

## Chapter 14.44 CD COMMERCIAL DOWNTOWN DISTRICT\*

### Sections:

#### 14.44.010 CD District.

The regulations, general provisions, and exceptions set forth in Chapter 14.66 of this title shall apply in the CD District.

(Ord. 06-295 § 1 (part))

#### 14.44.020 Specific purposes (CD).

Specific purposes for CD Districts are as follows:

- A. Promote the implementation of the downtown urban design plan;
- B. Retain and enhance the downtown Los Altos village atmosphere;
- C. Allow latitude for creative design and architectural variety within limits established;
- D. Preserve and improve the character of the area immediately surrounding the existing downtown pedestrian district;
- E. Provide pedestrian amenities such as paseos, outdoor public spaces and outdoor seating;
- F. Establish a sense of entry into the downtown;
- G. Encourage historic preservation for those buildings listed on the city's historic resources inventory;
- H. Encourage the upgrading of building exteriors, signs, passageways and rear entries;
- I. Provide for a full range of retail, office, and service uses appropriate to downtown;
- J. Develop a landscaped strip along the back of properties that abut Foothill Expressway between Edith Avenue and San Antonio Road;
- K. Improve the visual appeal and pedestrian orientation of the downtown; and
- L. Encourage the use of solar, photovoltaic, and other energy conserving devices.

(Ord. 06-295 § 1 (part))

#### 14.44.030 Permitted uses (CD).

The following uses shall be permitted in the CD District, provided that any site with over five thousand (5,000) square feet of existing retail or restaurant space on the ground floor shall retain an equal or greater amount of retail and/or restaurant space on the ground floor:

- A. Business, professional, and trade schools;
- ~~B. Maintenance and repair services;~~
- ~~C.B.~~ Office-administrative services, excluding drive-through facilities;

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- ~~D.C.~~ Parking spaces and loading areas;
  - ~~E.D.~~ Restaurants, excluding drive-through facilities;
  - ~~F.E.~~ Retail and personal services; ~~and~~
  - F. Residential Only Development(s);
  - G. Mixed Use Development(s); and
  - ~~G.H.~~ Uses which are determined by the Zoning Administrator ~~city planner~~ to be of the same general character.

(Ord. 06-295 § 1 (part))

(Ord. No. 10-349, § 2, 4-27-2010; Ord. No. 2015-406 , § 2, 2-10-2015)

#### **14.44.040 Conditional uses (CD).**

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80 of this title, the following uses shall be permitted in the CD District:

- A. Animal clinics and hospitals;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Day care centers;
- ~~E. Housing located above the ground floor;~~
- ~~F.E.~~ Medical and dental offices ~~clinics~~;
- ~~G. Medical and dental offices that are five thousand (5,000) gross square feet or more;~~
- ~~H.F.~~ Service stations provided the site has at least one hundred (100) feet of frontage on a street with a minimum site area of twenty thousand (20,000) square feet; and
- ~~I.G.~~ Uses which are determined by the planning commission and the city council to be of the same general character.

(Ord. 06-295 § 1 (part))

(Ord. No. 2015-406 , §§ 3, 4, 2-10-2015)

#### **14.44.050 Required conditions (CD).**

The following conditions shall be required of all uses in the CD District:

- A. All businesses, services, and processes shall be conducted within a completely enclosed structure, except for parking and loading spaces, sale of gasoline and oil at service stations, incidental sales and display of plant materials and garden supplies occupying no more than one thousand five hundred (1,500) square feet of exterior sales and display area, outdoor eating areas operated incidental to permitted eating and drinking services.
- B. No use shall be permitted and no process, equipment, or materials shall be employed which are found by the commission to be objectionable by reason of odor, dust, smoke, noise, vibration, illumination,

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glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.

- C. No property owner, business owner and/or tenant shall permit or allow operation of a business which violates the required conditions of this chapter, including the following general criteria:
1. Refuse collection. Every development, including applications for tenant improvements, shall be required to provide suitable space for solid waste separation, collection, and storage and shall provide sites for such that are located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way. Refuse collection areas are encouraged to be shared, centralized, facilities whenever possible.
  2. Lighting. Lighting within any lot that unnecessarily illuminates any other lot and/or substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if: (i) it clearly exceeds the minimum illumination necessary to provide for security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities, or (ii) if the illumination could reasonably be achieved in a manner that would not substantially interfere with the use or enjoyment of neighboring properties.
  3. Air pollution. Any use that emits any "air contaminant" as defined by the Bay Area air quality management district shall comply with applicable state standards concerning air pollution.
  4. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, facilities, and public sidewalks adjacent to the subject property shall be required. In the case of public sidewalks, maintenance shall be limited to keeping the sidewalk clean and free of debris, markings, and food and drink stains by means of sweeping, cleaning with water and/or steam cleaning.
  5. Odors. No use may generate any odor that may be found reasonably objectionable as determined by an appropriate agency such as the Santa Clara County health department and the Bay Area air quality management district beyond the boundary occupied by the enterprise generating the odor.
  6. Noise. No person shall operate, or cause to be operated, any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level when measured on any other property either incorporated or unincorporated, to exceed standards as set forth in Chapter 6.16 of the Los Altos Municipal Code.

In order to attenuate noise associated with commercial development, walls up to twelve (12) feet in height may be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

(Ord. 06-295 § 1 (part))

#### **14.44.060 Front yard (CD).**

The minimum depth of front yards shall be two feet and shall be landscaped.

(Ord. 06-295 § 1 (part))

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#### 14.44.070 Side yards (CD).

No side yards shall be required, except when the side property line of a site abuts a public street or a public parking plaza, in which case the minimum width of the side yard shall be two feet and shall be landscaped.

(Ord. 06-295 § 1 (part))

#### 14.44.080 Rear yard (CD).

Structures above fifteen (15) feet in height must have a minimum rear yard of fifteen (15) feet. Otherwise, no rear yard shall be required except as follows:

- A. Where the rear property line of a site abuts a public parking plaza, the minimum depth of the rear yard shall be two feet and shall be landscaped.
- B. Where the rear property line of a site abuts a public street or alley, the minimum depth of the rear yard shall be ten (10) feet of which the rear two feet shall be landscaped.
- C. A required rear yard may be used for parking, except for the area required to be landscaped.

(Ord. 06-295 § 1 (part))

#### 14.44.090 Off-street parking (CD).

Parking facilities shall be provided in accordance with Chapter 14.74 of this title. In addition, parking facilities shall:

- A. Reduce the visual impact of parking structures and parking lots by locating them at the rear or interior portions of building sites;
- B. Minimize the street frontage of the lot or structure by placing its shortest horizontal edge along the street;
- C. When parking structures must be located at street frontage because other locations are proven infeasible, the ground level frontage shall either be used for commercial space or shall provide a landscaped area not less than five feet in width between the parking area and the public right-of-way;
- D. Keep the number of direct entrances to parking facilities from streets to a minimum;
- E. Provide a landscaped buffer not less than five feet in width between a parking lot or structure and street frontage or buildings. Where the landscaped strip adjoins a public street or pedestrian walkway, the landscaped strip may be required to include a fence, wall, berm, or equivalent feature;
- F. Provide a minimum of interior landscaping for unenclosed parking facilities as follows: where the total parking provided is located on one site and is fourteen thousand nine hundred ninety-nine (14,999) square feet or less, five percent of total parking area; where the parking is fifteen thousand (15,000) through twenty-nine thousand nine hundred ninety-nine (29,999) square feet, seven and one-half percent of total parking area; and where the facility is thirty thousand (30,000) square feet or greater, ten (10) percent of total parking area.

Parking Area (in square feet)	Minimum Landscaping (% of Parking Area)
< 15,000	5
15,000 — 29,999	7.5

- G. Trees in reasonable number shall be provided; ground cover alone is not acceptable. Interior landscaping shall be distributed throughout the paved area as evenly as possible. Provision shall be made for automatically irrigating all planted area. All landscaping shall be protected with concrete curbs or other acceptable barriers. All landscaping shall be continuously maintained.

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

#### **14.44.100 Common parking facilities (CD).**

(As provided in Chapter 14.74 of this title.)

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

#### **14.44.110 Off-street loading and refuse collection (CD).**

- A. Where buildings are served by alleys, all service-delivery entrances, loading docks, and refuse collection facilities shall be located to be accessed from the alley. No loading area shall be located at the street frontage or building façade.
- B. A minimum of thirty-two (32) square feet of covered refuse collection area shall be provided and shall not be located in any front or street side yard. Where an alley exists, the refuse collection area shall be accessed from the alley. Refuse collection areas shall be on site, but are encouraged to be shared, centralized, facilities whenever possible.
- C. On sites not served by an alley, service areas shall be located to the rear, side, or at an internal location where visibility from public streets, public parking plazas and neighboring properties will be minimized.
- D. Refuse collection areas shall be enclosed by a screen wall of durable material and planting as necessary to screen views from streets, public parking plazas and neighboring properties.

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

#### **14.44.120 Height of structures (CD).**

~~No commercial or mixed use structure shall exceed thirty (30) feet in height. The first story shall have a minimum interior ceiling height of twelve (12) feet to accommodate retail use, and the floor level of the first story shall be no more than one foot above sidewalk level.~~

- a. Residential Only Development(s) building height shall be a maximum of forty (40) feet and four (4) stories.
- b. Mixed Use Development(s) building height shall be a maximum of forty-five (45) feet and four (4) stories.
- c. Non-Residential Use Only Development(s) building height shall be a maximum of thirty (30) feet and three (3) stories.

(Ord. 08-321 § 1: Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

(Ord. No. 10-349, § 3, 4-27-2010; Ord. No. 2016-428, § 1, 11-8-2016)

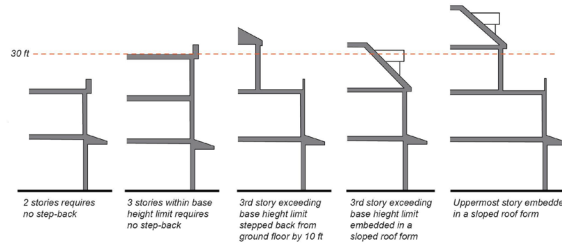
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### 14.44.130 Design control (CD).

#### A. Building Massing and Articulation.

##### 1. Upper-story Step-backs.

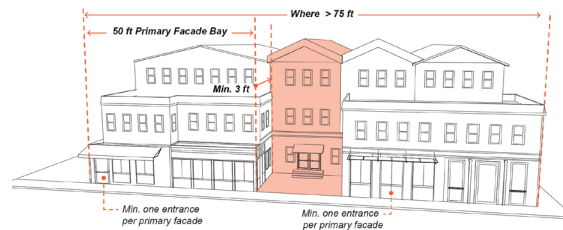
- a. Front: Minimum ten (10) feet from ground floor façade for stories above thirty (30) feet in height, as shown in the diagram



- b. Street Side: Minimum ten (10) feet from ground floor façade for stories above thirty (30) feet in height, as shown in the diagram
- c. For buildings over three stories in height, the uppermost story must be embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, as allowed by standards in Section 14.44.130.A.6.

##### 2. Vertical Articulation.

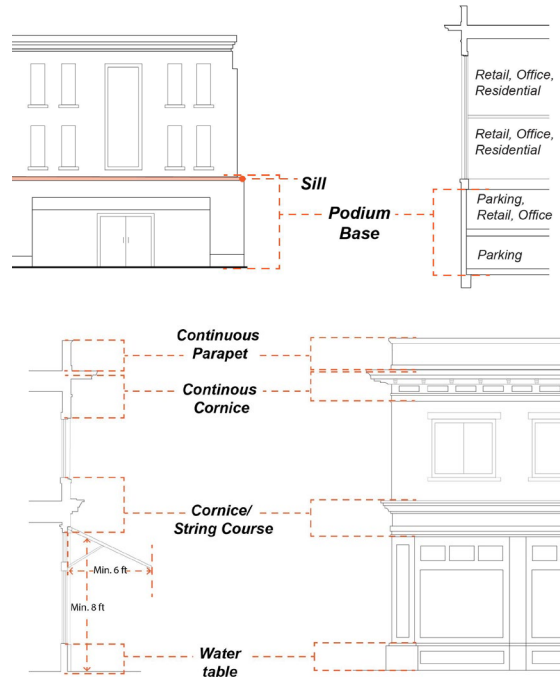
- a. When a building façade exceeds seventy-five (75) feet in length along a right-of-way, it must be separated into primary façade bays no greater than fifty (50) feet and secondary façade bays defined by a recess a minimum three feet deep and ten (10) feet wide.
- b. A minimum one entrance shall be provided per primary façade bay.
- c. The eave/roof of a secondary façade bay shall be no higher than the corresponding elements of the primary façade bay.



##### 3. Horizontal Articulation. New façades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.

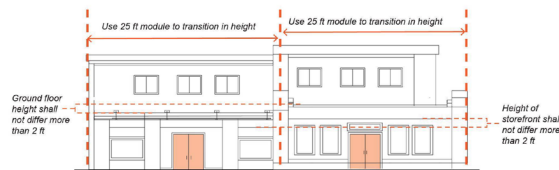
- a. One or more of the following patterns shall be used to define the base:
- Watertable:** Base material extends from grade to between eight and fifty-four (54) inches above grade.
  - Podium:** The base material encompasses the lowest story (or stories) of the building, with or without mezzanine(s), and terminates in a sill, string course, or cornice at its upper bound (multi-story buildings only).

- iii. Watertable and Cornice/String Course: A watertable using the base material is combined with a cornice or string course at the lowest story's upper bound, including any mezzanine (multi-story buildings only).
- b. The top of each building mass/bay shall be defined by elements spanning the full length of the façade of the mass/bay. Such elements may include a cornice, eave and/or gable(s), or other elements listed under Section 17.44.130.A.6. These elements shall be consistent with the overall architectural style of the building mass/bay.



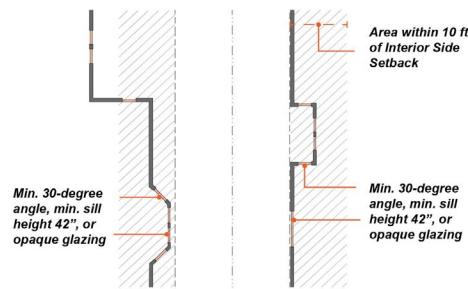
4. Adjacencies.

- a. Storefront Façades Adjacent to Storefront Façades.
  - i. The height of a storefront shall not differ from the height of any adjacent storefront by more than two feet.
  - ii. The height of ground story shall not differ from height of any adjacent ground story by more than two feet.
  - iii. Storefronts may transition in height using a module of twenty-five (25) feet in length along a right-of-way.



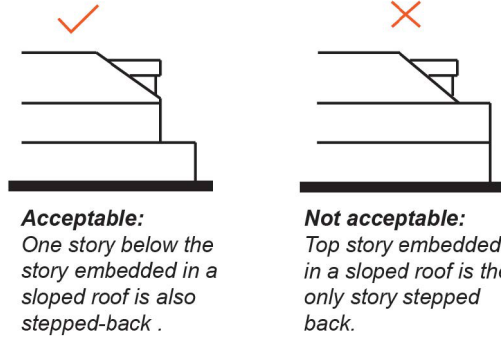
- b. Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More. When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:
  - i. Incorporate the uppermost floor into the roof form.

- ii. Break the mass of the building into smaller modules through changes in wall plane, setbacks, and/or height.
  - iii. Match window heights and/or proportions.
  - iv. Relate roof cornices and moldings at floor lines.
5. Privacy and Line of Sight.
- a. Primary living spaces and balconies located along a side setback shall orient principal windows and balconies toward the front and rear of the building.
  - b. Where windows are within ten (10) feet of and oriented toward an interior side setback, glazing shall either be a minimum thirty (30) degree angle measured perpendicular to the adjacent side setback line, have minimum sill height of forty-two (42) inches, or be opaque.
  - c. The maximum sill height for an ingress/egress window is forty-four (44) inches from finished floor.

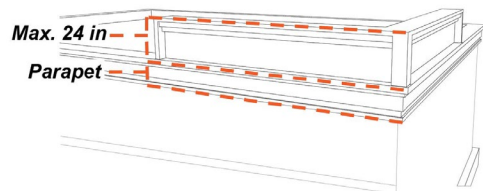


6. Roofline and Roof Design.
- a. Roof designs shall be limited to:
    - i. Hipped.
    - ii. Gable.
    - iii. Mansard.
      - (a) Applicable for buildings three or more stories.
    - iv. Dormer.
    - v. Parapet.
      - (a) When used on the first or second floor, a parapet longer than twenty-five (25) feet in length must include at least one but not more than two of the following design elements to break up the length of the parapet:
        - (1) Steps.
        - (2) Curves.
        - (3) Angled surfaces.
      - (b) The length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet.
  - b. When the top story is stepped back and embedded in a sloped roof form such as a mansard roof or a hipped and/or gabled roof with dormers, the floor below must (and other floors may) be stepped back to meet the slope of the top story.





- c. Building façades facing an R-1 district must have a hipped or gable roof and may incorporate dormers.
- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than twenty-four (24) inches.

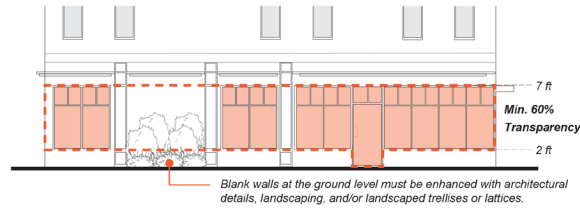


**B. Building Design.**

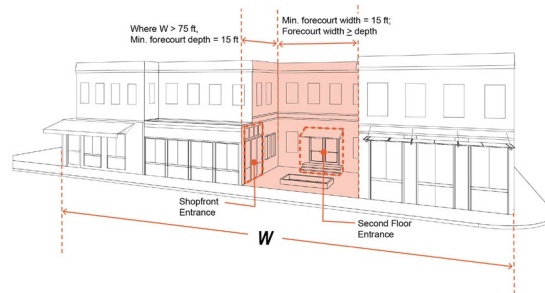
**1. Façade Design.**

- a. Building façades must continue the pattern established by existing buildings in Downtown Los Altos by reinforcing the underlying maximum fifty (50) foot module along all street frontages through the use of the following techniques:
  - i. Building façades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
  - ii. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
  - iii. Residential façades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
  - iv. Non-glazed wall areas (blank walls) must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.
- b. At least two of the following strategies must be used in a manner that reinforces the maximum fifty (50) foot module:
  - i. Change in roof parapet height or shape.
  - ii. Change in roof style.
  - iii. Change in materials palette.
  - iv. Change in building height, minimum eight-foot difference.

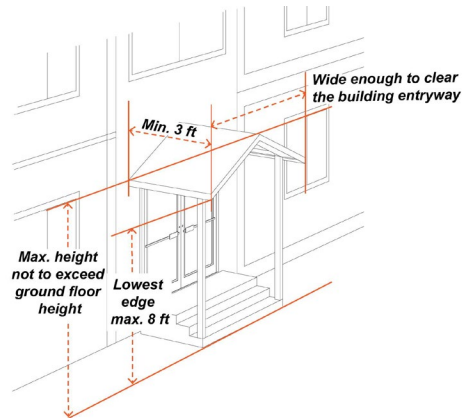
- v. Change in frontage type or change in details of shopfront frontage type if used.
  - vi. Use of upper floor projections such as bay windows or balconies.
2. Ground Level Transparency. A minimum sixty (60) percent of commercial ground floor street-facing façades between two and seven feet in height shall be transparent window surface. Opaque, reflective, or dark tinted glass is not allowed.



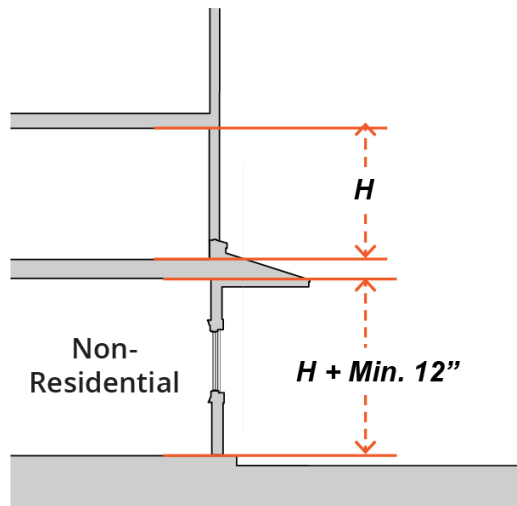
3. Pedestrian-Scaled Entrances.
- a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
    - i. Stoop.
    - ii. Dooryard.
    - iii. Shopfront.
      - (a) Shopfronts more than twenty-five (25) feet in width must incorporate variations in bulkhead, awnings, materials and/or color to visually articulate the shopfront into modules not to exceed twenty-five (25) continuous feet.
    - iv. Gallery.
    - v. Arcade.
    - vi. Forecourt.
      - (a) Forecourts must feature at least one entry to a shop and/or second floor use.
      - (b) Forecourts for buildings more than seventy (70) feet in length along a right-of-way must have a minimum width and depth of fifteen (15) feet from front façade. Width of forecourt shall be equal to or greater than depth.
      - (c) The size of the forecourt must be appropriate relative to the size of the building. The maximum ratio of building height to forecourt is 2:1 (height < 2 x width).
      - (d) Forecourt must be enclosed on at least three sides by buildings.
      - (e) Forecourt must remain open to the sky (arbors and trellises are allowed).



- vii. Terrace.
- b. Primary Entrance Location(s). Locate primary entrance on the front right-of-way and/or in the interior courtyard.
- c. Corner Entrances. Chamfered corners must incorporate a building entrance. Any required entrances may be provided on the corner of the building assuming one of the intersecting sides is a primary frontage.
- d. Street-facing Entries to Upper Floors. Street-facing entries to upper floors shall be equal in quality and detail to storefronts. This standard may be satisfied through two or more of the following:
  - i. Dedicated awning, canopy, or other roof element.
  - ii. Stairs with a single color applied to treads and a contrasting color or pattern applied to risers.
  - iii. Dedicated light fixture(s).
  - iv. Decorative street address numbers or tiles.
  - v. Plaque signs for upper-floor business tenants.
- e. Entry Protection. Primary street-facing entrances shall be protected by a recess in the building frontage at least three feet deep or by a projection extending outward at least three feet measured horizontally from the entrance, and wide enough to clear the building entryway on both sides.
  - i. Protection may be coterminous with an accent element.
  - ii. Protection may take the form of an extended eave, overhang, awning, door canopy, gallery, arcade frontage, or other element that provides shade and shelter from the elements.
  - iii. The lowest edge of a projecting awning or door canopy shall have a vertical clearance of no more than eight feet.
  - iv. Recessed entries shall differentiate pavement within the recess through the use of a dedicated paving material or pattern.



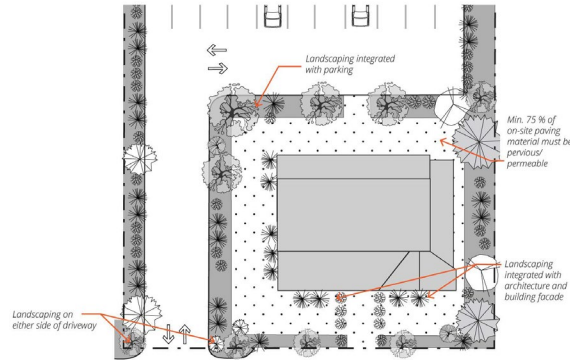
- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
- 4. Ground Floor Floor-to-Ceiling Height. Minimum twelve (12) inches taller than typical upper floor floor-to-ceiling.



- 5. Interior Courtyard. Interior courtyards must be:
    - a. Partially visible from the street and linked to the street by a clear accessible path of travel.
    - b. Enclosed on at least two sides by buildings.
    - c. Open to the sky (arbors and trellises are allowed)
    - d. A minimum width of twenty (20) feet and a minimum area of four hundred (400) square feet.
  - 6. Paseos. Paseos must be:
    - a. A minimum width of ten (10) feet for through-block paseos.
    - b. A minimum width of four feet for entries to courtyards or individual single businesses.
- C. Window Design.
- 1. Window frames, backbands, and sills.
    - a. All windows shall have a sill.

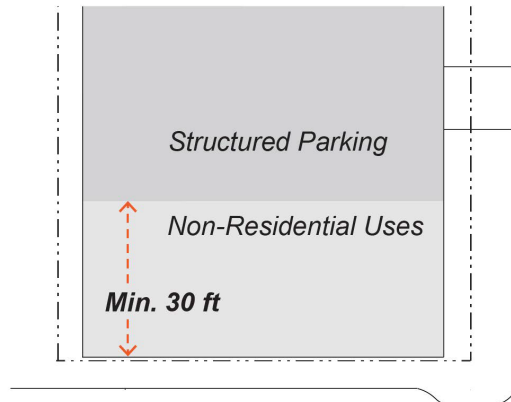
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- i. The sill shall extend horizontally beyond the window opening or frame/casing (if present) at each end.
      - ii. The sill shall be sloped toward the outside.
      - iii. The sill shall have a drip at its outer edge.
    2. Vinyl windows are prohibited on façades visible from a right-of-way.
  - D. Building Materials.
    1. Primary shall mean fifty (50) percent or more of a façade surface area excluding transparent surfaces. Permitted primary cladding materials are limited to:
      - a. Stucco (minimum two-coat stucco; synthetic stucco or EIFS not allowed)
      - b. Siding (lap, vertical, panelized, or shingle)
        - i. All siding shall be wood, composite wood, or cement fiberboard.
        - ii. Wood siding shall be painted or stained.
        - iii. Vinyl and aluminum siding are not allowed.
      - c. Stone.
      - d. Brick.
    2. Secondary shall mean less than fifty (50) percent of a façade surface area excluding transparent surfaces. Permitted secondary cladding materials are limited to:
      - a. Stucco (minimum two-coat stucco; synthetic stucco not allowed, EIFS not allowed).
      - b. Siding (lap, vertical, panelized, or shingle).
        - i. All siding shall be wood, composite wood, or cement fiberboard.
        - ii. Wood siding shall be painted or stained.
        - iii. Vinyl and aluminum siding are not permitted.
      - c. Stone (building base only).
      - d. Brick (building base only).
      - e. Tile.
      - f. Metal (matte finish or Cor-ten).
        - i. Ribbed metal, titanium, and mirrored finishes are not permitted.
      - g. Concrete Masonry Units (watertable and building base only, and not allowed on any façade facing a right-of-way or a single-family zone).
      - h. Concrete (building base only, board-form only, cast concrete not permitted).
  - E. Landscaping, Paving, and Pedestrian Amenities.
    1. Landscaping must be placed on each side of a driveway at grade or in raised planters.
    2. All paving located adjacent to a sidewalk must be textured (decorative or permeable).
    3. A minimum seventy-five (75) percent of on-site paving material must be pervious/permeable.
    4. Landscape elements shall be integrated with the building architecture, parking, and streetscape. Recommended patterns shall include, but are not limited to:

- a. Planters for flowers and shrubs within street frontage.
  - b. Landscape buffers between parking spaces and building façades.
  - c. Landscaping within and/or on walls adjacent to courtyards, open spaces, and setbacks. A publicly visible and accessible pedestrian amenity such as benches, a fountain, a rain garden, decorative paving, and/or public art.
5. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

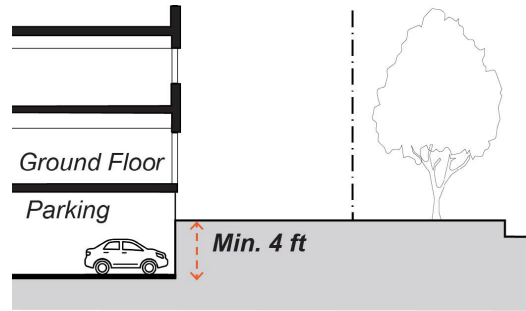


F. Parking Design and Access.

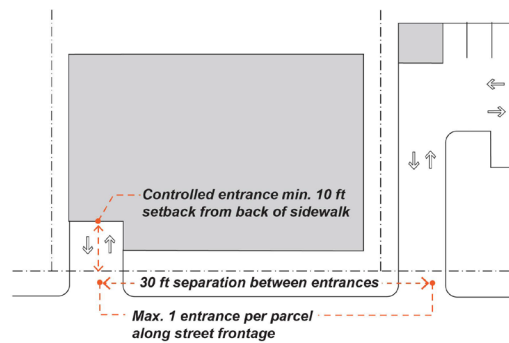
- 1. Where structured parking is provided, the parking area must be either:
  - a. "Lined" with ground-floor non-residential uses at least thirty (30) feet deep as measured from the front façade; or



- b. Designed such that the floor elevation is a minimum four vertical feet below the elevation of the adjacent sidewalk.



2. Visible structured parking must be screened from view from the right-of-way by at least one of the following features:
  - a. Regular punched openings designed to resemble windows of habitable spaces.
  - b. Trellis/living wall.
  - c. Custom textured or decorative screening.
3. Entrances to Parking Facilities.
  - a. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic may be permitted per street frontage per lot.
  - b. Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum ten (10) feet from the back of sidewalk.
  - c. Entrances to parking facilities along a street frontage shall be separated by a minimum of forty (40) feet, excluding access to parking plazas.
  - d. Where possible, curb cuts serving adjacent parking facilities shall be shared.



- G. Site Circulation and Access.
  1. A clearly defined, lighted and landscaped pedestrian route shall be provided between all parking areas and primary pedestrian entrance.
  2. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
  3. Bicycle racks shall be provided:
    - a. In or within fifty (50) feet of every parking area; and
    - b. Within twenty (20) feet of at least one building entrance.

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H. Service Areas and Screening.

1. Service areas must be located at the rear of lot or along a parking plaza.
2. Service areas must be enclosed in enclosures that are architecturally consistent with primary building in terms of materials, colors, and style.

I. Additional Design Standards. See Section 14.66.280 for additional design standards applicable to all residential mixed-use development in the CD District.

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

( Ord. No. 2021-478 , § 1, 9-14-2021)

**14.44.140 Nonconforming use regulations (CD).**

(As provided in Chapter 14.66 of this title.)

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

**14.44.150 Signs (CD).**

(As provided in Chapter 14.68 of this code.)

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part); Ord. No. 2015-414 , § 12, 9-8-2015)

**14.44.160 Fences (CD).**

(As provided in Chapter 14.72 of this title.)

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

**14.44.170 Restoration of nonconforming structures (CD).**

(As provided in Chapter 14.66 of this title.)

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

**14.44.180 Exceptions for public benefit (CD).**

A. To implement the downtown urban design plan, exceptions from the provisions of this chapter may be granted provided the following findings are made:

1. The granting of the exception will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the area;
2. The benefit to the city derived from granting the exception is an appropriate mitigation when considered against the cost to the developer;
3. The project and mitigation will result in a public benefit to the downtown;
4. The resultant project and mitigation are consistent with the general plan and promote or accomplish objectives of the downtown urban design plan.



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B. For the purposes of this chapter, exceptions may include, but are not limited to setbacks, on-site parking, and development or building standards.

(Ord. 08-320 § 1 (part); Ord. 06-295 § 1 (part))

(Ord. No. 10-349, § 4, 4-27-2010)