Site-Related Improvements. Credit shall not be given for site-related improvements, including, but not limited to, traffic signals, right-of-way dedications, or providing paved access to the property, which are specifically required by the project to serve it and which do not constitute facilities or improvements specified in the resolution referenced in Section 25.46.030 of this chapter.

D. Determination of Credit. The developer seeking credit and/or reimbursement for construction of improvements or facilities, or dedication of land or rights-of-way, shall submit such documentation, including, without limitation, engineering drawings, specifications, and construction cost estimates, and utilize such methods as may be appropriate and acceptable to the Director to support the request for credit or reimbursement. The Director shall determine credit for construction of improvements or facilities based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Director determines that such estimates submitted by the developer are either unreliable or inaccurate. The Director shall determine whether facilities or improvements are eligible for credit or reimbursement.

E. Time for Making Claim for Credit. Any claim for credit must be made no later than the application for a building permit. Any claim not so made shall be deemed waived.

F. Transferability of Credit – Council Approval. Credits shall not be transferable from one project or development to another.

G. Appeal of Determinations of Director. Determinations made by the Director pursuant to this section may be appealed to the Planning Commission pursuant to Chapter 25.98 (Appeals and Calls for Review) within 10 days of the determination of the Director.

(Ord. 2000 § 2, (2021))

§ 25.46.100. Use of Funds.

A. Funds collected from public facilities impact fees shall be used for the purpose of:

1. Paying the actual or estimated costs of constructing or improving the public facilities within the City or purchasing materials or equipment for the public facilities within the City to which the specific fee or fees relate, including any required acquisition of land or rights-of-way therefor; or

2. Reimbursing the City for the development project's share of those public facilities already constructed by the City or to reimburse the city for costs advanced, including, without limitation, administrative costs incurred with respect to a specific public facility project; or

3. Reimbursing other developers who have constructed public facilities described in the resolution, where those facilities were beyond those needed to mitigate the impact of the earlier developer's project or projects.

B. In the event that bonds or similar debt instruments are issued for advanced provision of public facilities for which public facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type to which the fees involved relate.

(Ord. 2000 § 2, (2021))

§ 25.46.110. Conditions for Reimbursement.

A. The City Manager shall report to the Council once each fiscal year regarding any portion of a fee remaining unexpended or uncommitted in an account five or more years after deposit

and identify the purpose for which the fee was collected. The Council shall make findings at least once every fifth year thereafter with respect to any portion of the fee remaining unexpended or uncommitted in its account five or more years after deposit of the fee, to identify the purpose to which the fee is put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged.

B. A refund of unexpended or uncommitted fees for which a need cannot be demonstrated along with accrued interest may be made to the current owner(s) of the development project(s) on a prorated basis. The City Manager may refund unexpended and uncommitted fees that have been found by the City Council to be no longer needed, by direct payment or by offsetting other obligations owed to the City by the current owners of the development project.

C. If the administrative costs of refunding unexpended and uncommitted revenues collected pursuant to this section exceed the amount to be refunded, the Council, after a public hearing for which notice has been published pursuant to Government Code Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which the fees are collected subject to this chapter that serve the project on which the fee was originally imposed.

(Ord. 2000 § 2, (2021))

§ 25.46.120. Capital Improvement Plan.

A. The City may adopt or incorporate a capital improvement plan which indicates the approximate location, size, time of availability, and estimates of costs for public facilities or improvements to be financed with public facility impact fees.

B. The City Manager shall annually submit the capital improvement plan to the Council for adoption at a noticed public hearing.

C. The public facility impact fee schedule adopted by the Council by resolution shall be annually reviewed by the Council for consistency with the capital improvement plan, and any necessary amendments shall be made by resolution of the Council.

(Ord. 2000 § 2, (2021))

§ 25.46.130. Procedure for Adoption of Fees.

The adoption of public facility impact fees is a legislative act and shall be enacted by resolution after a public hearing before the Council.

(Ord. 2000 § 2, (2021))

§ 25.46.140. Fee Adjustments or Waivers.

A. A developer of any project subject to the fee described in this chapter may apply to the Director for reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of the development and either the amount of the fee charged or the type of facilities to be financed.

B. The application shall be made in writing and filed with the Director not later than:

1. Twenty days prior to the public hearing before the Review Authority ~~Commission~~ on the development project application under this title, or

2. If no public hearing ~~before the Commission~~ is required by this title, at the time of the filing of the application for a development permit.

3. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment.

C. The ~~Commission~~ Review Authority shall consider the application at a public hearing ~~held within 60 days~~ after the filing of the fee adjustment application. ~~The decision of the Commission is subject to appeal to the Council pursuant to this title.~~ If a reduction, adjustment, or waiver is granted, any change in use within the development project shall invalidate the waiver, adjustment, or reduction of the fee.

(Ord. 2000 § 2, (2021))