

**ORDINANCE NO. 1278**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY AMENDING TITLE 20 “ZONING” OF THE MILL VALLEY MUNICIPAL CODE TO ADD DEFINITIONS (CHAPTER 20.08 “DEFINITIONS”); AMEND REGULATIONS FOR MULTI-FAMILY RESIDENTIAL (CHAPTER 20.24 “RM DISTRICTS-MULTIPLE FAMILY”) DISTRICTS; CREATE REGULATIONS FOR DOWNTOWN RESIDENTIAL (CHAPTER 20.26 “DR DISTRICTS”) DISTRICTS; AMEND REGULATIONS FOR PROFESSIONAL-ADMINISTRATIVE OFFICE (CHAPTER 20.36 “PA DISTRICTS”); AMEND REGULATIONS FOR GENERAL COMMERCIAL (CHAPTER 20.40 “C-G DISTRICTS-GENERAL COMMERCIAL DISTRICTS”) DISTRICTS; AMEND REGULATIONS FOR NEIGHBORHOOD COMMERCIAL (CHAPTER 20.42 “C-N DISTRICTS-NEIGHBORHOOD COMMERCIAL DISTRICTS”); CREATE DOWNTOWN COMMERCIAL DISTRICT (CHAPTER 20.45 “C-D DISTRICTS-DOWNTOWN COMMERCIAL DISTRICTS”); AND ADD MIXED USE REGULATIONS (CHAPTER 20.48 “MIXED USE DEVELOPMENT STANDARDS”)**

**THE CITY COUNCIL OF THE CITY OF MILL VALLEY** does hereby ordain as follows:

**SECTION 1.** Section 20.08.070 of Chapter 20.08 (‘Definitions’) of the Mill Valley Municipal Code is hereby modified and shall read as follows:

20.08.070 Dwelling.

A. **Single Family Dwelling.** “Single family dwelling” means a building on an individual lot, designed for and used as a dwelling unit for one family or housekeeping unit, which is not arranged, or designed, or equipped to permit two or more families or housekeeping units to live independently of each other.

B. **Multiple Family Dwelling.** “Multiple family dwelling” means a building or buildings designed for or used as dwelling units for two or more families or housekeeping units living independently of each other, including condominiums, apartment houses, flats, rooming and boarding houses for three or more separate tenants, but not including automobile courts, motels, apartment hotels, or rest homes.

I. Duplex. A “duplex” is a residential development with two primary dwelling units within one structure. This use type is distinguished from a Residential Second Unit, which is an accessory residential unit as defined by State law and MVMC 20.08.160.

II. Multiplex. A “multiplex” is three or more dwelling units on a single lot that may be either attached or detached. Typical uses include condominiums and apartment buildings.

III. Multi-family Efficiency. A “multi-family efficiency unit” (also referred to as “microapartment units” or “micro-units”) is a small multi-family dwelling unit that includes a full bathroom and kitchen and sleeping quarters and functions as an independent housekeeping unit.

~~C. **Combined Residential, Commercial and/or Business and Professional Office Building.** “Combined residential, commercial and/or business and professional office building”~~

~~means any building containing one or more dwelling units, together with commercial and/or business and professional office use.~~

**C. Mixed-Use Building.** A “mixed-use building” means any building containing one or more dwelling units, together with commercial and/or business and professional office use. Mixed-use buildings include, but are not limited to:

**I. Mixed-Use.** “Mixed-use” means a property on which various uses such as office, commercial, institutional, and residential are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A ‘single site’ may include contiguous properties.

**II. Live/Work Unit.** “Live/Work unit” is a unit used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

**D. Single Room Occupancy Dwelling.** “Single room occupancy dwelling (SRO)” means a residential building consisting of individual secure rooms that are each rented to one or two persons. Individual rooms within an SRO may share common kitchen facilities and may or may not have private sanitation facilities.

**E. Residential Second Unit.** “Residential second unit” means an attached or detached dwelling unit in addition to the primary unit allowed in all residential zoning districts and provides complete independent living facilities for one or more person and which may include a kitchen or cooking area, sleeping area, or sanitation facilities on the same parcel as the primary unit. A residential second unit may not be less than 150 square feet nor more than a maximum of 1,000 square feet. (Ord. 1264 § 3, November 3, 2014)

**SECTION 2.** Section 20.08.069.5 is hereby added to Chapter 20.08 (‘Definitions’) of the Mill Valley Municipal Code and shall read as follows:

**20.08.069.5 Cottage Development.** “Cottage Development” means multiple small detached dwelling units on a single multi-family lot.

**SECTION 3.** Section 20.08.158.5 is hereby added to Chapter 20.08 (‘Definitions’) of the Mill Valley Municipal Code and shall read as follows:

**20.08.158.5 Rental, Long-Term.** “Long-term rental” means the rental of all or a portion of a Dwelling Unit for 30-days or greater of consecutive tenancy.

**SECTION 4.** Section 20.08.158.6 is hereby added to Chapter 20.08 (‘Definitions’) of the Mill Valley Municipal Code and shall read as follows:

**20.08.158.6 Rental, Short-Term.** “Short-term rental” means the rental of all or a portion of a Dwelling Unit for less than 30-day consecutive tenancy.

**SECTION 5.** Section 20.08.097 is hereby added to Chapter 20.08 ('Definitions') of the Mill Valley Municipal Code and shall read as follows:

20.08.096.5 Household. "Household" means one person or two or more individuals living together sharing household responsibilities and activities, which may include, sharing expenses, chores, eating evening meals together and participating in recreational activities and having close social, economic and psychological commitments to each other.

**SECTION 6.** Section 20.08.210 of Chapter 20.08 ('Definitions') of the Mill Valley Municipal Code is hereby deleted in its entirety and shall be replaced as follows:

~~20.08.210 Usable open space. "Usable open space" means an area or a series of areas on a lot of such shape or shapes that it or they can be efficiently utilized for recreation and outdoor living. Required yards less than 10 feet in width adjacent to a building or structure, and areas paved for the storage or movement of motor vehicles may not be considered usable open space. Unenclosed balconies, porches, or roof decks, not less than 6 feet by 11 feet 9 inches in size when properly developed and equipped for the above-mentioned purposes, and swimming pools may be considered usable open space. Accessory buildings or structures may be located within required usable open spaces when the principal uses of such buildings or structures are accessory to those of the usable open spaces within which they are located.~~

20.08.210 Useable Outdoor Living Area. A "usable outdoor living area" is an area or a series of areas on a lot of such shape or shapes that it or they can be efficiently utilized for recreation and outdoor living.

20.08.210.a. Private Useable Outdoor Living Area. "Private Useable Outdoor Living Areas" are areas used by and accessible to a single dwelling unit.

20.08.210.b. Shared Useable Outdoor Living Area. "Shared Useable Outdoor Living Areas" are outdoor areas accessible by all dwellings within a multi-family dwelling development. Shared useable outdoor areas do not need to be accessible by the general public."

**SECTION 7.** Section 20.08.131 is hereby added to Chapter 20.08 ('Definitions') of the Mill Valley Municipal Code and shall read as follows:

20.08.131 Mature Tree. A "mature tree" means any tree that is thirty-six inches in circumference (or more) (approximately eleven and one-half inches in diameter), measured at breast height (4 ½ feet above natural grade). The following trees shall not be classified as mature trees regardless of size:

- i. Bailey, Green or Black Acacia: A. baileyana, A. dedurrens or A. melanoxylon;
- ii. Tree of Heaven: Ailanthus altissima;
- iii. Monterey Pine: Pinus radiata; and
- iv. Eucalyptus: Eucalyptus globulous

**SECTION 8.** Section 20.08.067 is hereby added to Chapter 20.08 ('Definitions') of the Mill Valley Municipal Code and shall read as follows:

**20.08.067 Critical Root Zone.** A "critical root zone" is the portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. Encroachment or damage to the critical root zone will put the tree at risk of failure.

**SECTION 9.** Chapter 20.12 ('Districts Generally') of the Mill Valley Municipal Code is hereby amended to read as follows:

Chapter 20.12 DISTRICTS GENERALLY

20.12.010 Districts designated and named.

The several districts into which the City of Mill Valley is divided are designated as follows:

**A. Residential Districts.**

RS single family residential district,

RM multiple family residential district,

DR downtown residential district,

R-P planned residential district;

**B. Commercial Districts.**

~~P-A professional-administrative district,~~

C-G general commercial district,

C-R commercial-recreation district,

C-F community facilities district,

C-N neighborhood commercial district;

**C. Other Districts.**

O-A open area district,

U unclassified district—newly annexed areas,

PD planned development district,

H-O historic overlay district.

**SECTION 10.** Chapter 20.24 (‘RM Districts’) of the Mill Valley Municipal Code is hereby amended to read as follows:

Chapter 20.24 RM DISTRICTS—MULTIPLE FAMILY

20.24.005 Purpose and Intent

20.24.008 Applicability

20.24.010 RM-3.5 Permitted uses

20.24.02. RM-3.5 Conditional uses

20.24.020 Permitted and conditional uses

20.24.040 Development standards

**20.24.005 Purpose and Intent**

The multi-family residential zones are intended to create and maintain medium and higher density residential neighborhoods that blend a range of housing types with a mix of unit sizes with a limited mix of neighborhood-scale commercial, office, and institutional uses. The City’s goals include preservation of the existing stock of rental housing in these areas and provision of opportunities for development of new multi-family housing that increase the diversity of housing options within the City.

The purpose and intent of the City’s multiple family zoning districts are as follows:

A. Miller Avenue “Passage” district

The Miller Avenue Passage district accommodates medium density residential, including mixed-use with offices or commercial and small-scale multi-family residential developments. Residential land use in these areas is intended to be small- to medium-scale multi-family residential developments, live-work, and mixed-use development.

B. Miller Avenue “Parkway” district

The Miller Avenue Parkway district accommodates medium and higher density residential in accordance with the adopted Land Use Map.

C. Miller Avenue “Marsh” and “Bayfront” districts

The Marsh/Bayfront areas accommodate higher density residential, including larger two to three-story multi-family residential complexes and large-lot condominium and townhouse developments. A major component of the Marsh District is the Redwoods senior housing, which is targeted for an Affordable Housing Overlay Zone to facilitate development of affordable

senior housing for the City. The Pickleweed apartments and Mill Creek Meadows are also located in the Marsh district.

The Bayfront District includes, but is not limited to, the Bayfront, Enchanted Knolls, Shelter Bay, Shelter Hill, and Plymouth Square developments.

**20.24.008 Applicability**

The regulations of 20.24 apply to all new development and changes of use within these zoning districts with the exception of existing single-family dwellings. Existing single-family dwellings in the Multi-Family Residential Zones are not considered non-conforming and can be altered and enlarged, if such additions meet the setback, height and other development standards of this Code .

New development and changes of use must meet both the Multi-Family Development Standards contained in this section as well as the City of Mill Valley Multi-Family Residential Design Guidelines. Additional standards contained throughout this Title also apply as noted in Additional Standards and Provisions” listed in the Use Table in Section 20.24.030.

**20.24.010 RM-3.5 Permitted uses.**

The following uses are permitted in the RM3.5 district:

- A. One single family dwelling on any single holding of land.
- B. Multiple family dwellings as shown in the following table:

		1.5	2.0	2.5	3.0	3.5	4.5	5.5							
1.	Min. land area per dwelling unit (sq. ft.)	1,500	2,000	2,500	3,000	3,500	4,500	5,500							
2.	Max. lot coverage (%)	50	50	50	50	50	45	40							
3.	Min. yards (setbacks)	15 feet													
	(a) Exterior														
	(b) Interior	1 foot per 1,000 sq. ft. of lot area from a minimum of 5 to a maximum of 10 feet													
4.	Max. building height:	25 feet													
	(a) At required setbacks to twice all required setbacks														
	(b) More than twice all required setbacks	35 feet													
5.	Min. usable open space (sq. ft. per dwelling unit)	35 feet													
	(a) 1 or no bedrooms								100	125	150	200	450	500	500
	(b) 2 bedrooms								150	175	200	300	450	500	500
	(c) 3 or more bedrooms								200	250	300	450	450	500	500
6.	<del>Densities shall be a minimum of 8 DU/acre and a maximum of 15 DU/acre. shown herein are the maximum allowable and the City may require lower densities when necessary to meet development constraints contained in any applicable general or specific plan, any environmental documents prepared under the California Environmental Quality Act, or any other provisions of this Code or State law.</del>														
7.	Supportive housing and transitional housing are permitted subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district.														

- C. Residential facility, small.
- D. Accessory structures.
- E. A residential second unit as authorized by Chapter 20.90.

**20.24.020 RM-3.5 Conditional uses.**

The following uses are permitted in ~~all RM districts~~ the RM3.5 district subject to the securing of a conditional use permit:

- A. Office buildings;
- B. Hospitals, clinics for the treatment of human ailments;
- C. Funeral parlors;
- D. Community centers;
- E. Social halls, lodge and club buildings;
- F. Horticultural nurseries;
- G. Residential facility, large;
- H. Single room occupancy (SRO) dwellings;
- I. Nursing or rest homes;
- J. Public utilities structures;
- K. Day care centers for children;
- L. Combined residential, commercial and/or business and professional office building;
- M. Parking lots are permitted in all RM districts on lots contiguous to any C district.



**20.24.030 Permitted and conditional uses**

<u>Residential uses</u>	<u>Multi-Family Residential Zones</u>				
P = Permitted CUP = Conditional Use Permit N = Not permitted	<u>Bayfront (En. Knolls/ Shelter Ridge) (RM-B)</u>	<u>Miller Ave Marsh (RM-M)</u>	<u>Miller Ave Passage (RM-PA)</u>	<u>Miller Ave Parkway (RM-P)</u>	<u>Additional Standards/ Provisions</u>
Rental Multi-family housing	P	P	P	P	
For-sale Multi-family housing	P	P	CUP	CUP	See Note 1
Home Occupations	P	P	P	P	20.60.250
Accessory structures	P	P	P	P	20.60.075
Single room occupancy (SRO)	CUP	CUP	CUP	CUP	
Residential Facility, small	P	P	P	P	
Residential Facility, large	CUP	CUP	CUP	CUP	
Nursing home	CUP	CUP	CUP	CUP	
Mixed-use buildings combining residential, commercial, and/or business and professional office building	CUP	CUP	CUP	CUP	
New single-family dwellings	N	N	N	N	See Note 2
Existing single-family dwellings.	CUP	CUP	CUP	CUP	See Note 2
Live-work	N	N	CUP	CUP	
<u>Non-residential uses</u>					
Office buildings	N	CUP	CUP	CUP	
Hospitals, medical clinic or offices	CUP	CUP	CUP	CUP	
Funeral parlors	CUP	CUP	CUP	CUP	
Community Centers	CUP	CUP	CUP	CUP	
Social halls, lodge, or club	CUP	CUP	CUP	CUP	
Horticultural nurseries	CUP	CUP	CUP	CUP	
Public Utility structures	CUP	CUP	CUP	CUP	
Day care centers for children	CUP	CUP	CUP	CUP	
Schools	CUP	CUP	CUP	CUP	

Public Utility structures	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	
Parking Lots (not associated w/ a use)	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	

1 - For-sale housing that is subject to Inclusionary Housing Ordinance (MVMC 20.80) is exempt from Conditional Use requirement per California Government Code Section 65589.4.

2 - Existing single-family residences at the time of the adoption of these regulations shall be considered to be conditionally permitted uses and not be considered “non-conforming uses,” and can be altered and enlarged, if such additions meet the setback, height, and other development standards of the Single-Family Residential (RS-6) zoning standards (MVMC 20.16).

**20.24.040. Property development standards**

**A. Multi-Family Residential Development Base Standards**

<u>Multi-Family Residential Zones</u>	<u>Miller Ave “Marsh” and Bayfront (RM-M and RM-B)</u>	<u>Miller Avenue “Passage” (RM-PA)</u>	<u>Miller Avenue “Parkway” (RM-P)</u>
<b>Minimum Useable Outdoor Living Area (i)</b>			
Total required Outdoor Space:	<u>100 s.f. per unit</u>	<u>400 s.f. per unit</u>	<u>400 s.f. per unit</u>
Of required outdoor living space, the minimum Shared Outdoor Space per unit:	<u>50 s.f. per unit for developments over 8 units</u>	<u>200 s.f. per unit for developments over 8</u>	<u>200 s.f. per unit for developments over 8</u>
Of required outdoor living space, the minimum Private Outdoor Space per unit shall be:	<u>50 s.f.</u>	<u>200 s.f.</u>	<u>200 s.f.</u>
<b>Max. Lot Coverage</b>	<u>50%</u>	<u>45%</u>	<u>45%</u>
<b>Floor Area Ratio (FAR) (i)</b>	<u>Max.= 0.5</u>	<u>Max. = 0.4 for sites over 30,000 s.f.</u> <u>Max. = 0.6 for sites under 30,000 sf</u>	<u>Max. = 0.4 for sites over 30,000 s.f.</u> <u>Max. = 0.6 for sites under 30,000 s.f.</u>
<b>Max. Height (ii)</b>			
Height	<u>Max. = 35 ft.</u> <u>(3 stories)</u>	<u>Max. = 35 ft.</u> <u>(3 stories)</u>	<u>Max. = 35 ft.</u> <u>(3 stories)</u>
Transitional Height Limit (within 20 feet from abutting single-family residential zones)	<u>Max. = 25 ft.</u> <u>(2 stories)</u>	<u>Max. = 25 ft.</u> <u>(2 stories)</u>	<u>Max. = 25 ft.</u> <u>(2 stories)</u>
Stepback (required on all sides above 2nd story)	<u>n/a</u>	<u>1:1 ratio</u>	<u>1:1 ratio</u>
<b>Setbacks (i)</b>			

<u>Exterior (front)</u>	<u>Habitable Structures:</u> <u>15 ft.</u> <u>Garage: 18 feet (when not reduced per 20.60.080). 18 feet to face of garage to remain clear.</u>	<u>Habitable Structures:</u> <u>15 ft.</u> <u>Garage: 18 feet (when not reduced per 20.60.080). 18 feet to face of garage to remain clear.</u>	<u>Habitable Structures:</u> <u>15 ft.</u> <u>Garage: 18 feet (when not reduced per 20.60.080). 18 feet to face of garage to remain clear.</u>
	<u>Interior (side/rear)</u>	<u>Min. = 5 ft. for sites under 20,000 s.f.;</u> <u>Min.= 10 ft. for sites over 20,000 s.f.;</u>	<u>Min. = 5 ft. for sites under 20,000 s.f.;</u> <u>Min.= 10 ft. for sites over 20,000 s.f.;</u>
<b><u>Parking (I, ii)</u></b>			
<u>Parking</u>	<u>Parking per 20.60.090</u>		

- 1 (i) See Section 20.24.040.B for Additional Development Standards  
2 (ii) Height Exceptions permitted per MVMC 20.60.060. Dormers, gables, etc. shall be within the setback height limit.  
3

4 **B. Additional Development Standards**

5 1. Efficiency Units

6 Efficiency units (also known as “micro-units”) shall be between 350 and 450 square feet, and  
7 shall be limited to 20% of the total units in any individual project site. A minimum of one  
8 efficiency unit shall be allowed on any site. Efficiency units shall count as 0.5 unit for purposes  
9 of density and parking.

10 2. Duplex

11 A duplex shall include two primary dwelling units, where either:

- 12 a. both units are greater than 1,000 square feet; or,  
13 b. the square footage ratio between the two units are no greater than 2:3 (for example, if one  
14 unit were 900 square feet, the other would need to be at least 600 square feet)

15 3. Useable Outdoor Living Space

16 Useable Outdoor Living Space shall be a minimum horizontal depth of 6 feet above the ground  
17 level and 5 feet by 10 feet at the ground level. Required yards less than 10 feet in width adjacent  
18 to a building or structure, and areas paved for the storage or movement of motor vehicles or  
19 bicycles cannot be considered usable outdoor living space. Accessory buildings or structures

20 may be located within required usable outdoor area when the principal uses of such buildings or  
21 structures are accessory to those of the usable outdoor areas within which they are located.

22 4. Adjusted Floor Area - Parking Exclusions

23 The first 250 square feet of garage space for each parking space is excluded from the allowable  
24 FAR. Underground or partially underground parking is exempt from the FAR calculations if it  
25 meets the Basement definition in MVMC 20.08.038.

26 5. Reduced Standards for Narrow Lots

27 For lots 25 wide or less, the following shall apply:

- 28 a. Interior side and rear setbacks for lots of 25 feet or less in width is a minimum of 3 feet.  
29 A minimum 5 foot setback will remain where windows are placed along the setback line.  
30 The 5 foot setback will apply to the window and a 5 foot section of the building wall on  
31 each side of the window. Exterior walls along the minimum setback line shall include a  
32 recess or offset of at least 2 feet for every 35 feet of wall (for a minimum of 5 feet).  
33 b. Lots of 25 feet or less in width shall provide parking per dwelling unit as specified in  
34 MVMC 20.60.090.I(7), but shall not be required to provide guest parking per  
35 20.60.090.B(7).

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37 **SECTION 11.** Chapter 20.26 (‘DR Districts’) of the Mill Valley Municipal Code is hereby  
38 added and reads as follows:

39  
40 Chapter 20.26 DR DISTRICTS— DOWNTOWN RESIDENTIAL

41 20.26.005 Purpose and Intent

42 20.26.010 Applicability

43 20.26.020 Permitted and conditional uses

44 20.26.040 Development standards

45 **20.26.005 Purpose and Intent**

46 The downtown residential zone is intended to create and maintain medium and higher density  
47 residential neighborhood that blend a range of housing types and uses, including single family  
48 and multi-family residential, with a mix of unit sizes with a limited mix of neighborhood-scale  
49 office and institutional uses. The City’s goals include preservation of the existing stock of rental  
50 housing in these areas and provision of opportunities for development of new housing that  
51 increases the diversity of housing options within the City.

52 A. Downtown Residential district

53 The Downtown Residential areas surrounding the Downtown commercial zone is made up of an  
54 eclectic mix of single family and multi-family properties with a range in sizes and provides a mix  
55 of multi-family residential and single land uses that support the varied physical and social  
56 characteristic of the residential downtown. This zone accommodates both higher density  
57 residential and, at transition areas, medium density residential in accordance with the adopted  
58 Land Use Map.

59 **20.26.010 Applicability**

60 The regulations of 20.26 apply to all development and change of use within these zones.  
61 Development and changes of use must meet both the applicable Development Standards  
62 contained in this section as well as the City of Mill Valley’s Residential Design Guidelines  
63 (either Multi-Family Residential or Single Family Residential, depending on the use proposed).  
64 Additional standards related to multi-family residential developed throughout this Title  
65 also apply as noted in Additional Standards and Provisions” listed in Section 20.26.030.

66 **20.26.010 Downtown Residential Permitted uses.**

67 The following uses are permitted in the Downtown Residential district:

68 **20.26.030 Permitted and conditional uses**

<b><u>Residential uses</u></b>		
<p>P = Permitted  CUP = Conditional Use Permit  N = Not permitted</p>	<b><u>Downtown Residential</u></b>	<b><u>Additional Standards/Provisions</u></b>
<u>Rental Multi-family housing</u>	<u>P</u>	
<u>For-sale Multi-family housing</u>	<u>CUP</u>	<u>See Note 1</u>
<u>Home Occupations</u>	<u>P</u>	<u>20.60.250</u>
<u>Accessory structures</u>	<u>P</u>	<u>20.60.075</u>
<u>Single room occupancy (SRO) dwellings</u>	<u>CUP</u>	
<u>Residential Facility, small</u>	<u>P</u>	
<u>Residential Facility, large</u>	<u>CUP</u>	
<u>Nursing home</u>	<u>CUP</u>	
<u>Mixed-use buildings combining residential, commercial, and/or business and professional office building</u>	<u>CUP</u>	
<u>Single-family dwellings</u>	<u>P</u>	<u>See Note 2</u>
<u>Residential Second Units</u>	<u>P</u>	<u>See Note 3</u>
<u>Live-work (other than Mixed-use bldgs)</u>	<u>N</u>	
<b><u>Non-residential uses</u></b>		
<u>Office buildings</u>	<u>CUP</u>	
<u>Hospitals, medical clinic or offices</u>	<u>CUP</u>	
<u>Funeral parlors</u>	<u>CUP</u>	
<u>Community Centers</u>	<u>CUP</u>	
<u>Social halls, lodge, or club buildings</u>	<u>CUP</u>	
<u>Horticultural nurseries</u>	<u>CUP</u>	
<u>Public Utility structures</u>	<u>CUP</u>	
<u>Day care centers for children</u>	<u>CUP</u>	
<u>Schools</u>	<u>CUP</u>	
<u>Public Utility structures</u>	<u>CUP</u>	

Parking Lots (not associated w/ a use)	CUP	
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Notes:

1. For-sale housing that is subject to Inclusionary Housing Ordinance (MVMC 20.80) is exempt from Conditional Use requirement per California Government Code Section 65589.4.

2. In the Downtown Residential Zones, single-family residences are permitted on: all vacant lots; and, lots containing existing single-family residences at the time of the adoption of these regulations. Consolidation of existing multi-family units to form new single-family uses is not permitted.

3. Second dwelling units in connection with a permitted Single-Family Residential use are allowed subject to MVMC 20.90.

**20.26.040 Property development standards.**

83 **A. Downtown Residential Development Base Standards**

84 Development standards apply to all development within the zone:

<b><u>Zoning District:</u></b>	<b><u>Downtown Residential (DR)</u></b>
<b><u>Minimum Useable Outdoor Living Area (i)</u></b>	
<u>Total required Outdoor Space:</u>	<u>72 s.f. per unit</u>
<u>Of required outdoor living space, the minimum Shared Outdoor Space per unit:</u>	<u>36 s.f. per unit for developments over 8 units</u>
<u>Of required outdoor living space, the minimum Private Outdoor Space per unit</u>	<u>50 s.f.</u>
<b><u>Max. Lot Coverage</u></b>	<u>50%</u>
<b><u>Floor Area Ratio (FAR) (i)</u></b>	<u>Multi-family residential development : Max.= 0.60; may be increased to 0.75 FAR in accordance with 20.26.020.B.4</u> <u>Single Family residential development: in accordance with RS-zone requirements found in Section 20.16.040.A .</u>
<b><u>Max. Height (ii)</u></b>	

<u>Height</u>	<p>Max. = 25 ft. at initial setback.</p> <p>Height may be increased to a maximum of 35 feet as follows:</p> <p>a) <u>At any exterior property line, the height may be increased at a 1:1 setback ratio (1 additional foot of height for every additional 1 foot setback) starting at the 25 foot setback.</u></p> <p>b) <u>At any interior (side and rear) setback, the height may be increased at a 1:1 setback ratio (1 additional foot of height for every additional 1 foot setback) starting at the 10 foot setback.</u></p>
<u>Stepback (iv)</u>	<p><u>A 1:1 setback ratio (1 additional foot of height for every additional 1 foot setback) is required above 25 feet or the second story regardless of where the second story roofline is located.</u></p>
<b><u>Setbacks</u></b>	
<u>Exterior (front)</u>	<p><u>Habitable Structures: 15 feet. A reduction may be granted per 20.26.040(7)</u></p> <p><u>Garage: 18 feet (when not reduced per 20.60.080). 18 feet to face of garage to remain clear.</u></p>
<u>Interior (side/rear) (i)</u>	<p><u>min. of 5 ft to a max. 10 ft (1 ft for every 1,000 SF of lot area required)</u></p> <p><u>(lots 25' or less may be reduced to 3 ft on first floor, except where windows are located, where 5' required)</u></p>
<b><u>Parking</u></b>	
<u>Parking (i)</u>	<u>Parking Per 20.60.090</u>

- 85 (i) See Section 20.24.040.B for Additional Development Standards
- 86 (ii) Height Exceptions permitted per MVMC 20.60.060. Dormers, gables, and other components of the
- 87 structure shall be within the setback envelope.
- 88

89 **B. Additional Development Standards**

90 1. Efficiency Units

91 Efficiency units (also known as “micro-units”) shall be between 350 and 450 square feet, and

92 shall be limited to 20% of the total units in any individual project site. A minimum of one

93 efficiency unit shall be allowed on any site. Efficiency units shall count as 0.5 unit for purposes

94 of density and parking.



95 2. Duplex

96 A duplex shall include two primary dwelling units, where either:

- 97 a) both units are greater than 1,000 square feet; or,  
98 b) the square footage ratio between the two units are no greater than 2:3 (for example, if one  
99 unit were 900 square feet, the other would need to be at least 600 square feet)

100 3. Useable Outdoor Living Space

101 Useable Outdoor Living Space shall be a minimum horizontal depth of 6 feet above the ground  
102 level and 5 feet by 10 feet at the ground level. Required yards less than 10 feet in width adjacent  
103 to a building or structure, and areas paved for the storage or movement of motor vehicles or  
104 bicycles cannot be considered usable outdoor living space. Accessory buildings or structures  
105 may be located within required usable outdoor area when the principal uses of such buildings or  
106 structures are accessory to those of the usable outdoor areas within which they are located.

107 4. Adjusted Floor Area – Increase to 0.75 FAR

108 With a Design Review application, the Planning Commission may grant an increase in the  
109 maximum adjusted FAR up to 0.75 if:

- 110 a) The development is limited to two stories;  
111 b) The development screens the parking from the public right(s)-of-way; and  
112 c) The development meets all applicable Design Review Guidelines; or  
113  
114 a) The development is a Cottage Development; the  
115 b) development is limited to two stories; and the  
116 c) development meets all applicable Design Review Guidelines.

117 5. Adjusted Floor Area - Parking Exclusions

118 The first 250 square feet of garage space for multi-family development for each parking space is  
119 excluded from the allowable FAR. Underground or partially underground parking is exempt  
120 from the FAR calculations if it is a predominately subterranean enclosed area that extends no  
121 more than three feet above the existing or finished grade, whichever is lower, except as required  
122 for vehicle entry.

123 6. Reduced Standards for Narrow Lots

124 For lots 25 wide or less, the following shall apply:

- 125 a. Interior side and rear setbacks for lots of 25 feet or less in width is a minimum of 3 feet.  
126 A minimum 5 foot setback will remain where windows are placed along the setback line.  
127 The 5 foot setback will apply to the window and a 5 foot section of the building wall on

128 each side of the window. Exterior walls along the minimum setback line shall include a  
129 recess or offset of at least 2 feet for every 35 feet of wall (for a minimum of 5 feet).  
130 b. Lots of 25 feet or less in width shall provide parking per dwelling unit as specified in  
131 MVMC 20.60.090.I(7), but shall not be required to provide guest parking per  
132 20.60.090.B(7).

133 7. Reduce Exterior Setbacks

134 With a Design Review application, the review body (Zoning Administrator or Planning  
135 Commission) may grant a reduction to the 15 foot front setback requirement to not less than 5  
136 feet, for properties within the Downtown Residential Zone on Lower Alcatraz, Bayview, and  
137 West Blithedale (See Figure 20.26.040.B(7) below), if the following can be demonstrated:

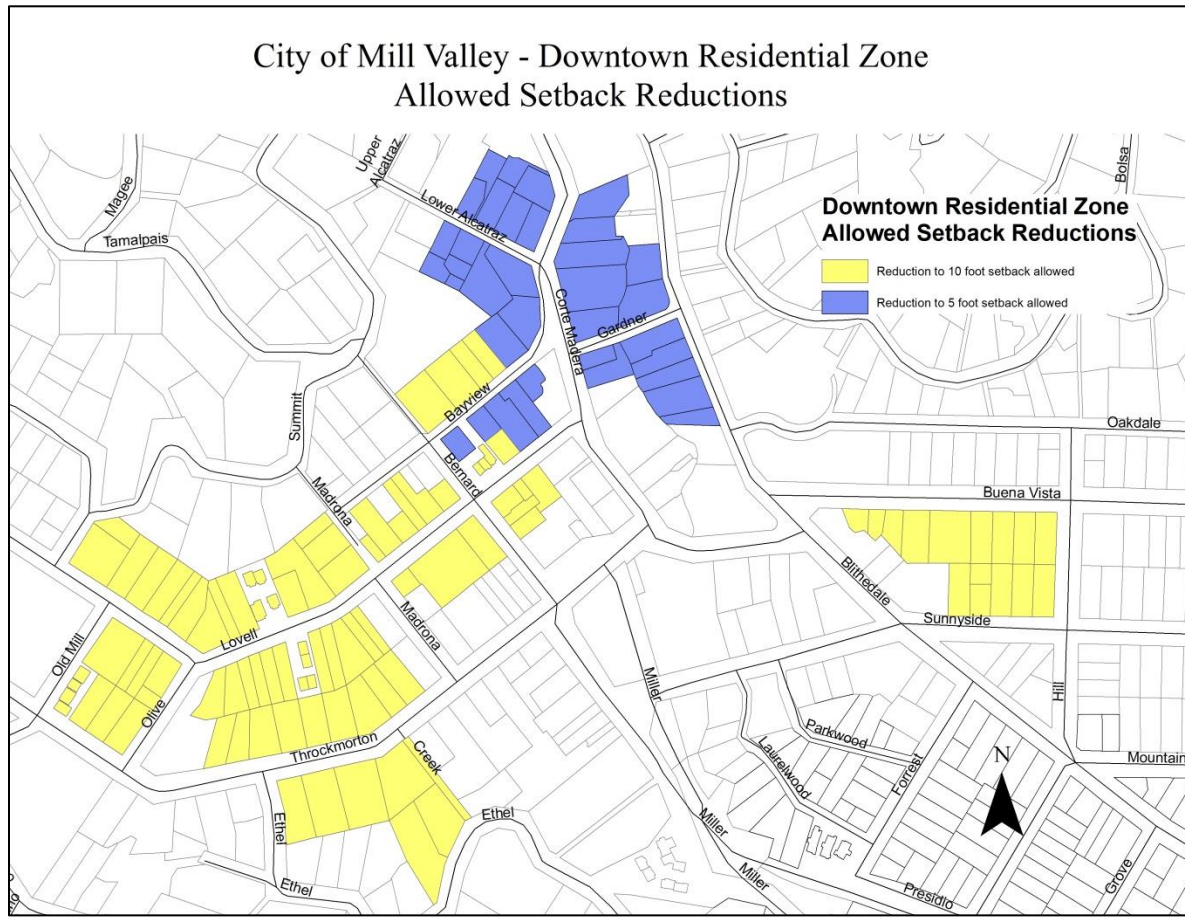
- 138 a) the setback is no less than the average of the two adjoining properties;  
139 b) the structure within the reduced front setback area shall be limited to 50% of the width of  
140 the frontage' and,  
141 c) the project meets all applicable Design Review Guidelines.

142 For all other properties within the Downtown Residential Zone, with a Design Review  
143 application, the review body (Zoning Administrator or Planning Commission) may grant a  
144 reduction to the 15 foot front setback requirement, to not less than 10 feet if the following can be  
145 demonstrated:

- 146 a) The setback is no less than the average of the two adjoining properties;  
147 b) the structure within the reduced front setback area shall be limited to 50% of the width of  
148 the frontage; and,  
149 c) the project meets all applicable Design Review Guidelines.

150

151 Figure 20.260.040.B(7)



152

153 8. Entries

154 Primary entry areas shall face a public street or SLP (Steps, Lanes or Paths) in Downtown  
155 Residential Zones.

156 **SECTION 12.** Chapter 20.36 ('P-A Districts') of the Mill Valley Municipal Code is hereby  
157 amended to read as follows:

158  
159 Chapter 20.36 P-A C-L DISTRICTS—~~PROFESSIONAL ADMINISTRATIVE OFFICE~~  
160 LIMITED COMMERCIAL DISTRICTS

161 ~~20.36.010~~—~~Scope of regulations.~~

162 20.36.010 Purpose and Intent

163 20.36.020 Permitted uses

164 20.36.035 Prohibited uses

165 20.36.040 Development Standards

166 ~~**20.36.010 Scope of regulations.**~~

167 ~~The following regulations shall apply with respect to each lot in all P-A districts.~~

168 **20.36.010 Purpose and Intent.**

169 The Limited Commercial districts serves as a transition between commercial and residential  
170 districts and uses. The Near East Blithedale limited commercial district serves as a transition  
171 from the higher density downtown commercial/mixed-use and downtown residential zones.

172 The Limited Commercial (C-L) districts can accommodate residential and mixed-use land uses at  
173 densities in accordance with the adopted Land Use Map, and accommodate mixed-use with  
174 offices or commercial and small-scale multi-family residential developments.

175 **20.36.020 Permitted uses.**

176 The following uses are permitted:

- 177 A. Administrative and professional offices;
- 178 B. Research laboratories;
- 179 C. Banks;
- 180 D. Title offices;
- 181 E. Insurance offices and real estate offices;
- 182 F. Residences an integral part of office building;
- 183 G. Accessory structures;
- 184 H. Home Occupations (subject to MVMC 20.60.250).

185 **20.36.030 Conditional uses.**

186 The following uses are permitted subject to the securing of a conditional use permit:

187 A. Public utility structures;

188 B. ~~Multiple family residences subject to densities to be determined by the Planning~~  
189 ~~Commission and subject to the property development standards of the RM multiple family~~  
190 ~~residential district;~~

191 C. Other business uses which, in the opinion of the Planning Commission, are of the same  
192 general character as the permitted uses; and

193 D. Mixed-Use Buildings. ~~Combined residential, commercial and/or business and~~  
194 ~~professional office buildings.~~

195 E. Live-Work, with Work on first floor.

196 **20.36.040 ~~Property d~~Development standards.**

197 1. Development standards for non-residential development are as follows:

198 A. **Building Height.** The maximum height shall be 35 feet.

199 B. **Yard, Exterior.** There shall be no exterior yard required, except where the frontage in  
200 the block is partially in an R district or the property is subject to an established official plan line,  
201 then the exterior yard of the R district or the official plan line, whichever is more restrictive,  
202 shall apply.

203 C. **Yard, Interior.** There shall be no interior yards required except that where the boundary  
204 of a commercially-zoned lot abuts on any R district, that yard shall be not less than as required in  
205 such R district.

206 2. Development standards for mixed-use developments that include residential development  
207 shall comply with Chapter 20.48.

208

209 **SECTION 13.** Chapter 20.40 ('C-G Districts') of the Mill Valley Municipal Code is hereby  
210 amended to read as follows:

211  
212 Chapter 20.40 C-G DISTRICTS—GENERAL COMMERCIAL DISTRICTS  
213

214 ~~20.40.010~~ ~~Scope of regulations~~

215 ~~20.40.010~~ Purpose and Intent

216 ~~20.40.020~~ Permitted uses

217 ~~20.40.030~~ Conditionally permitted uses

218 ~~20.40.040~~ Prohibited uses

219 ~~20.40.050~~ Property-Development standards

220 ~~20.40.051~~ Property-Development standards – Emergency shelters

221 ~~20.40.060~~ Shopping center signs – Use permit

222 **~~20.40.010~~ Scope of regulations.**

223 ~~The following regulations shall apply with respect to each lot in all C-G districts.~~

224 **20.40.010 Purpose and Intent.**

225 The General Commercial districts provide commercial uses are intended to serve both  
226 neighborhood and regional uses, and included larger shopping centers and commercial  
227 developments. Development in these zones may include a variety of commercial and office  
228 functions and residential uses above the first floor.

229 A. Alto Center

230 The Alto Center area accommodates commercial and office land uses while providing mixed-use  
231 and residential opportunities at densities of 17 DU/acre to 29 DU/acre. The area is mainly zoned  
232 General Commercial (C-G) and hosts large-lot commercial areas with adjacent pockets of higher  
233 density residential in accordance with the adopted Land Use Map. Upper-floor setbacks are not  
234 required in this zone.

235 B. Redwood Highway

236 The Redwood Highway area accommodates General Commercial (C-G) uses while also  
237 providing higher density residential in accordance with the adopted Land Use Map. The area

238 features large-lot developments in close proximity to Highway 101 which host a variety of  
239 commercial and office functions. The development standards for Redwood Highway allow for  
240 slightly higher FAR and lot coverage than the Alto Center character area while also not requiring  
241 stepbacks for 3-story structures. A variety of housing types are permitted both by-right and  
242 conditionally in this area.

243 C. Miller Avenue “Gateway”

244 The Miller Avenue Gateway area includes both General Commercial (C-G) and Neighborhood  
245 Commercial (C-N) parcels at the transition from neighborhood commercial portions of Miller  
246 Avenue “Main Street” down to the Miller Avenue “Marsh” residential district. This area will  
247 continue its current development pattern and accommodate housing types with a density range in  
248 accordance with the adopted Land Use Map.

249 **20.40.020 Permitted uses.**

250 The following uses are permitted provided they do not occupy more than 1,500 square feet of  
251 floor area (exclusive of storage and non-public areas) and provided that the use is entirely  
252 enclosed within a building unless an outdoor dining area or outdoor merchandise permit is  
253 obtained in accordance with the provisions of Chapter 20.65:

- 254 1. Art galleries and interior decorating and photography studios;
- 255 2. Automotive part stores;
- 256 3. Barber and beauty shops;
- 257 4. Bookstores;
- 258 5. Card and stationery shops;
- 259 6. Catalogue sales with warehouse facilities not exceeding an additional 1,500 square feet;
- 260 7. Chamber of Commerce offices and community service organizations;
- 261 8. Cleaners without processing facilities on site;
- 262 9. Clothing and shoe stores;
- 263 10. Computer, video, radio, TV and other electronic equipment - rental, sales and service  
264 stores;
- 265 11. Copying, fax, postal box and packaging facilities;
- 266 12. Dressmaking, millinery, sewing, shoe repair and tailor shops;
- 267 13. Drug and variety stores;
- 268 14. Emergency shelters, which, notwithstanding the restriction set forth above, may occupy  
269 more than 1,500 square feet of floor area (exclusive of storage and non-public areas), if  
270 necessary to offer the services contemplated by this Chapter;
- 271 15. Florists;
- 272 16. Furniture and home furnishing stores;

- 273 17. Hardware, paint and art supply stores;  
274 18. Hobby, toy and bike shops;  
275 19. Jewelry, watch and clock sales and repair;  
276 20. Linen, yarn, yardage, drapery and window covering stores;  
277 21. Luggage stores;  
278 22. Music shops;  
279 23. Optical sales;  
280 24. Pet and pet supply stores (not including kennels);  
281 25. Photographic supply and processing shops;  
282 26. Plumbing and appliance supplies and service;  
283 27. Political campaign offices;  
284 28. Professional and administrative offices located on other than the street level;  
285 29. Public utility offices;  
286 30. Real estate offices;  
287 31. Sporting goods stores;  
288 32. Travel agencies;  
289 33. One or two commercial amusement devices. Commercial amusement device means any  
290 game, including, but not limited to, video or electronic games, available for temporary hire on  
291 the premises as a form of entertainment; and  
292 35. Home Occupations (subject to MVMC 20.60.250);  
293 36. Any other use which, in the opinion of the Planning Director, is of the same general  
294 character as those listed above.

295 **20.40.030 Conditionally permitted uses.**

296 The following uses are permitted subject to the securing of a conditional use permit or by  
297 obtaining an outdoor dining area or outdoor merchandise display permit in accordance with the  
298 provisions of Chapter 20.65:

- 299 A. Automotive repair facilities;  
300 B. Bakeries;  
301 C. Banks and automatic bank machines not in conjunction with a bank;  
302 D. Bars;  
303 E. Car wash facilities;  
304 F. Coffee shops and cafes;  
305 G. Collection facilities for recyclable materials or donations to non-profit organizations;



- 306 H. Cookie and candy stores;
- 307 I. Dance or exercise studios;
- 308 J. Delicatessens;
- 309 K. Food stores;
- 310 L. Gasoline stations;
- 311 M. Ice cream and yogurt shops;
- 312 N. Liquor stores;
- 313 O. Meeting facilities;
- 314 P. Professional and administrative office uses located at street level;
- 315 Q. Restaurants (sit down and take-out);
- 316 R. All other commercial, administrative, professional and light industrial uses not otherwise  
 317 prohibited, including those uses specified in Section 20.40.020 which occupy more than 1,500  
 318 square feet of floor area (exclusive of storage and non-public areas) and those which are  
 319 conducted at least partially outside unless an outdoor dining area or outdoor merchandise display  
 320 permit is obtained in accordance with the provisions of Chapter 20.65;
- 321 S. Buildings occupied by two or more independent retail specialty shops where each shop  
 322 does not have separate and direct customer access to the street;
- 323 T. Division of an existing retail space with at least 4,000 square feet of floor area (exclusive  
 324 of storage and non-public areas) into two or more smaller retail spaces. In addition to the finding  
 325 specified in Chapter 20.64 of this title, the Commission must also find that the loss of the  
 326 particular large commercial space will not adversely affect the opportunity to retain a mix of  
 327 commercial uses within the community;
- 328 U. Residential Uses (Including Transitional and Supportive Housing, Single Room  
 329 Occupancy Dwellings, and Both Small and Large Residential Facilities). At the time of approval  
 330 of the conditional use permit for residential units, the Planning Commission shall establish the  
 331 property development standards that apply, and shall subject transitional and supportive housing,  
 332 as well as small residential facilities, only to those restrictions and standards that would be  
 333 applied to residential uses applicable to single or multiple family dwellings, as the case may be;
- 334 V. Mixed use projects which combine residential, commercial and/or business and  
 335 professional office uses;
- 336 W. Live-Work, with work on the first floor;
- 337 X. The conversion of an automobile service station to a self-serve only station or the  
 338 addition of a mini-market or car wash; and
- 339 X.Y. All businesses seeking to provide three or more commercial amusement devices. In  
 340 addition to the guidelines set forth in Chapter 20.64 of this title, relative to conditional use  
 341 permits, the Planning Commission shall review each application for a use permit according to the  
 342 following criteria:

- 343 1. Noise generation;
- 344 2. Traffic from employees, customers and clients, and availability of parking spaces
- 345 for both vehicles and bicycles:
- 346 a. One vehicular parking space shall be provided for every five commercial
- 347 amusement devices,
- 348 b. One on-site bicycle space shall be provided for every two commercial
- 349 amusement devices. Bicycle parking shall be in bicycle racks or stands and shall
- 350 not obstruct required exits. Bicycle parking may be required inside buildings if no
- 351 acceptable outside area exists on site;
- 352 3. Hours of operation;
- 353 4. Proximity to schools;
- 354 5. Supervision;
- 355 6. Potential for serving alcoholic beverages;
- 356 7. Loitering; and
- 357 8. Comments from the Police Department.

358 ~~Y.Z.~~ The addition of “off-sale,” “beer and wine” or “general” liquor sales to any existing or

359 otherwise permitted use.

360 **20.40.040 Prohibited uses.**

361 The following uses are prohibited:

- 362 A. Manufacturing and heavy industrial uses;
- 363 B. Incineration or reduction of garbage, dead animals or refuse;
- 364 C. Storage or baling of scraps, paper, rags or junk;
- 365 D. Cargo containers and trailer coach (as defined in California Vehicle Code Section 635)
- 366 for office use, storage use or for any other purpose;
- 367 E. Medical marijuana dispensaries;
- 368 F. Any other enterprise or use which, in the opinion of the Planning Commission, may
- 369 constitute a nuisance or which may be noxious or offensive by reason of emission of odor, dust,
- 370 smoke, gas or noise; and
- 371 G. Any uses not enumerated in Section 20.40.020 and for which no conditional use permit
- 372 could be issued under Section 20.40.030.

373 **20.40.050 ~~Property d~~ Development standards.**

374 1. Commercial Development shall comply with the following development standards:

- 375 A. **Building Height.** The maximum building height shall be 35 feet.

376 B. **Yard, Exterior.** There shall be no exterior yard required, except where the frontage in  
377 the block is partially in an R district or the property is subject to an established official plan line,  
378 then the exterior yard of the R district or the official plan line, whichever is more restrictive,  
379 shall apply; ~~provided further, that in those C-G districts on Miller Avenue between Park Avenue~~  
380 ~~and Camino Alto, the exterior yard shall be 18 feet.~~

381 C. **Yard, Interior.** There shall be no interior yards required, except that where the boundary  
382 of a commercially zoned lot abuts on any R district, that yard shall not be less than as required in  
383 such R district.

384 D. **Hours of Operation.** Except as otherwise set forth herein with respect to emergency  
385 shelters, the hours of operation for all commercial uses abutting R districts shall be limited to  
386 between the hours of 8:00 a.m. and 8:00 p.m. A request to allow commercial activities to exceed  
387 the 8:00 a.m. to 8:00 p.m. hours of operation shall be considered by the Planning Commission  
388 only after a public hearing. Applications for extended hours should be filed on a form prescribed  
389 by the Planning Commission and shall be accompanied by the reasons for the modifications. The  
390 request shall be noticed as per Section 20.60.200.

391 2. Development standards for mixed-use developments that include residential development  
392 shall comply with Chapter 20.48.

393

#### 394 **20.40.051 Property development standards—Emergency shelters.**

395 A. **Shelter Capacity.** An emergency shelter for homeless persons shall contain no more than  
396 20 beds and shall serve no more than 20 persons nightly.

397 B. **Parking.** On-site parking for shelter users shall be based on one space for every four  
398 beds, plus one space for each employee on the maximum staffed shift. Employees include  
399 persons directly employed by the shelter, as well as on-site staff, independent contractors and  
400 volunteers.

401 C. **Lighting.** External lighting shall be sufficient to provide illumination and clear visibility  
402 to all outdoor areas, with minimal shadows. The lighting shall be stationary and designed,  
403 arranged and installed so as to confine direct rays onto the premises and to direct light away from  
404 adjacent structures and public rights-of-way. External lighting shall be of an intensity compatible  
405 with the neighborhood.

406 D. **On-Site Waiting and Intake Areas.** An interior waiting and intake area shall be  
407 provided. This area must contain a minimum of 200 square feet, but should be designed to  
408 accommodate the maximum number of person(s) served (as identified in subsection A), when  
409 feasible. An exterior waiting area or queuing area shall be provided which contains a minimum  
410 of 10 square feet per bed provided at the facility. Said exterior area shall not be located within or  
411 block the public right-of-way. The management plan outlined in subsection (G)(4) shall establish  
412 hours in which persons are permitted to line up in the waiting area for admission to the shelter,

413 and will require monitoring of the waiting area by the shelter provider to avoid any public  
414 nuisance.

415 E. **Security.** Security personnel shall be provided during operational hours whenever clients  
416 are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of  
417 occupancy.

418 F. **Concentration of Uses.** No more than one emergency shelter shall be permitted within a  
419 radius of 300 feet of another emergency shelter.

420 G. **Emergency Shelter Operations.** The agency or organization operating the emergency  
421 shelter shall comply with the following requirements:

422 1. **Hours of Operation.** Clients shall only be on-site and admitted to the facility between  
423 5:00 p.m. and 8:00 a.m.

424 2. **Length of Stay.** Each emergency shelter resident shall stay for no more than 90 days  
425 (cumulative) in a 365-day period. Extensions up to a total stay of 180 days in a 365-day period  
426 may be granted by the shelter provider if no alternative housing is available.

427 3. **On-Site Staff.** At least one manager shall be on-site during all hours of operation of the  
428 facility. Such manager must be an individual who does not utilize the shelter's beds or other  
429 services and who resides off-site. The manager must be accompanied by one supporting staff  
430 member for every 15 beds occupied in the facility.

431 4. **Management Plan.** Prior to commencing operation, the shelter operator shall provide a  
432 written management plan to the Planning and Building Director for approval. The management  
433 plan shall include: primary contact information for the facility, hours of operation, admission  
434 hours and intake process, staff training, neighborhood outreach and privacy, security, queuing  
435 and/or loitering regulations, noise control, resident counseling and treatment, maintenance plans,  
436 residency and guest rules, procedures, staffing needs, and other regulations, as appropriate, or as  
437 requested by the Planning and Building Director.

438 5. **Annual Report.** The provider shall provide an annual report of the use of the facility and  
439 determination of compliance with the City's development standards to the Planning and Building  
440 Director annually based on the start date of the said emergency shelter.

441 **20.40.060 Shopping center signs—Use permit.**

442 No shopping center identification signs shall be permitted unless a use permit is first secured. In  
443 considering the application for such use permit, the total signing plan for the shopping center  
444 shall be reviewed and, notwithstanding the provisions of Chapter 20.74 of this title, any  
445 reasonable conditions may be imposed regarding the number, size, color or design of signs in the  
446 shopping center. For purposes of this section, a "shopping center identification sign" is defined  
447 as a sign used or intended for the purpose of collective identification of a group of independent,

448 retail commercial establishments, which have separate outside customer entrances, and which  
449 have common parking or circulation facilities.

450

451 **SECTION 14.** Chapter 20.42 ('C-N Districts') of the Mill Valley Municipal Code is hereby  
452 amended to read as follows:

453 Chapter 20.42  
454 C-N DISTRICTS – NEIGHBORHOOD COMMERCIAL DISTRICTS

455 ~~20.42.010 Scope of regulations.~~

456 20.42.010 Purpose and Intent

457 20.42.020 Permitted uses and regulations.

458 20.42.030 Ground Floor Office Use in Downtown.

459  
460 **20.42.010 Scope of regulations.**

461 ~~The following regulations shall apply with respect to each parcel of land in all C-N districts.~~

462  
463 **20.42.010 Purpose and Intent.**

464 The Neighborhood Commercial (C-N) zone provides a compatible mix of commercial uses and  
465 residential uses at 17 DU/acre to 29 DU/acre, including mixed-use with offices or commercial  
466 and small-scale multi-family residential developments.

467 A. Miller Avenue "Main Street"

468 The Miller Avenue Main Street district is the active center of the Miller Avenue corridor. While  
469 currently the area is mainly one-story commercial buildings, this area provides for both  
470 neighborhood serving commercial uses on the ground floors of buildings and mixed use with  
471 residential above (17 DU/acre to 29 DU/acre). New development should meet the street and  
472 have a 'main street' feel, with an emphasis on the pedestrian environment. Buildings should be  
473 close-knit with two-story buildings encouraged.

474 B. Miller Avenue "Gateway"

475 The Miller Avenue Gateway district includes medium- to large-lot General Commercial (C-G)  
476 and Neighborhood (C-N) parcels at the transition from the Miller Avenue "Main Street" down to  
477 the Miller Avenue "Marsh." This section will continue its current development pattern and  
478 accommodate housing types with a density range in accordance with the adopted Land Use Map.

479  
480 **20.42.020 Permitted uses and regulations.** All provisions of Chapter 20.40 relating to C-G  
481 (General Commercial) districts shall apply in all C-N districts, except that no establishment  
482 which provides live entertainment and/or dancing shall be permitted except upon the issuance of  
483 a conditional use permit pursuant to the procedures and standards set forth in Chapter 20.64. The  
484 findings and conditions set forth in Sections 20.64.045 and 20.64.046 shall be strictly applied

485 with respect to any proposed establishment which involves live entertainment and/or dancing and  
 486 is located within a C-N district with particular consideration given to the impact of noise  
 487 associated with such an establishment upon residential areas of the City. The conditional use  
 488 permit shall specify the hours during which live entertainment and/or dancing may occur. In no  
 489 case shall these hours be before 10 AM nor after 10 PM Sunday through Thursday and 11 PM  
 490 Friday and Saturday. Cultural, social, educational and philanthropic organizations holding  
 491 occasional events involving live entertainment and/or dancing are exempt from this section.  
 492

493 ~~20.45.030 — Ground Floor Office Use in Downtown.~~

494 A. In addition to the list of conditionally permitted uses described in Section 20.40.030, the  
 495 following parcels identified in 20.42.030(B) that are within the Neighborhood Commercial (CN)  
 496 Zoning District and General Plan land use designation of Downtown Commercial (CD) are  
 497 required to obtain a conditional use permit for the establishment or expansion of any  
 498 professional, administrative, real estate, medical, dental or other office use located in ground  
 499 floor space that directly abuts a sidewalk or pedestrian area on Miller Avenue, East Blithedale  
 500 Avenue, Throckmorton Avenue, Sunnyside Avenue or the Downtown Plaza.

501 B. The following parcels are subject to the provisions of Section 20.42.030(A) above.

502

ASSESSOR PARCEL NUMBER (APN)		
028-014-18	028-013-17	028-061-31
028-014-19	028-013-01	028-061-33
028-014-20	028-064-02	028-061-35
028-014-15	028-064-03	028-061-07
028-016-02	028-064-09	028-063-18
028-016-03	028-064-11	028-056-09
028-016-18	028-061-04	028-056-16
028-013-09	028-061-22	028-056-05
028-013-20	028-061-08	028-056-04
028-013-19	028-061-14	028-056-03
028-013-12	028-061-13	028-056-02
028-013-13	028-061-25	028-012-12
028-013-06	028-061-27	028-012-08
028-013-18	028-061-29	028-012-07
		028-012-06

504

505 **SECTION 15.** Chapter 20.45 ('C-D Districts') of the Mill Valley Municipal Code is hereby  
506 added and shall read as follows:

507 Chapter 20.45  
508 C-D DISTRICTS – DOWNTOWN COMMERCIAL DISTRICTS

509 20.45.010 Purpose and Intent

510 20.45.020 Permitted uses and regulations.

511 20.45.030 Ground Floor Office Use in Downtown.

512 **20.45.010 Purpose and Intent**

513 The Downtown commercial district provides a mix of commercial and mixed-use land uses that  
514 support the varied physical and social characteristic of the downtown. This zone permits both  
515 conditionally and by-right housing options within the area's commercial districts that allow  
516 residential uses above the first floor. Residential densities within the Downtown Commercial  
517 Zone (C-D) ranges from 17 DU/acre to 29 DU/acre.

518 **20.45.020 Permitted uses and regulations.**

519 **20.45.020 Permitted uses and regulations.** All provisions of Chapter 20.40 relating to C-G  
520 (General Commercial) districts shall apply in all C-D districts, except that no establishment  
521 which provides live entertainment and/or dancing shall be permitted except upon the issuance of  
522 a conditional use permit pursuant to the procedures and standards set forth in Chapter 20.64. The  
523 findings and conditions set forth in Sections 20.64.045 and 20.64.046 shall be strictly applied  
524 with respect to any proposed establishment which involves live entertainment and/or dancing and  
525 is located within a C-D district with particular consideration given to the impact of noise  
526 associated with such an establishment upon residential areas of the City. The conditional use  
527 permit shall specify the hours during which live entertainment and/or dancing may occur. In no  
528 case shall these hours be before 10 AM nor after 10 PM Sunday through Thursday and 11 PM  
529 Friday and Saturday. Cultural, social, educational and philanthropic organizations holding  
530 occasional events involving live entertainment and/or dancing are exempt from this section.  
531

532 **20.45.030 Ground Floor Office Use in Downtown.**

533 A. In addition to the list of conditionally permitted uses described in Section 20.40.030, the  
534 following parcels identified in 20.42.030(B) that are within the Neighborhood Commercial (CN)  
535 Zoning District and General Plan land use designation of Downtown Commercial (CD) are  
536 required to obtain a conditional use permit for the establishment or expansion of any  
537 professional, administrative, real estate, medical, dental or other office use located in ground  
538 floor space that directly abuts a sidewalk or pedestrian area on Miller Avenue, East Blithedale  
539 Avenue, Throckmorton Avenue, Sunnyside Avenue or the Downtown Plaza.



540 B. The following parcels are subject to the provisions of Section 20.42.030(A) above.

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<b>ASSESSOR PARCEL NUMBER (APN)</b>		
<u>028-014-18</u>	<u>028-013-17</u>	<u>028-061-31</u>
<u>028-014-19</u>	<u>028-013-01</u>	<u>028-061-33</u>
<u>028-014-20</u>	<u>028-064-02</u>	<u>028-061-35</u>
<u>028-014-15</u>	<u>028-064-03</u>	<u>028-061-07</u>
<u>028-016-02</u>	<u>028-064-09</u>	<u>028-063-18</u>
<u>028-016-03</u>	<u>028-064-11</u>	<u>028-056-09</u>
<u>028-016-18</u>	<u>028-061-04</u>	<u>028-056-16</u>
<u>028-013-09</u>	<u>028-061-22</u>	<u>028-056-05</u>
<u>028-013-20</u>	<u>028-061-08</u>	<u>028-056-04</u>
<u>028-013-19</u>	<u>028-061-14</u>	<u>028-056-03</u>
<u>028-013-12</u>	<u>028-061-13</u>	<u>028-056-02</u>
<u>028-013-13</u>	<u>028-061-25</u>	<u>028-012-12</u>
<u>028-013-06</u>	<u>028-061-27</u>	<u>028-012-08</u>
<u>028-013-18</u>	<u>028-061-29</u>	<u>028-012-07</u>
		<u>028-012-06</u>

553 **SECTION 16.** Chapter 20.48 (‘Property Development Standards for Mixed-Use development with Residential in Commercial  
 554 Districts’) of the Mill Valley Municipal Code is hereby added and shall read as follows:

555 **20.48 Mixed Use Residential Development Standards in Commercial Districts**

<u>Commercial “Character Areas”</u>	<u>Downtown</u>	<u>Near East Blithedale</u>	<u>Miller Avenue “Main Street”</u>	<u>Miller Avenue “Gateway”</u>	<u>Alto Center</u>	<u>Redwood Hwy</u>
<u>Zoning Designation</u>	<u>Downtown Commercial (C-D)</u>	<u>Limited Commercial (C-L)</u>	<u>Neighborhood Commercial (C-N)</u>		<u>General Commercial (C-G)</u>	
					<u>Alto Center/ Gateway</u>	<u>Redwood Hwy</u>
<b><u>Minimum Useable Outdoor Living Area (i)</u></b>						
<u>Total required Outdoor Space:</u>	<u>36 s.f. per unit</u>		<u>136 s.f. per unit</u>		<u>36 s.f. per unit</u>	
<i>Of required outdoor living space, the minimum Shared Outdoor Living Space per unit</i>	<u>n/a</u>		<u>100 s.f. per unit for developments over 3 units</u>		<u>n/a</u>	
<i>Of required outdoor living space, the minimum Private Outdoor Living Space per unit</i>	<u>36 s.f.</u>		<u>36 s.f.</u>			
<b><u>Max. Lot Coverage</u></b>	<u>100%</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>40%</u>	<u>45%</u>
<b><u>Floor Area Ratio (FAR)</u></b>	<u>Max. = 1.5</u>	<u>Max. = 1.0</u>	<u>Max. = 1.0</u>	<u>Max. = 1.0</u>	<u>Max. = .50</u>	<u>Max. = .75</u>
<b><u>Max. Height (i, ii)</u></b>						
<u>Height Limit</u>	<u>Max. = 35 ft. (3 stories)</u>	<u>Max. = 2 stories at East Blithedale street frontage; 35 ft. maximum</u>	<u>Max. = 35 ft. (3 stories)</u>	<u>Max. = 35 ft. (3 stories)</u>	<u>Max. = 35 ft. (3 stories)</u>	<u>Max. = 35 ft. (3 stories)</u>
<u>Front Stepback (above second story)</u>	<u>1:1 ratio</u>	<u>n/a</u>	<u>1:1 ratio</u>	<u>1:1 ratio</u>	<u>n/a</u>	<u>n/a</u>

<b><u>Minimum Setbacks</u></b>	
<u>Exterior Property Line</u>	<u>0/15 ft. (0 ft. unless on block with Residential Zoning, then 15 ft.)</u>
<u>Interior Property Line (i)</u>	<u>0/15 ft. (0 ft. unless on block with Re. Zoning, then 15 ft.); may be reduced to 10 ft on sideyards if second story</u>
<b><u>Parking</u></b>	
<u>Parking shall be provided as specified in MVMC Section 20.60.90.</u>	

- 556 (i) The base height in the C-D zone shall be 35 feet. A building may be increased up to a maximum of 38 feet in height to allow for up to a maximum of 18 foot plate  
557 height for the ground floor commercial uses. The upper floors shall have a maximum plate height of 10 feet.  
558 (ii) Height Exceptions permitted per MVMC 20.60.060

559 **SECTION 17.** Chapter 20.60.090.B(7) of the Mill Valley Municipal Code is hereby amended to  
560 read as follows:

561

<u>7.</u>	Dwellings, multiple family	2 parking spaces per dwelling unit plus 1/4 of a parking space for each unit for guest parking when on-street parking is not available along the immediate frontage of the property. In development of more than 4 units, the guest parking shall be provided on the site. <u>With the following exceptions:</u>  a. <u>Lots 25 feet in width or less shall not be required to provide guest parking.</u> b. <u>Parking requirements for a Multi-family Efficiency Unit shall require 1 parking space.</u>
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564 **SECTION 18.** This Ordinance shall go into effect thirty days after its adoption. Within 15 days  
565 after its adoption, this ordinance shall be published once in the Mill Valley Herald, a newspaper  
566 of general circulation printed and published in the City of Mill Valley.

567