

## EXHIBIT B

### Chapter 18.24 – Bulk Regulations

#### 18.24.050 Permitted obstructions in required yards.

The following shall not be considered to be obstructions when located in the required yards specified:

- A. In All Yards: Open terraces not over eighteen (18) inches above the average level of the adjoining ground and one hundred and twenty (120) square feet in area but not including a permanently covered terrace or porch except as allowed by the provisions of the R-5000 zoning district; awnings and canopies; steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street, or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; ~~arbors and trellises~~ flag poles; overhanging eaves and gutters projecting eighteen (18) inches or less into the yard, except that in no case shall overhanging eaves and gutters be closer than two (2) feet to a ~~property lot~~ line;
- B. In Front and Rear Yards: Bay windows projecting three (3) feet or less into the yard;
- C. In Side Yards: First floor additions to single-family detached houses with existing legal nonconforming setbacks may be built in line with the existing structure as long as a minimum interior side yard setback of five (5) feet and a minimum exterior side yard setback of ten (10) feet is maintained, except that houses built on a zero lot line shall maintain a minimum setback of ten (10) feet on the nonzero lot line side of the property.

### Chapter 18.31 - SB 9 Subdivisions and Development Projects

#### 18.31.010 Purpose

The purpose of this chapter is to provide objective zoning standards for SB 9 Housing Developments within single-family residential zoning districts, to implement the provisions of state law as reflected in Government Code Section 65852.21 et. seq. and Section 66411.7 et. seq., and to facilitate the development of new residential units in a manner compatible with existing single-family residential uses and ensure standards of public health and safety.

The following zones are identified as single-family residential zoning districts; R-5000, RS-6000, RS-6000-H, RS-6000D, RS (S), RS (s) 3000, RS 4500, and 511.

#### 18.31.020 Definitions

For purposes of this Chapter, the following definitions apply:

- A. “Accessory dwelling unit” or “ADU”, means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons, is located on a lot with a proposed or existing primary residence, and is constructed pursuant to Chapter 18.34.

- B. “Dwelling unit” means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit or a junior accessory dwelling unit as defined in Chapter 18.34.
- C. “Junior accessory dwelling unit” or “JADU” means a dwelling unit that is up to 500 square feet in size and contained entirely within an existing or proposed primary dwelling unit that provides an efficiency kitchen and a separate exterior entrance, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure, and which is constructed pursuant to Chapter 18.34.
- D. “Primary dwelling unit” means the single-family residence on the property prior to the approval of an SB 9 Unit or Urban Lot Split.
- E. “SB 9 Housing Development” means a project containing one or more SB 9 units and may include a Urban lot split.
- F. “SB 9 Unit” means a dwelling unit that is developed pursuant to Government Code Section 65852.21 and/or constructed on a parcel created pursuant to Government Code Section 66411.7 and meeting all the criteria and standards set forth in this chapter.
- G. “Urban Lot Split” means the subdivision of an existing parcel into two parcels pursuant to California Government Code Section 66411.7 and meeting all the criteria and standards set forth in this chapter.

#### **18.31.030 Number of Units Allowed.**

- A. When not located on a site subject to an approved or proposed urban lot split: 1) a maximum two (2) SB 9 units are permitted per parcel; and 2) either one accessory dwelling unit and/or junior accessory dwelling unit per SB 9 Unit or primary unit meeting the requirements in Chapter 18.34 is permitted, for a total of up to four dwelling units on the subject property.
- B. When located on a site subject to an approved or proposed urban lot split, a maximum two (2) SB 9 units are permitted per parcel resulting from the urban lot split, for a total of two (2) units on each of the two (2) resulting parcels. Should a resulting parcel include only one (1) primary or SB 9 unit, either one SB 9 unit, accessory dwelling unit, or junior accessory dwelling unit is permitted.

#### **18.31.040 Eligibility.**

- A. Applications for SB 9 Housing Developments are eligible for ministerial approval on parcels located within a single-family residential zoning district.
- B. To be eligible for an SB 9 Housing Development, the proposed housing development shall meet all of the following criteria:
  - 1. Not be located on a site as identified in Government Code Section 65913.4(a)(6)(B) to (K), or as amended:
  - 2. Does not require the demolition or alteration of:
    - a. Housing subject to: (1) a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low or very low income;

- b. Housing occupied by tenant(s) in last three years as determined by the City based on City records or information requested by the City from the applicant
  - 3. Owner has not exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within last 15 years.
  - 4. Does not demolish more than 25 percent of existing exterior structural walls if the site has been occupied by a tenant in the last three years.
  - 5. Is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance. For purposes of this chapter, this includes the properties located within the Landmark and Historic Preservation Overlay Zone, or included in the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation.
- C. For urban lot splits, the following criteria must also be met:
- 1. Parcel has not been established through exercise of an urban lot split, as provided for in this chapter.
  - 2. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this chapter. For the purposes of this criterion, "Adjacent parcel" means a parcel sharing any portion of its lot line(s) with the parcel being subdivided using the provisions of the urban lot split.

**18.31.050 Procedure and application - Required information for all SB 9 housing developments.**

- A. An application for an SB 9 Housing Development shall be made to the Zoning Administrator on a form prescribed by the Director which shall include the following data:
  - 1. Name and address of the applicant;
  - 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
  - 3. Address or description of the property;
  - 4. Statement indicating the precise manner of compliance with each of the applicable provisions of Title 18 together with any other data pertinent to the review prescribed in this chapter.
- B. Plans shall include the contents as required by the SB 9 Housing Development Checklist as prescribed by the Director.
- C. The application shall be accompanied by the items identified by the SB 9 Housing Development Checklist as prescribed by the Director.
- D. An application fee as established by the City Council by resolution.

**18.31.060 Procedure and application - Required information for urban lot split.**

In addition to the information listed in Section 18.31.050, the following shall be provided for projects involving an urban lot split:

- A. The plans for urban lot split shall be prepared by a person qualified to prepare subdivision maps, such as a registered civil engineer, or licensed surveyor. Such urban lot split shall be in full compliance with the requirements of this chapter. Topography and boundaries of said urban lot split shall be certified as to accuracy by a registered civil engineer or licensed land surveyor, and all public improvements shall be designed by a registered civil engineer.
- B. Applicant shall sign an affidavit on a form provided by the City stating the owner intends to occupy one of the housing units on a resulting parcel as his or her principal residence for a minimum of three years from the date of the approval of the urban lot split, except this shall not apply to a community land trust or a qualified nonprofit corporation.
- C. Plans shall include the contents as required by Section 17.20.030 and as required by the appropriate urban lot split checklist as prescribed by the Director or City Engineer.
- D. An application fee as established by the City Council by resolution.

**18.31.070 Density.**

An SB 9 Housing Development does not increase the density of the lot upon which it is located.

**18.31.080 Action of Zoning Administrator.**

- A. An application to create an SB 9 Housing Development, with or without an urban lot split, shall be ministerially reviewed, and either approved or denied, by the Zoning Administrator based on the requirements of this Chapter and application law.
- B. Notwithstanding subsection A, above, an application for an SB 9 Housing Development may be denied if the Chief Building Official or their designee, upon making written findings to the Zoning Administrator or their designee, finds the project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

**18.31.090 Development Standards.**

- A. The standards set forth in this chapter shall not preclude the construction of up two (2) dwelling units per parcel and shall not preclude each dwelling unit from being at least 800 square feet in floor area. To the extent that any development standard precludes such development, the development standard shall be reduced or eliminated only to the extent necessary to allow the development of up to two (2) dwelling units, of at least 800 square feet, per parcel.
- B. All SB 9 units shall have separate utility connections and meters. If an accessory dwelling unit becomes a primary dwelling unit, a separate utility connection for the reclassified unit shall then be required.
- C. All SB 9 units, whether attached or detached, shall be designed for separate conveyance, in accordance with applicable Fire Code and Building Code requirements.

D. Setbacks. SB 9 units shall meet the setbacks established by the zoning district for primary structures except as provided below:

1. Existing Structures. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
2. Interior Side and Rear Setbacks. SB 9 units shall be setback from interior side and rear lot lines a minimum of four (4) feet.
3. Exterior Side Setbacks. On the street side of a corner lot, the street side yard shall not be less than ten (10) feet.

E. Height. SB 9 units shall be subject to the height limitations established by the zoning district for primary structures except

1. The maximum height of the portion of a SB 9 unit located between the four-foot setback line established by this chapter and the limit of the rear, side, or street side yard area established by zoning district is 16 feet, as measured from the lowest grade adjacent to the structure to the highest ridge or top of the structure.

F. Lot Coverage. SB 9 units on the same parcel shall be cumulatively limited to the lot coverage allowed by the residential zoning district that the parcel is located, except that in no case shall a single unit be larger than 2,000 square feet.

G. Building Separation. SB 9 units shall be separated from accessory structures on the same parcel, parcels resulting from an urban lot split, or adjacent parcels by a minimum of five (5) feet, except that the distance between a main structure and an accessory structure shall be allowed to be closer than six feet if all the following conditions are met:

1. These separation requirements would cause SB 9 unit to conflict with the minimum setbacks or unit size otherwise allowed by this chapter.
2. All of the requirements of the Building and Fire Codes are met.
3. If accessory structures are not located closer than four feet to any side or rear lot line.

H. Parking. One off-street, covered and enclosed parking space shall be provided per SB 9 unit, except if the parcel is located:

1. Within one-half mile walking distance of either a high-quality transit corridor (as defined by Section 21155 of the California Public Resources Code) or a major transit stops (as defined by Section 21064.3 of the California Public Resources Code); or
2. Within one block of a permitted car share vehicle location.

Transit frequency shall be based on the schedule posted by the transit agency at the time of the issuance of the first "completeness" letter issued by the city following submittal of the application.

I. Addressing. Street addresses shall be assigned to all units to assist in emergency response prior to building permit issuance. An address shall be placed at the front of the lot, visible from the

public right-of-way, and at the main entrance to the unit (if not visible from the public right-of-way).

- J. Except where indicated in this chapter, SB 9 Housing Developments shall comply with other Zoning and Building Code requirements generally applicable to residential construction in the applicable zone where the property is located.
- K. Development standards set forth in a planned unit development or specific plan shall apply to any SB 9 Housing Development except that any such planned unit development or specific plan standard cannot be applied if it would either: (1) result in a conflict with standards set forth by state law for an SB 9 housing development; or (2) preclude an SB 9 Housing Development that meets the applicable requirements of state law or this chapter.
- L. SB 9 Housing Development shall comply with the following owner occupancy requirements:
  - 1. In the case where there is no urban lot split, rental of any accessory dwelling unit or junior accessory dwelling unit associated with a Primary or SB 9 unit shall be as specified in Chapter 18.34.
  - 2. In the case where there is an urban lot split, the applicant shall sign an affidavit on a form provided by the City stating that the applicant intends to occupy one of the dwelling units as his or her principal residence for a minimum of three years from the date of approval of the urban lot split.
- M. Rental of any SB 9 unit shall be for more than 30 consecutive days.

#### **18.31.100 Subdivision Standards - Urban lot split.**

Notwithstanding Title 17 of this code, the City shall ministerially approve a parcel map for an urban lot split, subject to meeting all of the requirements in this chapter.

- A. The urban lot split shall result in no more than two parcels and one of the two parcels resulting from the urban lot split shall not be smaller than 40 percent of the lot area of the original parcel.
- B. The newly created parcels shall conform to all of the following standards:
  - 1. Each lot shall be a minimum size of 1,200 square feet.
  - 2. The side lot lines of all lots, to the extent possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces.
  - 3. Each parcel shall provide for direct vehicular access to and have a minimum frontage of 30 feet on the public right-of-way, except for flag lots, where the frontage shall be the width needed to meet access standards as specified in this chapter.
  - 4. Lot depth shall not exceed two times the lot width except as provided below.
    - a. The Director may approve a lot depth between two and three times the width where, based on the physical characteristics of the land, a greater lot depth

would result in a better lot configuration considering the established development pattern in the area and efficient utilization of land.

C. Flag lots, if proposed, shall meet the following standards:

1. A flag lot shall be allowed with an urban lot split in a situation where a conventionally configured lot would not allow for a second lot of at least 1,200 square feet, accommodating two housing development units of at least 800 square feet each.
2. Front, side, and rear yards for the purposes of identifying required setbacks shall follow the orientation established by the adjacent lots unless otherwise determined by the zoning administrator and/or their designee.
3. The minimum width of the access corridor portion of the flag lot shall be 12 feet paved, except where greater width is required for Fire Department access.
4. A fence may be constructed between the access corridor of a flag lot and the adjacent parcel consistent with the requirements listed in Section 18.32.040, except that the fence height may not exceed three (3) feet within the front yard area of the adjacent property.
5. All fire code requirements shall be met including, but not limited to: access, driveway length and width, turnarounds, clearance, road grades, fire hydrant connections.

D. Driveways shall conform to the minimum standards set by the Public Works Department standard detail STD-201, or as specified in the Fire Code if emergency vehicle access is required.

E. Two driveways on less than 70 feet of total frontage are permitted only when necessary to provide access to both parcels resulting from the urban lot split. In this case, either the aggregate width of two separate driveways or a combined shared driveway must comply with the dimensions set forth by the Public Works Department standard detail and the driveway shall be configured to avoid unnecessary loss of available curbside parking in the neighborhood. Shared driveways and shared curb cuts are encouraged whenever possible.

F. Public service easements shall be provided within the subdivision where required for public utility purposes, in accordance with Title 17 of this code.

G. All uses on each newly created parcel shall be limited to permitted residential uses under Section 18.32.020.

**18.31.110 Design Standards**

All SB 9 Housing Developments shall meet the following standards:

- A. The standards set forth in this chapter shall not preclude the construction of up to two SB 9 units per parcel and shall not preclude each SB 9 unit from being at least 800 square feet in floor area.
- B. Building Facades and Materials.

1. No façade facing a public right-of-way shall run in a continuous plane of more than ten (10) feet and no façade facing an interior lot line shall run in a continuous plane of more than fifteen (15) feet without incorporating one or more of the following:
    - a. A vertical wall shift at least one foot in depth;
    - b. A change in material type;
    - c. Windows or building entrances;
    - d. A projection such as a stoop, bay window, or overhang; or
    - e. Exceptions. Exceptions may be granted by the Director where the Director finds that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.
  2. A minimum of three (3) exterior colors or a combination of materials and colors shall be used on the building façade.
    - a. Stucco must be used in combination with a secondary material.
  3. Transitions for both materials and colors shall be located at internal corners.
    - a. Exceptions. Exceptions may be granted by the Director where the Director finds that transitions in other locations create visual variety or to accommodate a complete architectural style.
  4. Second-story facades shall incorporate the following:
    - a. A minimum of a six (6) foot inset from the front wall plane;
    - b. A minimum of an eighteen (18) inch inset from the side and rear wall plane;
    - c. Exceptions. Exceptions may be granted by the Director to accommodate a complete architectural style or alternative detailing that complement the architectural character of the existing development or neighborhood.
  5. Where chimney extensions are involved, the extension shall incorporate the same materials as the existing chimney.
- C. Windows and glazing.
1. All windows shall incorporate the following:
    - a. Trim at least three (3) inches in width must be provided around all windows, or
    - b. Windows must be recessed at least two (2) inches from the plane of the surrounding exterior wall.
    - c. Exceptions may be granted by the Director to accommodate alternative window design complementary to the architectural style of the structure.
  2. Upper story windows located less than ten (10) feet from side and/or rear lot lines and facing side and/or rear yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one of the following techniques:

- a. The sill height located a minimum of sixty (60) inches above the finished floor.
- b. The location of the window is such that the centerline of the glazing is offset greater than fifteen (15) lateral feet from the centerline of any glazing on an existing adjacent primary structure.
- c. Any window located partially or entirely below sixty (60) inches from the finished floor consists of frosted or obscured glazing.

As used in this section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.

#### D. Roof form and detailing.

- 1. New structures shall provide a roof pitch no less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.
  - a. Mansard roofs shall be prohibited.
- 2. SB 9 units resulting from alterations or additions to an existing structure shall provide the same roof form, material, and color as the existing structure.
- 3. New buildings shall provide a roofing material that is the same as the predominant roofing material throughout properties within 100 feet.
- 4. Roof material and color shall be the same throughout the entirety of the roof.
- 5. Overhanging eaves shall extend a minimum of twelve (12) inches beyond the supporting wall.
- 6. The roof form and materials of garages shall be the same as the materials and detailing of primary and SB 9 units.
- 7. Exceptions. Exceptions may be granted by the Director to accommodate a complete architectural style or alternative roof forms and detailing that complement the architectural character of existing development.

#### E. Principal Entrances.

- 1. Each street frontage shall have at least one principal entry oriented toward it.
- 2. The principal entrance may be an individual entrance to a single unit or a shared entrance that provides access to more than one unit.
- 3. The principal entry shall be emphasized utilizing at least one (1) of the following methods:
  - a. A projection (e.g., overhang) with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
  - b. A recess a with a minimum depth of three feet and a minimum horizontal area of thirty (30) square feet.
  - c. A landing, deck, porch, or stoop with a minimum six (6) foot by six (6) foot area.

4. Street-facing front entries shall be clearly identifiable and connected to the public street by a pedestrian path with a minimum width of three (3) feet.
5. Exceptions. The Director may approve alternative principal entrance designs that create a welcoming entry feature such as a trellis, landscaped courtyard entry, enhanced walkway, columns or other architectural features.
- F. Balconies. Usable balconies and upper-story decks are prohibited on SB 9 units. Decorative/faux balconies that are less than two feet in depth and are not accessible from the unit are allowed.
- G. Exterior Stairways. Exterior stairways providing access to an upper story are prohibited.
- H. Walls, Fences and Hedges. Walls, fences, and hedges shall meet the requirements identified in Section 18.32.040.
- I. Mechanical and utility equipment shall be concealed as viewed from the public right-of-way. Ground-mounted equipment shall be screened by a combination of walls or fencing and landscaped plant material up to a maximum height of three (3) feet. In no case shall screening cause a sight obstruction to pedestrian, bicycle, or vehicular traffic as determined by the City Engineer. Roof mounted equipment shall be screened by the use of architectural screens or roof wells.
- J. Storage of waste containers shall not be located within private driveways or be visible from the public right-of-way.
- K. SB 9 Housing Developments shall comply with the following landscaping requirements:
  1. Lots with aggregate new landscaped area equal or greater to 500 square feet or replaced landscaped area equal or greater to 2,500 square feet shall comply with the Chapter 18.112 water efficient landscaping and the City's Residential Landscape Standards Policy Statement.
  2. Front yard landscaping shall comply with the requirements listed in Section 18.32.115.
  3. Landscaping used to screen views of storage areas, trash enclosures, mechanical or HVAC equipment, irrigation and plumbing equipment, and transformers shall be a maximum of three (3) feet in height. In no case shall screening cause a sight obstruction to pedestrian, bicycle, or vehicular traffic as determined by the city engineer.
- L. Garages constructed for SB 9 units shall meet the following standards:
  1. Garages shall comply with the standards identified in Section 18.32.160(C).
  2. Detached garage shall comply with the standards identified in Section 18.32.020(I).
  3. Front entry attached garages shall be articulated and offset from the adjacent wall plane.
  4. Garage doors located in a stucco wall shall be recessed a minimum of three (3) inches from the surrounding building wall.
  5. Garage doors located in wood clad (or similar) siding, or masonry walls shall provide surrounding trim with a minimum width of three (3) inches

## Chapter 18.32 – Residential Districts

### 18.32.020 Permitted uses.

A use that is not listed here or in Section 18.32.030 is not a permitted use. The following uses shall be permitted:

- A. Uses lawfully established on the effective date of the ordinance codified in this chapter.
- B. In RS and R districts, one (1) family dwellings, including site-built or modular homes.
- C. In RS and R districts, manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, subject to the following requirements:

1. All provisions of this title applicable to one (1) family residential structures shall apply unless preempted by State law.

1.2. Each unit shall be provided with a continuous concrete foundation and permanent utility connections, and conform to all applicable building, plumbing, electrical and fire codes.

~~2. All provisions of this title applicable to one (1) family residential structures shall apply unless preempted by State law.~~

~~3. Exterior treatment of the unit, including roof eaves, roof pitch, roofing and siding material, and of any garage or other accessory structure located on the same site shall be compatible with conventional site-built housing in the vicinity. The following criteria shall be met to ensure the compatibility of manufactured homes with surrounding residential uses:~~

~~a. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.~~

~~b. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.~~

~~c. The roof of the manufactured home shall have a pitch of not less than two and one-half (2 1/2) inches of vertical rise for each twelve (12) inches of horizontal run.~~

~~d. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.~~

~~e. The exterior siding material and roof of the enclosed garage required for the mobile home shall be the same as that of the manufactured home.~~

~~f. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.~~

~~g. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the vicinity. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.~~

- D. In RM districts, multifamily dwellings, semi-detached single-family dwellings containing not less than two (2) units, and attached dwellings.
- E. Room, room and board, or boardinghouses for not more than two (2) paying guests in the R and RS districts; lodging rooming houses in the RM 1500 district.
- F. Raising for noncommercial purposes of fruit and nut trees, vegetables and horticultural specialties.
- G. Home occupations, subject to the following conditions:
  - 1. That the home occupation shall be conducted within a primary or accessory dwelling unit by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
  - 2. That the home occupation shall not be conducted in an accessory structure or in an attached garage;
  - 3. That not more than twenty percent (20%) of the floor area of the dwelling shall be devoted to the conduct of the home occupation;
  - 4. That an attached garage or detached accessory structure shall not be used as living or sleeping quarters in order to conduct the home occupation within the dwelling;
  - 5. That the entrance to the area devoted to the home occupation shall be from within the dwelling;
  - 6. That there shall be no exterior alteration of the dwelling and there shall be no internal alterations or construction features not customary in a dwelling;
  - 7. That there shall be no show window or window display to attract customers, clients or the general public, and no sign shall be displayed other than a non- illuminated name plate not exceeding one and one-half (1-1/2) square feet in area, which shall be located flat against the wall or window of the dwelling;
  - 8. That no one other than a resident of the dwelling shall conduct business from the dwelling; employees working off-site only may be allowed;
  - 9. That there shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation, that no ~~radio or television~~electronic interference shall be created, and that the conduct of the home occupation shall not create any noise audible beyond the boundaries of the site;
  - 10. That a maximum of one (1) vehicle shall be associated with the home occupation. The vehicle associated with the home occupation shall be parked in an enclosed garage or under a designated carport when not in use. If the ~~property lot~~ does not have a garage or carport, then the vehicle shall park in an approved driveway on the ~~property lot~~;

11. That there shall be no storage of equipment or supplies in an accessory structure, in an attached garage, or outside of the dwelling, except that equipment or supplies incidental to a service performed off of the premises may be stored in one (1) truck of not more than one-half (1/2) ton capacity;
12. That the conduct of the home occupation shall not create excessive pedestrian, automobile or truck traffic in the vicinity;
13. That the following uses shall not be permitted:
  - a. Organized classes in music, dancing, art, drama, self-defense, business and the like, except that the instruction of one (1) pupil at a time shall be permitted;
  - b. Personal service establishments such as commercial photo studios, beauty parlors, massage parlors, barber shops, health studios, self-improvement courses and the like;
  - c. Repair services such as repair of household appliances, furniture, electronic equipment, automobiles and their parts, and the like and handicraft work such as woodwork, cabinetry, metal working, welding and the like;
  - d. The sale and trade of goods or products such as firearms, ammunition, fireworks, hazardous chemicals, or any product that has the potential to cause injury if improperly handled and is therefore unsuitable for home occupation as determined by the Zoning Administrator;
  - e. Uses that involve the use of a vehicle that cannot not fit into a standard residential garage (i.e., shuttles, trucking, construction), unless there is evidence of dedicated off-site parking;
  - f. Automobile sales;
  - g. Food preparation, except that cottage food operators consistent with the California Homemade Food Act shall be permitted.
  - h. Microenterprise Home Kitchen Operations (MEHKO), except for MEHKO operating with a valid Alameda County Department of Environmental Health Permit, and that do not create a nuisance.
- H. Swimming pools, spas, and related equipment located on the same site with a permitted use, subject to the locational criteria for detached accessory structures.
- I. Accessory structures located on the same site with a permitted use, including private garages and carports, storage sheds, gazebos, greenhouses, workshops, and similar structures, shall be subject to the following conditions and the design criteria listed in Section 18.32.125:
  1. Attached Aaccessory structures shall be subject to the following conditions:
    - a. Attached accessory structures may be attached to and that share have a common wall with the main structure on a site; provided, that the attached accessory structure is shall not be used for additional living or sleeping

purposes, unless legally converted into an accessory dwelling unit consistent with all provisions listed in Chapter 18.34.

a.b. Attached accessory structures ~~and~~ shall provide the same front, side and rear yards as required for the main structure except that an attached patio cover and/or enclosed patio may encroach into the required rear yard area from the main structure when:

- i. There remains at least ten (10) feet of clear, open space from the nearest projection of the patio cover eaves ~~or screening material~~ to the rear property lot line;
- ii. The height of the structure at its maximum vertical projection shall be twelve (12) feet, and may go up to fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade;
- iii. Maximum site coverage allowed in the residential zoning district is not exceeded.

2. Detached accessory structures shall be subject to the following conditions:

a. ~~9.~~ A detached accessory structure shall not be used for additional living or sleeping purposes, unless legally converted into an accessory dwelling unit consistent with all provisions listed in Chapter 18.34

b. Detached accessory structures over four hundred fifty (450) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72.

c. ~~b.~~ If the total square footage of all detached accessory structures exceeds four hundred fifty (450) square feet, then the structure(s) which brings the combined total building coverage above four hundred fifty (450) square feet, and all subsequent structures, shall be subject to administrative site development review approval in accordance with Chapter 18.72.

d. ~~10.~~ Detached accessory structures which propose water or sewer utility connections shall be subject to administrative site development review approval in accordance with Chapter 18.72

e. Setbacks

i. Detached accessory structures shall be located not closer than five (5) feet from any other structure, four (4) feet to a side or rear property lot line.

ii. ~~3.~~ Detached accessory structures shall be located on the rear half of the lot or site and in no case forward of the main structure

iii. ~~4.~~ On a corner site, detached accessory structures shall have a side street setback of twenty (20) feet (where the rear yard abuts the side

yard of a key lot), with a rear yard of four (4) feet, except, where the rear yards of corner lots adjoin the side street, setback may be ten (10) feet in the RM district and fifteen (15) feet in the RS district.

~~i.iv. 5.~~ On a corner site, garages and carports which are entered perpendicular to and from across the side ~~property lot~~ line adjoining the street shall be located not closer than twenty (20) feet to such ~~property lot~~ line

~~ii.v. 6.~~ On a lot with double frontage, detached accessory structures shall not be located closer to either street than the front yard as required for the main structure

~~f. Height. Detached accessory structures~~ Such structure(s) shall be limited to one (1) story, with a maximum height of twelve (12) feet, and may go up to fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade. ~~Eaves and projections shall meet the standards of the California Building Standards Code.~~

~~g. Lot coverage~~ 7. In all RS and RM districts, detached ~~Detached~~ accessory structures shall cover not more than thirty percent (30%) of the actual rear yard.

~~b.h. 8.~~ The roof of a detached accessory structure shall not be used as a deck or floor.

~~3. Detached accessory structures shall be located on the rear half of the lot or site and in no case forward of the main structure.~~

~~4. On a corner site, detached accessory structures shall have a side street setback of twenty (20) feet (where the rear yard abuts the side yard of a key lot), with a rear yard of four (4) feet, except, where the rear yards of corner lots adjoin the side street, setback may be ten (10) feet in the RM district and fifteen (15) feet in the RS district.~~

~~5. On a corner site, garages and carports which are entered perpendicular to and from across the side property line adjoining the street shall be located not closer than twenty (20) feet to such property line.~~

~~6. On a lot with double frontage, detached accessory structures shall not be located closer to either street than the front yard as required for the main structure.~~

~~7. In all RS and RM districts, detached accessory structures shall cover not more than thirty percent (30%) of the actual rear yard.~~

~~8. The roof of a detached accessory structure shall not be used as a deck or floor.~~

~~9. A detached accessory structure shall not be used for additional living or sleeping purposes, unless legally converted into an accessory dwelling unit consistent with all provisions listed in Chapter 18.34.~~

~~10. Detached accessory structures which propose water or sewer utility connections shall be subject to administrative site development review approval in accordance with Chapter 18.72.~~

~~11. Detached accessory structures such as arbors, trellises, and other decorative structures, which have a roof element but do not have any walls or contain habitable space, shall be restricted in height to twelve (12) feet at its maximum vertical projection above grade and shall be set back three (3) feet from any side and rear property line. Such structures shall maintain a minimum three (3) foot setback from the primary residence. Eaves and gutters may project into the required side and rear yard setbacks in accordance with Section 18.24.050 (Bulk regulations—Permitted obstructions in required yards).~~

3. No accessory building or structure shall be constructed on any lot prior to the time of construction of the primary residence to which it is accessory.

- J. Canopy and/or tent structures are prohibited from front yards and exterior side yards, except ~~to~~ be allowed temporarily four (4) times within a calendar year, each time for up to seven (7) calendar days, with a maximum of one (1) extension per calendar year for one (1) of the four (4) times for an additional seven (7) day period. Temporary canopy and/or tent structures shall not exceed two hundred (200) square feet. ~~For purposes of definition, canopy and/or tent structures are distinguished from vehicle covers in that canopy and/or tent structures are constructed of fabric or pliable material that are structurally supported by some mechanism other than the contents they are protecting. Vehicle covers are constructed of fabric or pliable materials that are directly supported by the vehicle(s) they are protecting with no structural supports. Vehicle covers are therefore exempt from these requirements.~~

~~1. No accessory building or structure shall be constructed on any lot prior to the time of construction of the primary residence to which it is accessory.~~

K. Decks and Balconies consistent with the provision listed in Section 18.32.045

L. Storage containers

1. Storage Containers may be stored on private property for up to ten (10) days.

2. Storage containers proposed to remain on private property for more than ten (10) days and storage containers over one hundred twenty (120) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72. Storage containers shall be stored on private property, driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways.

3. Storage containers to be used during active construction shall require approval by the Community Development Department.

~~2.4.~~ The property owner, resident tenant or lessee shall obtain all necessary permits prior to bringing storage containers on site.

~~K.M.~~ Amateur radio antennas and antenna structures constructed by or for FCC licensed amateur radio operators that, when fully extended, measure forty (40) feet or less in height and twenty-four (24) inches or less in diameter with an antenna boom measuring less than twenty

(20) feet in length are subject to administrative site development review approval in accordance with Chapter 18.72 and the provisions of Section 18.32.190.

~~L.N.~~ Temporary subdivision sales offices in accord with the provisions regulating temporary subdivision signs and sales offices.

~~M.O.~~ \_\_\_\_\_ Agricultural uses including nurseries.

~~N.P.~~ \_\_\_\_\_ Large family child care homes in all areas zoned to allow single-family or multifamily residential uses subject to approval(s) from the State of California ~~Community Care Licensing Division.~~

~~O.Q.~~ \_\_\_\_\_ Duplexes on corner lots when constructed as part of the affordable housing obligation as provided in Chapter 18.33. Duplexes shall meet the front, rear and street side yard setback of the district in which they are located. Exceptions to the setback standards may be granted by approval of a use permit.

~~P.R.~~ Repairs to automobiles and other vehicles or equipment shall be limited to minor repair on vehicles or equipment owned by a resident of the premises that may be stored within a private garage. Minor repair shall include minor adjustment or repair to mechanical, electrical systems, small parts replacement, brake pad and wheel replacement or repair, and shall not include engine, transmission or drive train removal or replacement, frame or body and fender work, welding or painting. Minor repair work when done in public view shall be completed in a timely manner and no vehicle shall be left unattended on jacks or temporary supports. Repair work shall not be done in the public right-of-way.

~~Q.~~ ~~Mechanical equipment (e.g., generators, air conditioners, etc.) located within five (5) feet of a property line shall be screened or enclosed with sound insulated materials. Any noise emitted from the equipment shall not exceed seventy (70) decibels at the property lines.~~

#### **18.32.040 Walls, fences and hedges.**

- A. Walls, fences and hedges located in any residential district shall be subject to the following height, location and design restrictions. ~~All fences over six (6) feet in height shall be subject to issuance of a building permit.~~
1. In the required rear ~~yard~~ and ~~in the required~~ interior side yards ~~from the rear setback to the front setback~~, the maximum height shall be six (6) feet as measured above the surface of the ground, except that an additional one and one-half (1-1/2) foot of lattice may be added above a six (6) foot high fence ~~per approval by the Director and issuance of a building permit.~~
  2. Height Exception. Fences a maximum of eight (8) feet in height may be allowed in the required rear yard or ~~in the required~~ interior side yards ~~from rear property line to the front setback~~ when the yard abuts a flood control channel, ~~a~~ railroad, ~~a~~ park, ~~a~~ licensed residential care or health facility, ~~a~~ school, ~~a~~ child care center, commercial use, industrial use or major arterials, including Alvarado-Niles Road, Dyer Street, Decoto Road, Whipple Road, Union City Boulevard, Mission Boulevard, Alvarado Boulevard and Lowry Road. Soundwalls are exempted from height restrictions when they are part of a

site development review approval of a subdivision. The owner of the lot on which an eight (8) foot fence is constructed in accordance with this subsection shall reduce the fence height to six (6) feet within thirty (30) calendar days of the removal, relocation, or the termination of operations of the adjacent facility ~~or use, school or center~~. When an eight (8) foot fence adjoins a fence of a lower height at any point other than at the intersection of two (2) or more ~~property lot~~ lines, the eight (8) foot fence shall be designed to step or slope down to the height of the adjoining fence ~~or six (6) feet, whichever is greater in height~~.

3. ~~When located in~~ the ~~required~~ front yard, the maximum height shall be three (3) feet above the surface of the ground.
4. On corner and reverse corner lots, the maximum height shall be three (3) feet in the ~~side street exterior~~ side yard, except that fences ~~a maximum of six (6) feet in height meeting the other requirements listed in Section 18.32.040(A)~~ may be permitted when located ten (10) feet from the side street lot line and at least thirty-five (35) feet from the front lot line, but not closer to the front lot line than the front face of the structure.
5. On lots developed with ~~multiple~~ family residential uses, fences a maximum of eight (8) feet in height may be permitted to enclose interior private open space areas at the end units of building clusters. Interior private open space areas are those areas which are located between a building unit and a garage or other structure.
6. In all districts, the design of fences and walls, and materials used in construction, shall aesthetically complement the yard area, ~~and~~ be compatible with neighboring yards, fences and structures, ~~and be subject to review and approval by the city prior to construction~~. Acceptable materials are deemed to be natural materials such as wood, masonry and earth materials, and do not include metal, plastic or other similar materials where such fences and structures are intended to exceed three (3) feet above the surface of the ground.

B. Retaining walls. Retaining walls located in any residential district, except for those located in the hillside combining district, shall be subject to the following restrictions.

1. A retaining wall which is not part of a building shall not exceed three (3) feet in height.
2. Fencing on top of a retaining wall is permitted when the total height of both the wall and fence do not exceed the applicable maximum height requirement in Section 18.32.040.A.
3. The sides of exposed exterior retaining walls shall be architecturally treated.
4. Exceptions. Exceptions may be granted by the director where the director finds that no practical alternative exists, the purpose of the regulation will not be compromised, and no detrimental impact will result.

**18.32.045 Decks and balconies.**

- A. Decks ~~and balconies~~ no more than ~~eighteen~~twelve (128) inches above the average level of the adjoining ground ~~and one hundred and twenty (120) square feet in area may encroach into any required setback.~~shall meet the setback and size requirements for accessory structures as provided in Chapter 18.32.020
- B. ~~A d~~Decks ~~or a balcony~~ over ~~eighteen~~twelve (128) inches high ~~or one hundred and twenty (120) square feet in area shall be located within the area of the lot allowed for principal dwellings by the zoning ordinance and must conform to the required front, rear and side yard setbacks of the zoning district in which they are located~~but less than thirty (30) inches in height are subject to the following conditions:-
1. Provide a minimum setback of at least ten (10) feet from any side or rear lot line.
  - 1-2. Conform to the required front setback as established by the zoning district in which they are located.
- C. Attached decks and balconies over ~~four~~thirty (304) ~~feet-inches~~ in height shall be subject to administrative site development review approval in accordance with Chapter 18.72, and are subject to the following conditions:
1. Conform to the required front setback for the main structure as established by the zoning district in which they are located
  2. ~~Provide~~required to provide a minimum setback of at least fifteen (15) feet from any side or rear property lot line.
  3. Where the end section of the deck or balcony directly overlooks an adjoining side yard ~~to the side~~, a solid end wall or obscure screen may be required.

**18.32.050 Minimum site area.**

- A. The minimum site area shall be as prescribed in the following table:

District	Site Area
RS 10000	10,000 square feet
RS 8000	8,000 square feet
RS 7000	7,000 square feet
RS 6000	6,000 square feet
<del>RS 6000D</del>	<del>4,500 square feet</del>
<del>R 5000</del>	<del>5,000 square feet</del>
RS 4500	4,500 square feet
<del>RS(s)</del>	<del>3,465 square feet</del>
<del>RS(s) 3000</del>	<del>3,000 square feet (single family)</del>
	<del>2,660 square feet (duplex)</del>
RM 3500	7,000 square feet
RM 2500	6,000 square feet
RM 1500	6,000 square feet

- B. No residential use shall be established or hereafter maintained on a lot recorded after the effective date of the ordinance codified in this chapter which is of less area than prescribed hereinafter for such use in the zoning district wherein it is to be located.
- C. In any residential district on a lot of record on the effective date of the ordinance codified in this chapter a ~~living~~ dwelling unit may be established on a lot not less than three thousand seven hundred fifty (3,750) square feet provided that all other requirements of the ordinance codified in this chapter are met. Lots created under Chapter 18.31 may be developed in accordance with the requirements of said chapter if less than three thousand seven hundred fifty (3,750) square feet.
- D. No existing residential building shall be converted so as to conflict with, or further conflict with, the lot area per dwelling unit requirements of the district in which such dwelling is located.
- E. Any lot intended for semidetached single-family dwellings, as defined, shall not be less than three thousand (3,000) square feet in area in RS and RM districts.

**18.32.060 Site area per dwelling unit.**

- A. In the single-family residential districts including the R, RS, RS(s) and 511 districts, no more than one (1) principal dwelling unit and one (1) accessory dwelling unit shall be located on each site unless otherwise permitted under Chapter 18.31.
- B. In RM districts, the minimum site area per dwelling unit shall be as prescribed in the following table; provided, that if after dividing the area of the site by the area required for each dwelling unit, a remainder of ninety percent (90%) of the area required for an additional dwelling unit is obtained, one (1) additional unit may be located on the site.

District	Site Area per Dwelling Unit (in square feet)
RM 3500	3,500
RM 2500	2,500
RM 1500	1,450 <sup>1</sup>

<sup>1</sup> Sites located in the Housing Element (HE) Overlay Zone shall provide 1,450 to 2,178 square feet of site area per dwelling unit as required by Chapter 18.116.

**18.32.090 Front yard.**

- A. ~~In the RS districts~~ The minimum front yard shall be twenty (20) feet
  - 1. ~~Except that in the RS 10000 and RS 8000 districts the minimum front yard shall be twenty-five (25) feet.~~
- A.B. In the RM districts, the required front yard may be reduced by five (5) feet when all required off-street parking spaces are located on the rear half of the site or are entered parallel to the front property ~~lot~~ line of the site.

**18.32.100 Side yards.**

- A. The minimum side yard for a permitted use shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than ten (10) feet shall be required and a side yard of not less than five (5) feet shall be permitted subject to the following exceptions:

1. An interior side yard providing access to a dwelling or dwelling units shall not be less than twelve (12) feet wide, with the exception of access to accessory dwelling units in R and RS districts, where the minimum side yard standards are permitted. Where the side yard provides access to off-street automobile parking, it shall be not less than twelve (12) feet and shall be paved to a ten (10) foot width. A street side yard of a corner lot providing access to a dwelling or dwelling units shall be regulated by the street side yard setbacks for the district.
2. In RM districts, where a side ~~property lot~~ line of a site adjoins an RS district and private rear yard spaces of individual units are proposed to be located along the side ~~property lot~~ line, a side yard setback of not less than twenty (20) feet shall be required.
3. In the RS districts, with the exception of the RS 4500 district where ten (10) feet is permissible, on the street side of a corner lot, the side yard shall be fifteen (15) feet. In the RM districts, the street side shall be ten (10) feet.
4. In the RS 4500 district:
  - a. Side yards may be eliminated on one (1) side (zero side yard); provided, that the side wall contains no windows or other openings. An interior side yard must be maintained on at least one (1) side of dwellings on adjoining lots where side yards are aggregated on a single side. Where dwellings are placed on the zero lot line and where a one-story structure is adjacent to another one-story structure on an adjacent lot, the minimum separation between structures shall be ten (10) feet. In no case shall a dwelling be located closer than ten (10) feet to the nonzero lot line side ~~property lot~~ line.
  - b. Where dwellings are placed on the zero lot line and where a one-story structure is adjacent to a two-story structure on an adjoining lot or when a two-story structure is adjacent to another two-story structure on an adjacent lot, the minimum separation between structures shall be fifteen (15) feet. Second-story additions to existing single-family dwellings placed on the zero lot line are exempt from the increased side yard building separation provision stated above, but a minimum side yard of ten (10) feet must be maintained on one (1) side.
- ~~5. —On two-story single-family dwellings, side wall windows at the second-story level adjoining a required side yard shall not be so placed as to directly overlook a yard on an adjoining lot unless no other alternative is possible. In such cases, obscure glazing or other appropriate mitigation measure to ensure privacy may be required. Where the end section of a deck or balcony directly overlooks an adjoining yard to the side, a solid end wall or obscure screen may be required.~~
- B. The minimum side yard for a conditional use and its accessory structures shall be ten percent (10%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than ten (10) feet shall be permitted, subject to the following exceptions:

1. In the RS districts, on the street side of a corner lot, the side yard shall be not less than twenty (20) feet.
2. In the RM districts, on the street side of a corner lot, the side lot shall be not less than fifteen percent (15%) of the width of the site; provided, that a side yard of not more than twenty (20) feet shall be required and a side yard of not less than fifteen (15) feet shall be permitted.
3. One (1) foot shall be added at ground level to each interior side yard for each two (2) feet of height by which the structure exceeds twelve (12) feet.

~~3.4.~~ Single-family residential uses within the H- combining district are subject to the setbacks for permitted uses provided in Section 18.32.100(A)

**18.32.125 Design criteria.**

The following design criteria shall be used to evaluate new construction and additions or modifications to existing structures within residential districts:

A. Single-family manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, are subject to the following design criteria:

1. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.
2. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.
3. The roof of the manufactured home shall have a pitch of not less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.
4. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.
5. The exterior siding material and roof of the enclosed garage shall be the same as that of the manufactured home.
6. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.
7. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the vicinity. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.

B. Single-family dwellings, including site-built, modular homes, and additions and modifications to existing structures, shall be compatible with the scale, bulk, style, and character of dwellings in the vicinity, and shall incorporate the following design criteria:

The Director or appropriate decision-body may grant exceptions to the following design standards to accommodate a complete architectural design, to ensure Neighborhood compatibility, or where they find that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.

1. Building Facades and Materials:

- a. No façade facing a public right-of-way shall run in a continuous plane of more than ten (10) feet and no façade facing an interior lot line shall run in a continuous plane of more than fifteen (15) feet without incorporating one or more of the following:
  - i. A vertical wall shift at least one (1) foot in depth;
  - ii. A change in material type;
  - iii. Windows or building entrances;
  - iv. A projection such as a stoop, bay window, or overhang.
- b. A minimum of three (3) exterior colors or a combination of materials and colors shall be used on the building façade.
  - i. Stucco must be used in combination with a secondary material.
- c. Transitions for both materials and colors shall be located at internal corners.
  - i. Wainscoting shall wrap onto the side elevations and shall continue until the fence line or till no longer visible from the right of way. This distance shall not be less than 5 feet.
- d. Second-story facades shall incorporate the following:
  - i. A minimum of a six (6) foot inset from the front wall plane
  - ii. A minimum of an eighteen (18) inch inset from the side and rear wall plane
- e. Where chimney extensions are involved, the extension shall conform in design and materials with the existing chimney.

2. Windows and glazing.

- a. All windows shall incorporate the following:
  - i. Trim at least three (3) inches in width must be provided around all windows, or
  - ii. Windows must be recessed at least two (2) inches from the plane of the surrounding exterior wall.
- b. Upper story windows located less than ten (10) feet from and facing rear or side yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one of the following techniques:

- i. The sill height located a minimum of sixty (60) inches above the finished floor.
- ii. The location of the window is such that the centerline of the glazing is offset greater than fifteen (15) lateral feet from the centerline of any glazing on an existing adjacent primary structure.
- iii. Any window located partially or entirely below sixty (60) inches from the finished floor consists of frosted or obscured glazing.

As used in this section, frosted or obscure glass is glass which is patterned or textured such that objects, shapes, and patterns beyond the glass are not easily distinguishable.

### 3. Roof form and detailing.

- a. New structures shall provide a roof pitch no less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.
  - i. Mansard roofs shall be prohibited
- b. Alterations or additions to an existing structure shall provide the same roof form, material and color as the existing structure.
- c. Roof material and color shall be the same throughout the entirety of the roof.
- d. Overhanging eaves shall extend a minimum of twelve (12) inches beyond the supporting wall.

### 4. Principal Entrance.

- a. The principal entrance shall face the street frontage.
- b. The principal entrance shall be emphasized by utilizing at least one (1) of the following methods:
  - i. A projection (e.g., overhang) with a minimum depth of three (3) feet and a minimum horizontal area of thirty (30) square feet.
  - ii. A recess with a minimum depth of three feet (3) and a minimum horizontal area of thirty (30) square feet.
  - iii. A landing, deck, porch, or stoop with a minimum six (6) foot by six (6) foot area.
- c. The principal entrance shall be clearly identifiable and connected to the public street by a pedestrian path with a minimum width of three (3) feet.

~~A.C. Single-family dwellings, including site built and modular homes, when not part of a subdivision, shall be compatible with surrounding residential uses in terms of siding and roof materials, roof pitch, roof eaves, trim elements and architectural features.~~ Relocated single-family dwellings and their accessory structures shall meet the above-noted design criteria and be subject to the requirements set forth in the ordinance pertaining to house moving permits.

- ~~B.—Single-story additions to existing detached single-family dwellings shall be visually consistent with the existing structure in terms of exterior building materials and roof coverings, and shall be painted to match the existing home. If a prefabricated structure is proposed for the addition, then visually similar exterior building materials shall be used wherever possible on the structure, painted to match the existing home.~~
- ~~C.—Second-story additions to occupied single-family dwellings, including decks or balconies, shall be permitted, subject to the following design criteria:~~
- ~~1.—The scale and bulk of the addition shall be in reasonable proportion to the existing building, consistent with the building's original style, and compatible with the style and character of dwellings in the vicinity.~~
  - ~~2.—Design integrity with the existing building shall be maintained in terms of roof pitch, overhang, color scheme, and window and door frame trim and detailing.~~
  - ~~3.—Second-story additions shall be designed to be visually and aesthetically consistent with the original two-story homes in the neighborhood. Additions shall not be placed over the most forward portion of the dwelling, unless no other design alternative is available. In such cases, inseting of at least six (6) feet, or some other appropriate design solution, may be required.~~
  - ~~4.—Second-story additions shall provide a high degree of variation and dimension along the wall surface of all second floor elevations to avoid large, unarticulated wall areas and reduce massing impacts to neighboring residences. Second floor wall treatments shall include shifts in the horizontal wall plane with a minimum depth of eighteen (18) inches or other architectural elements that provide relief or insets along the wall surface may be required.~~
  - ~~5.—Roof-mounted solar installations shall be compatible with the existing dwelling by:~~
    - ~~a.—Utilizing nonreflective surfaces;~~
    - ~~b.—Maintaining a low profile which in all cases shall be lower than the ridge line.~~
  - ~~6.—Where chimney extensions are involved, the extension shall conform in design and materials with the existing chimney.~~
  - ~~7.—Where flat wall extensions are involved, the entire wall surface, including the existing wall, shall be painted, textured or otherwise treated to avoid the add-on look. Architectural features such as midsection trim bands, relief features, enhanced window treatments and roof trim shall be incorporated into the design.~~
  - ~~8.—Side wall windows facing the near side lot line shall not be placed so as to directly overlook an adjoining yard unless no other alternative is possible. In such cases, obscure glazing or other appropriate mitigation measure may be required.~~
  - ~~9.—Decks or balconies over four (4) feet above the average level of the adjoining ground shall be located no closer than fifteen (15) feet from any side property line. Where the end section of the deck or balcony directly overlooks an adjoining yard to the side, a solid end wall or obscure screen may be required.~~

D. Semidetached Single-Family Dwellings and Multifamily Dwellings.

1. Common interior walls between dwellings where applicable shall be constructed as party walls and shall comply with the provisions of the Uniform Building Code as adopted by the City.
  2. Exterior colors and textures shall not be changed from the original or its equivalent as provided with the original development. In the event of destruction of all or part of the housing unit by fire, earthquake or other cause, it shall be rebuilt in accordance with the approved conditional use permit with the same or equivalent colors and textures. Site development review or administrative site development review approval shall be required for any exterior additions, changes or reductions in yard space from that provided with the original development. No garages shall be converted to living space. There shall be no reduction in livable space or storage space.
- E. Additions to semidetached single-family dwellings shall be compatible with the existing and adjacent residences in terms of materials and design. The addition shall be located and designed so as to not disrupt the privacy of, or create noise impacts on, adjacent residents and yards. Required setbacks and open space for developments located in other than RS 4500 zoning districts shall be established through the use permit process.
- F. All residential development, including new construction and additions, shall be articulated on all elevations. A higher degree of articulation shall be provided on the front elevation defined as the elevation that faces the front ~~property lot~~ line and includes the main entry point to the residence.
- G. Accessory structures over ~~120~~eighty (80) square feet in area shall ~~be compatible with~~have an exterior appearance and character that reflects the existing primary residence in terms of materials and design. The color scheme shall match or be complementary to the existing residence. existing and adjacent residences in terms of siding and roof materials, roof pitch, roof eaves, trim elements and architectural features. The structure shall be located and designed so as to not disrupt the privacy of, or create noise impacts on adjacent residents and yards.
- H. All wood burning appliances installed in new residential units or wood burning appliances being added to or replacing wood burning appliances in existing residential units shall comply with the following regulations. Gas fireplaces shall be exempt from these regulations; however, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood burning appliance and shall be subject to the following regulations. A wood burning appliance shall comply with these regulations if: (1) it is reconstructed; (2) additions, alterations or repairs are made to the appliance that require opening up immediately adjacent walls; or (3) the residential units in which the appliance is located are renovated, and the renovation includes opening up walls immediately adjacent to the appliance. It shall be unlawful to:
1. Use any wood burning appliance when the Bay Area Air Quality Management District issues a "Spare the Air Tonight" warning and when an alternate approved heat source is available;

2. Install a wood burning appliance that is not one of the following: (a) a pellet-fueled wood heater; (b) an EPA certified wood heater; or (c) a fireplace certified by EPA should EPA develop a fireplace certification program;
3. Use any of the following prohibited fuels in a wood burning appliance: (a) garbage; (b) treated wood; (c) plastic products; (d) rubber products; (e) waste petroleum products; (f) paints; (g) paint solvents; (h) coal; (i) glossy or colored papers; (j) particle board; (k) saltwater driftwood.

Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (H)(2) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law

- I. All multifamily developments shall comply with the provisions listed in Chapter [7.04](#) regarding management of waste and recyclable materials.

~~J. Any person who plans to install a wood burning appliance must submit documentation to the Building Division of the City demonstrating that the appliance is in compliance with subsection (H)(2) of this section. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punishable as provided by law.~~

#### **18.32.160 Off-street parking.**

Off-street parking spaces and bicycle parking facilities that are accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as those in general provisions in Chapter [18.04](#).

- A. Required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses, provided that in the RM districts, not more than twenty-five percent (25%) of the accessory parking spaces required for a dwelling, lodging, house, motel or hotel may be rented out on a monthly basis to occupants of other dwellings, lodging rooming houses, motel or hotels.
- B. Off-street parking facilities are to be provided in the following ratio:

1. In the RS district, a minimum of two (2) covered and enclosed parking spaces per unit, ~~both of which must be covered and enclosed.~~

- a. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2) car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.
2. In the RM district, parking shall be provided as follows:
  - a. One and one-half (1.5) spaces per one (1) bedroom or studio unit, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking;

- b. Two (2) spaces per unit with two (2) or more bedrooms, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking.
  3. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the Planning Commission if it is found that a specific use will not create as great a need for off-street parking.
  4. Affordable Housing. For housing developments with one hundred percent (100%) of the units affordable to lower-income households (except for one (1) manager's unit), parking shall be provided at a ratio of one (1) parking space per studio or one (1) bedroom unit, one and one-half (1.5) parking spaces per two (2) bedroom unit, and two (2) parking spaces per three (3) or four (4) bedroom unit.
- C. Size.
  1. ~~Uncovered~~ ~~A required~~ off-street parking spaces shall be at least nine (9) feet in width ~~and at least by~~ eighteen (18) feet in length, exclusive of access drives, ~~or~~ aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet.
  2. Enclosed ~~two-car~~ garages ~~within all RS districts~~ shall have a minimum unobstructed interior dimension of twenty (20) feet in width by twenty (20) feet in length.
  3. ~~When permitted~~ Enclosed tandem garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by forty (40) feet in length.
  4. Enclosed one-car garages shall have a minimum unobstructed interior dimension of ten (10) feet in width by twenty (20) feet in length.
  - ~~2.5. Each covered and enclosed off-street~~ parking spaces ~~within the RM district~~ shall ~~have~~ be at least minimum dimension of ten (10) feet in width by twenty (20) feet in length.
- D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and sufficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to the street or alley in a manner which will least interfere with traffic movements. Driveways across public property shall be approved by the Director of Public Works.
- E. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side adjoining or fronting on any premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.
- F. All parking spaces required for dwelling units shall be located on the same zoning lot as the dwelling served. Parking spaces for all other uses shall be located on the same zoning lot as the use served except as otherwise provided in Chapter 18.04. Off-street parking shall be provided according to the following ratios:

1. Church, School, College, and Other Institutional Auditoriums. One (1) parking space shall be provided for each five (5) seats based upon maximum seating capacity.
  2. Hospitals. One (1) parking space shall be provided for each three (3) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.
  3. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.
  4. Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number to serve the visiting public and as determined by the City Planning Commission.
  5. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees on maximum shift, plus spaces adequate in number to serve the public as determined by the City Planning Commission. Where such uses are unmanned, no spaces need be provided.
  6. Sanitariums, Convalescent Homes and Nursing Homes. One (1) parking space for each six (6) beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.
  7. Schools—Nursery, Elementary, Junior and Senior High. One (1) parking space for each two (2) employees, plus one (1) parking space for each ten (10) students in the senior high school.
- G. No commercial vehicle in excess of three (3) tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district where in residential use; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries or providing services for the residents on the lot on which the vehicle is parked.
- H. Mobile Home/Recreational Vehicle Parking. Mobile homes, recreational vehicles, trailers or boats which are on trailers may be parked in rear yards, or within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways constructed pursuant to approval by the Economic and Community Development Department. Parking aprons shall comply with subsection I of this section. All such vehicles must be fully contained on private property, and shall not overhang into any portion of the public right-of-way, including the sidewalk. In addition, such vehicles may be parked within side yards which provide access to off-street parking, and are a minimum of twelve (12) feet wide with at least ten (10) feet of paved width. A minimum three (3) foot setback shall be retained along the interior side yard ~~property-lot~~ line from all vehicles.
- I. In compliance with Chapter [10.36](#), Stopping, Standing and Parking, it is unlawful for any person, firm or group to park any vehicle, trailer, boat trailer or boat, or parts thereof within the side yard, front yard or corner vision triangle, as established by this title. This section does not apply to driveways or concrete parking aprons constructed pursuant to approval by the Economic and Community Development Department, or to driveways or concrete (or other appropriate

material) parking aprons constructed prior to the adoption of the ordinance codified herein; provided, however, that such parking shall be limited to currently registered operable vehicles and shall be located on a stabilized permanent surface installed in accordance with this section.

Except for cul-de-sac or fan-shaped lots with reduced front yards, such vehicle parking areas shall not cover more than sixty percent (60%) of any required front yard or an area greater than six hundred (600) square feet, whichever is less. Parking on permeable surfaces in any instance shall not be allowed. Parking pads independent of the driveway or driveway apron shall not be allowed in the front or street side yards.

- J. In the RM 1500 and RM 2500 zoning districts, a minimum of one (1) bicycle parking facility shall be provided for every three (3) units. Bicycle parking facilities shall be designed and installed in conformance with the criteria outlined in Section [18.28.090](#). Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section [18.28.100](#) and approval by the decision maker.

## Chapter 18.34 – Accessory Dwelling Units

### 18.34.030 General requirements.

- A. On lots with an existing, or proposed ~~as part of a~~, single-family dwelling, one (1) ADU shall be permitted subject to the following requirements:
1. Criteria. ADUs may be established through:
    - a. Conversion of existing floor space in a single-family residence;
    - b. A single-story addition to an existing single-family residence;
    - c. Conversion of an existing, permitted detached accessory structure;
    - d. The construction of a new ADU as permitted in this section;
    - e. Construction of a new primary residence with an ADU; or
    - f. The conversion of an existing garage.-
    - g. ADUs may be prohibited on lots with SB 9 Housing Developments, subject to the requirements of Chapter 18.31.
  2. Location. ADUs shall meet the setback requirements for the primary residence in the zoning district in which ~~it is~~they are located, except as follows:
    - a. No additional setback shall be required for an existing, legally constructed ~~detached accessory~~ structure, that is converted to an ADU, or an ADU constructed in the same location and to the same dimensions as an existing structure.
    - b. A setback of at least four (4) feet from the interior side and rear lot lines shall be required for a new, ~~attached or detached~~ ADU.

- c. ADUs shall not occupy a required front yard if it is possible to build a ~~comparable~~ unit, that measures s eight hundred (800) square feet or less, elsewhere on the lot.
  - d. ~~Detached-Attached~~ ADUs shall maintain a minimum five (5) foot separation from ~~other-detached~~ structures on the ~~parcel~~ lot.
  - ~~d.e.~~ Detached ADUs shall maintain a minimum five (5) foot separation from other structures on the lot.
  - f. Additional setbacks may be required for attached or detached ADUs over eight hundred (800) square feet in area when the unit is located on a corner lot or a through ~~double frontage~~ lot.
  - ~~e.g.~~ ADUs constructed as a second-story addition to an existing residential structure shall comply with all setbacks and design requirements established by the zoning district in which the ADU is located.
3. Size. ADUs shall be between one hundred fifty (150) and one thousand (1,000) square feet in floor area.
- a. ~~Attached~~ ADUs shall not exceed ~~the greater of~~ eight hundred fifty (850) square feet if ~~it-they~~ contains one (1) bedroom or less and one thousand (1,000) square feet if ~~it-they~~ contains at least two (2) bedrooms.
  - b. ~~Attached~~ ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, setbacks, and other applicable residential development standards for the primary residence.
  - c. Enclosed patios or other enclosed non-conditioned space (as defined by the California Building Code) directly accessible from or solely attached to an ADU shall be included in the square footage of the unit. ~~Detached ADUs shall not exceed one thousand (1,000) square feet in floor area.~~
  - ~~d. Detached ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, and other applicable residential development standards for the primary residence.~~
4. Height. ~~Detached and~~
- a. ~~attached-Attached~~ ADUs shall be subject to the height limitations established by the zoning district in which the ADU is located.
  - ~~a.b.~~ Detached ADUs shall be limited to one (1) story with a maximum height of sixteen (16) feet.
5. Facilities. ADUs shall, at minimum, include a full bathroom including shower and/or bathtub, a sleeping area, permanent cooking facilities, and a separate, exterior entrance.

6. Occupancy. ADUs may not be sold separately from the primary residence but may be rented separately. ADUs may not be used for short-term rentals (less than thirty (30) days).
7. Parking. No additional parking shall be required ~~in the~~through creation of an ADU. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the parking spaces shall not be required to be replaced.
8. Lot Coverage. The total lot coverage for all buildings shall not exceed the allowable lot coverage for the zoning district except that such ratio shall not prohibit an eight hundred (800) square foot ADU meeting the maximum height and minimum setback requirements.
9. Utilities. Adequate water and sewer service shall be available to support the ADU; all new utility connections shall be undergrounded.
10. Addressing. Street addresses shall be assigned to all ADUs to assist in emergency response prior to building permit issuance. An address shall be placed at the front of the lot, visible from the public right-of-way, and at the main entrance to the ADU if not visible from the public right-of-way.
11. Subdivision. No subdivision of lands nor air rights shall be allowed.
- ~~12. Units on the Second Story. ADUs shall not be created through the construction of new habitable space above the first-floor roofline of the primary residence.~~
- ~~13.~~12. Design Standards. ~~The exterior appearance and character of attached and detached ADUs shall reflect that of the existing primary residence unit in terms of materials and design, including roof materials, roof pitch, roof eaves and overhang, trim elements and detailing including window and door frames, and architectural features. Color scheme shall match or be complimentary to the existing primary residence.~~
  - ~~a. Entrance. Exterior doors to detached ADUs shall be setback a minimum of ten (10) feet from adjacent property lines.~~
    - ~~i. A three (3) foot covered entry above the primary entrance to the ADU shall be provided.~~
    - ~~ii. The setback and covered entry requirement may be achieved by inseting the door into the ADU.~~
    - ~~iii. An addition of up to one hundred fifty (150) square feet that encroaches into the required setback may be allowed to accommodate ingress/egress to the ADU (i.e., stairs) provided that the addition meets all Building and Fire safety requirements.~~
  - a. Building facades and materials:
    - i. No façade shall run in a continuous plane of more than fifteen (15) feet without incorporating one or more of the following:

- A. A vertical wall shift of at least one (1) foot in depth;
    - B. a change in material type;
    - C. Window or building entrance; or
    - D. A projection such as a stoop, bay or overhang.
    - E. Exceptions. Exceptions may be granted by the Director where the Director finds that adequate design features have been incorporated to create visual variety and avoid a bulky or monolithic appearance.
  - ii. A minimum of three (3) exterior colors or a combination of materials and colors shall be used on the building façade.
    - A. Stucco must be used in combination with a secondary material.
  - iii. Second story facades shall incorporate the following:
    - A. A minimum of a six (6) foot inset from the front wall plane.
    - B. A minimum of an eighteen (18) inch inset from the side and rear wall plane.
    - C. Exceptions. Exceptions may be granted by the Director to accommodate a complete architectural style or alternative detailing that complement the architectural character of the existing structure.
- b. Windows and glazing.
  - i. All windows shall incorporate the following:
    - A. Trim at least three (3) inches in width must be provided around all windows, or window must be recessed at least two (2) inches from the plane of the surrounding exterior wall.
    - B. Exceptions may be granted by the Director to accommodate alternative window designs complementary to the architectural style of the structure.
  - ii. Upper story windows located less than ten (10) feet from and facing rear or side yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one of the following techniques:
    - A. Attached ADUs with upper story windows located less than ten (10) feet from and facing the rear or side yard of an adjacent property shall be located to maximize privacy for adjacent properties by using at least one of the following techniques:
      - 1. Sill height located a minimum of sixty (60) inches above the finished floor;

2. Location of the window is such that the centerline of the glazing is offset greater than fifteen (15) lateral feet from the centerline of any glazing on an existing adjacent structure; or

3. Any window located partially or entirely below sixty (60) inches from the finished floor consists of frosted or obscured glazing.

c. Roof form and detailing.

i. New structures shall provide a roof pitch no less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.

ii. ADUs resulting from alterations or additions to an existing structure shall provide the same roof form, material, and color as the existing structure.

iii. New buildings shall provide a roofing material that is the same as the predominant roofing material throughout properties within 100 feet.

iv. Roof material and color shall be the same throughout the entirety of the roof.

v. Overhanging eaves shall extend a minimum of twelve (12) inches beyond the supporting wall.

vi. Exceptions. Exceptions may be granted by the Director to the requirements listed above to accommodate a complete architectural style or alternative roof forms and detailing that complements the architectural character of the existing development.

d. Principal Entrance.

i. A three (3) foot covered entry above the primary entrance to the ADU shall be provided.

ii. The covered entry requirement may be achieved by inseting the door into the ADU.

e. Exterior Stairways. Exterior stairways providing access to an upper story are prohibited

f. Balconies. Usable balconies and upper-story decks are prohibited on ADU units.

~~b-g.~~ Historic Properties. For properties located within the Landmark and Historic Preservation Overlay Zone, or included in the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, any new addition for an attached ADU shall be located along the rear wall of an existing single-family dwelling, unless the ADU is fully enclosed within the existing building

walls. The attached ADUs shall adhere to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

~~14.13.~~ Exemptions. A project may be exempted from one (1) or more of the established standards if it is determined that the specific standard(s) would make it infeasible for an eight hundred (800) square foot ADU to be constructed on a property consistent with California [Government Code](#), Section 65852.2, subdivision (e).

~~15.14.~~ Impact Fees. ADUs over seven hundred fifty (750) square feet are subject all applicable impact fees. Assessment of impact fees shall be proportional to the primary residence.

B. Either attached or detached ADUs shall be permitted within a multifamily development subject to the following criteria:

1. Attached Units. ADUs may be allowed within existing portions of a multifamily or mixed-use development that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, and/or garages, if each unit complies with state building standards for dwellings.

a. Number of units. At least one (1) attached ADU may be provided per lot.

b. Additional attached ADUs, may be permitted, up to a maximum of twenty-five percent (25%) of total number of all units within the multifamily or mixed-use development.

c. A fraction of one-half (0.5) or more is rounded up and a fraction that is less than one-half (0.5) is disregarded.

2. Detached Units. Up to two (2) detached ADUs with a maximum height limit of sixteen feet, a minimum rear and side setbacks of four (4) feet, and a maximum area of eight hundred (800) square feet shall be allowed in a multifamily development.

a. The two (2) detached units can also be created through conversions of existing detached accessory structures.

C. On lots with an existing or proposed single-family dwelling, one (1) junior accessory dwelling unit (JADU) shall be permitted subject to the following regulations, subject to the limitations for lots with SB 9 Housing Developments established by Chapter 18.31:

1. JADUs shall be constructed entirely within the walls of an existing primary residence. JADUs shall be created from existing habitable space and/or from existing garage space.

a. Size. JADUs shall not exceed five hundred (500) square feet in floor area.

b. Facilities. A private bathroom is not required for a JADU, provided that the unit has full access to a bathroom in the primary residence. If a bathroom is shared

with the remainder of the primary residence, it shall not be included in the square footage calculation.

- i. An efficiency kitchen, including a cooking facility with appliances and a food preparation counter that is a reasonable size in relation to the size of the JADU shall be provided;
    - ii. A separate exterior entrance.
  - c. Parking. No additional parking is required, however, if a covered and enclosed parking space is demolished in the construction of the JADU, then the parking space shall be replaced at a ratio of one (1) to one (1).
  - d. Occupancy. JADUs may not be sold separately from the single-family residence but may be rented separately. JADUs may not be used as a short-term rental (less than thirty (30) days). The primary residence must be owner-occupied, but the owner may reside in either the JADU or the primary residence. This owner-occupancy requirement does not apply to primary residences owned by a public agency, land trust, or non-profit housing organization.
  - ~~d.e.~~ An addition of up to one hundred fifty (150) square feet that meets minimum four-foot side and rear setbacks may be allowed to accommodate ingress/egress to the JADU provided that the addition meets all Building and Fire safety requirements.
2. Restrictions. A deed restriction shall be recorded prior to the issuance of building permits to prohibit the subdivision or sale of the JADU separate from the primary residence and include the following provisions:
    - a. The deed restriction ~~may~~shall be enforced against future purchasers; and
    - b. Restricts the size and features of the JADU ~~as built~~.

## Chapter 18.50 – Civic Facilities (CF)

### 18.50.030 Conditional uses.

The following are conditional uses in the CF District:

- A. Approval by the Zoning Administrator (Refer to chapter 18.54 for a detailed description of the administrative use permit process).
  1. Seasonal sales lots for holiday trees and pumpkins subject to the provisions of the Policy Statement for the Regulation of Seasonal Sales Lots.
- B. Approval by Planning Commission (refer to Chapter 18.56 for a detailed description of the use permit process).
  1. Recycling centers:
  2. Sewage treatment plants;
  3. Transportation facilities such as heliports and bus terminals.

~~The following are conditional uses in the CF district:-~~

~~A. Recycling centers;~~

~~B. Sewage treatment plants;~~

~~C. Transportation facilities such as heliports and bus terminals.~~

**18.50.040 Other regulations.**

- A. Off-street parking and loading: As prescribed in the relevant sections of the Union City zoning title.
- B. Signs: As prescribed in Chapter 18.30.
- C. Landscaping and screening: As prescribed in the Union City Landscape Standards Policy Statement.
- D. Accessory structures:
  - 1. No accessory structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
  - 2. No detached accessory structure or structures shall occupy more than thirty percent (30%) of the area of a required rear yard.
  - 3. No detached accessory structures located in a required rear yard shall exceed twelve (12) feet in height
- E. Review procedures: As described in Chapters ~~18.56~~18.72 and 18.76.
- F. The provisions of Chapter 18.102, Decoto Industrial Park Study Area (DIPSA), including design guidelines and findings, shall apply to all development within the DIPSA.

**Chapter 18.54 ADMINISTRATIVE USE PERMIT**

**18.54.030 Applicability.**

The administrative use permit procedure shall apply to the following types of projects:

- A. In the single-family residential districts, large family day care homes which are an accessory use within a home which regularly provides care, protection, and supervision of nine (9) to fourteen (14) children, inclusive of children under the age of ten (10) years who reside at the home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is licensed for such use by the State Department of Community Care Licensing.
- B. ~~For commercial districts see Section 18.36.030.~~ Uses as specified in the zoning district regulations
- ~~C. For industrial districts see Section 18.40.450.~~
- ~~D.~~ In the commercial and industrial districts, temporary outdoor commercial events consisting of the outdoor promotional display or sale of merchandise customarily sold on the premises by a permanently established business. Also included in this category are multiple vendor events such as arts and crafts fairs, holiday boutiques, and the like, when held on the premises of a

developed commercial or industrial site. Such events shall include the display of goods typically sold on the site of the event. This category is not intended to apply to activities conducted by nonprofit or charitable institutions in the City nor is it intended to permit the placement of individual vendor operations such as hot dog carts, produce trucks, and the like. Events included within this category shall comply with the provisions of the administrative use permit procedures and shall comply with the following regulatory conditions and parameters:

1. These events shall be conducted on private property located in commercial or industrial zones with the written approval of the property owner. Verification of the property owner's approval shall be submitted along with the application for administrative use permit.
2. These events shall be conducted on the site of developed commercial or industrial projects and shall not be permitted on vacant parcels.
3. Events permitted within this definition shall have maximum duration of five consecutive days.
4. At least five (5) calendar days prior to the event, the applicant shall submit a five hundred dollar (\$500.00) deposit to the City to ensure adequate cleanup of the site following termination of the event.
5. The applicant shall submit a site plan as part of this application to the Economic and Community Development Department detailing the parking provision for the event, ingress and egress routes, and adequate emergency vehicle access as deemed appropriate by the City.
6. The design, placement and construction of any temporary structures to be erected on the site of the event shall be subject to the review and approval of the City. If necessary, detailed structural and electrical drawings shall be submitted to the Building Department for review and approval prior to the erection of any structures on the site.
7. The applicant shall submit a detailed statement of use at the time of application filing to the Economic and Community Development Department which includes a description of the event and the types of activities to be held or goods to be sold on the site, the hours and days of the event, the number and the types of vendors participating, and any additional information deemed necessary by the Director.
8. Any signs or outdoor advertising structures erected to promote an event shall be in accordance with the regulations specified in Chapter 18.30 of this title.
9. Additional conditions regulating the conduct of the event may be placed on an application approved by the Zoning Administrator if deemed necessary to ensure the orderly and safe conduct of the event and to mitigate potential nuisances emanating from the event.

**18.54.140 Administrative use permit to run with land.**

An administrative use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject

of the administrative use permit application, as long as the approved activity is continued. However, should the activity approved by the administrative use permit be discontinued for a consecutive period of six (6) months, the administrative use permit shall be deemed to be expired and shall become null and void, with the exception of Seasonal Sales Lots. Upon expiration, further continuation of the activity on-site will require approval of a new administrative use permit application.

## **Chapter 18.72 – Administrative Site Development Review**

### **18.72.030 Applicability.**

The administrative site development review procedure shall apply to the following types of projects in the specified districts:

- A. RS Districts, R 5000, 511 District. One- and two-story single-family dwellings, second-story additions, modifications to one- and two-story single family dwellings that result in the removal of fifty percent (50%) or more of the perimeter walls of the existing dwelling, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over four hundred fifty (450) square feet in area, decks and balconies over eighteen-thirty (3018) inches above ground, accessory structures which propose water or sewer utility connections, changes to the street-facing façade(s) of a building that is eligible to be included in the City's Landmark and Historic Preservation Overlay Zone, and minor changes to approved projects.
- B. H-District. Notwithstanding Section 18.76.020, proposed uses in an H-District may be reviewed under this chapter upon a determination by the Director that the project is a minor project, such as one- and two-story single-family dwellings, second-story additions, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over four hundred fifty (450) square feet in area ~~one hundred twenty (120) square feet in area~~, decks and balconies over eighteen-thirty (3018) inches above ground, accessory structures which propose water or sewer utility connections, satellite dish antennas, and minor changes to approved projects.
- C. RM Districts. In all district classifications, minor projects which modify existing developments, including, but not limited to, such products as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, roof or mechanical equipment visible from off-site, aboveground utility installations and minor changes to approved projects.
- D. Landmark and Historic Preservation (LHP) Overlay Zone. Second story additions to historical residences, exterior remodel or redesign of a historic residence, and new accessory structures over four hundred fifty (450) square feet in area ~~one hundred twenty (120) square feet~~ in a historic district.
- E. Commercial, ~~and Industrial~~ and other zoning districts not listed above ~~Districts~~. In all district classifications, minor projects which modify existing developments, including, but not limited to, such projects as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, buildings in the CUL district with conceptual approval, roof or mechanical equipment visible from off-site, aboveground utility installations, small containers for collection of recycled products such as reverse vending machines, outdoor coin operated

vending machines through which a physical product is rendered, but not including periodical or newspaper dispensers; and minor changes to approved projects.

F. New construction as specified in the zoning district regulations.

**18.72.040 Limitations.**

A. If the Zoning Administrator determines that any of the following conditions exist, the application shall be referred to the Planning Commission for review at a public hearing and be subject to the findings listed in Section 18.72.070 and the appeal process listed in Section 18.52.088.

1. In the opinion of the Zoning Administrator, the proposed project is or will be a matter of public interest or controversy.

2. Major additions or modifications to buildings located in the CUL zoning that were subject to ASD review previously.

B. If the Zoning Administrator determines that any of the following conditions exist, the application shall be reviewed pursuant to the provisions of Chapter 18.76, Site Development Review, rather than this chapter:

A1. -In the opinion of the Zoning Administrator the project will have cumulative impacts as defined in Section 18.72.020.

B2. The proposed project is not categorically exempt from the requirements of the California Environmental Quality Act (CEQA).

C3. In the opinion of the Zoning Administrator, the proposed project is or will be a matter of major public interest or controversy.

D4. In the opinion of the Zoning Administrator ~~The~~ proposed project does not clearly fall within a designated category for which administrative site development review is allowed.

E5. In the opinion of the Zoning Administrator, the proposed use may cause the emission of dangerous or objectionable noise, odors, lights, dust, smoke or vibrations, or any other major impact which is a matter of public concern or controversy.

F6. The application is for construction of single-family dwellings, including manufactured housing, and more than one application is filed in a twenty-four (24) month period on parcels that are contiguous to each other and under the same ownership.

~~G. The applicant may, at his/her discretion, make application for site development review pursuant to the provisions of Chapter~~

C. The applicant may, at their discretion, make application for site development review pursuant to the provisions of Chapter 18.76

**18.72.050 Application, fees and exhibits.**

A. An application for an administrative site development review shall be made to the Zoning Administrator on a form prescribed by the Director which shall include the following data:

1. Name and address of the applicant;

2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
  3. Address or description of the property;
  4. Statement indicating the precise manner of compliance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of an administrative site development review prescribed in this chapter.
- B. ~~The application shall be accompanied by the following items:~~ The application shall be accompanied by the items identified by the Formal Application Checklist as prescribed by the Director.
- ~~1. A site plan prepared by a licensed civil engineer, land surveyor, architect, landscape architect or building designer; provided, however, that the boundary and topographic survey on the site plan shall be prepared by a licensed civil engineer or land surveyor whose seal shall appear on the site plan. The site plan shall show existing and proposed locations of streets, utilities and drainage facilities, property lines, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas. The site plan shall be drawn to scale and shall indicate clearly and with full dimension the following information:~~
    - ~~a. The registration number and signature of person or persons preparing the plan;~~
    - ~~b. Parcel dimension in distance and bearings;~~
    - ~~c. All existing and proposed buildings and structures—location, size, height and proposed uses, including front, side and rear elevations of proposed buildings showing architectural detail and exterior materials, as well as floor plans;~~
    - ~~d. Existing and proposed elevation and contours of lots and buildings;~~
    - ~~e. Yards and open spaces between buildings;~~
    - ~~f. Walls and fences—location, height and materials;~~
    - ~~g. Off-Street Parking. Location, number of spaces, dimension of parking area, and internal circulation pattern, yard lighting and landscaping;~~
    - ~~h. Access. Pedestrian, vehicular, service, points of ingress and egress, internal circulation, design and improvements;~~
    - ~~i. Street dedication and improvements, existing and proposed, if any;~~
    - ~~j. Proposed storm drainage plan with substantiating calculations;~~
    - ~~k. All existing trees which are twelve (12) inches or greater in circumference measured at thirty-six (36) inches above grade: type, size, location, dripline, condition and indication if tree is being saved or removed;~~
    - ~~l. Complete landscape plan pursuant to the landscape standards policy statement;~~
    - ~~m. Site plans for other than residential uses shall contain the following additional information:~~

- i. ~~Signs. Locations, size, height, type of materials and lighting,~~
- ii. ~~Loading. Location, dimensions, number of spaces and internal circulation,~~
- iii. ~~Lighting. Location and general nature.~~

~~2. Such other data, such as cross sections, soils reports, arborist report, and a statement of use, as may be required under the circumstances of each application to permit the Zoning Administrator to make the required findings. An applicant may be relieved of any of the aforementioned application submittal requirements if deemed appropriate by the Zoning Administrator.~~

- C. The application shall be accompanied by a fee in an amount established by resolution of the City Council. ~~If an administrative site development review application is accompanied by items related to an administrative use permit application, only one (1) application fee shall be filed~~
- D. All applications for administrative site development review shall be filed with the Zoning Administrator for review and approval or disapproval prior to the issuance of building permits.

#### **18.72.080 Zoning Administrator decision and appeals.**

The Zoning Administrator may approve, conditionally approve, or disapprove applications for administrative site development review. ~~disapprove, or refer an administrative site development review application to the Planning Commission.~~ Decisions of the Zoning Administrator and appeals of such decisions shall be made in accordance with the provisions of Section 18.52.087. ~~Decisions of the Planning Commission and appeals of such decisions shall be made in accordance with the provisions of Section 18.52.088~~

#### **18.72.100 Administrative site development review approval extension.**

- A. An administrative site development review approval may be extended one time for an additional period of time not to exceed one (1) year. Such request for extension must be submitted in writing to the Zoning Administrator no later than ten (10) business days prior to the expiration date of the administrative site development review approval. The request for extension shall be accompanied by a fee in an amount established by resolution of the City Council. The Zoning Administrator may grant or deny an application for extension of an administrative site development review approval. The Zoning Administrator may grant an extension if he or she finds that there has been no substantial change in the facts and circumstances present when the original application was approved.
- B. Upon expiration of the administrative site development review extension, the project shall be deemed to be expired and shall become null and void. Upon expiration, approval of a new administrative site development review application shall be required prior to commencing with the project.

### **Chapter 18.100 - 511 AREA DISTRICT**

#### **18.100.040 Permitted and conditional uses.**

- A. Residential Specific Plan Designations.

Uses	R3-6	R3-10	R5-10	R7-10
Single-family dwelling, detached	P	P	P	P
Single-family dwelling, detached reduced lot	—	P*	P*	P
Single-family, semiattached	—	P	P	P
Single-family, zero lot line	P	P	P	P
Two-family dwelling (attached units)	—	C*	C*	C
3-4 family dwellings (attached units)	—	C*	C*	C
Accessory structures consistent with Section 18.32.020(I)	P	P	P	P
Agriculture consistent with Sections 18.32.020(F) and ( <del>K</del> Q)	P	P	P	P
Home occupations consistent with Section 18.32.020(G)	P	P	P	P
Swimming pools consistent with Section 18.32.020(H)	P	P	P	P
Temporary subdivision sales office consistent with Section 18.32.020( <del>J</del> N)	P	P	P	P
Accessory dwelling unit consistent with Chapter 18.34	P	P	P	P
Small family child care home#	P	P	P	P
Large family child care home#	P	P	P	P
Community education	C	C	C	C
Community assembly	C	C	C	C
Religious assembly	C	C	C	C
Intermediate care facility	P	P	P	P

P = Permitted uses.

C = Conditional use, subject to a use permit per Chapter 18.56.

— = Not permitted.

\* Only for areas identified as appropriate for higher density on the Specific Plan.

# = Subject to administrative site development review approval as stated in Chapter 18.72 of this title.

**B. Open Space Specific Plan Designation.**

1. Permitted uses: Natural wildlife sanctuaries and habitat, water supply lands, flood control management, excluding silt disposal, and plant nurseries and crop production. Permitted uses shall not adversely affect wetlands/habitat areas.

2. Conditional uses: Park and recreational activities, outdoor nature laboratories, interpretive centers, low intensity educational, charitable, research, and philanthropic uses, essential service facilities, and silt disposal. Conditional use shall not adversely affect wetland/habitat areas.

**C. Park Specific Plan Designation.**

1. Permitted uses: Active outdoor recreational uses, essential service facilities, and passive park and recreational activities.

2. Conditional uses: Outdoor nature laboratories, natural wildlife sanctuaries and interpretive center.