

Chapter 14.40 CN COMMERCIAL NEIGHBORHOOD DISTRICT

Sections:

14.40.010 CN District.

The regulations, general provisions, and exceptions set forth in this chapter and in Chapter 14.66 shall apply in the CN District.

(Prior code § 10-2.1601)

14.40.020 Specific purposes (CN).

The specific purposes of the CN District are as follows:

- A. To retain and enhance the neighborhood convenience character;
- B. To preserve and improve the existing character by encouraging pedestrian-scale development and amenities, circulation, and landscaping;
- C. To retain an emphasis on retail uses, including service and limited office uses;
- D. To allow for mixed uses of commercial and residential; and
- E. To buffer the impacts of commercial development on neighboring residential properties.

(Ord. 03-256 § 1 (part): prior code § 10-2.1601.1)

14.40.030 Permitted uses (CN).

The following uses shall be permitted in the CN District:

- A. Office-administrative services located above the ground floor;
- B. Office-administrative services uses located on the ground floor on Sherwood Avenue within the Sherwood Gateway specific plan area, and in existing commercial buildings constructed before February 22, 2013, on Grant Road between Newcastle Drive and Farndon Avenue within the Woodland Plaza area, 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 its existing retail and/or restaurant space on the ground floor;
- C. Parking spaces and loading areas;
- D. Recycling facilities: (i) small collection facilities, and (ii) reverse vending machines, as provided for in Chapter 14.68 of this title;
- E. Restaurants, excluding drive-through services;
- F. Retail and personal service establishments; and
- G. Uses which are determined by the city planner to be of the same general character.

(Ord. 07-306 § 3 (part); Ord. 05-280 § 4 (part); Ord. 03-256 § 1 (part): prior code § 10-2.1602)

(Ord. No. 2012-389, § 1, 1-22-2013; Ord. No. 2015-406 , § 2, 2-10-2015)

14.40.040 Conditional uses (CN).

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 CN District:

- A. Day care centers that do not displace a retail business. If the space had been a retail business, but that use was vacated for a minimum of one hundred twenty (120) days, it would not be considered to be displacing a retail business;
- B. Office-administrative services uses located on the ground floor as part of a new development constructed after February 22, 2013, on Grant Road between Newcastle Drive and Farndon Avenue within the Woodland Plaza area;
- C. Housing located above the ground floor;
- D. Medical and dental clinics;
- E. Medical and dental offices that are five thousand (5,000) gross square feet or more;
- F. Mixed-use projects, including a combination of retail, service, office, and/or residential uses, which are found to be compatible with the intent of the CN District and surrounding uses and consistent with the provisions of Section 14.02.020 of Article 1 of Chapter 14.02;
- G. Nurseries or garden supplies provided all equipment, supplies, and merchandise, other than plants, shall be kept within an enclosed structure; and
- H. Uses which are determined by the planning commission and the city council to be of the same general character.

(Ord. 07-306 § 3 (part); Ord. 05-280 § 4 (part); Ord. 03-256 § 1 (part); prior code § 10-2.1603)

(Ord. No. 2012-389, § 2, 1-22-2013; Ord. No. 2015-406 , §§ 2—4, 2-10-2015)

14.40.050 Limited conditional uses (CN).

Upon the granting of a use permit in accordance with the provisions of Chapter 14.80, the following uses shall be permitted except within fifty (50) feet of an R1 District:

- A. Animal clinics;
- B. Cocktail lounges;
- C. Commercial recreation;
- D. Drive-through facilities, except car washes;
- E. Laundry and dry cleaning establishments, including self-serve dry cleaning;
- F. Printing shops;
- G. Recycling facilities: large collection facilities as provided for in Chapter 14.68;
- H. 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. The setback of structures shall be determined by the commission; and

I. Upholstery shops.

(Ord. 07-312 § 8: Ord. 03-256 § 1 (part): prior code § 10-2.1604)

14.40.060 Required conditions (CN).

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

- A. All businesses, services, and processes shall be conducted entirely within a completely enclosed structure, except for recycling facilities, parking and loading spaces, outdoor dining areas, nurseries, the sale of gasoline and oil at service stations, or as permitted under the terms of a permit issued pursuant to Section 4.24.020 of Chapter 4.24 of Title 4 of this code.
- B. All products produced on the site of any of the permitted uses shall be sold at retail only and on the site where produced.
- C. 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, noise, vibration, illumination, glare, unsightliness, or electrical disturbances which are manifested beyond the premises in which the permitted use is located.

No property owner, business owner and/or tenant shall suffer, permit, or allow the operation of a business on his or her property or on property upon which his or her business operates to violate the required conditions of this chapter. Enforcement shall be as provided for in Chapter 1.10 of this code.

- 1. General screening standard. Every development shall provide sufficient screening to reasonably protect the privacy, safety, and environment of neighboring residential properties and shield them from adverse external effects of that development.

Walls up to twelve (12) feet in height shall be required for the purpose of attenuating noise (as determined by an acoustical analysis), odor, air pollution, artificial light, mitigation for grade differential between properties and providing privacy and safety.

- 2. Sites for screening of refuse collection. Every development will 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.
- 3. 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.
- 4. 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.
- 5. Maintenance of common areas, improvements, and facilities. Maintenance of all common areas, improvements, or facilities required by this chapter or any permit issued in accordance with its provisions shall be required except those areas, improvements, or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority.
- 6. 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.

7. 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 shall be required at a commercial/residential interface. Other conditions may be applied such as, but not limited to, muffling of exterior air conditioning facilities.

- D. No building or structure designed for, or intended to be used, or which has been used, or which is presently being used as a dwelling shall be used for the conduct of any business, store, shop, or other permitted use in the CN District unless and until such structure and the property on which it is located comply with the applicable provisions of this chapter, the Uniform Building Code (Chapter 12.08 of this code), and the Fire Code (Chapter 12.24 of this code).
- E. No use shall be permitted in setbacks immediately adjacent to single-family residential land uses which can not adequately be mitigated.

(Prior code § 10-2.1605)

14.40.070 Floor area ratio (CN).

The maximum floor area ratio shall be as follows:

District	Maximum Floor Area Ratio
Foothill Plaza	None
Woodland Plaza	35 percent of total area of site
Rancho Shopping Center	35 percent of total area of site
Loyola Corners	None
Sherwood Triangle	None

(Prior code § 10-2.1605.1)

14.40.080 Front yard (CN).

No front yard shall be required, except where the front property line is across a street or alley from property in an R District, in which instance the minimum depth of front yards shall be forty (40) feet, of which a five-foot strip adjoining the public way, except at access driveways, shall be a landscaped strip. The required front yard may be used for parking spaces; provided, however, access to the street or alley may be by driveway only.

(Prior code § 10-2.1606)

14.40.090 Side yards (CN).

No side yards shall be required, except where a side property line of the site is across a street or alley from property in an R District, in which instance the minimum width of side yards shall be forty (40) feet, and where a side property line of the sites abuts on property in an R District, in which instance the minimum width of side yard

shall be fifty (50) feet, of which the ten (10) feet abutting on the property in the R District shall be a landscaped strip. A required side yard may be used for parking, except for the area required to be planted.

(Prior code § 10-2.1607)

14.40.100 Rear yard (CN).

The minimum depth of rear yards shall be twenty (20) feet. Where the rear property line abuts on property in an R District, an appropriate buffer shall be provided, including a noise-attenuating fence or wall. The required rear yard may be used for off-street parking, except for the area required to be planted.

(Prior code § 10-2.1608)

14.40.110 Off-street parking (CN).

(As provided in Chapter 14.74 of this title.)

(Prior code § 10-2.1609)

14.40.120 Common parking facilities (CN).

(As provided in Chapter 14.74 of this title.)

(Prior code § 10-2.1610)

14.40.130 Off-street loading.

(As provided in Chapter 14.74 of this title.)

(Prior code § 10-2.1611)

14.40.140 Height of structures (CN).

No structure shall exceed thirty (30) feet in height.

(Prior code § 10-2.1612)

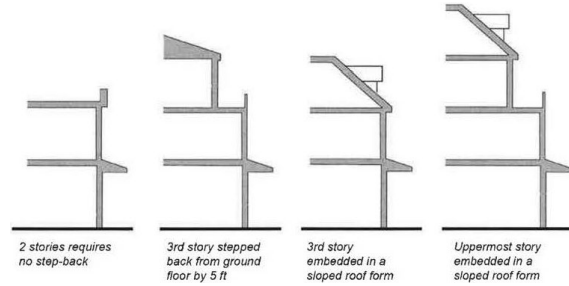
(Ord. No. 10-349, § 1, 4-27-2010)

14.40.150 Design control (CN).

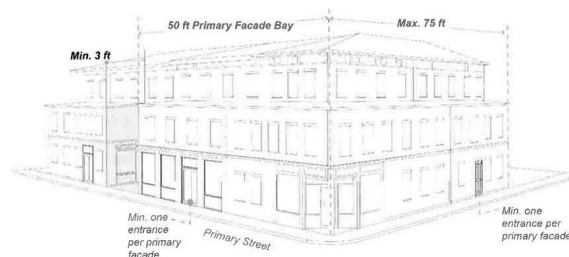
- A. Building Placement. A minimum seventy-five (75) percent of ground-floor building frontages facing El Camino Real must be built at the minimum setback line. This standard applies to the building frontage only (exclusive of side setbacks).
- B. Building Massing and Articulation.
 - 1. Upper-story Step-backs, Front and Street Side.
 - a. Along all frontages except El Camino Real, the third story must be either stepped back a minimum five feet from the ground floor façade or 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 14.40.150.B.7.

- b. For buildings over three stories along all frontages except El Camino Real, the uppermost story must be embedded in a sloped roof form.

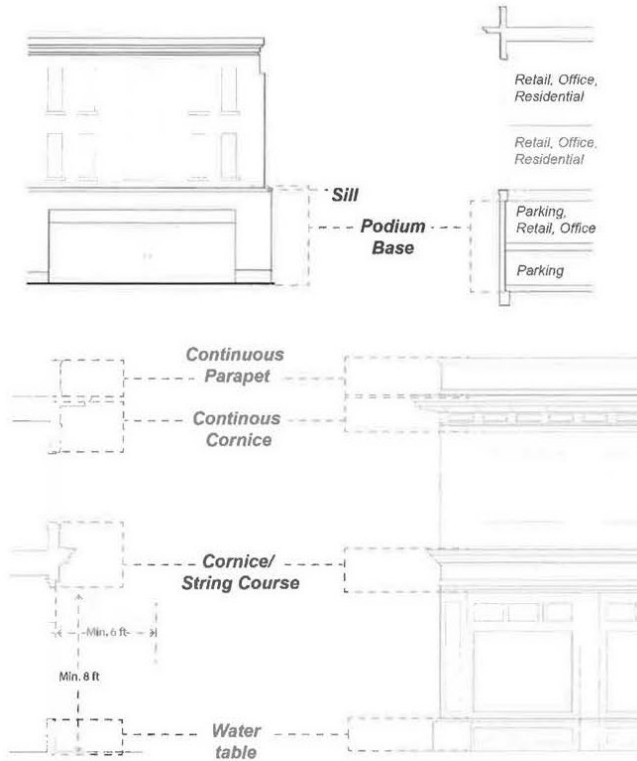


- c. There are no upper-story step-back requirements for building frontages along El Camino Real in the CN district.
2. Upper Story Step-backs, Side Interior and Rear where Abutting an R-1 District.
- a. The third story must be either stepped back a minimum ten (10) feet from ground floor façade or embedded in a sloped roof form.
 - b. For buildings over three stories, the uppermost story must be embedded in a sloped roof form.
3. 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.



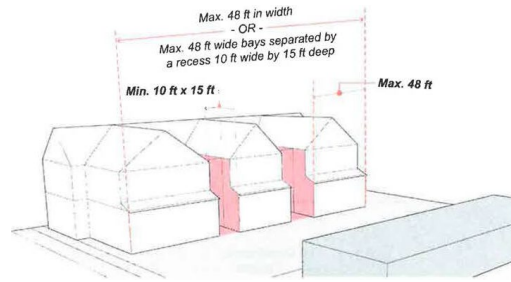
4. Horizontal Articulation. New façades and façade modifications along a street or civic space shall be designed to visually express a base, middle, and top.
- a. One or more of the following patterns shall be used to define the base:
 - i. Watertable: Base material extends from grade to between eight and fifty-four (54) inches above grade.
 - ii. 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 17.40.150.B.7. These elements shall be consistent with the overall architectural style of the building mass/bay.



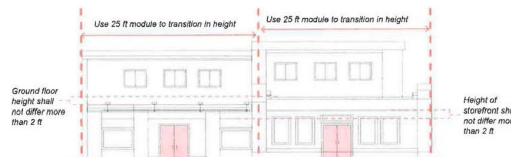
5. Adjacencies.

- a. Façades adjacent to an R-1 District.
 - i. Building façade planes abutting an R-1 district may not exceed forty-eight (48) feet in width.
 - ii. When a building façade abutting an R-1 district exceeds forty-eight (48) feet in width, it must be separated into façade bays no greater than forty-eight (48) feet by a recess ten (10) feet wide and fifteen (15) feet deep.
 - iii. Balconies, roof decks and other habitable outdoor space is not allowed on upper-story façades abutting R-1 zones.
 - iv. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story façades abutting R-1 zones.



b. 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.

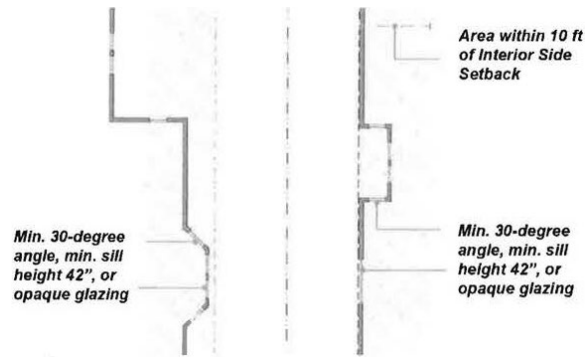


c. Compatibility with Adjacent Shorter Buildings with Height Difference of One Story or More. When adjacent to an existing shorter building with a height difference of one story or more, a proposed building must utilize two or more of the following strategies:

- 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.

6. 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.



7. Roofline and Roof Design.

a. Roof designs shall be limited to:

- i. Hipped.
- ii. Gable.
- iii. Shed.
- iv. Dormer.
- v. Parapet.

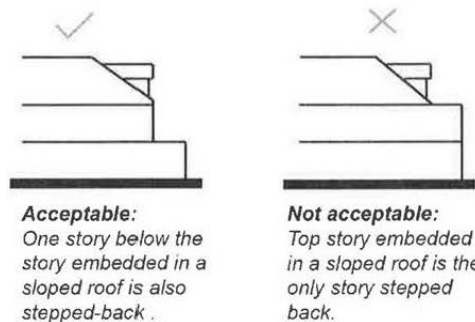
(a) Not allowed on frontages facing Fremont Avenue.

(b) 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.

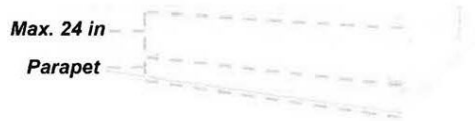
(c) The length of a parapet segment on the third floor and above may not exceed twenty-five (25) feet.

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.

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- d. Roofline/parapet at corners shall not exceed roofline/parapet of adjacent wallplanes by more than twenty-four (24) inches.



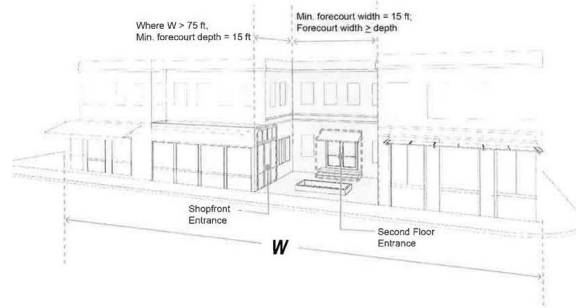
C. Building Design.

1. Façade Design.

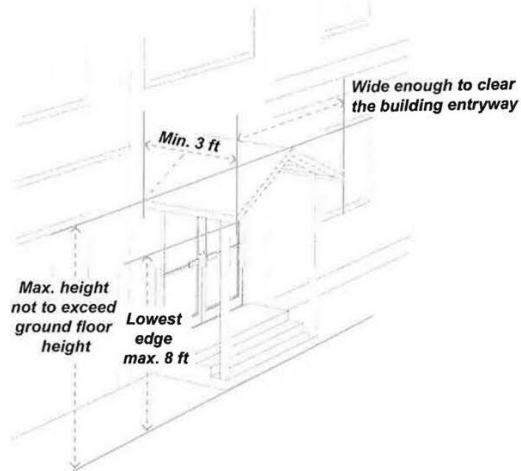
- a. Building façades shall be arranged in an orderly composition of bays, defined by vertically aligned openings alternating horizontally with solid walls or columns. The pattern shall be visually expressed through the spacing of openings, recesses, eaves, inset panels, cornices, overhangs, trellises, exposed rafters, columns, or bay windows.
- b. The pattern may be shared between the ground floor and upper stories provided the ground floor exhibits enhanced detail or modulation.
- c. Residential façades shall incorporate at least one element that signals habitation, such as bay windows, or balconies.
- d. Non-glazed wall areas (blank walls) must be enhanced with architectural details, landscaping, and/or landscaped trellises or lattices.

2. Pedestrian-Scaled Entrances.

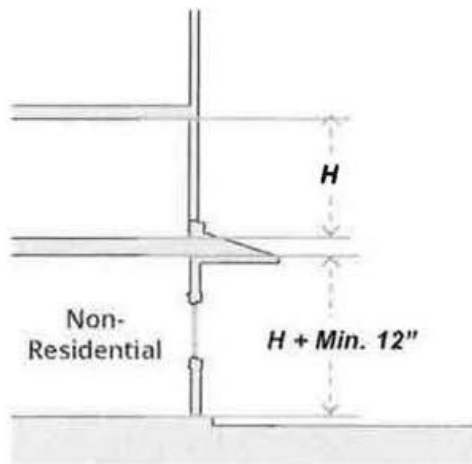
- a. Building entrances must incorporate at least one of the following entry features. See Section 14.66.275 (Entrance Type Standards) for design standards applicable to each entrance type listed.
 - i. Stoop.
 - ii. Dooryard.
 - iii. Shopfront.
 - (a) Shopfronts more than twenty-five (25) feet in width 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).



- b. Primary Entrance Location(s). The building entrance shall be located along the primary right-of-way.
- 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.

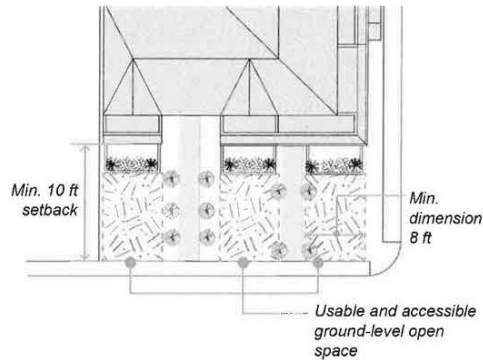


- f. Accent elements demarcating building frontage, entrance, and common open space areas shall not exceed the height of the ground floor story. Roof elements are excepted.
3. Ground Floor Floor-to-Ceiling Height. Minimum twelve (12) inches taller than typical upper floor floor-to-ceiling.



- 4. 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.
 - 5. 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.
- D. 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.
 3. Tinted glass is not allowed.
 - E. 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 not permitted.
 - 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 (for bulkheads below display windows and decorative accents only).
 - 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).
 - F. Ground Level Open Space. Where any required front, rear, or side yard setback is ten (10) feet or greater, on-site ground-level open space shall be provided within the setback.
 1. The ground level open space shall be usable and accessible.
 2. The minimum dimension for ground level open space shall be eight feet.



G. Landscaping, Paving and Pedestrian Amenities.

1. 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.
2. Within the Loyola Corners Specific Plan Overlay district, landscaping, paving and pedestrian amenities shall be as specified in the Loyola Corners Specific Plan.
3. See Sections 14.66.180 (Maintenance of Landscaped Areas) and 14.70.070 (Landscaped Strips) for additional landscaping standards.

H. Site Circulation and Access.

1. New development on abutting lots shall be designed to allow cross-access for internal pedestrian, bicycle, and vehicular circulation systems.
2. 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.

I. Service Areas and Screening.

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

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

(Amended during 2/06 supplement; prior code § 10-2.1613)

(Ord. No. 2021-478 , § 1, 9-14-2021)

14.40.160 Signs (CN).

(As provided in Chapter 14.68 of this code.)

(Prior code § 10-2.1614; Ord. No. 2015-414 , § 12, 9-8-2015)

14.40.170 Fences (CN).

(As provided in Chapter 14.72 of this title.)

(Prior code § 10-2.1615)

14.40.180 Nonconforming use regulations (CN).

(As provided in Chapter 14.66 of this title.)

(Prior code § 10-2.1616)