

SECTION 5A – CORRIDOR MIXED USE DISTRICT¹

Editor's Note: Current through Ordinance 2017-1124

5A.1 CORRIDOR MIXED USE OR CMU DISTRICT - The following regulations apply in CMU Districts.

5A.1.1 PURPOSE – The Corridor Mixed Use District applies to parcels along El Camino Real outside of the Belmont Village Specific Plan area and is intended to accommodate community- and visitor-serving retail and services, lodging, office, and high density residential in a mixed use setting. A mix of uses on individual development sites is desired, but not required. A community benefits program allows additional height, density and intensity to be granted in exchange for the provision of specified community benefits.

5A.1.2 PERMITTED USES. Subject to Section 9.5.6, the following are permitted uses:

- (a) Animal sales and services, including animal clinics and grooming, and animal retail sales (pet shops).
- (b) Banks and retail financial institutions without drive-through service.
- (c) Business and professional offices when located above the ground floor; and such uses on the ground floor when not replacing a use permitted by Section 5A.1.2 (d), (k), and (l) in a space not to exceed 3,000 square feet unless determined by the Director to be an office use serving walk-in clientele.
- (d) Business services.
- (e) Government buildings.
- (f) Instructional services.
- (g) Maintenance and repair services.
- (h) Multi-family dwellings when located above the ground floor.
- (i) Nursery and garden center.
- (j) Personal services.
- (k) Restaurants.
- (l) Retail stores engaged in the selling of retail products and services, including but not limited to art, appliance, auto accessories, hardware and variety stores, bakeries, dry cleaning for the retail trade only, hair cutting shops, food and drug stores, and tailor shops, but excluding building materials and services.
- (m) Utilities, that are minor in nature and an accessory use intended to serve an existing or planned land use and meet all of the standards of the City Code.

¹ Added by Ord. 2017-1124, §30, 11/28/2017

5A.1.3 **CONDITIONAL USES** - Subject to Section 9.5.6, the following uses are allowed with a conditional use permit.

- (a) Automobile rental agency.
- (b) Auto/vehicle sales and services, including dealers and new and used car sales lots, automobile repair services, service stations and electric vehicle charging facilities, and vehicle washing.
- (c) Banks and retail financial institutions on the ground-floor in a mixed use building, not to exceed 3,000 square feet.
- (d) Commercial amusement, entertainment, and health club enterprises, including cinemas, indoor theaters, ice rinks, and related facilities, which may be publicly- or privately-owned.
- (e) Communication facilities, including antennas and transmission towers equipment within buildings.
- (f) Community assembly.
- (g) Day care centers.
- (h) Emergency shelter only in the S-2 Emergency Shelter Combining District, in compliance with Section 21.
- (i) Group residential.
- (j) Health clinics.
- (k) Hospital
- (l) Hotels and motels.
- (m) Multi-family dwellings on the ground floor, with a determination by the Planning Commission that a single use building is appropriate for the site and is setback at least 10 feet from the front and street side lot lines.
- (n) Non-traditional financial institutions, including check-cashing facilities, payday lenders, and pawn brokers.
- (o) Recycling collection facilities.
- (p) Restaurants that sell predominantly take-out meals or provide drive-in or drive-through service.
- (q) Social service center.
- (r) Utilities and other major facilities that are determined by the Director not to be minor and accessory to a permitted or conditional use.

5A.1.4 **ACCESSORY USES** – Accessory uses, including ancillary and incidental uses, necessary

to the operation of a use but of less intense nature, are permitted if the primary use is permitted. Where the primary use requires a conditional use permit, ancillary uses shall also require a conditional use permit.

- 5A.1.5 AUTOMOBILE PARKING AND LOADING FACILITIES - Parking and loading facilities shall be provided in accordance with the provisions of Sections 8 and 8A.
- 5A.1.6 FLOOR AREA RATIO - The maximum floor area ratio in the CMU District shall be 1.75, which may be increased up to 2.2 with provision of community benefits approved by the City Council under Section 5A.2. This FAR limit applies to the entire development on a site, inclusive of any residential component.
- 5A.1.7 RESIDENTIAL DENSITY - The maximum residential density in the CMU District shall be 45 units per net acre, which may be increased up to 60 units per net acre with provision of community benefits approved by the City Council under Section 5A.2.
- 5A.1.8 TRANSITIONAL YARDS - Transitional yards shall be provided according to the regulations as set forth in Section 9.7.5.
- 5A.1.9 DESIGN REVIEW - All new construction and exterior modifications are subject to design review under Section 13.
- 5A.1.10 LANDSCAPING - All new structures established in this District shall be subject to landscaping requirements in Section 13.3 and the following additional requirements. Projects involving the construction of new floor area shall provide a minimum of 10 percent of the site in landscaping and a minimum of one tree for each 400 square feet of landscape area.
- 5A.1.11 BUILDING HEIGHT - No building shall exceed 45 feet in height (55 feet with community benefits as prescribed in Section 5A.2).
- 5A.1.12 SITE DEVELOPMENT STANDARDS - All development shall conform to the following:
 - (a) Minimum lot size shall be 7,200 square feet.
 - (b) Minimum lot width shall be 60 feet.
 - (c) Minimum setback requirements: None except for ground-floor residential uses to which the following setbacks apply: 10 feet front yard; 5 feet plus 2 feet per each additional story above three stories, side yard; and 15 feet rear yard.
 - (d) Minimum upper-story horizontal setbacks for residential uses: 5 feet from a vertical plane projected upward from an interior lot line; 10 feet for a bedroom or living room window and five feet on either side of that window.
 - (e) Minimum ground floor height: 15 feet for non-residential space; 10 feet for residential space.
- 5A.1.13 BUILDING DESIGN STANDARDS - All development shall conform to the following:
 - (a) Ground Floor Transparency. At least 50 percent of the exterior walls on the ground

floor facing and within 20 feet of a front or street side lot line shall include windows, doors, or other openings located between 2.5 and seven feet above the level of the sidewalk.

- (1) Design of Required Openings. Openings fulfilling this requirement shall have transparent or moderately-tinted glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep and five feet wide. Shading or use of drapes or other internal window covering for energy efficiency may be approved.
- (2) Exceptions for Parking Garages. Multi-level garages are not required to meet the building transparency requirement of this subsection.
- (3) Alternatives through Design Review. Alternatives to the building transparency requirement may be permitted through Design Review if:
 - (A) The proposed use has unique operational characteristics with which providing the required windows and openings is incompatible, such as in the case of a cinema or theater; and
 - (B) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- (b) Building Entrances. The primary pedestrian access to all ground-level commercial uses shall be from a public sidewalk. In mixed-use developments, entrances to residential units shall be physically separated from the entrance to the commercial use and clearly marked with a physical feature such as a recess or projection incorporated into the building or appropriately-scaled element applied to the façade.
- (c) Outdoor Living Area For Residential Units. A minimum of 36 square feet per unit of outdoor living area must be provided for residential units. This requirement may be met by common or private open space or a combination of the two. Common areas may consist of landscaped areas, patios, swimming pools, barbeque areas, and similar improvements designed to serve residents. Landscaped rooftop gardens may fulfill up to 50 percent of this requirement. Private areas may consist of balconies, decks, fenced yards, and similar areas directly accessible from a unit.

5A.2 COMMUNITY BENEFIT BONUSES

5A.2.1 PURPOSE AND APPLICABILITY. To provide an incentive for development, in partnership with the City, to provide community benefits that would not otherwise be created, the City Council may grant increased FAR, density or height in return for provision of specific community benefits, as listed below or subsequently identified by the City Council, if doing so is in the City's interest and will help implement the General Plan, and these benefits cannot be realized without granting increased FAR, height, and/or density.

5A.2.2 BONUSES AVAILABLE

- (a) For Lot Consolidation. In order to promote the consolidation of small lots into larger

sites, which are better able to accommodate mixed use development and thus confer community benefits, the City Council may approve an increase in the maximum allowable base FAR up to 10 percent if such an increase is needed to ensure development feasibility based on an independent, third-party appraisal. This additional FAR may be combined with additional FAR earned for other community benefits listed in paragraph (b) below.

- (b) For Other Community Benefits. Increased FAR, height, and density up to the maximums with community benefits listed in Section 5A.1.6, 5A.1.7 and 5A.1.11 may be approved by the City Council for the following community benefits:
- (1) On-site affordable housing in an amount exceeding the City's requirements for inclusionary housing established in the Zoning Ordinance.
 - (2) Public access easements, wider sidewalks, and additional public right-of-way provided where identified in the General Plan.
 - (3) Public right-of-way improvements, which are in addition to those required to serve new development.
 - (4) Art in public places, including art in privately-owned publicly accessible plazas and courtyards.
 - (5) Privately owned publicly accessible open space exceeding the minimum requirements of this Ordinance, and consistent with the general types and locations of desired public parks and plazas identified in the General Plan.
 - (6) Below-market rental rates guaranteed for a minimum of ten years for a day care center, cultural facility or incubator space for qualifying small businesses.
 - (7) Retention or construction of retail or office commercial development within the CMU Corridor Mixed Use District.
 - (8) Contributions to a Council-administered Community Fund or Community Recreation Fund, if one is created.
 - (9) Community recreational facilities, such as an ice rink.
 - (10) Any other community benefit, as determined by the City Council after a duly-noticed public hearing, to be significant, substantial and essential for Specific Plan implementation and which would not otherwise be provided if increased FAR, height or density is not approved.

5A.2.3 PROCEDURES FOR AWARDING BONUSES; FINDINGS REQUIRED - After conducting a duly-noted public hearing, the City Council may grant increased FAR, density or height, as requested by the applicant or as modified by the Council, in return for provision of specific community benefits if the City Council determines that (1) making such an award is in the City's interest and will help implement the General Plan, (2) these benefits cannot be realized without granting increased FAR, height, and/or density, and (3) that the increase granted is the minimum necessary to realize these benefits and no adverse impacts or land use incompatibilities will be created that are judged unacceptable. The

decision to grant increased FAR, density or height is discretionary, and the Council is not obligated to grant any increase if any of these required findings cannot be made.

5A.2.4 MODIFICATIONS AND CHANGED PLANS

- (a) *Minor Modifications.* The Community Development Director may approve minor modifications, not to exceed 10 percent of any dimensional requirement or standard, to an approved project that are consistent with the original findings and conditions approved by the review authority and would result in the same or substantially similar community benefits.
- (b) *Changed Plans.* A proposed change in an approved project subject to the requirements of this section that would result in a change of more than 10 percent increase in any dimensional requirement or standard trips must be accompanied by a statement of what modifications or additions to the approved community benefits will be made to ensure the City derives the same or substantially similar benefits. The Planning Commission may conditionally approve such a change, subject to annual monitoring, after holding a duly-noticed public hearing and confirming that the community benefit program's objectives are being met.

5A.2.5 IMPLEMENTATION AND MONITORING - A report documenting the community benefits realized under this program or an affidavit confirming that the requirements of this section have been met must be submitted to the Community Development Director within one year of project approval. If the approved community benefits consist of solely physical development or measures that would be performed once, this report must be submitted once. For measures that are ongoing commitments, this report must be submitted annually. If the annual report shows compliance for three consecutive years, no further annual reports are required. A five-year review may be required by the Director to evaluate the overall effectiveness of all community benefits derived from this program and may suggest new or modified benefits for the Council's consideration.