

## Chapter 14.02 ~~GENERAL PROVISIONS AND~~ DEFINITIONS

### Sections:

#### ~~Article 1. General~~

#### ~~14.02.010 Short title.~~

~~This chapter shall be known and cited as the "zoning regulations of the city."~~

#### ~~14.02.020 Purpose.~~

~~There is hereby adopted a precise zoning plan for the city. The zoning plan is adopted in order to protect and promote the public health, safety, peace, comfort, convenience, prosperity, and general welfare. More specifically, the zoning plan is adopted in order to achieve the following objectives:~~

- ~~A. To guide community growth along sound lines;~~
- ~~B. To ensure a harmonious, convenient relationship among land uses;~~
- ~~C. To promote a safe, workable traffic circulation system;~~
- ~~D. To provide appropriate locations for needed community facilities;~~
- ~~E. To promote business activities of appropriate types;~~
- ~~F. To protect and enhance real property values within the city; and~~
- ~~G. To conserve the city's natural beauty, to improve its appearance, and to preserve and enhance its distinctive physical character.~~

#### ~~14.02.030 Nature.~~

~~The zoning plan consists of a zoning map designating certain districts and a set of regulations set forth in this chapter controlling the uses of land, the uses and locations of structures, the height and bulk of structures, the open spaces about structures, and the areas of sites in the districts; controlling the external appearance of structures in certain districts; and requiring the provisions of off-street parking spaces and off-street loading spaces in certain districts.~~

#### ~~14.02.040 Interpretation.~~

- ~~A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements.~~
- ~~B. This chapter is not intended to abrogate, annul, impair, or interfere with any deed restriction, covenant, easement, or other agreement between parties; provided, however,~~

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~~where this chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open spaces about structures or greater areas of sites than are imposed or required by deed restriction, covenant, easement, or other agreement, the provisions of this chapter shall control, but the provisions of this chapter shall not be construed as limiting in any way the provisions of the Los Altos off-street parking district No. 1.~~

#### **~~14.02.050 General provisions and definitions.~~**

~~The provisions of this chapter shall apply to all property located within the city except public streets, property and property rights owned by the city, and public utility lines within the public right of way. With the above noted exceptions, this chapter applies to all such property whether the same is owned by private persons, firms, corporations or organizations, or by the state or any of its agencies or political subdivisions, or by any county, or by any city with the exception of the city of Los Altos. Land uses that are not provided for herein as permitted uses, conditional uses, or limited conditional uses, are prohibited.~~

#### **~~14.02.055 Landscaping required in connection with a development project.~~**

~~Any landscaping required as an objective design standard or as a condition of project approval for a development project approved pursuant to this title shall be maintained by the property owner or occupant of the property for the life of the development project. Failure to do so shall constitute a nuisance.~~

#### **~~14.02.060 Statement of annexation policy.~~**

- ~~A.—In future annexations of property to the city, the council intends that zoning standards shall conform to those shown in the master plan for land use. In the event the property being considered for annexation is outside the planning area described in the master plan land use map, zoning standards comparable to those shown for similar areas shall be required unless the council shall specifically decree otherwise.~~
- ~~B.—No zoning contrary to that shown in the master plan, no matter by whom previously granted, shall be recognized as binding upon the commission and/or the council until a change of zoning is processed through normal commission-council channels as provided in this chapter.~~

### ***Article 2. Definitions***

#### **14.02.070010 Definitions.**

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abut" means two adjoining parcels of property with a common property line. Where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless

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the common property line between the two parcels measures not less than eight feet in a single direction.

"Accessory dwelling unit" means an attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling is situated. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in California Health and Safety Code section 18007. Formerly referred to as "second living unit."

"Accessory structure" means a building that is incidental to and customarily associated with a specific principal use or facility and is not utilized as sleeping quarters.

"Advertising structure" means any notice of advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purpose of making anything known, the origin or place of sale of which is not on the property with such advertising structure.

"Affordable housing unit" means a for-sale or rental dwelling unit affordable to households with extremely low, very low, low, or moderate incomes as published periodically by HCD for households in Santa Clara County.

"Agriculture" means the tilling of the soil or the raising of crops as a commercial operation.

"Alley" means a public or private right-of-way permanently reserved as a **secondary** means of access to an abutting property.

"Alter" means to make a change which will prolong the life of the supporting members of a structure, such as bearing walls, columns, beams, or girders.

"Animal clinic" means a place where the public may obtain examinations, prescriptions, and treatment for small animals. Major surgery or confinement overnight shall be limited to emergency cases only.

"Animal hospital" means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

"Apartment" shall mean, for the purposes of this chapter only, a dwelling in a structure designed or used to house four or more families living independently of each other.

"Approving authority" means the legislative body, commission, committee, or official of the city designated under the provisions of this title as having the authority to approve or deny a particular type of application.

"Arcade" means any business establishment in which there are more than three game machines as defined in this section which are available for use by the public or by business invitees, or both.

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“Art Galleries” means a business or place which displays a variety of art and/or artifacts for viewing or purchase.

“Attic” means the unfinished level between the ceiling of the top floor and the roof and enclosed by walls. Attic shall be an uninhabitable area and is excluded from the definition of a “story”.

“Balcony” means a platform that extends from an upper floor of a building and is enclosed by a parapet or railing and has no roof.

"Banks (commercial)" means financial institutions including federally-chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses, and as a result, the establishment, expansion, or relocation of such businesses is prohibited. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check cashier" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

"Basement" means living or storage area which is constructed wholly underground, meaning below the exterior finished grade on all sides, with no more than 20% percent of the lineal footage of the exterior wall broken by light wells, no light well wider than four (4) feet and no light well within four (4) feet of another light well. ~~the following:~~

- ~~1. For all R1 zoning districts, basement means that portion of a structure located entirely below grade, with the exception of the top of such basement which may extend for a vertical distance not exceeding two feet from the outside grade to the finished floor above. As used herein, the term "grade" shall mean either the natural grade or finished grade adjacent to the exterior walls of the structure, whichever is lower. No portion of any structure with an exposed wall shall be considered a basement, with the exception of below-grade garages that are screened from public view by either topography or built improvements.~~
- ~~2. For all other zoning districts, basement means that portion of a building between the floor and the ceiling, which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from the grade to the ceiling.~~

"Bay window" means a large window or series of windows cantilevered from the outer wall of a building and forming a recess within.

“Below Market Rate Unit” shall have the same meaning as “Affordable housing unit”.

"Board-formed concrete" means concrete that has textured patterns on its finished surfaces that retain the wood grain of boards or molds used to form the wet concrete.

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“Building” means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

“Building frontage” means that portion of a building located adjacent to a street.

"Bulk reverse vending machine" is a reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

“Business and Professional Offices shall have the same meaning as “office-administrative”.

"Business, professional, and ~~or~~ trade school" means a use, except a college or university, providing education or training in business, commerce, language, or other similar activity or pursuit, and not otherwise defined as a home occupation or private educational facility.

"Cannabis" means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term "cannabis" shall also include "medical marijuana" as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act). "Cannabis" includes marijuana as defined by Section 11018 of the Health and Safety Code, and includes "cannabis" as defined in Business and Professions Code, Section 26001. For purposes of this code, the terms "marijuana" and "cannabis" may be used interchangeably.

"Cannabis cultivation" means growing, planting, harvesting, drying, curing, grading, trimming, or processing of cannabis, regardless of whether there is an intent to produce, distribute, or sell the resulting product commercially.

"Cannabis delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a cannabis retailer of any technology platform that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

"Cannabis distribution" means the procurement, sale, and transport of cannabis and cannabis products and any other activity allowed under the state distributor license(s), including, but not limited to, cannabis storage, packaging, quality control and collection of state cannabis taxes.

"Cannabis manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product. Cannabis manufacture includes the production, preparation, propagation, or compounding of manufactured cannabis, or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or cannabis products or labels or relabels its container.

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"Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. Cannabis products include "cannabis products" as defined in Business and Professions Code, Section 26001.

"Cannabis retailer" means a facility where cannabis or cannabis products are offered, either individually or in any combination, for retail sale to customers, including an establishment that delivers cannabis and cannabis products as part of a retail sale or conducts sales exclusively by delivery. For purposes of this code, the term "cannabis retailer" includes microbusinesses, nonprofits licensed under Business and Professions Code, Section 26070.5, and any other state license designation that authorizes distribution, whether for free or in exchange for any consideration, of cannabis and/or cannabis products to individual customers. For purposes of this code, "cannabis retailer" also includes medical cannabis dispensaries, patient collectives and cooperatives operating, or proposing to operate, pursuant to the Compassionate Use Act (Health and Safety Code, § 11362.5) and/or the Medical Marijuana Program (Health and Safety Code, § 11362.7 et seq.), as may be amended.

"Cannabis testing laboratory" means a facility, entity, or site in the state that offers or performs tests of cannabis or cannabis products and that is both accredited by an accrediting body that is independent from all other persons involved in the medical cannabis industry in the state, and licensed by the Bureau of Cannabis Control.

"Carport" means a covered area open on two or more sides designed for the storage of not more than three automobiles.

"C District" means any zone district with a commercial designation.

"Chamfered corner" means a building corner which is cut back at a forty-five (45) degree diagonal from the primary façade to provide a corner surface at least eight feet in length

"Church" shall have the same meaning as "Religious institution".

"Cocktail lounge" means a business establishment which has, as its primary business, the sale of alcoholic beverages for consumption on the premises and where, if food is served, it is incidental to the sale of beverages.

"Collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, except as indicated in Chapter 14.68. Collection facilities may include the following:

1. Reverse vending machine(s);
2. Small collection facilities that occupy an area of not more than five hundred (500) square feet and may include:
  - a. A mobile unit,
  - b. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,

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- c. Kiosk type units which may include permanent structures, and
  - d. Unattended containers placed for the donation of recyclable materials; and
3. Large collection facilities that may occupy an area of more than five hundred (500) square feet and may include permanent structures.

"Commercial cannabis use" includes all cannabis cultivation, cannabis manufacture, cannabis distribution, cannabis testing laboratories, cannabis retailers, cannabis delivery, and sale of cannabis and/or cannabis products, whether intended for medical or adult-use, and whether or not such activities are carried out for profit. "Commercial cannabis use" includes "commercial cannabis activity" as defined in Business and Professions Code, Section 26001, and includes any activity that requires a license from a state licensing authority pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, Business and Professions Code, Division 10, as may be amended. "Commercial cannabis use" does not include possession or indoor cultivation of cannabis for personal use that is not sold and in strict accordance with Health and Safety Code, Section 11362.1 et seq.

"Commercial recreation" means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services. Commercial recreation also includes art, dance, music, and fitness studios and health clubs that exceed seven thousand (7,000) gross square feet.

"Community housing" and "community housing project" shall mean and include the following:

1. "Residential condominium" as defined in Section 783 of the Civil Code of the state: an estate of real property consisting of an undivided interest in common areas, together with a separate right of ownership in space;

2. "Community apartment" as defined in Section 11004 of the Business and Professions Code of the state: containing two or more rights of exclusive occupancy, excluding nonconforming uses;

3. "Residential planned development" as defined in Section 11003 of the Business and Professions Code of the state: a plan consisting of distinguishable use activity areas, including separately owned parcels of land with contiguous or nearby property owned in common; and

4. Stock cooperative as defined in Section 11003.2 of the Business and Professions Code of the state: property consisting of dwelling units owned by a corporation whereby the tenants are the shareholders of the corporation.

~~"Convalescent hospital" means a building and premises for the care of sick, injured, aged, or infirm persons to be housed, or a place of rest for those who are bedfast or needing nursing care, but not including facilities for the treatment of sickness or injuries or for surgical care.~~

"Country Club" means a private club operated for profit, maintaining and operating but not limited to, a golf course and other associated recreational activities both indoors and outdoors.

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"Coverage" means the percentage of net site area covered in structures in excess of six feet in height measured to the outside surfaces of exterior walls and the perimeter of any supports, coverage does not include uncovered porches, verandas, balconies, alcoves, or other similar elements, which are uncovered and open on at least one side.

"Cul-de-sac" means any street having but one outlet for vehicular traffic.

~~"Day care center/Daycare facility"~~ means any group day care program, except regular elementary schools. Included are day nurseries, nursery schools, preschools, playgroups, and after-school groups.

"Daylight plane," for lots seventy (70) feet or greater in width, means an inclined plane beginning at a stated height above grade at each side property line and extending perpendicularly from the side property line into the site at a stated upward angle relative to the horizontal. For lots less than seventy (70) feet in width, the daylight plane begins at a stated height above grade at each second story setback line.

"District" means a portion of the incorporated area of the city within which certain regulations common to such portion controlling land use, site area, coverage, yards and other open spaces, height of structures, and other physical development standards apply under the provisions of this chapter.

"Drive-through facility" means any business or service that involves transactions between an attendant and a customer in a vehicle, including drive-in restaurants and car washes.

"Dwelling" means a structure containing one or more rooms and one kitchen designed for human occupancy.

"Emergency shelter" means housing with minimal supportive services for homeless persons in accordance with Health and Safety Code 50801 that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Enclosed accessory structure" means a structure with three or more walls, or an equivalent percentage of enclosure for an area with more than four walls, and a solid roof.

"Façade" means the exterior wall on any side of a building.

~~"Family day care home" means a dwelling where day care is provided for children under eighteen (18) years of age who are unrelated to the licensee. A small family day care home may provide care for up to eight children, and a large family day care home may provide care for up to fourteen (14) children, as regulated by the California Health and Safety Code. Both limitations include the number of children residing in the dwelling.~~

"Floor area ratio" means the maximum ratio of gross floor area on a site to the total site area.

"Frontage" means the property line(s) of a site abutting on a street.

"Game machine" means any device, game or contrivance, including but not limited to pinball machines, video games, computer games, electronic games, slot machines, and similar



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machines and devices for which a charge or payment is received for the privilege of playing, using or operating the same and which, as the result of such use, operation or playing, does not entitle the person using, operating or playing the same to receive equivalent value in the form of tangible merchandise; excepting, however, pool tables and shuffleboard games.

"Garage" means an accessory structure, or a portion of a main structure designed for the storage of automobiles.

"General hospital" means any building, or portion thereof, used for the accommodation and medical care of sick, injured, or infirm persons, including sanitariums, alcoholic sanitariums, and institutions for the cure of chronic drug addicts and mental patients.

"Grade" means the elevation of the ground surface.

"Grade, adjacent" means the average elevation of the ground immediately next to an existing or proposed structure. Average grade shall include the average elevation along the entire building elevation of an existing or proposed structure.

"Grade, finished" means the elevation of the ground after the completion of a project.

"Grade, natural" means the elevation of the ground which exists prior to the start of any site preparation, grading, or construction related to the project being proposed.

"Gross floor area" means the total floor space under roof of all floors of a building measured to the outside surfaces of exterior walls, finishes, windows and doors including halls, stairways, elevator shafts, ducts, service and mechanical equipment rooms, interior courts, garages, enclosed accessory structures, and carports. In the case of a sloped ceiling or ground surface, the floor area shall be measured to the point at which the interior height is five feet. "Gross floor area" does not include: porches, verandas, balconies, alcoves, or other similar elements, which are open on at least one side; basements or attic areas; unenclosed accessory structures; exterior roof overhangs or chimney projections; porte cocheres; interior heights less than five feet; or structures under six feet in height.

"Gross site area" means the total horizontal area included within the property lines of a single site.

"Height of buildings" means the vertical height of a structure measured as provided in the specific regulations of the for all R1 zoning districts, and as provided in Section 14.66-240 for all other zoning districts unless otherwise specified.

"Height of fences and walls" means a vertical line from the highest point of the fence or wall to a point directly below. Where a fence is constructed upon a retaining wall, the height of the fence shall be the vertical distance measured from the top of the fence to the highest adjacent grade.

"Home occupation" means an occupation carried on in a home, provided no assistants are employed and provided such use is conducted within a dwelling and carried on by the occupants of the property, and is clearly incidental to the residential use of the dwelling, and does not change the residential character or appearance of the dwelling or adversely affect the uses permitted in the residential district of which it is a part, and wherein no product, other

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than those produced on the premises, is sold and no mechanical equipment is used, other than that necessary for domestic purposes, and where there is no indoor or outdoor storage of materials, equipment, and/or supplies, other than those necessary for domestic purposes. Home occupations shall be limited to a maximum of eight (8) visitors a day which include clients and deliveries to and from the property.

"Horticulture/floriculture" means the growing of fruits, vegetables, or ornamental plants as a commercial operation.

"Hotel" means a structure in which there are three or more guest rooms or suites, where lodging with or without meals is provided for compensation, and where provisions for cooking may or may not be provided in any individual guest room or suite.

"Housing unit, nontransient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of more than thirty (30) consecutive days or, if vacant, intended for occupancy as separate living quarters for a period of more than thirty (30) consecutive days. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Housing unit, transient" means a dwelling, mobile home or trailer, single room, or group of rooms that is occupied as separate living quarters for a period of thirty (30) consecutive days or less or, if vacant, intended for occupancy as separate living quarters for a period of thirty (30) consecutive days or less. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from outside the building or through a common hall.

"Industry" means the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, including storage elevators, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise.

"Interior courts" as used herein means an area within the structure enclosed on all sides.

"Kennel" means any lot or premises on which four or more dogs and cats at least four months of age are kept, boarded, or trained, whether in special buildings or runways.

"Kitchen" means any room or area intended or designed to be used or maintained for the cooking, storing, and preparation of food.

"Lined" parking refers to a building configuration where residential, commercial, or office uses are located between a street-facing property line and above-ground parking levels. Also referred to as a "wrapped" building.

"Loading space" means an off-street space or berth for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, which space abuts on a street, alley, or other appropriate means of access.

"Lodging" means the furnishing of rooms or groups of rooms within a dwelling unit or an accessory structure to persons other than members of the family residing in said dwelling unit;

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or in the case of an accessory structure, a dwelling unit on the same site, for overnight occupancy on a residential occupancy basis, whether or not meals are provided to such persons.

“Loft “means a room or space directly under the roof of a structure used as habitable area and open to the rooms below on at least one side.

"Lot" means a parcel of land consisting of a single lot of record.

1. "Lot of record" means a lot which is part of a subdivision and shown on a map thereof as recorded in the office of the county recorder, or a legally created parcel of land described by metes and bounds or shown on a parcel map which has been so recorded.
2. "Corner lot" means a lot abutting the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the intersections of the lot lines with the street lines meet at an interior angle of one hundred thirty-five (135) degrees or less, or if the centerline of the street abutting the lot has an interior angle over the distance of any curve of one hundred thirty-five (135) degrees or less. A lot abutting a street and an alley shall not be considered a corner lot.
3. "Interior lot" means a lot other than a corner lot.
4. "Flag lot" means a lot having access to a street by means of a corridor of land not otherwise meeting the requirements of this chapter for site width.
5. "Double frontage lot" means an interior lot having frontage on two parallel or approximately parallel streets.

“Lot depth” means the horizontal distance between the front and the rear lot lines.

"Lot line" means any boundary of a lot.

1. "Front lot line" means, on an interior lot, the lot line abutting a street, or, on a corner lot, the shortest dimension of the lot fronting the street, or, on a double frontage lot, the lot line abutting the street providing the primary means of access to the lot, or, on a flag lot, the interior lot line most parallel to and nearest the street from which the means of access is obtained, except that where the average width of a flag lot exceeds its average depth and the longer dimension is considered the depth, the front lot line will be the property line from which the front yard is measured. On a corner lot, if more than one property line abutting on a street can be designated as a front lot line without creating a nonconforming lot or structure, then either property line may be deemed the front lot line.
2. "Rear lot line" means the lot boundary opposite, or approximately opposite the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
3. "Side lot line" means any lot line, which is not a front or rear lot line, as follows:
  - a. "Interior side lot line" means any lot line not abutting a street.

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b. "Exterior side lot line" means any lot line abutting a street.

4. The city planner shall assign or designate lot lines for irregular-shaped parcels.

"Lot width" means the horizontal distance between the side lot lines measured within the lot boundaries or the mean distance between the side lot lines within the buildable area.

"Low-barrier navigation center" means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

"Maintenance and repair services" means a use, not conducted within an office, providing services for the maintenance or repair of personal effects and not primarily for the sale of goods or merchandise.

"Medical and dental clinic" means a use that provides diagnostic and outpatient care in more than one medical or dental specialty, but is unable to provide long term in-house medical or surgical care. Clinics will commonly have lab facilities, supporting pharmacies and provide a range of services.

"Medical and dental office" means a use that provides diagnostic and outpatient care on a routine basis, but is unable to provide in-house medical or surgical care. Offices will commonly provide specialized or individual physicians. Medical and dental offices include, but are not limited to, physical therapy, acupuncturist, dental services, psychiatric services, chiropractic care, counselor/psychotherapy, diagnostic services and skilled nursing facilities. Medical and dental office does not include medical spas for aesthetic services.

"Medical marijuana collective" or "cooperative or collective" means any group that is collectively or cooperatively cultivating and distributing marijuana for medical purposes that is organized in the manner set forth in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the State of California or subject to the provisions of the California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

"Motel" means a group of attached or detached structures containing individual sleeping or living units, designed for or used primarily for transient guests, with a garage attached or

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parking space located in proximity to each unit, including auto courts, motor courts, motor ledges, and tourist courts.

"Multiple-family dwelling" means a dwelling or group of dwellings on one site containing separate living units for two or more families that may have joint services or facilities or both.

"Museum" shall have the same meaning as "Art Galleries".

"Net site area" means that portion of gross site area remaining after deducting therefrom the following:

a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;

b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;

c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.

"Nonconforming lot" means a lot that no longer conforms to the regulations for the district in which such lot is located.

"Nonconforming structure" means a structure, or a portion thereof, which no longer conforms to the regulations for the district in which such structure is located.

"Nonconforming use" means a use that no longer conforms to the use regulations for the district in which such use is located.

~~"Nursing home" means a structure in which sick, injured, or infirm persons are housed for compensation, including a convalescent home or rest home.~~

"Office-administrative" means uses that predominantly sell professional and/or business services. The contact with the general public is not as frequent as with retail businesses or personal services, and a significant portion of the business may take place at other locations. Examples include ~~banks~~, law offices, accountants, ~~medical and dental offices~~, advertising, real estate companies, financial advisory, and computer support.

"Outdoor recreation service" means a privately owned or operated use providing facilities for outdoor recreation activities, including golf, tennis, swimming, riding, or other outdoor sport or recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

"Parapet" means a wall or roof structure projecting up from the roof to define a roof line and/or to screen mechanical equipment. Roof elements with a sixty-degree slope or greater may be considered parapets. Parapets may not be used to provide additional usable floor space for dwelling, commercial use, or storage of any type. Parapets shall be integral to the architectural design of the building.

"Parking facility" means an area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas,

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clearances, and similar features, and meeting the requirements established by this title. Parking facility includes parking lots, garages, and parking structures.

"Parking space" means an off-street space, either enclosed in a structure or an open area, the principal use of which is the storage or parking of automotive vehicles.

"Penthouse" means a non-habitable structure housing machinery on the roof of a building intended to provide an architecturally pleasing cover to stairwells, elevator equipment and other building systems that may be found on a roof top.

"Personal service" means a use, not conducted within an office, providing services for the personal care of an individual or the fitting, cleaning, repair, or maintenance of personal effects and not primarily for the sale of goods or merchandise. Personal services include beauty shops, barber shops and nail salons, pet grooming, shoe repair, laundry and cleaning services, repair and fitting of clothes, and other similar services. Personal services also include art, dance, music, tutoring centers, fitness studios and health clubs that do not exceed seven thousand (7,000) gross square feet.

"Porte cochere" means a roofed structure covering a driveway that is not designed for the storage of automobiles.

"Precise plan line" means a line established by an ordinance or other action of the council to control the location of structures with respect to an existing or proposed street, alley, parking space, or loading space.

"Principal living unit" means the primary dwelling on a single-family residential lot or parcel which dwelling contains one or more rooms and one kitchen designed for occupancy by one family for living and sleeping purposes.

"Property line" means a line bounding a parcel of real property.

"Qualified employee housing" means employee housing defined in Health & Safety Code section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Health & Safety Code section 50101. Any housing development project approved pursuant to Health & Safety Code section 17021.8 is also "qualified employee housing," and shall be a permitted use notwithstanding anything to the contrary in this code.

"Recycling facility" means center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor shall mean a recycling facility certified by the Department of Conservation of the state as meeting the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facility shall not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by such residential property, business, or manufacturer.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities, including accessory housing incidental thereto, but excluding a private educational facility. Any such use for which a property tax exemption has been obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of

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California, and Section 206 of the Revenue and Taxation Code of the State of California. or successor legislation, or which is used in connection with any church which has received such an exemption, shall be prima facie presumed to be a religious institution.

~~"Residential care home" means a structure in which nonmedical services are provided for persons sixty (60) years of age and over in accordance with California Health and Safety Code Section 1569.2.~~

"Residential care facility" or "residential care facilities" shall be defined consistent with the California Health & Safety Code Section 1502 which may be amended from time to time. The following shall constitute a residential care facility within the City of Los Altos:

1. "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

a. "Residential facility" means any family home, group care facility, or similar facility determined by the director, for twenty-four (24) hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

b. "Adult day program" means any community-based facility or program that provides care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a twenty-four (24) hour basis.

c. "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a twenty-four (24) hour basis to persons under eighteen (18) years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

d. "Foster family agency" means any public agency or private organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care. Private foster family agencies shall be organized and operated on a nonprofit basis.

e. "Foster family home" means any residential facility providing twenty-four (24) hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

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f. "Small family home" means any residential facility, in the licensee's family residence, that provides twenty-four (24) hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

g. "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than eighteen (18) months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

h. "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

"Restaurant" means any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate consumption on the premises, and includes any coffee shop, cafeteria, cafe, tavern, bar, soda fountain, or dining room.

"Retail uses" means uses that predominantly sell products rather than services, directly to the public, and generally for consumer or household use. Retail uses are designed to attract a high volume of walk-in customers and have floor space that is devoted predominantly to the display of merchandise to attract customers. Retail businesses may also provide incidental after-sales services, such as repair and installation, for the goods sold.

1. "Extensive retail" as used with respect to parking requirements, means a retail use primarily selling large commodities such as home or office furniture, floor coverings, stoves, refrigerators, other household electrical and gas appliances, including televisions and home sound systems, and outdoor furniture, such as lawn furniture, movable spas and hot tubs.
2. "Intensive retail" as used with respect to parking requirements, means any retail use not defined as an extensive retail use.

"Reverse vending machine" means an automated mechanical device which accepts at least one or more types of empty beverage containers, including, but not limited to, aluminum cans and glass or plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically, provided the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements



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of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

"Scale" means proportionality in the relationship between a building and the size of parts to one another and to the human figure.

"Second living unit" means a second dwelling on a single-family residential lot; refer to the definition of "accessory dwelling unit."

"Service station" means an occupancy that provides for the servicing of motor vehicles, and operations incidental thereto, including retail sales of gasoline, oil, tires, batteries, and new accessories.

"Setback" means the minimum required horizontal distance from a given point or line of reference such as a property line, to the nearest vertical wall or other element of a building or structure.

"Short-term rental" means a use that provides lodging in a dwelling unit, for compensation, for a period of fewer than thirty (30) consecutive calendar days. "Short-term rental" does not include transient lodging in city-approved hotels and motels.

"Single-family dwellings" means a detached building designed for and/or occupied exclusively by one (1) family or household. Also includes factory-built, manufactured or modular housing.

"Single-room occupancy housing" means a residential project with small units between one hundred fifty (150) and three hundred fifty (350) square feet each, with or without integral bathroom and/or kitchen facilities. Individual single-room occupancy units designated for extremely low-income households or designated as supportive housing in accordance with Section 53260 of the Health and Safety Code are exempt from the density limits.

"Site" means a lot, or group of contiguous lots, that is proposed for development in accordance with the provisions of this title. ~~as defined in this chapter.~~

1. "Gross site area" means the total horizontal area included within the property lines of a single site.
2. "Net site area" means that portion of gross site area remaining after deducting therefrom the following:
  - a. Any portion of a site within the right-of-way of an existing public or private street, road, or access easement, except an emergency access street;
  - b. Any portion of a site within the proposed right-of-way of a future street (except an emergency access street), as shown on an approved tentative subdivision map or a recorded subdivision map;
  - c. The portion of a flag lot constituting the access corridor lying between the front lot line and the frontage line of the corridor at the street.
3. "Site frontage" means the length of the front lot line.

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4. "Site width" means the horizontal distance between side lot lines, measured at right angles to the site depth at a point midway between the front and rear lot lines, or if there is no rear lot line, at the midway points of the intersecting side lot lines.
  5. "Site depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.
  6. "Site coverage" means the land area covered by all the structures on a site, including all projections except eaves. Site coverage does not include paved surfaces or structures under six feet in height.

"Storage garage" means a structure, or part thereof, used for the storage, parking, or servicing for compensation of automotive vehicles, but not for the repair thereof.

"Story" means a space in a structure between the surface of any floor and the surface of the floor or roof next above, but not including any basement, attic, or underfloor space.

"Street" means a public or private thoroughfare, including the easement area or dedicated public right-of-way, which affords access to two or more sites.

"Structure" means anything constructed or erected which requires a location on the ground, but not including fences or walls used as fences.

"Supportive housing" shall mean a housing development project as defined in Government Code section 65582(g), as may be amended or renumbered from time to time, as being housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons with low incomes who have one or more disabilities as described in section 65582(i) of the Government Code.

"Take-out service" means a characteristic of an eating or drinking service which encourages, on a regular basis, consumption of food or beverages, such as prepared or prepackaged items, outside of a building, in outdoor seating areas where regular table service is not provided, in vehicles parked on the premises, or off-site. Take-out food services do not include ice cream parlors, candy stores, and other similar specialty, primarily retail food businesses.

"Tower" means a building or part of a building that is exceptionally high in proportion to its width and length or tall and slender.

"Transitional housing" shall mean a housing development project as defined in Government Code section 65582(j), as may be amended or renumbered from time to time, as being building(s) configured as a rental housing development, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less

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than six months from the beginning of the assistance. Transitional housing is a residential use and is subject to only those restrictions that apply to other residential uses of the same type in the same zone.

"Transportation terminal" means a depot, terminal, or transfer facility for passenger transportation services.

"Wall plate" means the top most structural element of a wall frame.

"Yard" means an area within a lot, adjoining and measured from a lot, street, or plan line for a specified distance, open and unobstructed except for the uses and structures otherwise permitted the regulations of this chapter:

1. Yard measurement. Required yards shall be measured as the minimum horizontal distance from the lot line to a line parallel thereto on the site.
2. "Front yard" means a yard measured into a lot from the front lot line, extending the full width of the lot.
3. "Rear yard" means a yard measured into a lot from the rear lot line, extending the full width of the lot, provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line. On a corner lot, the rear yard shall terminate at the exterior side yard.
4. "Side yard" means a yard measured into a lot from a side lot line. An exterior side yard is a side yard measured from an exterior lot line or a street or plan line, extending between the front yard and the rear lot line; an interior side yard is a side yard measured from an interior lot line, extending between the front yard and the rear yard.