

**TEXT** = *New or amended text or sections*

**TEXT** = *deleted text or section*

**AMENDMENTS TO SAN RAFAEL MUNICIPAL CODE TITLE 14 (ZONING)  
June 2012**

**DIVISION I. GENERAL PROVISIONS**

**CHAPTER 14.03 – DEFINITIONS**

*Delete the following definition in Section 14.030.030, as they are significantly changed with new definitions below:*

~~"Household" means one or more persons, whether or not related by blood, marriage or adoption, jointly occupying a dwelling unit in a living arrangement characterized by the sharing of common living areas, including area and facilities for food preparation. Indicia of a separate household include, but are not limited to, one or more of the following: a separate exterior entrance, a separate address, a separate mail box designation, a separate utility service or meter, a separate cable television line, and the existence of a rental advertisement for the separate living quarters immediately preceding their occupancy.~~

*Add the following new or modified definitions in Section 14.03.030 as they are replacements to those above*

"Boarding (or rooming) house" means a structure or portion thereof where rooms, with or without and/or meals, for ~~three~~ two (32) or more ~~nontransient guests~~ persons are provided for compensation under separate oral or written rental agreements. Such rooms do not include complete cooking and sanitary facilities. Includes single-room occupancy developments, sororities, fraternities and residential clubs. ~~Excludes the bona fide sharing of the rent or ownership costs of housing and/or the sharing of expenses for meals.~~ Does not include a dwelling unit occupied by a single household; a hotel; a motel; a bed and breakfast inn; a residential care facility; a residential support facility; supportive or transitional housing (as defined in H&S Code sections 50675.2 and 50675.14); or a permanent, temporary, or rotating emergency shelter for the homeless.

"Household/Single Housekeeping Unit," unless otherwise defined by applicable law, means the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and bona fide sharing of household expenses, activities, and responsibilities (e.g., meals, chores, household maintenance, etc.) and where, if the unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with no sub-leases or -rental agreements, with joint use and responsibility for the premises, and no set limit on the length of residence other than as set by the lease, and where the makeup of the household occupying the unit is determined by the residents of the unit rather than the landlord or property manager.

*Add the following new definitions to Section 14.03.030 to address new land uses from the group home category:*

“Residential Support Facility, Large” means a dwelling unit or group of dwelling units not licensed by the State of California, in which seven (7) or more persons (excluding persons employed or compensated as facility management or staff) reside who are not living together as a single household, each of whom is an individual with a disability. This is a commercial group residential use in that it is operated or managed by a person or persons or by a business entity for compensation on a nonprofit or for-profit basis.

“Residential Support Facility, Small” means a dwelling unit or group of dwelling units not licensed by the State of California, in which six (6) or fewer persons (excluding persons employed or compensated as facility management or staff) reside who are not living together as a single household, each of whom is an individual with a disability. This is a commercial group residential use in that it is operated or managed by a person or persons or by a business entity for compensation on a nonprofit or for-profit basis.

“Disabled” means a person with a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment, and shall include the term “handicapped,” but such term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802) as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988).

"Hotel" means any building or portion thereof containing multiple guest rooms designed for compensation, primarily for the accommodation of transient travelers, with eating, drinking, banquet and recreational facilities related to the hotel use, but not including those facilities defined as residential care facilities or residential support facilities.

## **DIVISION II. BASE DISTRICT REGULATIONS**

### **CHAPTER 14.04 – RESIDENTIAL DISTRICTS (R, DR, MR, HR)**

*Amend the heading for Section 14.04.020 to add new level of review and amend portions of Table 14.04.020 to add new land use categories for group residential uses and update the level of review for group residential land use categories*

#### **14.04.020 - Land use regulations (R, DR, MR, HR, PD).**

P: Permitted by right;  $\frac{1}{2}$  C: Conditional use permit; A: Administrative use permit; Blank: Not allowed.

#### **Table 14.04.020**

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Type of Land Use	R	DR	MR	HR	PD	Additional Use Regulations
<b>Residential Uses</b>						
Single-family residential	P	P	P	P	C	
Duplex residential		P	P	P	C	
Multifamily residential			P	P	C	
Animal keeping	C	C	C	C	C	See standards, Chapter 14.17. See Chapter 6.04
<del>Boardinghouse or roominghouse</del>			<del>C</del>	<del>C</del>	<del>C</del>	
Conversion of senior housing to nonsenior housing	C	C	C	C	C	
Emergency shelters for the homeless						
Permanent				C		
Temporary or rotating	C	C	C	C	C	
Home occupations	P	P	P	P	P	See regulations, Chapter 14.16
Mobile home parks				C	C	See standards, Chapter 14.17
<del>Residential care facilities for the handicapped</del>						
<del>Small (0—6 residents)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	
<del>Large (7 or more residents)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	
<del>Residential care facilities, other</del>						
<del>Small (0—6 residents)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>C</del>	
<del>Large (7 or more residents)</del>				<del>C</del>	<del>C</del>	
Second dwelling units (800 square feet in size or less)	P	P	P	P	P	See standards, Chapter 14.16
Second dwelling units (greater than 800 square feet in size or in a separate building not meeting required setback or height requirements)	C	C	C	C	C	See standards, Chapter 14.16
<b><u>Group Residential Uses</u></b>						

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Boarding (or rooming) house			<u>C</u>	<u>C</u>	<u>C</u>	
Residential care facility						
Small (0-6 residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Large (7 or more residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>See standards, Chapter 14.16</u>
Residential support facility						
Small (0-6 residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Large (7 or more residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>See standards, Chapter 14.16</u>
<b>Visitor Accommodations</b>						
Bed and breakfast inns	C*		C	C	C	*On nonhillside lots, 20,000 square feet or larger.
Hotels and motels				C	C	
<b>Day Care</b>						
Day care facility, child or adult						
Family day care home						
Small (0—8 children or adults)	P	P	P	P	P	
Large (9—14 children)	CZ	CZ	CZ	CZ	CZ	See standards, Chapter 14.17
Large (9—14 adults)	C	C	C	C	C	
Day care center (15 or more children or adults)	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD districts, and R20 hillside residential lots.
<b>Public and Quasi-Public Uses</b>						
Clubs and lodges, including youth groups			C	C	C	
Open space	P	P	P	P	P	
Public parks, playgrounds and recreation facilities	P	P	P	P	P	
Religious institutions	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside residential lots.
<b>Schools</b>						
Public	P*	P	P	P	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside

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						residential lots.
Parochial, private	C*	C	C	C	C*	*Prohibited in R2a, R1a and PD-hillside districts, and R20 hillside residential lots.
Use of closed school sites	C*	C	C	C	C*	May include: child care programs; educational, recreational, cultural and religious classes, programs, and activities; administrative offices incidental to educational service uses; churches; counseling groups and those private business uses which would be permitted as home occupations. *Prohibited in R2a, R1a, and PD-hillside districts, and R20 hillside residential lots.
<b>Offices and Related Uses</b>						
Medical services (medical, dental and health-related services with sale of articles clearly incidental to the services provided)						
Hospitals				C	C	
Major medical facilities, including extended care facilities (treatment and convalescent) and children's treatment facilities			C	C	C	
<b>Commercial Uses</b>						
Plant nurseries and garden supply		C	C	C	C	
<b>Transportation Facilities</b>						
Parking lot, public or private			C	C	C	See regulations, Chapter 14.18
<b>Accessory Structures and Uses</b>						
Accessory structures and uses customarily incidental to a permitted use and	P	P	P	P	P	See regulations, Chapter 14.16

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contained on the same site						
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**CHAPTER 14.05 – COMMERCIAL AND OFFICE DISTRICTS**

*Amend the heading for Section 14.05.020 to add new level of review and amend portions of Table 14.05.020 to add new land use categories for group residential uses and update the level of review for group residential land use categories*

**14.05.020 - Land use regulations (GC, NC, O, C/O, R/O, FBWC).**

A. Francisco Boulevard West Commercial District (FBWC): Land use regulations for new development and/or redevelopment.

1. New development and redevelopment within the Francisco Boulevard West commercial district shall be subject to initial use permit review by the planning commission. Master use permits shall be required for multi-tenant shopping center developments, specifying the types of uses which may go into the center, approving an initial roster of tenants, and identifying procedures for subsequent review and approval of future tenants when changes in occupancy occur.

2. Prerequisites for initiating the use permit review process are as follows:

a. The proposed use is listed on the commercial matrix as requiring a conditional use permit and meets the review criteria specified in subsection (A)(3) of this section;

b. In the event the proposed use is not listed on the commercial matrix as requiring a conditional use permit, but the proposed use meets the review criteria specified below, application for determination may be made to the planning commission. The planning commission shall determine whether the proposed use is consistent with the specified review criteria for the Francisco Boulevard West commercial district.

3. Review criteria for evaluating proposed uses in new development and redevelopment projects in the Francisco Boulevard West commercial district are listed below. In order to initiate the use permit process as indicated in either subsection (A)(2)(a) or (A)(2)(b) of this section, the proposed project must meet one or more of the following criteria:

- a. Generates high tax revenue;
  - b. Constitutes a large-scale business;
  - c. Constitutes a multi-tenant center with shops which provide related services or types of goods;
- and/or
- d. Has a regional market base.

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

**Table 14.05.020**

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Type of Land Use	GC	NC	O	C/O	R/O	FBWC*	Additional Use Regulations
<b>Commercial Uses</b>							
Animal sales and service, excluding exterior kennels, pens or runs							See Chapter 10.24
Animal care facilities	CZ	CZ		CZ			
Animal retail sales	P	P		P			
Boat sales	CZ					CZ	
Building materials and supplies							
Brick, gravel, rock, concrete, lumber and tile sales	P*			P*		C	*See Outdoor storage.
Electrical supply stores	P*			P*		C	
Equipment rental business	P*			P*		C	
Glass and window stores	P*			P*		C	
Hardware stores	P*	P*		P*	P*	C	
Paint stores	P*			P*		C	
Plumbing stores (and ancillary service)	P*			P*		C	
Business sales and service							
Blueprint and photocopy shops	P		P	P	P		
Computer services	P		P	P	P		
Locksmith shop	P		P	P	P		
Office furniture sales and rentals	P		P	P	P	C	
Office supply and business machine shops	P		P	P	P	C	
Printing shops	P		P	P	CZ		
Card rooms							See Chapter 10.36
Coffee roasters	CZ			CZ			
Food and beverage service establishments							
Brew pubs	CZ			CZ		CZ	
Catering establishments	P	CZ		P			
Cocktail lounges	C			C			
Fast food restaurants	C	C		C			
Food service establishment, high volume	C			C			
Food service establishment (with or without incidental serving of							



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	beer or wine or ancillary bar), but without a cocktail lounge, live entertainment as defined under Chapter 14.03, and/or dancing							
(1)	1,000 sq. ft. or less in size	P	P	P	P	P	C	
(2)	More than 1,000 sq. ft. in size	P	CZ	CZ	P	CZ	CZ	
	Food service establishment with a cocktail lounge, live entertainment, and/or dancing	CZ			CZ	CZ	CZ	
	Live entertainment/dancing (without food service)	C			C		C	
	Outdoor eating areas	A*	A*	A*	A*	A*	A*	For outdoor eating areas on private property see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks or rights-of-way, see Section 14.16.277 standards.
	Food and beverage stores							
	Bakeries, retail (and ancillary food service)	P	P	P	P	P	C	
	Candy stores and confectioneries	P	P		P			
	Convenience markets	CZ	CZ		CZ	CZ		
	Grocery stores and supermarkets	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting, noise, and compatibility with surrounding residential uses.
	Liquor stores							
(1)	Less than 200 ft. from residential district	CZ	CZ		CZ	CZ	CZ	
(2)	200 ft. or more from residential district	P	P		P	C	C	
	Fortunetelling	A			A			See Chapter 14.17 standards. *Rear ground level or 2nd floor or above.
	Funeral interment services (including mortuaries, but excluding crematories)	CZ				CZ		
	Kiosks	CZ	CZ	CZ	CZ	CZ		
	Motor vehicle sales and service							

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(including automobiles, motorcycles, trailers, trucks and recreational vehicles)							
Auto detailing	CZ						
Coin-op washing	C	C		C	C		
Gasoline stations (including mini-markets, and minor repair, such as tune-ups, brakes, batteries, tires, and mufflers)	C	C	C	C	C	C	See Section 14.16.160 regulations. For repair, see Chapter 14.17 standards.
Rentals	CZ		CZ	CZ			
Repairs, major (engine work, painting, and body work)	CZ						See Chapter 14.17 standards.
Repairs, minor (tune-ups, brakes, batteries, tires, mufflers and upholstery)	CZ	CZ		CZ	CZ	C	See Chapter 14.17 standards.
Sales, new or used vehicles							
(1) Five or fewer vehicles displayed or stored on-site	CZ			CZ		CZ	
(2) More than five vehicles displayed or stored on-site	C			C		C	
Sales, parts and supplies	P			P		C	
Sales, tires and ancillary service	CZ			CZ		CZ	
Music rehearsal/recording studios	CZ			CZ			
Outdoor storage, including temporary or permanent storage containers	CZ	CZ	CZ	CZ		C	
Personal service establishments							
Artistic and photographic studios, without sale of equipment or supplies	P			P	P		
Barber shops/beauty salons	P	P	P	P	P	C	
Dry cleaning establishments, with no on-site processing	P	P	P	P	P		
Dry cleaning establishments, with on-site processing	CZ	CZ	CZ	CZ	CZ		
Laundromats (self service)	P	P		P	P		
Massage and/or bodywork offices or establishments	P	P	P	P	P		See Chapter 8.34
Nail salons	P	P	P	P	P		
Seamstress/tailor	P	P	P	P	P		

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	Shoe repair	P	P	P	P	P		
Recreational facilities (indoors)								
	Bowling alleys	C	C		C			See Chapter 10.32
	Game arcades	C			C			See Chapter 14.17 standards.
	Fitness/recreation facility	CZ	CZ	CZ	CZ	CZ		
	Poolhalls/billiards	C	C		C			
	Theaters	C	C		C		C	
Retail								
	Antique stores	P			P		C	
	Apparel stores	P			P		C	
	Appliance stores (and ancillary repair)	P			P		C	
	Art, craft, music and photographic supply stores	P	P		P		C	
	Auctions	P				P		See Chapter 10.16
	Bicycle shops	P	P		P		C	
	Book, gift, stationery stores	P	P		P		C	
	Department stores	P			P		C	
	Discount stores	P			P		C	
	Drug stores and pharmacies	P*	P*		P*	C	C	*Operating between 11 p.m. and 6 a.m. requires a use permit (CZ) to review lighting, noise, and compatibility with surrounding residential uses.
	Electronics sales (televisions, radios, computers, etc.)	P			P		C	
	Florist shops	P	P	P	P	P		
	Furniture stores and upholstery shops (and ancillary repair)	P			P		C	
	Gun shops	C					C	See Chapter 14.17 standards.
	Jewelry stores	P			P			
	Plant nurseries and garden supply	P*	P*		P*		C	*See Outdoor storage.
	Secondhand stores and pawnshops	CZ			CZ			See Chapter 10.20
	Shoe stores	P			P		C	
	Shopping centers	C	C		C		C	
	Sporting goods stores	P			P		C	

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Stamp and coin shops	P			P			
Swimming pool supplies	P			P			
Tobacco retailer, significant	C			C		C	Shall not be located within 1,000 feet from schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.
Toy stores	P	P		P		C	
Variety stores	P			P		C	
Video sales and rentals	P	P		P			
<b>Offices and Related Uses</b>							
Financial services and institutions	P	P	P	P	P	P	
Medical services (medical, dental and health-related services, with sale of articles clearly incidental to the services provided)							
Clinics	C	C	C	C**	C		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Hospitals			C				
Major medical facilities, including extended care facilities (treatment and convalescent) and children's treatment facilities			C		C		
Laboratories	CZ	CZ	CZ	CZ**	CZ		**4th Street west of D Street: Rear ground level or 2nd floor or above.
Medical offices	CZ	CZ	P	P*	P		*4th Street west of D Street: Rear ground level or 2nd floor or above.
Offices, general	CZ	P*	P	P**	P		*Rear ground level or 2nd floor or above. **4th Street west of D Street: Rear ground level or 2nd floor or

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							above.
<b>Public and Quasi-Public Uses</b>							
Clubs and lodges, including youth groups	C		C	C			
Public facilities							
Administrative offices	C		P	P*	P		*Rear ground level or 2nd floor or above.
Day services center	C	C	C	C	C		
Job center	C						
Libraries, museums and other cultural facilities	C	C	C	C	C		
Public and utility facilities (corporation, maintenance or storage yards, utility distribution facilities, etc.)						C	
Public facilities, other (police, fire, paramedic, post office, etc.)	C	C	C	C	C	C	
Public parks, playgrounds, and recreation facilities	P	P	P	P	P		
Religious institutions	C	C	C	C	C		
Schools							
Parochial, private	C		C	C*	C		*Rear ground level or 2nd floor or above.
Public	P	P	P	P	P		
Specialized education and training	CZ		CZ	CZ	CZ		
<b>Residential Uses</b>							
Single-family residential					C		
Duplex residential					C		
Multifamily residential	A	C	P	A	P	A	Only in a mixed-use development. <a href="#">Additionally</a> , see Chapter 14.17 standards.
Animal keeping	CZ	CZ	CZ	CZ	CZ	CZ	See Chapter 14.17 standards.
Caretaker's residence	CZ	CZ	CZ	CZ	CZ	C	
Emergency shelters for the homeless							
Permanent	C			C	C		
Temporary or rotating	C	C	C	C	C	C	
Home occupations	P	P	P	P	P	P	See Chapter 14.16 regulations.

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Live/work quarters	A	A	A	A	A	A	See Chapter 14.17 standards.
Mobile home park						C	
<b>Group Residential Uses</b>							
Boarding (or rooming) house	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>CZ</u>	See Chapter 14.17 standards.
<b>Residential care facilities for the handicapped</b>							
Small (0—6 residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Large (7 or more residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See standards, Chapter 14.16
<b>Residential support facility</b>							
Small (0—6 residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Large (7 or more residents)	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	See standards, Chapter 14.16
<b>Residential care facilities, other</b>							
Small (0—6 residents)	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	
Large (7 or more residents)	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	<del>C</del>	
Rooming or boarding houses	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	See Chapter 14.17 standards.
<b>Day Care</b>							
Day care facility, child or adult							
Family day care							
Small (0—8 children or adults)☒		P		P	P		
Large (9—14 children)☒		CZ		CZ	CZ		See Chapter 14.17 standards.
Large (9—14 adults)☒		CZ		CZ	CZ		
Day care center (15 or more children or adults)	CZ	CZ	CZ	CZ	CZ	C	
<b>Visitor Accommodations</b>							
Hotels, motels, or bed and breakfast inns	C			C	C	C	
<b>Transportation Facilities</b>							
Bus stations	C			C		C	
"Park and ride" facilities	CZ			CZ	CZ	C	
Parking facilities, commercial or municipal	CZ		CZ	CZ	CZ	C	
Taxi stations	C			C		C	
Transit stations or transitways	C			C		C	See Chapter 10.60
<b>Temporary Uses</b>							
Temporary uses	A	A	A	A	CZ	A	See Chapter 14.17 standards.
<b>Accessory Structures and Uses</b>							
Accessory structures and uses	P	P	P	P	P	P	See Chapter 14.16

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customarily incidental to a permitted use and contained on the same site.							regulations.
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*Amend the heading for Section 14.05.022 to add new level of review and amend portions of Table 14.05.022 to add new land use categories for group residential uses and update the level of review for group residential land use categories*

**14.05.022 - Land use regulations (4SRC, CSMU, HO, 2/3 MUE, 2/3 MUW, WEV, 5/M R/O).**

P: Permitted by right; C: Conditional permit/planning commission; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

**Table 14.05.022**

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Type of Land Use	4SRC	HO	CSMU	2/3MUE	2/3 MUW	WEV	5/M R/O
<b>Residential Uses</b>							
Single-family residential							
Duplex residential					P		P
Multifamily residential (19)	A	A(29)	A	A(20)	A	A	P
Animal keeping	A	A	A	A	A	A	A
Caretaker's residence	A	A(29)	A	A(20)	A	A	A
Emergency shelters for the homeless							
Permanent							
Temporary or rotating	C	C	C	C	C	C	C
Home occupations (22)	P	P	P	P	P	P	P
Live/work quarters (19)	A	A(29)	A	A(20)	A	A	A
<b>Residential care facilities for the handicapped in dwelling unit (19)</b>							
Small (0—6 residents)	P	P(29)	P	P(20)	P	P	P
Large (7 or more residents)	P	P(29)	P	P(20)	P	P	P
<b>Residential care facilities, other in dwelling unit (19)</b>							
Small (0—6 residents)	P	P(29)	P	P(20)	P	P	P
Large (7 or more residents)	C	C(29)	C	C(20)	C	C	C
<b>Rooming or boarding houses (19)</b>	A	A(29)	A	A(20)	A	A	A
<b>Group Residential Uses</b>							
<u>Boarding (or rooming) house</u>	<u>A</u>	<u>A(29)</u>	<u>A</u>	<u>A(20)</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Residential care facility (19)</u>							
<u>Small (0-6 residents)</u>	<u>P</u>	<u>P(29)</u>	<u>P</u>	<u>P(20)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Large (7 or more residents) (30)</u>	<u>P</u>	<u>P(29)</u>	<u>P</u>	<u>P(20)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Residential support facility (19)</u>							
<u>Small (0-6 residents)</u>	<u>P</u>	<u>P(29)</u>	<u>P</u>	<u>P(20)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Large (7 or more residents) (30)</u>	<u>P</u>	<u>P(29)</u>	<u>P</u>	<u>P(20)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>Day Care</b>							
Day care facility, child or adult							



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Family day care							
Small (0—8 children or adults)	P	P	P	P	P	P	P
Large (9—14 children)	CZ	CZ	CZ	CZ	CZ	CZ	CZ
Large (9—14 adults)	C	C	C	C	C	C	C
Day care center (15 or more children or adults)	CZ(9)	CZ	CZ	CZ	CZ	CZ(9)	CZ
<b>Visitor Accommodations</b>							
Hotels, motels, or bed and breakfast inns	C	C	C	C	C	C	C
<b>Transportation Facilities</b>							
Bus stations		C		C			
"Park and ride" facilities		CZ		CZ	CZ		
Parking facilities, commercial or municipal	CZ	CZ	CZ(3)	CZ	CZ	CZ	CZ
Taxi stations (24)		C		C	C		
Transit stations or transitways		C		C	C		
<b>Temporary Uses</b>							
Temporary uses (25)	A	A	A	A	A	A	A
<b>Accessory Structures and Uses</b>							
Accessory structures and uses customarily incidental to a permitted use and contained on the same site (26)	P	P	P	P	P	P	P

- (1) See Chapter 10.24.
- (2) See "Outdoor storage."
- (3) Use not allowed on lots which have frontage along "A" and "B" Streets.
- (4) Use allowed only on cross streets from "C" Street east between Fourth Street and Fifth Avenue.
- (5) See Chapter 10.36.
- (6) For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks or rights-of-way, see Section 14.16.277 standards.
- (7) Operating after eleven p.m. (11:00 p.m.) requires a use permit (CZ).
- (8) See Section 14.17.060 (Fortunetelling).
- (9) Use allowed on Fourth Street frontage only in a rear ground level demised space behind a separate retail demised space with a separate entrance or on the second floor or above.
- (10) See Section 14.16.160 (Gasoline stations).
- (11) See Section 14.17.090 (Motor vehicle repair uses).

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- (12) See Chapter 8.34.
- (13) See Chapter 10.32.
- (14) See Section 14.17.070 (Game arcades).
- (15) See Chapter 10.16.
- (16) Office-support retail only.
- (17) See Chapter 10.20.
- (18) Office use on the Fourth Street frontage is limited to customer-service office use only. See Section 14.17.050 (Offices and financial institutions in the Fourth Street retail core and the West End Village) of this title.
- (19) See Section 14.17.100 (Residential uses in commercial districts).
- (20) Residential use allowed if part of a mixed-use development.
- (21) Repealed April 2006.
- (22) See Section 14.16.220 (Home occupations).
- (23) See Section 14.17.040 (Family day care home, large).
- (24) See Chapter 10.60.
- (25) See Section 14.17.130 (Temporary uses).
- (26) See Section 14.16.020 (Accessory uses).
- (27) Use only allowed for parcels that have Fourth Street or Lincoln Avenue frontage.
- (28) Shall not be located within one thousand feet (1,000') from: schools (public and private elementary, junior high, and high schools), public parks, public libraries, arcades, youth/teen centers, community/recreation centers, licensed day care centers for children, shopping malls, and houses of worship with organized youth programs, as measured from the property lines of each parcel.
- (29) Residential use is allowed on the ground floor and above, except on lots facing Fourth Street where residential use is allowed on the rear ground level and second floor and above.
- (30) See standards in Section 14.16

**CHAPTER 14.08 – MARINE DISTRICT**

*Amend the heading for Section 14.08.020 to add new level of review and amend portions of Table 14.08.020 to add new land use categories for group residential uses and update the level of review for group residential land use categories*

**14.08.020 - Land use regulations (M).**

P: Permitted by right; C: Conditional use permit; CZ: Conditional use permit/zoning administrator; A: Administrative use permit; Blank: Not allowed.

**Table 14.08.020**

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Type of Land Use	M	Additional Use Regulations
<b>Marine Uses</b>		
Boat building and repair	C	
Boat sales and rentals	P	
Charter boat businesses	P	
Clubs and lodges, including youth groups, with a marine focus or purpose (boating, fishing, study of marine biology, etc.)	C	
Contractor's shops related to marine activities, including welding, small machinery repair and marine engine repair	CZ	
Equipment rentals related to boating, fishing, etc.	P	
Fish and bait sales, retail		
Indoors	P	
Outdoors	C	
Fishing enterprises, commercial and/or recreational, including support facilities (hoist, ice plant, storage, packing and sales area and related offices)	C	
Fishing supply stores, including bait and stores	P	
Fuel yards strictly for boats	C	
Marinas, including boat slips, offices (sales, management, etc.), harbor, clubhouse, marine-related retail and support services (restrooms, showers, laundry, caretaker's residence, pump-outs, etc.)	C	
Marine electronics: sales, manufacturing, assembly, testing or repairs (including electrical, electromechanical or electronic equipment, or systems related to harbor or marine activities)	C	
Marine industry sales, including boat machinery, parts and incidental hardware	P	
Marine supply stores	P	
Marine testing laboratories, research and development facilities	C	
Museum, marine-related	C	
Offices, business support for marine industry, including security	P	
Outdoor storage, including temporary or permanent storage containers	CZ	

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Parks with marine recreational features or concessions	P	
Schools, sailing, boating, etc.	P	
Storage, boat (wet or dry)	P	
Warehousing, strictly for storage of boats, boat trailers and fishing gear	CZ	
Yacht clubs	C	
<b>Commercial</b>		
Food and beverage service establishments		
Cocktail lounges (without food service)	C	
Food service establishments (with or without incidental serving of beer or wine) and without a cocktail lounge, live entertainment and/or dancing		
1 (1) ,000 sq. ft. or less in size	P	
More than 1,000 sq. ft. in size (2)	CZ	
Food service establishments with a cocktail lounge, live entertainment and/or dancing	CZ	
Live entertainment and/or dancing (without food service)	C	
Outdoor eating areas	A	For outdoor eating areas on private property, see Section 14.17.110 standards. For outdoor seating areas located on city sidewalks or rights-of-way, see Section 14.16.277 standards.
<b>Retail and Office Uses</b>		
Retail and administrative, business and professional office uses listed as permitted or subject to use permit in general commercial district	P/C/A*	*See "Retail" heading in the General Commercial district for permitted and conditional retail and office uses. Non-marine related office use allowed on second floor or above in a mixed-use building. Ground floor non-marine office use is not allowed.
<b>Public and Quasi-Public Uses</b>		
Public utility facilities	C	
<b>Residential and Visitor Accommodation Uses</b>		
Multifamily residential	A	Allowed on the second floor or above in a mixed-use project.
Emergency shelters for the homeless		
Permanent	C	
Temporary	C	
Home Occupations	P	See Section 14.16.220 (Home Occupations).

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Live/work quarters	A	See Section 14.17.100(C)(9) (Live/Work Quarters regulations).
<del>Residential care facilities for the handicapped</del>		
<del>Small (0—6 residents)</del>	<del>P</del>	
<del>Large (7 or more residents)</del>	<del>P</del>	
<del>Residential care facilities, other</del>		
<del>Small (0—6 residents)</del>	<del>P</del>	
<del>Large (7 or more residents)</del>	<del>C</del>	
<del>Rooming or boarding houses</del>	<del>C</del>	<del>See Section 14.17.100(C)(8) (Boarding House regulations). Allowed on the second floor or above in a mixed-use project.</del>
Caretaker's residence	CZ	
Hotels or motels	C	
<b><u>Group Residential Uses</u></b>		
<u>Boarding (or rooming) house</u>	<u>C</u>	<u>See Section 14.17.100(C)(8) (Boarding House regulations). Allowed on the second floor or above in a mixed-use project.</u>
<u>Residential care facility</u>		
<u>Small (0-6 residents)</u>	<u>P</u>	
<u>Large (7 or more residents)</u>	<u>P</u>	<u>See standards, Chapter 14.16</u>
<u>Residential support facility</u>		
<u>Small (0-6 residents)</u>	<u>P</u>	
<u>Large (7 or more residents)</u>	<u>P</u>	<u>See standards, Chapter 14.16</u>
<b>Transportation Facilities</b>		
"Park and ride" facilities	CZ	
Parking facilities, public	CZ	
<b>Temporary Uses</b>		
Temporary uses	A	See Chapter 14.17 standards.
<b>Accessory Uses and Structures</b>		
Accessory uses and structures customarily incidental to a permitted use and contained on the same site	P	See Chapter 14.16 regulations.

**DIVISION IV. REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS**

**CHAPTER 14.16 – SITE AND USE REGULATIONS**

***Add new Section 14.16.365 (Residential Care Facilities, Large; Residential Support Facilities, Large) to incorporate standards and review process for these uses:***

**14.16.365 Residential Care Facilities, Large; Residential Support Facilities, Large**

A. Purpose. The purpose of this section is to permit Large Residential Care Facilities and Large Residential Support Facilities in residential and mixed use areas while minimizing the potential parking and other adverse impacts related to such high-occupancy uses, by providing a ministerial zoning compliance process subject to the standards and requirements set forth herein.

B. Property Development Standards. Large Residential Care Facilities and Residential Support Facilities must comply with existing zoning requirements including property development standards for setbacks, lot coverage, building height and private yard areas as well as the following:

1. Parking. Residential Support or Residential Care facilities shall comply with the standards contained on Chapter 14.18, Parking Standards, of this title.

2. All living areas must be suitable for residential purposes, as determined by the building inspector.

3. The site is free of hazardous materials and complies with fire code requirements, as determined by the Fire Department.

C. Large Residential Support Facilities and Residential Care facilities shall establish house rules and “Good Neighbor” policies addressing such issues as noise, visitor parking, and property maintenance, to enhance the facility’s compatibility with, and mitigate disruption to, the surrounding neighborhood, including provision for 24-hour on-site manager(s) responsible for enforcement. The house rules shall be filed with the City and available for public review.

D. Review Process.

1. Prior to the commencement of Large Residential Care Facility or Large Residential Support Facility uses in the R, DR, MR and HR and other mixed use or non-residential Districts as identified in the land use tables contained in Chapters 4, 5 and 8 of this Title, the owner/applicant shall first submit to the Community Development Department materials to demonstrate compliance with applicable development standards for the zone in which the site is located as well as compliance with the standards contained in this section, and shall obtain a property inspection by the City’s Fire and Building Departments to confirm the property’s compliance with applicable building and fire code requirements.

2. This review process is a ministerial action to confirm the compliance with the above standards. No public notice is to be provided for this review. The review is not an appealable decision. Upon confirmation that the requirements of this Section have been met, by the Community Development Director or his or her designee shall issue a permit for approving the use as detailed in the application materials.

3. Prior to commencement of use, the owner/applicant shall submit the following information for zoning verification:

- a. Written narrative of use, including the following:
  - i. Maximum number of clients/residents intended to reside at the property;
  - ii. Number of staff;
  - iii. The type and nature of the disability, if any.
  
- b. Complete site plan of the property;
  
- c. Complete floor plans of the structure;
  
- d. Application review fee.

E. Compliance with Permit; Revocation. It shall be a violation of this Code for any person to use, or to permit the use of, the approved Large Residential Care Facility of Large Residential Support Facility other than in accordance with the approved Permit. An amendment to the permit shall be required for any change in the maximum occupancy applied for and approved, or for occupancy by persons who are not disabled as described in the application and the facility staff, and changes in the approved use for which an amended permit has not been obtained shall be grounds for enforcement actions by the City pursuant to Chapter 14.30 of this Code, including but not limited to revocation of the permit.

**CHAPTER 14.17 – PERFORMANCE STANDARDS**

***Amend Section 14.17.100 (Residential uses in commercial districts) to amend standards for these uses:***

**14.17.100 - Residential uses in commercial districts.**

A. Purpose. The purpose of this section is to ensure that residential uses in commercial districts are not adversely impacted by adjacent uses. Residential uses are encouraged in the downtown area and in mixed-use development to meet local housing needs and because of the environment they create. However, potential traffic noise and safety impacts related to commercial uses may impact nearby residential uses. The proximity of residential and commercial uses require that special regulations be imposed in the interest of businesses and the residents of the housing units.

B. Applicability. Performance standards for residential uses in commercial districts shall be applied through an administrative use permit in the 4SRC, HO, 2/3 MUE and MUW, CSMU, WEV, GC, FBWC, C/O, and M districts or through a use permit in the NC district.

C. Standards.

1. Location. In the 4SRC and WEV districts, residential units may be located above the ground floor, and on rear portions of the ground. Location of residential units in the 2/3 MUE and MUW, GC, FBWC, HO, C/O, CSMU, M and NC districts shall be determined through project review.

2. Access. Residential units shall have a separate and secured entrance and exit.



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3. Parking. Residential parking shall comply with Chapter 14.18, Parking Standards, of this title.
4. Noise. Residential units shall meet the residential noise standards in Section 14.16.260, Noise standards, of this title.
5. Lighting. All exterior lighting shall be sufficient to establish a sense of well-being to the pedestrian and one that is sufficient to facilitate recognition of persons at a reasonable distance. Type and placement of lighting shall be to the satisfaction of the police department. The minimum of one foot-candle at ground level shall be provided in all exterior doorways and vehicle parking areas.
6. Refuse Storage and Location. An adequate refuse storage area shall be provided for the residential use.
7. Location of new residential units shall consider existing surrounding uses in order to minimize impacts from existing uses.
8. Boarding House. A boarding house shall comply with the following requirements:
  - a. Provision of ~~a management plan to ensure twenty four (24) hour on-site management, security and any necessary social services~~ house rules and “Good Neighbor” policies addressing such issues as noise, visitor parking, and property maintenance, to enhance the facility’s compatibility with, and mitigate disruption to, the surrounding neighborhood, including provision for 24-hour on-site manager(s) responsible for enforcement.
  - b. Provision of usable outdoor area consistent with the requirements of the district in which it is located.
9. Live/Work Quarters. The purpose of live/work quarters is to allow residential use in a commercial district with the intent of permitting people to live in a work environment. Live/work quarters are subject to the following requirements:
  - a. Residents of live/work quarters are required to acknowledge, as part of their lease agreement, the commercial nature of the surrounding area..
  - b. The FAR standards for the district shall establish the permitted intensity.
  - c. The parking requirement shall be based on the number of spaces required for the nonresidential square footage, or as determined by parking study.
  - d. All living areas must be suitable for residential purposes, as determined by the building inspector.
  - e. At least one of the residents of a live/work quarters shall be required to have a city business license.
  - f. The site is free of hazardous materials, as determined by the fire department.
  - g. In the downtown mixed-use zoning districts, living space shall be located in the rear ground level or second floor and above so that it does not interrupt the appearance of the commercial frontage.

**CHAPTER 14.18 – PARKING STANDARDS**

*Amend Chart 14.18.040 as follows to add parking requirements for group residential uses*

<b>Chart 14.18.040</b>				
<b>Use Classification</b>		<b>Off-Street Parking Required</b>		
<b>Residential</b>		Note: No parking is required for up to 3 units in the parking assessment district, provided the units are an infill addition to an existing nonresidential structure, and that the units are 2 bedroom or less and no larger than 900 square feet in size.		
Single-family residential		2 covered spaces per unit.		
Single-family residential, hillside		On streets less than 26 feet wide, a minimum of two additional on-site parking spaces shall be provided (not on the driveway apron) per unit. These spaces should be conveniently placed relative to the dwelling unit which they serve. This requirement may be waived or reduced by the hearing body when the size or shape of the lot or the need for excessive grading or tree removal make the requirement infeasible.		
Studio (duplex unit), 500 sq. ft. or less in size		1 covered space per unit.		
Studio (duplex unit), more than 500 sq. ft. in size		1.5 spaces per unit (including 1 covered space).		
		Downtown: 1 space per unit.		
Studios (multifamily unit)		1 covered space per unit.		
One-bedroom units		1.5 spaces per unit (including 1 covered space). Downtown: 1 space per unit.		
Two-bedroom units		<b>Parking Assessment District</b>	<b>Downtown (Outside District)</b>	<b>San Rafael (Outside Downtown)</b>
	Less than 900 sq. ft.	1 space	1.5 spaces	2 spaces (1 covered)
	900 or more sq. ft.	1.5 spaces	1.5 spaces	2 spaces (1 covered)
Three or more bedroom units		2 spaces per unit (including 1 covered space).		
Guest parking, multifamily		1 space per 5 units. Note: Guest parking not required downtown, unless within 200 feet of a residential district		
Mobilehome parks		2 covered spaces per unit.		
Senior housing projects		.75 space per unit, or as specified by use permit.		
Emergency shelters for the homeless, permanent:				
	Residential district	1 space for each employee on maximum staffed shift plus 1 space per five beds:		
	1—5 beds	1 space plus staff parking.		
	6—10 beds	2 spaces plus staff parking.		

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	11—15 beds	3 spaces plus staff parking.
	Commercial and light industrial/office districts	1 space for each employee on maximum staffed shift plus 1 space per 10 beds:
	1—10 beds	1 space plus staff parking.
	11—20 beds	2 spaces plus staff parking.
	21—30 beds	3 spaces plus staff parking.
	Emergency shelters for the homeless, temporary or rotating	As specified by use permit.
	Emergency shelters serving children and/or families with children	1 space per family based on maximum program capacity plus 1 space per employee on the maximum staffed shift.
	<del>Residential care facilities for the nonhandicapped:</del>	
	<del>Small (0—6 clients)</del>	<del>See single family residential.</del>
	<del>Large (6—10 clients)</del>	<del>1 space for each five clients plus 1 space for each staff person, visiting doctor or employee on maximum staffed shift.</del>
	<del>Rooming or boarding houses</del>	<del>1 space for each guest room or as determined by parking study.</del>
	Second dwelling units:	
	Studio or one-bedroom unit	1 space
	Two or more bedroom unit	2 spaces.
	<b><u>Group Residential Uses</u></b>	
	<u>Boarding (or rooming) houses</u>	<u>1 space for each guest room or as determined by parking study.</u>
	<u>Residential care facilities</u>	
	<u>Small (0-6 residents)</u>	<u>Same as single family residential</u>
	<u>Large (7 or more residents)</u>	<u>Same as single family residential plus 1 covered/uncovered space for clients 7-10, plus 1 uncovered space for each 4 clients above 11, plus 1 space for each on-site manager;</u>
	<u>Residential support facilities</u>	
	<u>Small (0-6 residents)</u>	<u>Same as single family residential</u>
	<u>Large (7 or more residents)</u>	<u>Same as single family residential plus 1 covered/uncovered space for clients 7-10, plus 1 uncovered space for each 4 clients above 11, plus 1 space for each on-site manager;</u>
	<b>Visitor accommodations</b>	
	Bed and breakfast inns	2 spaces plus 1 space per bedroom.
	Hotels or motels	1 space per sleeping room plus 1 space for manager plus 1 space for every 2 employees.
	Hotels, convention or hotels with banquet, restaurant or meeting facilities, etc.	Parking in addition to the hotel requirement is required, as determined by a parking study. Parking requirement as specified in use permit.

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<b>Day care</b>	
Family day care home (small)	No requirement.
Family day care home (large)	Minimum 2 spaces. The required parking for the dwelling unit shall count as the required parking for family day care.
Day care center	1 space per five children. In addition, one of the following must be provided and approved by the city traffic engineer for safety purposes: 1) A posted "loading zone" for dropping-off and picking-up children; 2) A loop driveway with an apron for drop-offs and pick-ups. Either option must be approved by the city traffic engineer for safety purposes.
<b>General commercial uses</b>	
Retail sales (non-bulky items)	1 space per 250 gross building sq. ft.
Retail sales (bulky items, such as machinery, furniture, vehicles, etc.)	1 space per 400 gross building sq. ft.
Shopping centers	1 space per 250 gross building sq. ft.
Animal care facilities	1 space per 300 gross building sq. ft.
Food and beverage service establishments, excluding fast food restaurants	1 space for each 50 sq. ft. of floor area intended for public use.
Fast food restaurants	1 space per 100 sq. ft. for 50 percent of the gross building sq. ft.; and one space per 65 sq. ft. for 50 percent of the gross building sq. ft. or one space per 2.5 interior seats, whichever is greater.
Funeral and interment services	1 per each 35 sq. ft. of floor area for assembly rooms plus 1 space for each employee, plus 1 space for each car owned by such establishment.
Motor vehicle sales and service:	
Coin-op washing	1 space at each washing stall and vacuum stall.
Gasoline stations	3 spaces per station, plus.
With minor repairs such as tune-ups, brakes, batteries, tires, mufflers	2 spaces per service bay.
With mini-market area	1 space per 250 sq. ft. of gross retail.
Rentals	1 space per 500 gross sq. ft. of floor area plus 1 space per 1,000 sq. ft. of outdoor rental storage area.
Repairs, major and/or minor	1 space per 500 sq. ft. or 3 spaces per service bay (each service bay may count as one of the parking spaces), whichever is greater.
Sales, new or used vehicles	1 space per 400 gross building sq. ft. excluding auto repair area; plus, for repair portions of the building: 1 space per 500 gross building sq. ft., or 3 spaces per service bay for automobile repair (each service bay may count as one of the parking spaces), whichever is greater, or 1 space per 2,000 sq. ft. open lot area, whichever is greater.
Personal service establishments	1 space per 250 gross building sq. ft.
Barber/beauty shop/nail salon	2 spaces per chair or workstation.

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Dry cleaning establishment	2 spaces plus 1 space for each employee.
Laundry (self service)	1 space for each 2 washing machines and/or dry cleaning machines.
<b>Recreation facilities (indoors)</b>	
Bowling alleys	4 spaces for each bowling lane plus additional spaces for other uses.
Game arcades	1 space for each 5 coin-operated amusement devices.
Health clubs and gymnasiums	1 space per 250 sq. ft. of gross building sq. ft.
Poolhalls/billiards	2 spaces for each table or as determined through a parking study.
Theaters	Parking study required. Parking subject to the approval of the planning director or the hearing review body for the development.
<b>Offices and related uses</b>	
Financial services and institutions	1 space for each 200 sq. ft. gross building sq. ft.
	Downtown: 1 space for each 300 sq. ft. gross building sq. ft.
Medical services:	
Clinics	1 space per 225 gross building sq. ft.
Hospitals	Parking study required.
Major medical facilities, including extended care facilities	Parking study required.
Offices, excluding mental health practitioners	1 space per 225 gross building sq. ft.
Offices, mental health practitioners	1 space per 250 gross building sq. ft.
Administrative, business and professional offices	1 space per 250 gross building sq. ft.
	Downtown: 1 space for each 300 sq. ft. gross building sq. ft.
<b>Industrial</b>	
Industrial uses	1 space per 500 gross building sq. ft.
Light industrial/office mixed-use:	
Light industrial sq. ft. of building	1 space per 500 gross building sq. ft.
Office sq. ft. of building	1 space per 250 gross building sq. ft.
Mini-storage	Parking study required. Subject to approval by the planning director or hearing review body for the development
Public utility facilities	Parking study required. Subject to approval by the planning director or hearing review body for the development.
Storage, warehousing and distribution	1 space per 500 gross building sq. ft.
Wholesale and distribution	1 space per 500 sq. ft. gross building sq. ft.
Marinas	3 spaces for every 4 boat slips. Plus parking for support uses in the marina, such as restaurants or retail uses.
<b>Public/quasi-public uses</b>	
Libraries, museums and other cultural	Parking study required. Subject to approval by the planning director or

facilities	hearing review body for the development.
Public service and utility	Parking study required. Subject to approval by the planning director or hearing review body for the development.
Religious institutions	1 space per 4 seats.
Schools (Note: The following are guidelines for public schools)	
Parochial, private	
K—8	3 spaces per classroom or 1 space per 100 sq. ft. of auditorium space, whichever is greater.
9—12	1 space for each 4 students based on maximum school capacity, or as specified by use permit.
Vocational, business trade schools	1 space per 150 gross building sq. ft.
Performing arts or other	1 space per 250 gross building sq. ft.
<b>Transportation facilities</b>	
Bus stations, park and ride facilities, public transit stations	Parking study required. Subject to approval by the planning director or hearing review body for the development.

**CHAPTER 14.26 – REQUESTS FOR REASONABLE ACCOMMODATION**

*Amend Chapter 14.26 to update provisions for Requests for Reasonable Accommodation*

**14.26.010 - Purpose.**

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act, [as amended by the Federal Fair Housing Amendments Act](#), and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures. [A reasonable accommodation is defined as relief from the strict application of the City's zoning and land use regulations, policies, and practices when such an accommodation is found to be reasonably necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling. An accommodation is not reasonable if: \(1\) it will fundamentally alter the City's zoning scheme or program; \(2\) the benefits provided by the accommodation are outweighed by the costs and administrative burden created; or \(3\) it would create a direct threat to the health and safety of other individuals or physical damage to the property of others. Unless otherwise noted, terms used herein shall have the same meaning as those terms have under the state Fair Employment and Housing Act, Government Code §12926 et seq. and the federal Fair Housing Act, 42 United States Code §3601 et seq. The terms "handicapped" and "disabled" shall be construed as having the same meaning.](#)

**14.26.020 - Applicability.**

A. Authorized Applicants. A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a

**DRAFT DATE: OCTOBER 23, 2012**

person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or any who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

B. Elimination of Regulatory Barriers. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. A request for reasonable accommodation shall comply with Section 14.26.030 (Application requirements) of this chapter.

**14.26.030 - Application requirements.**

A. Application. A request for reasonable accommodation shall be initiated by submitting to the community development department a completed application form, signed by the applicant, and if different, by the property owner or authorized agent, accompanied by the required fee, and the following information submitted in the form of a letter to the community development director:

1. The applicant's name, address and telephone number;
2. The property owner's name, address and telephone number;
3. Address of the property for which the request is being made;
4. The current use of the property;
5. ~~The basis for the claim that the individual is considered disabled under the Acts;~~  
Documentation that the applicant is: (i) an individual with a disability; (ii) applying on behalf of one or more individuals with a disability; or (iii) a developer or provider of housing for one or more individuals with a disability;
6. The specific zoning code provision or other city regulation or policy from which reasonable accommodation is being requested;
7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
8. Such other information and supporting documentation as may be prescribed by the community development director to facilitate review of the request for reasonable accommodation.

B. Review with Other Planning Applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary planning approval (such as a use permit, environmental and design review permit, zone change, general plan amendment or subdivision), then the applicant shall file the information required by subsection A of this section together for concurrent review with the application(s) for discretionary approval.

**14.26.040 - Review authority.**

A. Community Development Director. A request for reasonable accommodation shall be reviewed by the community development director if no planning approval is sought other than the request for reasonable accommodation.

B. Other Review Authority. A request for reasonable accommodation submitted for concurrent review with another discretionary planning approval shall be reviewed by the authority reviewing the discretionary planning application.

**14.26.050 - Public notice.**

Written notice that a request for reasonable accommodation has been filed shall be given as follows:

A. Community Development Director Authority. For a request subject to review by the community development director, a notice shall be mailed to the owners of record of all properties which are immediately adjacent to the project which is the subject of the request at least fifteen (15) days prior to the decision by the director.

B. Other Review Authority. For a request made in conjunction with another discretionary planning approval, notice shall be given in the manner prescribed for the other discretionary planning application.

**14.26.060 - Findings and decision.**

A. Findings. The reviewing authority shall issue a written decision to grant or deny a request for reasonable accommodation, ~~shall be~~ consistent with the Acts. ~~and shall be based on~~ The decision shall be supported by findings made in consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual with a disability under the Acts;

2. Whether the request for reasonable accommodation is or may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling; ~~make specific housing available to an individual with a disability under the Acts;~~

3. Whether there is an alternative accommodation which may provide an equivalent level of benefit;

4. Whether the requested accommodation would create a direct threat to the health and safety of other individuals or physical damage to the property of others; ~~Whether the requested accommodation would negatively impact surrounding uses or properties.~~

5. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city; and

6. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including, but not limited to, land use and zoning.

B. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings ~~required in~~ made pursuant to subsection A of this section.



**14.26.070 - Appeal of determination.**

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed in accordance with Chapter 14.28, Appeals, of this title.