

**DRAFT MUNICAL AND ZONING CODE AMENDMENTS  
IMPLEMENTING THE REDWOOD CITY HOUSING ELEMENT  
APRIL 10, 2023**

**EXHIBIT A  
MUNICIPAL CODE AMENDMENTS**

[Amendments to Chapter 29 and 30]

**[Chapter 29, Article 3, Section 29.30 is amended as follows]**

**CHAPTER 29 - STREETS, SIDEWALKS AND WORK IN OR USE OF CITY RIGHT-OF-WAY**

**Sec. 29.30. RESIDENTIAL DRIVEWAY APPROACHES:**

- A. The locations and dimensions of driveway approaches to all real property situated in any residentially zoned district shall conform to the requirements of Redwood City Engineering Standards Volume III, Park IV and the following:
  - 1. ~~No driveway approach shall be constructed which does not serve off street parking spaces required by the Zoning Ordinance.~~
  - 2. The width measured between the tops of the ramps at the on-site terminus of the driveway approaches serving the hereinafter specified garage, carport or parking space facilities shall not exceed the dimensions respectively specified therefor:
    - a. Single garage, carport or parking space—twelve feet (12');
    - b. Two (2) motor-vehicle garage, carport or parking space—twenty-three feet (23')
    - c. Three (3) or more motor-vehicle garage, carport or parking space—thirty feet (30').
  - 3. The total width of all driveway approaches serving any parcel shall not exceed sixty percent (60%) of the street frontage of the parcel, except for panhandle lots as defined by Chapter 30.
  - 4. The separation between the driveway approaches serving the same parcel of property shall be not less than twenty-two feet (22') or a multiple thereof.
- B. Notwithstanding the above provisions of subdivision A, the City Engineer may approve exceptions upon finding that:
  - 1. The use of the parcel of property to which the driveway approach provides access shall be benefitted by granting the exception; and
  - 2. Granting the exception will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing on property adjacent to or in the vicinity of the property to be so served; and
  - 3. Granting the exception will be in furtherance of the public health, welfare and safety.

**Chapter 30 – SUBDIVISIONS**

[Chapter 30, Article II, Section 30.10 and 30.26 are amended and Section 30.30 is added as follows]

## **Article II – Parcel Map**

### **Sec. 30.10. - GENERAL:**

A parcel map shall be filed and recorded for any subdivision for which a tentative and final map is not required by the Subdivision Map Act. The provisions of this Article shall not be applicable to short term leases (terminable by either party on not more than thirty (30) days' notice in writing) of a portion of an operating right-of-way of a railroad corporation defined as such by section 230 of the Public Utilities Code; provided, however, that upon a showing made to the applicable advisory agency (see Section 30.4A, 30.4B) based upon substantial evidence that the public policy necessitates such application in an individual case, the foregoing exception shall not apply. A parcel map shall not be required for a merger, lot line adjustment or parcel transfer.

Such maps shall meet all the requirements of the Subdivision Map Act, including Government Code section 66411.7 as amended from time to time, and of this Chapter, and shall show all dedications or offers of dedication thereon. The applicable advisory agency shall require that dedications appear on the tentative parcel map, as well as on the parcel map.

### **Sec. 30.26. EXPIRATION AND EXTENSION OF TENTATIVE PARCEL MAP APPROVALS:**

An approved or conditionally approved tentative parcel map shall expire thirty-six (36) months from the date the map was approved, or conditionally approved by the Subdivision Committee. In the event that a water or sewer moratorium is established by the Council, that portion of the thirty-six (36) month period remaining at the time the moratorium was imposed shall commence running upon the date when such moratorium is terminated. If any time extensions are granted pursuant to the provisions of this Chapter, the Subdivision Committee may require compliance with all provisions of this Chapter or the Subdivision Map Act in effect at the time of such application for extension.

[Chapter 30, Article II, Section 30.30 is added as follows]

### **Section 30.30 – Urban Lot Split**

#### **A. Definitions.**

**Accessory Dwelling Unit** has the same meaning as defined in Section 37.2 of the Zoning Ordinance.

**Acting in Concert with the Owner.** A person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the

instructions of, or actively cooperating with, the owner of the parcel being subdivided.

**Adjacent Parcel.** Any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

**Common ownership or control.** Property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

**Junior Accessory Dwelling Unit** has the same meaning as defined in Section 37.2 of the Zoning Ordinance.

**Panhandle Lots.** Panhandle lots are lots consisting of a driveway and a body in such a manner that the body ("Pan") is landlocked from a public or private street except for connection by the driveway ("Handle").

**SB 9 Project** has the same meaning as defined in Article 2 of the Zoning Ordinance.

**Sufficient to Allow Separate Conveyance** has the same meaning as defined in Article 2 of the Zoning Ordinance.

**Urban Lot Split.** A subdivision of an existing parcel into no more than two new lots of approximately equal size and meeting all the criteria and objective standards of this **Section 30.30**, applicable Engineering Standards, and consistent with Government Code section 66411.7 as amended from time to time.

- B. **Location.** Site shall be located fully in either the Residential–Hillside (RH) or the Residential–Single-Family District (R-1).
- C. **Parcel Map.** A parcel map for an urban lot split shall be ministerially approved as set forth in this Section, if the City determines that the parcel map meets the requirements of this Section, and Government Code section 66411.7.
  - 1. The correction of nonconforming zoning conditions shall not be required as a condition of ministerial approval of a parcel map for an urban lot split
  - 2. The parcel map for an urban lot split shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance as defined in Article 2 of the Zoning Ordinance.
  - 3. No setback shall be required for an existing structure or a new structure constructed in the same location and to the same dimensions as an existing

structure. In all other circumstances the city may require a setback of up to four feet from the side and rear lot lines.

4. Notwithstanding Government Code section 66411.1, dedication of rights-of-way or the construction of offsite improvements for the lots being created shall not be required as a condition of issuing a parcel map for urban lot split. A lot created through a parcel map for an urban lot split is limited to development of up to two dwelling units on the lot. The units may include an SB 9 Project, Junior Accessory Dwelling Unit(s), and Accessory Dwelling Unit(s) as authorized under Article 37 of the Zoning Ordinance, or some combination thereof that does not result in more than two dwelling units on the lot.

**D. Eligibility.**

1. The site shall be located fully in either the Residential–Hillside (RH) or the Residential–Single-Family District (R-1).
2. The parcel map shall subdivide an existing parcel to create no more than two new lots of approximately equal lot area provided that one lot shall not be smaller than 40 percent of the lot area of the original parcel proposed for the subdivision.
3. The parcel map conforms to the applicable objective zoning standards, subdivision standards, and design review standards, including those identified in this Section 30.30, and objective requirements of the Subdivision Map Act (commencing with Government Code section 66410), except as otherwise expressly provided in Government Code section 66411.7 as may be amended from time to time; provided however, that the City shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting lots or would result in a unit of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet on each lot. Notwithstanding, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a new structure constructed in the same location and to the same dimensions as an existing legally created structure.
4. The lot has not been established through prior exercise of an urban lot split as provided for in this Section 30.30 or Government Code section 66411.7 as may be amended from time to time.

**E. Lot Design Standards.** All urban lot splits shall comply with the following lot design standards:

1. Both lots resulting from the urban lot split shall have access to, provide access to, or adjoin the public right-of-way through right-of-way frontage or recorded access easements.

2. Lot depths shall not exceed two and one-half (2 ½) times their average width.
  3. No lot created under this Chapter shall be divided by a City boundary line.
  4. No lot created under this Chapter in a residentially zoned district shall have a double frontage except in the case of a corner lot.
  5. Each newly created lot shall be no smaller than 1,200 square feet.
- F. **Panhandle Lots.** Urban lot splits that create panhandle lots shall meet the following requirements:
1. The driveway of a panhandle lot shall have a width of no less than fifteen (15) feet.
  2. A lot shall be located within two hundred feet (200') from the street frontage of such lot.
  3. The average lot width zoning requirements shall only apply to the rear buildable portion of the lot and not to the access driveway leading from the required frontage.
  4. No development shall be allowed in the panhandle driveway to provide clear access to the site; provided, however, stormwater treatment is allowed in the access driveway area.
  5. The lot shall contain no more than six corner points.
  6. A panhandle lot and subsequent development on the lot shall be designed to conform to applicable Building and Fire Codes.
- G. **Easements.** Easement(s) shall be required for the provision of public services and facilities. Widening of existing easement(s) shall be required for the provision of public services and facilities, as applicable.
- H. **Parking.** See Article 30.5 (Required Number of Parking Spaces) of the Zoning Ordinance.
- I. **Residential Use Only.** Only residential uses are allowed on lots created by this Section.
- J. **Location Restrictions.** Urban lot splits are prohibited on sites specified in Government Code section 65913.4(a)(6) subparagraphs (B) to (K) as summarized below:
1. Farmland.
  2. Wetlands.
  3. Hazardous waste sites.
  4. Lands identified for conservation.
  5. Sites under conservation easement.
  6. Habitat for protected species.
  7. Sites within a Very High Fire Hazard Severity Zone, unless the site is excluded from specified hazard zones by the City, pursuant to Government Code section 51179(b) or is a site that has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
  8. Sites within a delineated earthquake fault zone, unless the development complies with the applicable seismic protection building code standards identified in Government Code section 65913.4(a)(6)(F).

9. Sites within a special flood hazard area subject to inundation by the 1 percent chance of flood as determined by the Federal Emergency Management Agency (FEMA), except as provided in Government Code section 65913.4(a)(6)(G).
10. Sites within a regulatory floodway, as determined by FEMA , except as provided in Government Code section 65913.4(a)(6)(H).

K. **Restrictions**

1. Urban lot splits cannot require the demolition or alteration of any of the following types of housing:
  - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of police power.
  - iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under the Ellis Act to remove a rental unit from the market within the last 15 years before the date the development proponent submits an application.
  - iv. Housing that has been occupied by a tenant in the last three years.
2. If an existing dwelling unit is proposed to be demolished, the applicant shall comply with the replacement housing provisions of Government Code section 66300(d).
3. **Owner Occupancy.** The applicant shall sign an affidavit stating the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split, except that this requirement shall not apply to an applicant that is a "community land trust" as defined in Revenue and Tax Code section 402.1, or a "qualified nonprofit corporation" as described in Revenue and Tax Code section 214.15.
4. **Historic Preservation.** The parcel shall not be located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code section 5020.1, 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.
5. **Additional Affidavit.** If the application for urban lot split proposes to alter or demolish any existing housing on the parcel to be subdivided, the owner of the property proposed for an urban lot split shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in subsection (K)(1) above exist and shall provide a comprehensive history of the occupancy of the unit(s) to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished). The owner and applicant shall also sign an affidavit , in a form approved by the City Attorney, stating that neither the owner nor the applicant, nor any person acting in

concert with the owner or applicant, has previously subdivided an adjacent parcel using the procedures for an urban lot split outlined in this Section.

6. **Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in a form prescribed by the City Attorney, which shall run with the land and provide for the following:
  - i. A prohibition against further subdivision of the parcel using urban lot split procedures as provided for in this Section; and
  - ii. A limitation restricting the property to residential uses only; and
  - iii. A requirement that any dwelling units on the parcel may be rented or leased only for a period longer than thirty (30) days.

The City Manager, or their designee, is authorized to execute and cause to be recorded the deed restriction on behalf of the City and to deliver any approvals or consents required by the covenant. This requirement shall apply to both resulting lots.

- L. **Short Term Rental Prohibited.** Rental of any units created pursuant to this Section shall be for a term longer than 30 days.
- M. **One-Time Urban Lot Splits.** An urban lot split is prohibited if the lot was previously established through prior exercise of an urban lot split.
- N. **Splitting Adjacent Lots.** urban lot splits are prohibited where either the owner of the parcel being subdivided or any person acting in concert with the owner, has previously subdivided an adjacent parcel using an urban lot split.
- O. **Code Compliance.** All lots created by an urban lot split shall comply with all applicable California Building Standards Code and California Fire Code requirements.
- P. **Findings for Denial** –The City may deny an application for a parcel map for an urban lot split that meets the requirements of this Section 30.30 and Government Code section 66411.7 if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), 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.
- Q. **Application.** An application for a parcel map for an urban lot split shall include a signed application form, a completed checklist and associated documents that demonstrates compliance with requirements of this Section 30.30, and Government Code section 66411.7 and parcel map showing the details of the proposed urban lot split as required by the urban lot split checklist approved by the City Engineer.
- R. **Enforcement.** The City Attorney shall be authorized to abate violations of this Section and to enforce the provisions of this Section and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this Section shall not preclude the City from any other remedy or relief to which it otherwise may be entitled under law or equity.

### **ARTICLE III. - TENTATIVE MAP**

[Chapter 30, Article 3, Section 30.45 is amended as follows]

#### **Sec. 30.45. - EXPIRATION AND EXTENSION OF TENTATIVE MAP APPROVALS:**

An approved or conditionally approved tentative map shall expire ~~eighteen (18)~~ thirty-six (36) months from the date the map was approved, or conditionally approved ~~by the Planning Commission~~. In the event that a ~~water or sewer~~ development moratorium is established by the Council, that portion of the ~~eighteen (18)~~ thirty-six (36) month period remaining at the time the moratorium was imposed shall commence running upon the date when such moratorium is terminated. However, the length of the moratorium shall not exceed five years.

### **ARTICLE V. - MISCELLANEOUS REQUIREMENTS**

[Chapter 30, Article V, Sections 30.66 and 30.68 are amended as follows]

#### **Sec. 30.66. - EXTENSION OF TENTATIVE PARCEL MAP AND TENTATIVE MAP APPROVALS:**

Any subdivider who desires an extension of the expiration date for a tentative parcel map or tentative map shall file a written application therefor with the Planning Director at least forty-five (45) days before the approval or conditional approval of a map is due to expire. The application shall state the reasons for requesting the extension. In granting the extension, new conditions for approval of such tentative parcel map or tentative map may be imposed and existing conditions may be revised. An extension or extensions of a tentative parcel map or tentative map expiration date shall not exceed a total of ~~two (2)~~ six (6) years from the date of the initial approval of the tentative parcel map or tentative map. Modifications of a tentative parcel map or tentative map after approval or conditional approval shall not extend the time limits imposed by this Section.

#### **Sec. 30.68. - APPEALS; ADVISORY AGENCY:**

For all actions taken pursuant to this Chapter 30, except ministerial actions with no discretionary review, any interested person may appeal from any action of the Subdivision Committee, the Community Development Director, the Planning Manager, or the Planning Commission, whichever is applicable, to the Planning Commission with respect to determinations by the Subdivision Committee, Community Development Director, and Planning Manager and to the City Council with respect to final determinations by the Planning Commission, provided, however, the decision of the Planning Commission on matters appealed to it is final and is not subject to appeal. All appeals must be filed within ten (10) days of the action taken pursuant to this Chapter 30 and shall be filed, processed and heard in accordance with Sections 1.45.9 and 1.45.10. All such appeals and the hearings thereon shall



be conducted in the manner provided by Government Code section 66452.5. Every such appeal shall be accompanied by a filing fee established pursuant to Section 30.70."

[Chapter 30, Article IX, Section 30.117 is amended as follows]

**Sec. 30.117. - LOT DESIGN:**

With the exception of urban lot splits, All divisions shall contain the following lot design features.

[Subsections A-H are unchanged]

[Chapter 30, Article XI, Section 30.131 is amended as follows]

**Sec. 30.131. - DEFINITIONS:**

ASSOCIATION: Association means the organization of persons who own a condominium unit or right of exclusive occupancy in a community apartment.

COMMON AREA: Common area is an entire project excepting all units therein.

COMMUNITY APARTMENT: Community apartment is an estate in real property consisting of an undivided interest in common in a parcel of real property and the improvements therein coupled with the right of exclusive occupancy for residential purposes of an apartment located thereon.

COMMUNITY APARTMENT PROJECT: Community apartment project as defined in Civil Code Section 4105 is development a community apartment containing five (5) or more units to in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon~~there is the right of exclusive occupancy for residential purposes and shall include a conversion to such a project.~~

CONDOMINIUM: Condominium is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment be either:

- A. An estate of inheritance or perpetual estate,
- B. An estate for life, or
- C. An estate for years, such as a leasehold or subleasehold.

CONDOMINIUM PERMIT: That certificate issued by the City to a developer authorizing and approving a project.

CONDOMINIUM PROJECT: ~~A condominium project is a condominium containing five (5) or more units~~ A new condominium project as defined in Civil Code Section 1351 or more units for residential, industrial or commercial purposes and shall include a conversion to such a project as defined in this Section. A condominium project which is divided into four or less condominium units shall be subject to the requirements and procedures applicable to subdivisions as generally set forth in Chapter 30, Article II, and any additional requirements and procedures set forth in this Article. A condominium project which is divided into five or more condominium units shall be subject to the requirements and procedures applicable to subdivisions as generally set forth in Chapter 30, Article IV, and any additional requirements and procedures set forth in this Article.

**Sec. 30.132. - SCOPE:**

A. The provisions of this Article shall be in addition to all other provisions of this Chapter relating to the subdivision of land, and shall apply to condominiums, community apartments and conversions thereto.

~~B. No building or buildings shall be permitted to be converted into a community apartment project nor into a condominium project unless such project shall contain five (5) or more units. [Sections 30.133 – Section 30.137 are unchanged.]~~

**Sec. 30.138. - ISSUANCE OF CONDOMINIUM PERMIT:**

- A. Review Authority. The Planning Commission shall be the review authority for issue a condominium permit for a condominium project of twenty or more units. The Zoning Administrator shall be the review authority for a condominium project of two to nineteen units. The condominium permit shall be granted if the requirements of this Article have been complied with.
- B. If a project other than a conversion shall fail to comply with the provisions of every applicable ordinance of the City, such project shall be required to so comply, or the developer thereof shall apply for a variance, exception, or other exemption from such ordinance provisions with which the project does not comply, pursuant to such ordinance's provisions, if any, relating to variances, exceptions, or exemptions. Failure of a project other than a conversion to comply with this Article shall result in disapproval of the project and denial of the application.
- C. Failure of a project which is a conversion, to comply with this Article, and, in addition to provide not less than seventy-five percent (75%) of the current off-street parking and open space requirements applicable thereto of the Zoning Ordinance, and with the provisions of every other applicable ordinance of the City, shall be grounds for the review authority Planning Commission to deny approval of the project and to deny the application for a condominium permit. Prior to issuance of a condominium permit for

a project which is a conversion, the review authority ~~Planning Commission~~ shall determine (if applicable):

1. That all deficiencies of the City's building and fire regulations existing at the project have been corrected.
  2. That all areas of the project that are damaged or infested as shown in the structural pest report have been repaired or replaced.
  3. That the property report submitted by the developer is accurate. It shall require the developer to amend such report if it finds that a statement contained therein is without foundation in fact.
  4. That the project is consistent with the City's general plan and the housing element of the general plan.
- D. In the event a project which is a conversion does not comply with this Article, and with the requirements of applicable ordinances of the City, the review authority may grant the permit ~~may be granted by the Planning Commission if it the Planning Commission~~ finds:
1. That granting the condominium permit will not be detrimental to the health, safety, peace, morals, comfort or general welfare of:
    - a. Persons in the immediate neighborhood,
    - b. Persons in the City, and
    - c. Property in the immediate neighborhood.
  2. That because of circumstances applicable to the subject property or to the structures situate thereon, including (but not limited to) the size, shape, location or surroundings of the subject property or the buildings situate thereon, the strict application of the provisions of this Article would create an unreasonable economic hardship on the developer of the proposed project.
  3. That granting the condominium permit for the project not in strict conformance with the development standards of this Article, will, subject to such conditions as may be imposed thereon:
    - a. Provide for substantial compliance with such development standards, and
    - b. Incorporate mitigating features in the project which tend to further the purposes of this Article.

**EXHIBIT B**  
**ZONING ORDINANCE AMENDMENTS**

[Amendments to Article 2, 4, 5, 6, 8, 9, 10, 15, 25, 30, 31, 32, 33, 41, 42, 44, 45, 53, 54, 55.]

Article 2 – DEFINITIONS

[Article 2, section 2.2 is amended as follows]

~~Assembly and Meeting Facility Facilities (land use). A facility~~ Facilities for public or private assembly and meetings, including kitchens, multi-purpose rooms, offices, etc. Examples of these uses can include places of worship, banquet rooms, auditoriums, community centers, conference facilities and meeting halls and excludes Entertainment Establishments, Child Care Centers and Schools.

- ~~• banquet rooms~~
- ~~• civic and private auditoriums~~
- ~~• community centers~~
- ~~• conference/convention facilities~~
- ~~• meeting halls for clubs and other membership organizations~~
- ~~• places of worship, including limited associated accessory uses (i.e., religious school activities that are not full-time and residences for clergy), but excluding full-time schools~~
- ~~• yacht clubs~~

~~This use does not include Offices, Entertainment Establishments, Funeral Homes and Mortuaries, Child Care Centers, Accessory uses include schools or associated conference, meeting, multi-purpose, or gathering facilities that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the offices they support (see "Offices"). Does not include sports or other commercial entertainment facilities (see "Entertainment Establishment"). Does not include funeral homes and mortuaries. Related on-site facilities including day care centers and schools are separately defined (see "Child Care Center" and "Schools – Public and Private").~~

*Adult Day Program.* Any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

*Car Share Vehicle.* An automobile rental model where people rent cars from a carsharing network, or an exclusive car provided by the project, to be located in a designated area within the project, for roundtrip or one-way, where vehicles are returned to a dedicated or reserved parking location.

*Child Care Center.* See Article 39 (Child Care). [no change]

*Dwelling, Single-Family ~~(land use)~~.* One dwelling unit on a lot that may include an accessory dwelling unit and/or junior accessory dwelling unit. A building designed for, or used to house, not more than one (1) family, including all necessary employees of such family.

*Dwelling, 2-Family or Duplex.* Two dwelling units on a lot or in a single development. A building containing not more than two (2) kitchens, designed or used to house not more than two (2) families living independently of each other, including all necessary employees of each such family.

*Dwelling, Multi-Family ~~Multiple~~.* Three or more dwelling units on a lot or in a single development, including townhouses, condominiums or rental apartments and accessory community buildings or recreational facilities. A building or portion thereof, used and designed as a residence for three (3) or more families living independently of each other and doing their own cooking in said building, including apartment houses, apartment hotels, and flats, but not including motels, boarding houses, and hotels.

*Dwelling Unit.* A building or portion of a building thereof designed or used exclusively for residential occupancy which contains cooking, sleeping and sanitary facilities for residential occupancy of no more than one family. Dwelling units, including one (1) family, two (2) family, and multi family dwelling, but do not including include hotels, motels, boarding rooming houses, tents or trailers. Transitional housing, supportive housing, and small residential care facilities are considered a residential use of property in any dwelling type.

*Emergency Shelter ~~(land use)~~.* Housing for homeless persons with minimal supportive services that ~~which~~ is limited to occupancy of six months or less.

*Family.* One (1) person living alone, two (2) or more persons related by blood, marriage, or legal adoption, or two (2) or more persons living as a single housekeeping unit.

*Family Care Home.* ~~A state authorized, certified, or licensed family care home, foster home, or group home serving six (6) or fewer mentally disordered or otherwise handicapped persons or dependent or neglected children on a twenty four (24) hour basis. [repetitious with Residential Care Facility, Small.]~~

*Family Child Care Home, Large.* See Article 39 (Child Care). [no change]

*Family Child Care Home, Small.* See Article 39 (Child Care). [no change]

*Farmworker Employee Housing.* Housing for agricultural employees consisting of no more than 36 beds in group quarters or 12 units or less designed for use by a single household that is allowed as an agricultural use.

*Funeral Home.* An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the human remains and conducting memorial services. This use includes a crematory, columbarium, mausoleum, or mortuary.

*Group Home/Rooming House.* A dwelling other than a hotel, where lodging or meals for three (3) or more persons is provided for compensation. Housing shared by unrelated persons with disabilities that provides peer and other support for residents' disability related needs and in which residents share cooking, dining, and living areas, and may participate in communal living activities. This use excludes hotels and residential care facilities.

*Hospital.* Facilities providing medical services, including psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, pharmaceuticals and services to patients, employees, or visitors.

*Housing for the Elderly.* Housing projects designed expressly for persons of sixty (60) years of age or older, having design characteristics typical of such projects which may include dining facilities, twenty-four (24) hour supervision, recreational facilities, and medical facilities. [Deleted and incorporated into the definition for Residential Care Facility, Senior]

*Live/Work (land use).* A dwelling unit that combines a work space and incidental residential occupancy occupied and used by a single household. Live/work units have been constructed for such use or converted from commercial or industrial use and structurally modified to accommodate residential occupancy and work activity in compliance with applicable Building Codes. The working space is reserved for and regularly used by one (1) or more occupants of the unit. Living space includes, but is not limited to, a sleeping area, a food preparation area with reasonable work space, and a full bathroom including bathing and sanitary facilities which satisfy the provisions of applicable codes. Live/work units can include renter-occupant and/or owner-occupant.

*Lot Area.* For the purpose of determining Floor Area Ratio, the lot area shall be the horizontal area within the exterior lines of a lot ~~exclusive of any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, open channel, or open flood control or drainage easement and exclusive of any portion of a lot within a street right-of-way whether acquired in fee, easement, or otherwise.~~ as established by subdivision map, metes and bounds, or any other means of description contained in any conveyance of title thereof, or any other interest therein, on file and recorded in the office of the County Recorder, County of San Mateo.

*Lot Size.* See *Lot Area.* ~~The size of a lot as established by subdivision map, metes and bounds, or any other means of description contained in any conveyance of title thereof, or any other interest therein, on file and recorded in the office of the County Recorder, County of San Mateo.~~

*Mobile Home.* Shall mean any dwelling unit transportable in one (1) or more sections, used or designed to be used for living or sleeping purposes or both and which is not equipped with wheels used for the purpose of transporting such unit from place to place whether by motive power or other means.

*Mobile Home Park.* Shall mean any place, area, or tract of land offered to the public for the accommodation of any mobile home or trailer, except recreational areas operated by public agencies or areas used exclusively for the sale or storage of mobile homes or trailers.

*Nonconforming Use.* A use legally established and existing which fails to conform with the use regulations, ~~including residential density limitations~~, of the district in which it is located by reason of adoption of the ordinance codified in this article, or any amendment thereto, or by reason of annexation of territory to the City. Uses not legally established, which fail to conform to the provisions of this article, shall be deemed to be illegal uses. Notwithstanding the foregoing, a residential use legally established as of June 8, 2023 is not considered to be a nonconforming use solely for failing to comply with applicable residential density regulations.

*Residential Care Facility, Senior ~~(and use)~~.* ~~Facilities for seven (7) or more residents, 75 percent of whom are age 60 and over, providing housing arrangement, supervision, and assistance with activities of daily living, such as bathing and grooming, to residents sixty (60) years of age and over and persons.~~ Facilities for seven (7) or more residents, 75 percent of whom are age 60 and over, providing housing arrangement, supervision, and assistance with activities of daily living, such as bathing and grooming, to residents sixty (60) years of age and over and persons. and with population composition and licensing requirements consistent with Cal. Code of Reg., Title 22; Division 6, Chapter 8. This use includes continuing care uses and is exclusive of small residential care facilities.

*Residential Care Facility, General.* Facilities for 7 or more adult residents, ages 18 through 59, providing permanent living accommodations and 24-hour primarily nonmedical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.

*Residential Care Facility, Small.* ~~Any facility, place, or building that is maintained and operated to~~ Facilities for 6 or fewer adult residents that provide twenty-four (24)-hour care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual and licensed by the state of California for occupation by six (6) or fewer persons. See definition under Title 22 (Social Security) in the California Code of Regulations (Section 80001[g]).

*Rest Home.* ~~Any premises licensed under Section 2300 of the Welfare and Institutions Code of the State of California.~~ [Section of State law no longer exists. Redefined as either a Residential Care Facility, Senior, General, or Skilled Nursing Facility.]

*SB 9 Project.* A proposed development containing no more than two residential dwelling units within a single family residential zone, that meets the requirements set forth in Government Code 65852.21 and Article 5, Section 5.10.

*School* ~~public and private (land use).~~ A public or private academic educational institution. Illustrative examples of these uses include: boarding school; community college, college, or university; elementary, middle, or junior high school; high school; and military academy. Also includes schools providing specialized education/training. ~~Illustrative examples of these uses include: art school; business, secretarial, and vocational school; computers and electronics school; culinary arts; dance school; drama school; driver education school; and language school.~~ Also includes facilities that offer specialized programs in personal growth and development (i.e., arts, communications, diet centers, environmental awareness, management, etc.). Does not include part-time religious instruction at places of worship. ~~This use does not include or child care centers preschools and child day care facilities (see "Child Care Center").~~ See also the definition of "Studio - Art, Dance, Martial Arts, Music, etc." under "Personal Services" for smaller-scale facilities offering specialized instruction.

*Skilled Nursing Facility Facilities.* Facilities that provide ~~An~~ in-patient health care services facility and which are licensed and operated as a Skilled Nursing Facility under state of California [Department of Health Care Services] regulations.

*Sufficient to Allow Separate Conveyance.* Shall mean each housing unit being constructed in a manner adequate to allow transfer of title, ownership, rights and interest in the property, from one entity to another.

*Supportive Housing.* Housing with no limit on length of stay that is occupied by the target population, as defined in Government Code Section 65582(i), and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. ~~Housing linked to on- or off-site services with no limit on stay that support target populations as defined in Health and Safety Code Section 53260. This definition shall be construed in light of the definition in Health and Safety Code Section 50675.14((b)(2).~~

*Trailer.* Shall mean any unit used, or designed to be used, for living or sleeping purposes or both, and which is equipped with wheels for transporting such unit from place to place whether by motive power or other means.

~~Trailer Park. Shall mean any area, or tract of land offered to the public for the accommodation of a1ny trailer, except recreational areas operated by agencies or areas used exclusively for the sale or storage of trailers. [incorporated into mobile home park]~~

*Urban Lot Split.* See Section 30.30 of Article II of the Municipal Code (Parcel Map)



## **Article 4 – USE REGULATIONS (RESIDENTIAL ZONING DISTRICTS)**

[new article from previously reserved article]

### **4.1 Purpose**

This article specifies permitted, conditionally permitted, and prohibited uses in residential zoning districts within the City.

### **4.2 Use Regulations in Residential Zoning Districts**

- A. Districts Defined. Residential Zoning Districts consist of RH, R-1, R-2, R-3, R-4, R-5, and MH. Individual development standards and further regulations are found in individual Articles for each zoning district.
- B. Land Uses. Table 4.2 (Use Regulations for Residential Zoning Districts) indicate the uses permitted (P), permitted with a conditional use permit (C), and not permitted (-). Any use not explicitly addressed in Table 4.2 is prohibited unless deemed by the Zoning Administrator to be a similar and compatible use which meets the purpose and intent of the Zoning District.
- C. Applicable Regulations. The last column of the table (Specific Use Regulations) references specific requirements for the use, though other provisions in the Zoning Ordinance may also apply.
- D. Accessory Uses.
  - 1. Legal Dwelling Unit. The following accessory uses may be permitted in conjunction with a legal dwelling unit in Residential Zoning Districts:
    - a. Accessory Dwelling Units (Article 37)
    - b. Family Child Care Homes (Article 39)
    - c. Home Occupations (Section 31.12)
    - d. Short-Term Rentals (Section 31.3)
    - e. Accessory Structures, Fences, and Other Improvements (Article 36 Exterior Site Improvements)
  - 2. Incidental to Civic Uses. The following accessory uses are permitted in conjunction with uses listed under “Civic Uses” in Table 4.2
    - a. Retail and service
    - b. Restaurant
    - c. Office uses

[EDITORS NOTE: Red underline shows a change/interpretation from the current zoning ordinance. Used for brand new use categories or change in regulations, either previously silent or creating a different policy choice.]

### **E. Table 4.2 Uses Allowed in Residential Zoning Districts**

*P - Permitted by Right*

*C - Requires a Use Permit*

*- Prohibited*

	<u>RH</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>MH</u>	<u>Subject to Additional Regulations in</u>
<b><u>Residential and Specialty Housing</u></b>								
<u>Single Family Dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	
<u>SB 9 Projects</u>	<u>P</u>	<u>P</u>						<u>Section 5.10 - SB 9 Project</u>
<u>Two-Family Dwelling</u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	
<u>Multi-Family Dwelling<sup>1</sup></u>	-	-	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	
<u>Live/Work</u>	-	-	-	-	-	<u>C</u>	-	<u>Section 31.4 (Live/Work)</u>
<u>Mobile Home Parks</u>	-	-	-	-	-	-	P	
<b><u>Care Facilities</u></b>								
<u>Adult Day Programs</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	
<u>Child Care Center</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>Article 39 (Child Care Facilities)</u>
<u>Senior Residential Care Facility<sup>2</sup></u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>See Section 31.2 (Building Intensity Limits for Residential Care Facilities and Skilled Nursing Facilities)</u>
<u>General Residential Care Facility<sup>2</sup></u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	-	<u>See Section 31.2 (Building Intensity Limits for Residential Care Facilities and Skilled Nursing Facilities)</u>
<u>Residential Care Facility, Small<sup>2</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	
<u>Skilled Nursing</u>	-	-	-	-	<u>C</u>	<u>C</u>	-	<u>See Section 31.2 (Building Intensity Limits for Residential Care Facilities and Skilled Nursing Facilities)</u>
<b><u>Civic</u></b>								

	<u><b>RH</b></u>	<u><b>R-1</b></u>	<u><b>R-2</b></u>	<u><b>R-3</b></u>	<u><b>R-4</b></u>	<u><b>R-5</b></u>	<u><b>MH</b></u>	<u><b>Subject to Additional Regulations in</b></u>
<u><b>Assembly and Meeting Facilities</b></u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u><b>School</b></u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	
<u><b>Public Uses</b></u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

Footnotes:

1. Includes Supportive Housing and Transitional Housing
2. In accordance with applicable San Carlos ALUCP Safety Compatibility policies and State law

[Article 2, Sections 5.1, 5.2, and 5.7 are amended and Section 5.10 is added as follows]

## **ARTICLE 5 RH (RESIDENTIAL—HILLSIDE) AND R-1 (RESIDENTIAL—SINGLE-FAMILY) DISTRICTS**

### **5.1 Purpose.**

This article sets forth two zoning districts for low-density single-family residential living that promotes primarily detached single-family homes and related uses, including accessory dwelling units, and implements the requirements of Government Code Section 65852.21.

[Subsections A and B are unchanged]

- A. RH District—This district is located in the hillside areas and promotes a semi-rural environment with sloped lots and curvilinear streets.
- B. R-1 District—This district is located predominantly in the western portion of the city with both sloped and flat lots and promotes a low-density residential living environment.

### **5.2 Use Regulations Uses Allowed by District.**

See Article 4.2 (Use Regulations in Residential Zoning Districts) for Use Regulations in the R-1 Zoning District.

- ~~1. Listed Uses. Table 5-2 indicates the uses permitted (P), permitted with a conditional use permit (C), permitted as an accessory use (A) and not permitted ( ) in both the RH and R-1 Zoning Districts.~~
- ~~2. Uses Not Listed. Any use not specifically indicated in Table 5-2 is prohibited unless deemed by the Zoning Administrator to be a similar and compatible use which meets the purpose and intent of the Zoning District.~~
- ~~3. Within a Structure. All uses shall be conducted within a structure, unless stated otherwise.~~
- ~~4. Minimum Site Size for Public or Quasi-Public Uses. The minimum lot size for public or quasi-public buildings is 40,000 square feet. The lot shall have a minimum average width of 100 feet.~~

[Table 5-2 to be deleted. Land uses will be located in new Table 4.2 “Uses Allowed in Residential Zoning Districts”]

<del>Table 5-2</del> Uses in the RH and R-1 Zoning Districts	<del>Specific Use Standards</del>	<del>RH and R-1</del>
<b>Residential</b>		
<del>Single-Family Dwellings</del>		<del>P</del>
Accessory Dwelling Units	See <u>Article 37</u> (Accessory Dwelling Units)	A
<del>Two-Family Dwellings</del>		-
<del>Multi-Family Dwellings</del>		-
<del>Room and Board (2 persons or fewer)</del>		A
<del>Room and Board (3 persons or more)</del>		-
<del>Small Family Child Care Homes</del>	See <u>Article 39</u> (Child Care Facilities)	A
<del>Large Family Child Care Homes</del>	See <u>Article 39</u> (Child Care)	A
<b>Non-Residential</b>		
<del>Child Care Centers in conjunction with public or quasi-public uses</del>	See <u>Article 39</u> (Child Care)	A
<del>Child Care Centers</del>	See <u>Article 39</u> (Child Care)	C

Table 5-2 Uses in the RH and R-1 Zoning Districts	Specific Use Standards	RH and R-1
Home Occupations	See Definitions	A
Public or Quasi- Public Uses, except for corporation yards, storage or repair yards, or warehouses	See <del>Section 5.2(4)</del> Minimum Site Size for Public or Quasi-Public Uses.	C
Parking Lots and Garages serving activities in adjacent industrial or commercial zones for customer and employee parking only, on parcels within the district adjacent to industrial or commercial zoning districts and not separated from the activities by any street, alley, or other public or private right-of-way		C
Funeral Homes and Mortuaries		-
Nursing or Rest Homes		-

### 5.3 Lot Area.

- A. Minimum Area. The minimum lot area requirement is 10,000 square feet for the RH Zoning District and 6,000 square feet for the R-1 Zoning District, with exceptions to these requirements described in subsections B, C, and D.

- B. Greater Minimums with a Numerical Suffix. Greater minimum lot areas may be established by adding a numerical suffix to the district designation in conjunction with the zoning of any property. The number is part of the District designation and establishes the minimum lot area in thousands of square feet (for example, RH-20 establishes a minimum lot area of 20,000 square feet).
- C. Supplementary Lot Area Requirements for Sloping Sites. Additional requirements for lot subdivisions in sloping areas are located in Section 32.2 (Supplementary Lot Area Requirements for Sloping Sites).
- D. Minimum Site Size for Public or Quasi-Public Uses. The minimum lot size for public or quasi-public buildings is 40,000 square feet. The lot shall have a minimum average width of 100 feet.

[Sections 5.4 - 5.6 are unchanged]

#### 5.4 Lot Width.

The minimum average lot width is 60 feet in the RH Zoning District and 50 feet in the R-1 Zoning District. Each lot shall have a minimum of 35 feet of a public street or private street (privately owned and maintained but publicly accessible.)"

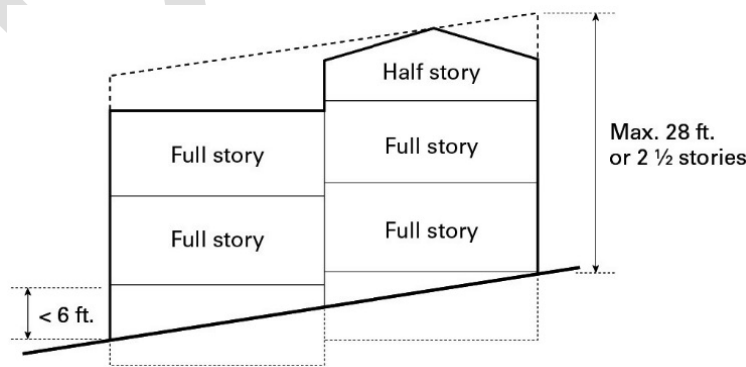
#### 5.5 Lot Coverage.

Total lot coverage is limited to forty (40) percent of the lot area. Not more than fifty (50) percent of the required rear yard shall be covered by any combination of accessory buildings or an accessory dwelling unit subject to Section 36.5 (Accessory Buildings) and Article 37 (Accessory Dwelling [Units]).

#### 5.6 Building Height.

Maximum building height is twenty-eight (28) feet and structures shall not exceed two and one-half (2.5) stories. See Section 36.5 (Accessory Buildings) and Article 37 (Accessory Dwelling Units) for accessory building and accessory dwelling unit height regulations, respectively. See Article 2 (Definitions) for information on how "story" and "height of building" are measured.

**Figure 5.6 Building Height (for illustrative purposes only)**

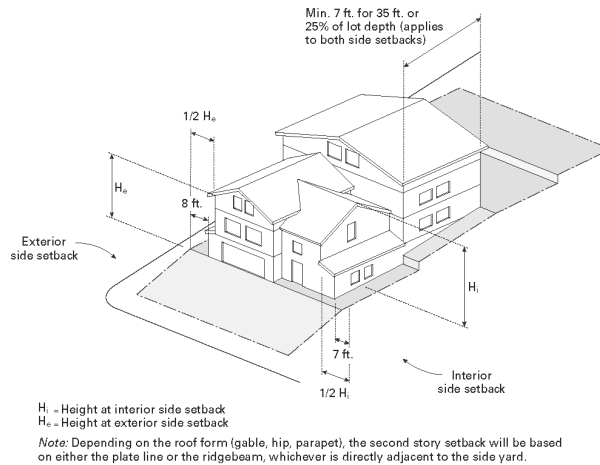


## 5.7 Setback Requirements. Modified [R-1 and RH].

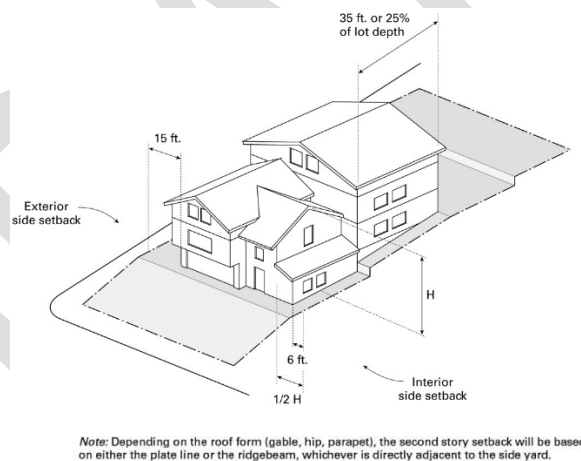
- A. Definitions and Modifications. For further information on how to measure a setback and modifications to setback requirements, see Article 32 (Supplementary Provisions).
- B. Applicability. Setbacks in this section apply to main buildings, except SB 9 Projects. See Section 5.10 for setback information for SB 9 Projects. See Article 36 for further information on setbacks for fences, accessory buildings, or other types of improvements. See Article 37 for setback information regarding accessory dwelling units.
- C. Front. In the R-1 and RH districts, structures shall be set back from the front property line as provided below or adjusted per Section 5.8D (Parking Front Setback Adjustment):
  - 1. RH District.
    - a. Lot area less than 10,000 square feet: 20 feet.
    - b. Lots area of 10,000 square feet or more: 25 feet.
  - 2. R-1 District. The minimum setback is 15 feet except as provided below.
    - a. Garages and carports: 20 feet.
    - b. Lots with existing side setbacks (as defined by the existing building footprint) less than normally required: 20 feet.
- D. Side—RH District. Structures shall be set back from the side property line as provided below:
  - 1. First story: 7 feet on one side and total of 15 feet for both sides.
  - 2. Upper Stories: 7 feet minimum for 25 percent of the lot depth or 35 feet, whichever is less. Remaining portions of upper stories shall have a minimum setback of one half the height of the building face measured at the plateline or ridge beam, whichever is highest.
- E. Side—R-1 District. Structures shall be set back from the side property line as provided below:
  - 1. First Story Interior: A minimum of six (6) feet or one-half ( $\frac{1}{2}$ ) the height of the building face, whichever is greater. On lots less than sixty (60) feet wide, the interior side setback may be reduced to ten (10) percent of the width of the lot, but not less than four (4) feet.
  - 2. First Story Exterior: A minimum of fifteen (15) feet setback is required wherever a side yard is adjacent to a street. On lots less than sixty (60) feet wide, the exterior side yard setback may be reduced to twenty-five (25) percent of the width of the lot. Garages facing an exterior side yard require a twenty (20) foot setback.
  - 3. Upper Stories: For interior setbacks, a minimum of six (6) feet for twenty-five (25) percent of the lot depth or thirty-five (35) feet, whichever is less. Remaining portions of upper stories shall have a minimum setback of one-half ( $\frac{1}{2}$ ) the height of the building face measured at the plateline or ridge beam, whichever is highest. For side yards adjacent to a street, the upper story must meet the first story exterior setback requirements.

- F. Rear. In the RH and R-1 districts, structures shall be set back from the rear property line as provided below:
1. RH District: 25 feet.
  2. R-1 District: 20 feet.

**Figure 5.7—Side Yard Setback Diagrams (for illustrative purposes only)**



**Figure 5.7A—RH Side Yard Setbacks**



**Figure 5.7B—R-1 Side Yard Setbacks**

[Sections 5.8 - 5.9 are unchanged]

## 5.8 Additional Regulations for Sloping Lots.

- A. Purpose. The purpose of the additional regulations for sloping lots is that:
1. Trees and natural features, well-designed homes and variety of architectural styles are key components of quality hillside areas;
  2. Safety of homes, both structurally and from fire danger, is of particular concern in the hillside areas;



3. Ensuring that homes are integrated with hillside slopes and scaled to the size of the property contributes towards overall compatibility; and
  4. Allowing reasonably-sized homes and additions can further the goals of neighborhood quality and accommodate diverse family and multi-generational needs.
- B. Definition of Sloping Lots. For the purposes of this section, "sloping lots" is any lot in the R-1 or RH Zoning District that has an average slope of 15 percent or more.
  - C. Underfloors. Exterior building surfaces between the lowest floor and finished grade shall be comprised of fire-retardant materials to prevent exposure to wildfire hazard. The building official shall determine compliance with this standard.
  - D. Parking Front Setback Adjustment. In order to reduce grading, required parking (including a private garage) may be located, at the discretion of the Director, as close as 5 feet to the street property line; provided that portions of the dwelling and accessory structures other than the garage shall comply with the setback requirements of the base zoning district. Driveway aprons of 10 to 18 feet are prohibited as they would allow a car to protrude into the sidewalk or street.
  - E. Review Process. As required per Article 45 (Architectural Permits).

#### **5.9 Pervious Area and Stormwater Requirements.**

- A. Definitions. "Pervious" is defined as areas with landscaping, vegetated open space, or permeable paving materials consistent with Section 32.12 (Stormwater Treatment) of the Zoning Ordinance.
- B. Pervious Requirements. At least 40 percent of each lot and a minimum of 60 percent of the required front yard area shall be pervious. For lots less than 50 feet in width, a maximum paved area 20 feet wide may be permitted for driveway and parking areas.
- C. Stormwater Requirements. New development shall comply with the requirements of Chapter 27A (Stormwater Requirement Treatment Measures and Maintenance Program) of the Municipal Code.

[Adding Section 5.10]

#### **5.10 – SB 9 Projects**

This section is intended to implement the provisions of Government Code Section 65852.21 to allow SB 9 Projects in single-family residential zones.

##### **A. Number of Dwelling Unit.**

1. A lot that was not previously issued a parcel map for an urban lot split as defined in Section 30.30 of the Municipal Code may develop an SB 9 Project and, in addition, may apply for development of Accessory Dwelling Units as authorized under Article 37.
2. A lot created through a parcel map for an urban lot split as defined in Section 30.30 of the Municipal Code may develop up to two dwelling units on the lot. The units may include an SB 9 Project, Junior Accessory Dwelling Unit(s), and Accessory Dwelling Unit(s) as authorized under Article 37, or some combination thereof that does not result in more than two dwelling units on the lot.

##### **B. Development Standards**

Except as otherwise provided, SB 9 Projects shall comply with the objective zoning standards, objective subdivision standards and objective design review standards of the underlying zoning district unless the standard would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area. The City shall waive or modify any standard if that standard would have the effect of physically precluding the construction of two units of at least 800 square feet each; any modifications of development standards shall be the minimum modification necessary to avoid physically precluding the construction of two units of 800 square feet each. The following exceptions to the requirements of the underlying zoning district apply:

1. **Height.** The maximum building height for SB 9 Projects is consistent with the underlying zoning district requirements, except where SB 9 Projects structures which encroach within the rear setback area ,as identified in Section 5.7, shall not exceed twenty (20) feet when that portion of the SB 9 Project has a flat roof, or twenty-four (24) feet with a pitched roof (with the additional four (4) feet solely devoted to roof pitch).
2. **Setbacks.** SB 9 Projects shall be set back from the side and rear property lines as provided below:
  - i. Side: 4 feet.
  - ii. Rear: 4 feet.
  - iii. No setback shall be required for an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
3. **Parking.** For parking standards, see Section 30.5.A.2.
4. **Floor Area Ratio.** Where applicable, SB 9 Projects that propose to develop a single-family dwelling shall comply with the floor area ratio requirements in Article 48 (Floor Area Ratio for Single-Family Homes) of the Zoning Ordinance. SB 9 Projects that propose any other type of dwelling shall not be subject to a limit on floor area ratio.
- C. **Allowable Demolition.** No more than 25 percent of the existing exterior structural walls shall be demolished if a tenant has occupied the site in the last three years.
- D. **Location Restrictions.** An SB 9 Project is prohibited on a site that is identified in Government Code Section 65913.4(a)(6) subparagraphs (B) to (K) and as summarized below:
  1. Farmland.
  2. Wetlands.
  3. Hazardous waste site.
  4. Under conservation easement.
  5. Lands identified for conservation.
  6. Habitat for protected species.
  7. Within a Very High Fire Hazard Severity Zone, except for sites excluded from specified hazard zones by the city, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

8. Within a delineated earthquake fault zone, unless the development complies with the applicable seismic protection building code standards identified in Government Code section 65913.4(a)(6)(F).
  9. Within a special flood hazard area subject to inundation by the 1 percent chance of flood as determined by the Federal Emergency Management Agency (FEMA), except as provided in section 65913.4(a)(6)(G).
  10. Within a regulatory floodway, as determined by FEMA, except as provided in section 65913.4(a)(6)(H).
- E. **Eligibility.**
1. An SB 9 Project shall not require demolition or alteration of any of the following types of housing:
    - i. **Affordable Housing.** Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    - ii. **Rent Control.** Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    - iii. **Rental.** Housing that has been occupied by a tenant in the last three years.
  2. **Ellis Act.** An SB 9 Project is prohibited on a parcel on which an owner of residential real property has exercised the owner's rights under Government Code Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
  3. **Historic.** An SB 9 Project is prohibited where the site is 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
- F. **Replacement Housing.** If an existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code section 66300(d).
- G. **Affidavit of Prior Tenancies.** If the application for a SB 9 Project proposes to alter or demolish any existing housing, the owner of the property on which the SB 9 Project is proposed shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions identified in Section E exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three (3) years (five (5) years if an existing unit is to be demolished) on a form approved by the City Attorney.
- H. **Short Term Rental Prohibited.** Rental of any units created pursuant to this section must be for a term longer than 30 days.
- I. **Sufficient to allow Separate Conveyance.** An applicant for an SB 9 Project shall not be rejected solely because it proposes adjacent or connected structures, provided that the structures meet building code safety standards and are sufficient to allow separate conveyance..

- J. **Ministerial Process.** An application for an SB 9 Project will be considered ministerially through a building permit, without discretionary review or a hearing, if the SB 9 Project meets all of the requirements under this section 5.10 and Government Code Section 65852.21. An application for an SB 9 project that does not meet the requirements shall be rejected.
- K. **Findings for Denial** –The City may deny a proposed SB 9 project that meets all of the requirements identified in this section 5.10 and Government Code Section 65852.21 if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed SB 9 Project would have a specific, adverse impact, as defined in Government Code section 65589.5(d)(2), 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.
- L. **Enforcement.** The City Attorney shall be authorized to abate violations of this section and to enforce the provisions of this section and all implementing agreements and affidavits by civil action, injunctive, relief, and any other proceeding or method permitted by law. Remedies provided for in this section shall not preclude the City from any other remedy or relief to which it otherwise would be entitled under law or equity.

## **Article 6 - R-2 (RESIDENTIAL—DUPLEX) DISTRICT**

### **6.1 - Purpose.**

To stabilize and maintain the residential character of the district and permit a suitable environment for family living on a smaller scale by permitting a higher density with two (2) or three (3) families to the lot, or low-scale multi-family planned development including attached and detached single-family homes on small lots, while maintaining individual privacy, open space, and facilities.

This district is intended for small and medium scale residential densities as permitted in the General Plan . Dwelling types include small lot single-unit development, bungalow courts, front or rear loaded townhomes, multi-unit buildings, and accessory dwelling units. This district also allows for complementary uses such as childcare, other care facilities, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly.

### **6.2 – Use Regulations Permitted Uses.**

See Article 4.2 (Use Regulations in Residential Zoning Districts) for Use Regulations in the R-2 Zoning District.

~~The following structures and uses are permitted in the R-2 District:~~

- ~~A. Single-family dwellings;~~
- ~~B. Two (2) family (duplex) dwellings;~~
- ~~C. Multifamily dwellings.~~

### **6.3 Accessory Uses.**

The following structures and uses are permitted in the R-2 District when accessory to and constructed or commenced concurrently with or subsequent to uses permitted under Sections 6.2 and 6.4 and in accordance with the following specified regulations:

- A. ~~Home occupations (Section 31.12);~~
- B. ~~Short term rental uses (Section 31.3);~~
- C. ~~Accessory dwelling units (Article 37);~~
- D. ~~Family childcare homes (Article 39);~~
- E. ~~Child Care Centers in conjunction with public or quasi-public uses;~~
- F. ~~Other accessory uses and structures customarily appurtenant to a permitted use.~~

### **6.4 Conditional Uses.**

The following structures and uses are permitted in the R-2 District subject to first securing a Use Permit:

- A. ~~Public or quasi-public uses, except corporation yards, storage or repair yards, or warehouses;~~
- B. ~~Temporary tract offices;~~
- C. ~~Parking lots and garages serving activities in adjacent industrial or commercial zones for customer and employee parking only, on parcels within the district adjacent to industrial or commercial zoning districts and not separated from the activities by any street, alley, or other public or private right-of-way;~~
- D. ~~Child care centers.~~

### **6.35 - Height Regulations.**

- A. ~~The maximum building height for all structures is twenty-eight (28) feet. No more than two and one-half (2.5) stories are permitted.~~
- B. ~~An unfinished lower level of an existing structure that exceeds this height limitation prior to adoption of this regulation, however, shall be allowed to be finished and improved, such that (1) the footprint of the lower level is not increased, (2) the overall height of the structure is not increased, and (3) all other applicable regulations are met. [Procedures now in Article 41. Section is outdated and no longer pertinent]~~
- C. ~~For any lot with an average slope in excess of ten (10) percent, the Zoning Administrator may require a topographic survey to be submitted for (1) any new residence, (2) any addition to an existing residence of twenty five (25) percent or more of the existing total square footage on the site or an addition of at least five hundred (500) square feet, or (3) any second story addition in excess of one hundred (100) square feet, to demonstrate compliance with height requirements. - [Editors note: Submittal requirements are now at the Director's discretion Section 41.2]~~

### **6.46- Minimum Lot Area Size, Frontage, and Width.**

The following standards apply :

- A. The minimum lot size is 5,000 square feet
- B. The minimum lot frontage is 35 feet.

C. The minimum average lot width is 50 feet.

~~The minimum building site area shall be five thousand (5,000) square feet for a single-family dwelling, seven thousand five hundred (7,500) square feet for a two (2) family (duplex) dwelling, ten thousand (10,000) square feet for a three (3) family (triplex) dwelling, and two thousand (2,000) square feet for each additional family unit in excess of three (3) units on the same lot. Additional minimum building site area requirements greater than those specified in this section shall be determined in accordance with the provisions of Section 32.2, "Supplementary Lot Area Requirements for Sloping Sites," under the conditions therein specified.~~

**6.5 6.7 - Permitted Density Lot Width**

~~The maximum permitted density shall be the maximum density allowed by the General Plan. The minimum average lot width shall be fifty (50) feet for a single-family dwelling and for a two (2) family (duplex) dwelling, and seventy five (75) feet for a three (3) family (triplex) dwelling. Every lot shall have a minimum of thirty five (35) feet of frontage on a public street for a single-family dwelling, and a minimum of fifty (50) feet of frontage on a public street for a two (2)-family (duplex) dwelling, three (3) family (triplex) dwelling, or dwelling group. The required frontage may be located on a street or private street (privately owned and maintained but publicly accessible).~~

**6.6 6.8 - Lot Coverage.**

The maximum lot coverage is 40 percent.

~~Not more than 40 percent of the lot shall be covered by buildings.~~

**6.7 6.9 – Setback and Open Space Requirements.**

[Subsections A-F are unchanged]

**6.8 6.10 - Other Required Conditions.**

~~The following additional conditions shall apply in the R-2 District:~~

A. The minimum building site for public or quasi-public buildings shall be forty thousand (40,000) square feet. Such building sites shall have a minimum average width of one hundred (100) feet.

~~B. There shall be a limit of one (1) single-family dwelling, one (1) two (2) family (duplex) dwelling, or one (1) three (3) family (triplex) dwelling building per lot except for permitted dwelling groups approved pursuant to a planned development permit.~~

**6.9 6.11 – Minimum Pervious Area and Stormwater Requirements.**

A minimum of 40% of each lot, and a minimum of 60% of the front yard area, shall be pervious. Pervious area is composed of landscaping, vegetated open space, or permeable materials. See Section 32.12 (Stormwater Treatment) for additional requirements.

~~A minimum of forty (40) percent of each lot shall be pervious area, to be composed of landscaping, vegetated open space, or permeable paving materials, consistent with the provisions of Section 32.12 of the Zoning Ordinance and Chapter 27A of the Municipal Code, as that section may be amended from time to time. All development is also subject to the requirements of Chapter 27A (Stormwater Treatment Measures and Maintenance Program) of the Municipal Code, as that chapter may be amended from time to time.~~

#### **~~6.12 – Required Pervious Area in Front Yard.~~**

~~A minimum of sixty (60) percent of the area of the front yard shall be pervious area, primarily comprised of pervious landscaped material. For lots less than fifty (50) feet in width, however, a maximum paved area of twenty (20) feet in width for a driveway and parking (from the road to the front setback line) is permitted within the front yard. Area devoted to public sidewalks shall not be included in the calculations.~~

### **Article 8 - R-3 (MULTI-FAMILY—LOW DENSITY) DISTRICT**

#### **8.1 - Purpose.**

~~To stabilize and maintain the residential character of the district for low density apartment living with substantial space for cooperatively used facilities and open spaces.~~

This district is intended for medium scale residential densities, as permitted in the General Plan . Dwelling types include small lot single-unit development, bungalow courts, front or rear loaded townhomes, multi-unit buildings, and accessory dwelling units. This district also allows for complementary uses such as child care, other care facilities, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly.

#### **8.2 – Use Regulations**

See Article 4.2 (Use Regulations in Residential Zoning Districts) for use regulations in the R-3 Zoning District.

#### **~~8.2 Permitted Uses.~~**

~~The following structures and uses are permitted in an R-3 District:~~

- ~~A. Single family dwellings;~~
- ~~B. Two (2) family (duplex) dwellings;~~
- ~~C. Multiple dwellings;~~
- ~~D. Accessory dwelling, subject also to the definition set forth in Article 2 and the provisions of Article 37.~~

#### **~~8.3 Accessory Uses.~~**

~~The following structures and uses are permitted in the R-3 District when accessory to and constructed or commenced concurrently with or subsequent to uses permitted under Sections 8.2 and 8.4 and in accordance with the following specified regulations:~~

- ~~A. Home occupations (Section 31.12);~~
- ~~B. Short term rental uses (Section 31.3);~~

- ~~C. Accessory dwelling units (Article 37);~~
- ~~D. Family childcare homes (Article 39);~~
- ~~E. Child Care Centers in conjunction with public or quasi-public uses;~~
- ~~F. Other accessory uses and structures customarily appurtenant to a permitted use.~~

#### **8.4 Conditional Uses.**

The following structures and uses are permitted in the R-3 District subject to first securing a Use Permit:

- ~~A. Public or quasi-public uses, except corporation yards, storage or repair yards, or warehouses;~~
- ~~B. Temporary tract offices;~~
- ~~C. Parking lots and garages serving activities in adjacent industrial or commercial zones for customer and employee parking only, on parcels within the district adjacent to industrial or commercial zoning districts and not separated from the activities by any street, alley, or other public or private right-of-way;~~
- ~~D. Funeral homes and mortuaries when located on a parcel immediately adjacent to a parcel devoted to a public or quasi-public use;~~
- ~~E. Child care centers.~~

#### **8.5-8.3 - Height Regulations.**

The maximum building height for all structures is thirty-five (35) feet, except single-family homes and duplexes which have a maximum building height of twenty-eight (28) feet.

#### **8.6-8.4 - Minimum Lot Area Size, Frontage, and Width.**

The following standards shall apply:

- A. The minimum lot size is 5,000 square feet.
- B. The minimum lot frontage is 35 feet.
- C. The minimum average lot width is 50 feet.

The minimum building site area shall be five thousand (5,000) square feet for a single-family dwelling, seven thousand five hundred (7,500) square feet for a two (2) family (duplex) dwelling, ten thousand (10,000) square feet for a three (3) family (triplex) dwelling, and one thousand five hundred (1,500) square feet for each additional family unit in excess of three (3) units on the same lot. Additional minimum building site area requirements greater than those specified in this section shall be determined in accordance with the provisions of Section 32.2, "Supplementary Lot Area Requirements for Sloping Sites," under the conditions therein specified.

#### **8.7-8.5 - Permitted Density Lot Width**

The maximum permitted density shall be the maximum density allowed by the General Plan.



~~The minimum average lot width shall be fifty (50) feet for a single-family dwelling and for a two (2)-family (duplex) dwelling, and seventy-five (75) feet for a multiple dwelling. Every lot shall have a minimum of thirty-five (35) feet of frontage on a public street for a single-family dwelling, and a minimum of fifty (50) feet of frontage on a public street for a two (2)-family (duplex) dwelling, multiple dwelling, or dwelling group. The required frontage may be located on a street or private street (privately owned and maintained but publicly accessible).~~

#### **8.8.8.6 - Lot Coverage.**

~~Not more than sixty (60) percent of the lot shall be covered by buildings. The maximum lot coverage is 60%~~

#### **8.98.7 - Setback and Open Space Requirements.**

[Subsections A-F are unchanged]

#### **8.11 8.8 - Other Required Conditions.**

~~The following additional conditions shall apply in the R-3 District:~~

- ~~A. The minimum building site for public or quasi-public buildings shall be forty thousand (40,000) square feet. Such building sites shall have a minimum average width of one hundred (100) feet;~~
- ~~B. Single-family dwellings and duplexes in the R-3 District shall comply with the building height and lot coverage and yard requirements specified under the R-2 District regulations in the same manner as if constructed in an R-2 District.~~

#### **8.12 8.9 - Minimum Pervious Area and Stormwater Requirements.**

~~A minimum of twenty (20) percent of each lot shall be pervious area, to be composed of landscaping, vegetated open space, or permeable paving materials, consistent with the provisions of Section 32.12 of the Zoning Ordinance, as that section may be amended from time to time. All development is also subject to the requirements of Chapter 27A (Stormwater Treatment Measures and Maintenance Program) of the Municipal Code, as that chapter may be amended from time to time.~~

A minimum of 20 percent of each lot, and a minimum of 60 percent of the front yard area shall be pervious. Pervious area is composed of landscaping, vegetated open space, or permeable materials. See Section 32.12 (Stormwater Treatment) for additional requirements.

#### **8.13 - Required Pervious Area in Front Yard.**

~~A minimum of sixty (60) percent of the area of the front yard shall be pervious area, primarily comprised of pervious landscaped material. For lots less than fifty (50) feet in width, however, a maximum paved area of twenty (20) feet in width for a driveway and parking (from the road to~~

~~the front setback line) is permitted within the front yard. Area devoted to public sidewalks shall not be included in the calculations.  
(Ord. 1130.336 § 5 (part), eff. 1-5-06)~~

## **Article 9 - R-4 (MULTI-FAMILY—MEDIUM DENSITY) DISTRICT**

### **9.1 - Purpose.**

~~To stabilize and maintain the residential character of the district for medium density small apartments with adequate space for cooperatively used facilities and open space.~~

This district is intended for medium to large scale residential densities, as permitted in the General Plan. Dwelling types include a range of types from small lot single-unit development in older neighborhoods to large apartment buildings. This district also allows for complementary uses such as childcare, other care facilities, park and recreation facilities, complementary smaller commercial uses and civic and institutional uses such as schools and places for community assembly.

### **9.2 - Use Regulations**

See Article 4.2 (Use Regulations in Residential Zoning Districts) for Use Regulations in the R-4 Zoning District.

#### **9.2 Permitted Uses.**

~~The following structures and uses are permitted in the R-4 District:~~

- ~~A. Single family dwellings;~~
- ~~B. Two (2) family (duplex) dwellings;~~
- ~~C. Multiple dwellings;~~
- ~~D. Accessory dwelling, subject also to the definition set forth in Article 2 and the provisions of Article 37.~~

#### **9.3 Accessory Uses.**

~~The following structures and uses are permitted in the R-4 District when accessory to and constructed or commenced concurrently with or subsequent to uses permitted under Sections 9.2 and 9.4:~~

- ~~A. Home occupations;~~
- ~~B. Other accessory uses and structures customarily appurtenant to a permitted use;~~
- ~~C. Family child care homes, as set forth in Article 39;~~
- ~~D. Child care centers in conjunction with public or quasi-public uses.~~

#### 9.4 Conditional Uses.

The following structures and uses are permitted in the R-4 District subject to first securing a Use Permit therefor:

- ~~A. Public or quasi-public uses, except corporation yards, storage or repair yards, or warehouses;~~
- ~~B. Social halls, clubs, lodges, and fraternal organizations;~~
- ~~C. Nursing or rest homes;~~
- ~~D. Nursery schools and day care centers;~~
- ~~E. Rooming or boarding houses;~~
- ~~F. Parking lots and garages serving activities in adjacent industrial or commercial zones for customer and employee parking only, on parcels within the district adjacent to industrial or commercial zoning districts and not separated from the activities by any street, alley, or public or private right-of-way;~~
- ~~G. Funeral homes and mortuaries when located on a parcel immediately adjacent to a parcel devoted to a public or quasi-public use;~~
- ~~H. Family care homes;~~
- ~~I. Deleted, September 26, 1991;~~
- ~~J. Child Care Centers;~~

#### **9.59.3 - Height Regulations.**

The maximum building height for all structures is 45 feet, except single-family homes and duplexes which have a maximum building height of 28 feet.

#### **9.69.4 - Lot Area. Minimum Lot Area Size, Frontage, and Width.**

The following standards shall apply.

- A. The minimum lot size is 5,000 square feet
- B. The minimum lot frontage is 35 feet.
- C. The minimum average lot width is 50 feet.

The minimum building site area shall be five thousand (5,000) square feet for a single-family dwelling, seven thousand five hundred (7,500) square feet for a two (2) family (duplex) dwelling, ten thousand (10,000) square feet for a three (3) family (triplex) dwelling, and one thousand (1,000) square feet for each additional family unit in excess of three (3) units on the same lot. Additional minimum building site area requirements greater than those specified in this section shall be determined in accordance with the provisions of Section 32.2, "Supplementary Lot Area Requirements for Sloping Sites," under the conditions therein specified.

#### **9.79.5 - Lot Width. - Permitted Density Lot Width**The maximum permitted density shall be the maximum density allowed by the General Plan.

**9.89.6 - Lot Coverage.**~~Not more than sixty (60) percent of the lot shall be covered by buildings.~~  
The maximum lot coverage is 60 percent.

**9.99.7 - Setback and Open Space Requirements.**

[Subsections A-F are unchanged]

**9.119.8 - Other Required Conditions.**

The following additional conditions shall apply in the R-4 District:

The minimum building site for public or quasi-public buildings shall be forty thousand (40,000) square feet. Such building sites shall have a minimum average width of one hundred (100) feet.

**9.129.9 - Minimum Pervious Area and Stormwater Requirements.**

~~A minimum of twenty (20) percent of each lot shall be pervious area, to be composed of landscaping, vegetated open space, or permeable paving materials, consistent with the provisions of Section 32.12 of the Zoning Ordinance, as that section may be amended from time to time. All development is also subject to the requirements of Chapter 27A (Stormwater Treatment Measures and Maintenance Program) of the Municipal Code, as that chapter may be amended from time to time.~~

A minimum of 20 percent of each lot, and a minimum of 60 percent of the front yard area, shall be pervious. Pervious area is composed of landscaping, vegetated open space, or permeable materials.

**9.13 – Required Pervious Area in Front Yard.**

~~A minimum of sixty (60) percent of the area of the front yard shall be pervious area, primarily comprised of pervious landscaped material. For lots less than fifty (50) feet in width, however, a maximum paved area of twenty (20) feet in width for a driveway and parking (from the road to the front setback line) is permitted within the front yard. Area devoted to public sidewalks shall not be included in the calculations.~~

**Article 10 - R-5 (MULTI-FAMILY—HIGH DENSITY) DISTRICT**

**10.1 - Purpose.**

~~To stabilize and maintain the residential character of the district for high-density apartments with a minimum of cooperatively used outdoor space and a minimum of individual service facilities.~~

This district is intended for medium to large scale residential densities, as permitted in the General Plan. Dwelling types include small lot single-unit development, bungalow courts, front

or rear loaded townhomes, multi-unit buildings, high density apartments, and accessory dwelling units. This district also allows for complementary uses such as child care, other care facilities, park and recreation facilities, complementary smaller commercial uses, and civic and institutional uses such as schools and places for community assembly.

## **10.2 - Use Regulations**

See Article 4.2 (Use Regulations in Residential Zoning Districts) for Use Regulations in the R-5 Zoning District.

### **10.2 Permitted Uses.**

~~The following structures and uses are permitted in the R-5 District:~~

- ~~A. Single family dwellings;~~
- ~~B. Two (2) family (duplex) dwellings;~~
- ~~C. Multiple dwellings;~~
- ~~D. Accessory dwelling, subject also to the definition set forth in Article 2 and the provisions of Article 37.~~

### **10.3 Accessory Uses.**

~~The following structures and uses are permitted in the R-5 District when accessory to and constructed or commenced concurrently with or subsequent to uses permitted under Sections 10.2 and 10.4:~~

- ~~A. Home occupations;~~
- ~~B. Other accessory uses and structures customarily appurtenant to a permitted use;~~
- ~~C. Family child care homes, as set forth in Article 39;~~
- ~~D. Child care centers in conjunction with public or quasi public uses.~~

### **10.4 Conditional Uses.**

~~The following structures and uses are permitted in an R-5 District subject to first securing a Use Permit therefor:~~

- ~~A. Public or quasi public uses, except corporation yards, storage or repair yards, or warehouses~~
- ~~B. Social halls, clubs, lodges, and fraternities;~~
- ~~C. Nursing or rest homes;~~
- ~~D. Nursery schools and day care centers;~~
- ~~E. Parking lots and garages serving activities in adjacent industrial or commercial zones for customer and employee parking only, on parcels within the district adjacent to industrial or commercial zoning districts and not separated from the activities by any street, alley, or other public or private right of way;~~
- ~~F. Rooming or boarding houses;~~

- ~~G. Incidental sales and services to residents provided that the design of the building does not invite the use of these services by the general public.~~
- ~~H. Funeral homes and mortuaries when located on a parcel immediately adjacent to a parcel devoted to a public or quasi-public use;~~
- ~~I. Family care homes;~~
- ~~J. Deleted, September 26, 1991;~~
- ~~K. Child care centers;~~

### **10.510.3 - Height Regulations.**

The maximum building height for all single family homes and duplexes is 28 feet. The maximum building height for structures of all other types of uses is 75 feet, except as follows:

- A. On any parcel having an average width of at least one hundred (100) feet and an area of at least twenty thousand (20,000) square feet, the maximum height shall be one hundred (100) feet.
- B. On any parcel having an average width of at least one hundred fifty (150) feet and an area of at least forty thousand (40,000) square feet, there shall be no maximum height limit.

### **10.610.4 - Minimum Lot Area Size, Frontage, and Width.**

The following standards shall apply:

- A. The minimum lot size is 5,000 square feet.
- B. The minimum lot frontage is 35 feet, and
- C. The minimum average lot width is 50 feet.

~~The minimum building site area shall be 5,000 square feet for a single-family dwelling, seven thousand five hundred 7,500 square feet for a two (2) family (duplex) dwelling, ten thousand (10,000) square feet for a three (3) family (triplex) dwelling, and one thousand (1,000) square feet for each additional family unit in excess of three (3) units on the same lot. Additional minimum building site area requirements greater than those specified in this section shall be determined in accordance with the provisions of Section 32.2, "Supplementary Lot Area Requirements for Sloping Sites," under the conditions therein specified.~~  
~~(Ord. 1130, eff. 7-10-64; Ord. 1130.130, eff. 5-26-71; Ord. 1130.142, eff. 8-23-72; Ord. 1130.169, eff. 8-24-77)~~

### **10.710.5 - Permitted Density Lot Width**

The maximum permitted density shall be the maximum density allowed by the General Plan.

~~The minimum average lot width shall be 50 feet for a single-family dwelling and for a two (2)-family dwelling, and 75 feet for a multiple dwelling. Every lot shall have a minimum of thirty-five (35) feet of frontage on a public street for a single-family dwelling, and a minimum of fifty (50) feet of frontage on a public street for a two (2) family (duplex) dwelling, multiple dwelling, or dwelling group. The required frontage may be located on a street or private street (privately owned and maintained but publicly accessible).~~

#### **10.810.6 - Lot Coverage.**

~~Not more than sixty (60) percent of the lot shall be covered by buildings. The maximum lot coverage is 60 percent.~~

#### **10.910.7 - Setback and Open Space Requirements.**

[Subsections A-F are unchanged]

#### **10.1110.8 - Other Required Conditions.**

The following additional conditions shall apply in the R-5 District:

- A. The minimum building site for public or quasi-public buildings shall be forty thousand (40,000) square feet. Such building sites shall have minimum average width of one hundred (100) feet.
- B. The total gross floor area of all structures on any lot shall not exceed three and one-half ~~five-tenths~~ (3.5) times the lot area.

#### **10.1210.9 - Minimum Pervious Area and Stormwater Requirements.**

~~A minimum of twenty (20) percent of each lot shall be pervious area, to be composed of landscaping, vegetated open space, or permeable paving materials, consistent with the provisions of Section 32.12 of the Zoning Ordinance, as that section may be amended from time to time. All development is also subject to the requirements of Chapter 27A (Stormwater Treatment Measures and Maintenance Program) of the Municipal Code, as that chapter may be amended from time to time.~~

A minimum of 20 percent of each lot, and a minimum of 60 percent of the front yard area, shall be pervious. Pervious area is composed of landscaping, vegetated open space, or permeable materials.

#### **10.13 - ~~Required Pervious Area in Front yard.~~**

~~A minimum of sixty (60) percent of the area of the front yard shall be pervious area, primarily comprised of pervious landscaped material. For lots less than fifty (50) feet in width, however, a maximum paved area of twenty (20) feet in width for a driveway and parking (from the road to~~

~~the front setback line) is permitted within the front yard. Area devoted to public sidewalks shall not be included in the calculations.~~

[Article 15, Section 15.2.D is amended as follows]

#### **Article 15 - CG (GENERAL COMMERCIAL) DISTRICT**

##### **15.2 - Permitted Uses.**

The following uses are permitted in the CG District if conducted entirely within a building, unless otherwise required by State law:

- D. Hotels, motels, nursing homes, ~~rest homes~~, nursery schools and day care centers;

[subsections 15.1 & 15.3 – 15.13 are unchanged.]

#### **Article 25 - COMBINING DISTRICTS**

[Article 25, Section 25.3 and 25.7 is amended as follows]

##### **25.3 - T (Transient Residential Units) Combining District.**

The letter "T" may be added as a suffix to any district designation in conjunction with the zoning of any property. In such event, the following additional uses may be permitted in that district subject to first securing a use permit therefore:

- A. Motels, and mobile home parks ~~and trailer parks~~;
- B. Nursing homes, ~~rest homes~~, and hospitals;
- C. Clubs, lodges, and fraternities.

##### **25.7 - R (Residential) Combining District.**

A. The letter "R" may be used as a suffix to any ~~CG~~ zoning district which allows for residential uses or has been designated for a "mixed use" (i.e., Combined Residential and Commercial use) in the General Plan for the City of Redwood City.

B. The R Combining District allows residential uses consistent with the requirements of the R-5 Zoning District.

#### **Article 30 - OFF-STREET PARKING AND LOADING**

[Article 30, Section 30.4, 30.5, 30.6, 30.7, 30.9, and 30.10 are amended as follows]

[Subsections 30.1-30.3 are unchanged]

##### **30.4 Required Number of Parking Spaces—Mixed-Use Zoning Districts.**

**A. Applicability.** The required number of parking spaces set forth in Section 30.5 (Required Number of Parking Spaces—Outside of the Downtown Parking Zone and Mixed-Use Zoning



Districts) shall apply to all development within mixed-use districts outside of the Downtown Parking Zone unless otherwise set forth in this Section. Whenever the requirements, standards, regulations, or other provisions of this section conflict with the requirements, standards, regulations or other provisions set forth in Section 30.5, the requirements, standards, regulations, or other provisions in this Subsection, 30.4 shall govern.

**B. Residential Parking Spaces Required.** For any multiple dwelling development located in a mixed-use district, the required number of parking spaces is as follows:

~~1. Unit Size.~~ Two (2) spaces per unit for two-bedroom or larger units and one and one-half (1.5) spaces per unit for studio or one (1) bedroom units ~~plus one (1) space for every four (4) units for guest or visitor parking.~~ Tandem may be permitted if both spaces are assigned to a single unit. Guest parking spaces are not required.

~~2. Guest/Visitor Spaces Reduced.~~ The responsible review authority may reduce or eliminate the required number of guest or visitor spaces for a multiple dwelling development if ~~one (1) of the following conditions applies:~~

- ~~a. Adequate street parking is available, and/or~~
- ~~b. Only one (1) parking space is reserved per unit for residents, and/or~~
- ~~c. The site is in close proximity to retail shopping facilities and services.~~

**C. Bicycle Parking Required.** The required number of parking spaces shall be determined as set forth in the underlying zoning district Sections 53.6, 54.6, and 55.8 of the Zoning Ordinance.

**D. Live/Work Parking Spaces Required.** For any development located in a Mixed-Use district, parking spaces for live/work units shall be required as follows:

**1. Resident Parking.** One (1) space per live/work unit.

**2. Client Parking.** One (1) space per one thousand (1,000) square feet of nonresidential floor area.

**3. Existing Building Exception.** The review authority may reduce the parking requirement for the reuse of existing buildings with limited parking.

**E. Marina Parking Spaces Required.** A parking study shall be submitted that demonstrates how parking demand will be met with the proposed supply. This study is subject to review and approval of the Director.

**F. Shared-Use Parking on Multiple Sites.** Sites with multiple uses having different peak demand times may share parking. A parking study shall be submitted that demonstrates how parking demand will be met with a shared parking arrangement. This study is subject to review and approval of the review authority.

**G. Designated Parking for Low-Emitting and Carpool Vehicles.** Designated parking shall be provided for any combination of low-emitting, fuel-efficient, electric and carpool/vanpool vehicles, as indicated in the table below. The following characters shall be painted on the parking surface, or equivalent signage shall be provided at each such space: CLEAN AIR VEHICLE. If pavement painting is provided, it shall be visible when a vehicle is parked in the space.

### 30.5 - Required Number of Parking Spaces—Outside of the Downtown Parking Zone and Mixed-Use Zoning Districts.

In all districts in connection with every use of property and for each building site outside of the Downtown Parking Zone and Mixed-Use Zoning Districts, there shall be provided off-street parking spaces for vehicles according to the following schedule:

(Wherever square feet of floor area is indicated, it shall mean gross square footage.)

#### A. Residential Uses.

1. Single-Family Dwellings: 2 spaces per unit which may be covered or uncovered. Two (2) parking spaces, one (1) of which shall be covered. The spaces shall be located on a paved area uncovered space shall be located on a paved area and may be located in any setback. The front yard shall be subject to the minimum pervious area and stormwater requirements of the underlying zoning district. Tandem configurations for multiple parking spaces associated with an individual unit are permitted. If a covered space is converted or demolished in conjunction with the construction of an accessory dwelling unit, the required replacement space may be uncovered.

a. 2. [Reserved] SB 9 Project: One off-street parking space per unit is required. Either covered or uncovered parking spaces may be provided. Uncovered parking is subject to size requirements in Section 30.6.A. Covered parking is subject to minimum size requirements in Section 30.6.B and subject to zoning district setbacks. No off-street parking is required for either of the following: Parcels located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

b. There is a car-share vehicle within one block of the parcel.

3. [Reserved]

4. Dwellings, duplex: two (2) spaces per unit ~~not located within any required front or side yard. Tandem parking is permitted if the tandem spaces serve the same dwelling unit.~~

5. Multifamily Dwellings. 1 parking space is required per dwelling unit. Tandem parking is permitted if the tandem spaces serve the same dwelling unit.

Dwellings, multiple family: includes townhouses, condominiums, and rental apartments: two (2) spaces per unit, one (1) covered for each unit, plus one (1) space for every four (4) units for guest or visitor parking; not located within any required front or side yard. For all multiple dwelling developments containing four (4) or more dwelling units on a single site, all required off-street guest or visitor parking spaces shall be clearly marked as "reserved for guests" or "reserved for visitor" parking, or similarly so marked, designated, and maintained at all times.

The following exceptions to the requirements may be allowed:

~~1. For any multiple dwelling development, any portion of which is located within five hundred (500) feet of the right-of-way of El Camino Real or Woodside Road (between Alameda de las Pulgas and Highway 101): two (2) spaces per unit for two (2) bedroom or larger units; and one and one half (1½) spaces per unit for studio or one (1) bedroom units; including one (1) covered space for each unit; plus one (1) space for every four (4) units for guest or visitor parking.~~

~~2. The Zoning Administrator may reduce or eliminate the required number of guest or visitor spaces (a) if adequate street parking is available, and/or (b) if only one (1) parking space is reserved per unit for residents, and/or (c) if the site is in close proximity to retail shopping facilities.~~

~~6. Group Residential: one (1) covered space for each bedroom, but not less than three (3) spaces, not located within any required front or side yard.~~

[Subsections B & C are unchanged]

[Subsections D 1 & 2 are unchanged. Subsection 30.5.D.3 is amended as follows]

3. Sanitariums, convalescent homes, and nursing homes, ~~and rest homes~~: One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee.

[Subsections 30.5.D.4-7 and Subsection 30.5.E are unchanged.]

[Article 30, Section 30.6 is amended as follows]

### **30.6 - Size and Spaces. [PARKING].**

A. **Standard spaces:** A standard parking space shall have a minimum width of not less than eight and one-half (8½) feet and minimum length of not less than eighteen (18) feet. Parking layout and aisle dimensions shall be designed in accordance with Redwood City Engineering Standards.

1. ~~[Reserved.]~~ SB 9 Projects. Uncovered spaces as part of SB 9 Projects on driveways shall have a minimum width of eight and one-half (8.5) feet and a minimum length of twenty and one-half (20.5) feet.

2. Parking lots must be designed such that backing out into a public street is not a necessity for ordinary turning movements.

[Subsections B-E are unchanged]

### **30.7 – ~~RESERVED.~~ State Preemption.**

In the event of a conflict between this section and State law, State law shall prevail.

[Subsections 30.7 – 30.8 remain unchanged. Subsection 30.9 is amended as follows ]

### **30.9 – Access Drives.**

All required off-street parking and loading spaces shall have an access drive connecting the parking spaces to a dedicated public right of way. Each access drive shall be designed in the following ways, depending on the use and number of dwelling units. Additional width may be required at the curb for safe turning movements in accordance with Engineering Standards. These standards do not apply to public or private streets that serve multiple parcels.

A. Uses with 5 or fewer parking spaces shall have an access drive with a minimum surface width of 9 feet and a minimum unobstructed width of 10 feet.

~~A. Every required parking space, garage space or carport space for more than five (5) vehicles, and every required loading space, shall have access to a dedicated public right-of-way by means of an access drive of not less than eighteen (18) feet in surface width with a minimum unobstructed width of twenty (20) feet, unless two (2) one (1)-way access drives are provided, in which case each drive shall be at least nine (9) feet in surface width with a minimum unobstructed width of ten (10) feet. Additional width may be required at the curb for safe turning movements. These standards do not apply to public or private streets, serving multiple parcels.~~

~~B. Every required parking space, garage space or carport space serving five (5) or less vehicles, including those for single family residences, shall have access to a dedicated public right of way by means of an access drive of not less than nine (9) feet in surface width, with a minimum unobstructed width of ten (10) feet. Additional width may be required at the curb for safe turning movements. Joint use of driveways and turning space shall be permitted when the rights to such use are conveyed to and recorded by the mutual owners.~~

B. Uses with 6 or more parking spaces shall have an access drive with a surface width of not less than 18 feet a minimum unobstructed width of 20 feet, unless 2 one-way access drives are provided.

C. SB 9 panhandle lots. The access driveway of a panhandle lot shall conform to the provisions of Section 30.30 (F) of the Subdivision Ordinance (Chapter 30 of the Municipal Code).

### **30.10 – Access to Public Right-of-Way.**

No building permit shall be issued for any main building, or for any additional dwelling units when a main building has been previously constructed, unless every ~~garage space, carport space, or~~ parking space required by this ordinance has direct and immediate access from the lot on which it is located, or proposed to be located, to a dedicated public right-of-way contiguous to said lot. The right-of-way which has been improved to at least minimum standard City specifications, or which will be improved pursuant to a street improvement agreement and performance bond that has been furnished to the City, shall be improved for the full width of the lot from which access is desired, and shall be so improved to an intersecting improved public right-of-way.

## Article 31 – SPECIAL USES

[Subsections 31.2 and 31.10 are amended as follows]

### 31.2 – Building Intensity Limits for Residential Care Facilities and Skilled Nursing Facilities.

Nursing homes; ~~Rest Homes~~; Residential Care Facilities, Senior; Residential Care Facilities, General; and Skilled Nursing Facilities shall be considered commercial for the purposes of determining building intensity and subject to applicable FAR limits. The maximum number of beds or suites shall not be restricted with residential density maximums. All other development standards shall apply. New Residential Care Facilities and Senior Care Facilities shall be consistent with applicable policies of the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (ALUCP) and State law, see Section 32.10 (Airport Land Use Compatibility Plan Consistency).

### 31.10 Residential Structures

A. Demolition or Reduction in Dwelling Units. Housing projects that demolish existing residential dwellings must create at least as many dwellings as demolished per Government Code Section 66300 (Housing Crisis Act of 2019).

B. Non-Residential Use. Any structure originally designed for use as a dwelling or dwellings, in any district, shall not be used for a non-residential use unless the owner first obtains a use permit for the proposed use.

## Article 32 – SUPPLEMENTARY PROVISIONS

[Subsections 1- 8 unchanged]

[Subsections 9 & 10 are amended as follows]

### 32.9 – Open Space Requirements.

- A. The following usable open space shall be required in the R-2, ~~RG~~, R-3, R-4, and R-5 Districts: There shall be three hundred (300) square feet of usable open space ~~for every per dwelling unit studio apartment. There shall be three hundred (300) square feet of usable open space for every one (1) bedroom dwelling unit, plus one hundred (100) square feet of usable open space for each additional bedroom within the units.~~
- B. Usable open space may consist of outdoor area on the ground, in front, street side, interior side, or rear setback areas or on any balcony, deck, porch or rooftop which is designed and accessible for outdoor living, recreation, pedestrian access or landscaping complying with the following provisions:
1. Required parking areas and their driveways shall not be included in computing usable open space;
  2. Area included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet; rooftop gardens

and rooftop landscaping, including rooftops above parking structures, may be used to satisfy this requirement;

3. Private usable open space may be substituted for common usable open space ~~at a ratio of three (3) square feet of private open space for every two (2) square feet of common open space required~~, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level, or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level;
4. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky;
5. Usable open space shall be improved to support passive or active use by residents. Such open space shall be located on the same lot as the dwelling units for which it is required. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as swimming pools, small changing facilities, fountains, planters, benches and landscaping;
6. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the Engineering and Construction Division. Use of open space areas for stormwater control shall be incorporated into plans to comply with the provisions of Section 32.12 (Stormwater Treatment) of the Zoning Ordinance and Chapter 27A (Stormwater Treatment and Maintenance Program) of the Municipal Code, as that Section and Chapter, respectively, as may be amended from time to time.

#### **Article 32.10 - Airport Land Use Compatibility Plan Consistency**

This section establishes standards and requirements related to consistency with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (ALUCP). The following requirements and criteria shall be incorporated into all applicable projects.

- A. **Airport Real Estate Disclosure Notices.** All new development is required to comply with the real estate disclosure requirements of State law (California Business and Professions Code Section 11010(b)(13)). The following statement must be included in the notice of intention to offer the property for sale or lease:

*"Notice of Airport in Vicinity. This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your*

purchase and determine whether they are acceptable to you."

- B. Airport Noise Evaluation and Mitigation.** All projects shall comply with the Noise Compatibility Policies of the ALUCP. Uses shall be reviewed per the Noise/Land Use Compatibility Criteria listed in Table 4-3 of the ALUCP. Uses listed as "conditionally compatible" shall be required to mitigate impacts to comply with the interior (CNEL 45 dB or lower, unless otherwise stated) and exterior noise standards established by the ALUCP or Redwood City General Plan, whichever is more restrictive. Unless otherwise precluded by State law, projects shall also be consistent with ALUCP Noise Policy 3 - Residential Land Uses.
- C. Overflight Notification Requirement.** All new residential development projects, other than additions and accessory dwelling units (ADUs), within Overflight Notification Zone 2 shall incorporate a recorded overflight notification requirement as a condition of approval in order to provide a permanent form of overflight notification to all future property owners, consistent with ALUCP Overflight Policy 2 - Overflight Notification Zone 2.
- D. Safety Compatibility Evaluation.** All uses must comply with Safety Compatibility Policies of the ALUCP. Project applicants shall be required to evaluate potential safety issues if the property is located within any of the Safety Compatibility Zones established in the ALUCP and depicted in Exhibit 4-3 of the ALUCP. All projects located within a Safety Compatibility Zone shall be required to determine if the proposed land use is compatible with the Safety Compatibility Land Use Criteria as noted in ALUCP Safety Compatibility Policy 1 - Evaluating Safety Compatibility for New Development and listed in Table 4-4 of the ALUCP.
- E. Airspace Protection Evaluation.** All projects shall comply with Airspace Protection Policies of the ALUCP.
1. **Notice of Proposed Construction or Alteration.** Project applicants shall be required to file Form 7460-1, Notice of Proposed Construction or Alteration, with the Federal Aviation Administration (FAA) for any proposed new structure and/or alterations to existing structures (including ancillary antennae, mechanical equipment, and other appurtenances) that would exceed the FAA notification heights as depicted in ALUCP Exhibit 4-4a. Any project that would exceed the FAA notification heights shall submit a copy of the findings of the FAA's aeronautical study, or evidence demonstrating exemption from having to file FAA Form 7460-1, as part of the development permit application.
  2. **Maximum Compatible Building Height.** The maximum height of a new buildings/structures must be the lower of (1) the height of the controlling

airspace protection surface shown on Exhibit 4-4 of the ALUCP, or (2) the maximum height determined not to be a “hazard to air navigation” by the FAA in an aeronautical study prepared pursuant to the filing of Form 7460-1.

3. **Other Flight Hazards.** Within Airport Influence Area (AIA) B, certain land use characteristics are recognized as hazards to air navigation and, per ALUCP Airspace Protection Policy 6 - Other Flight Hazards are Incompatible, need to be evaluated to ensure compatibility with FAA rules and regulations. These characteristics include the following:

- a. Sources of glare, such as highly reflective buildings, building features, or blight lights including search lights, or laser displays, which would interfere with the vision of pilots in making approaches to San Carlos Airport.
- b. Distracting lights that could be mistaken by pilots on approach to San Carlos Airport for airport identification lightings, runway edge lighting, runway end identification lighting, or runway approach lighting.
- c. Sources of dust, smoke, water vapor, or steam that may impair the vision of pilots making approaches to San Carlos Airport.
- d. Sources of steam or other emissions that may cause thermal plumes or other forms of unstable air that generate turbulence within the flight path.
- e. Sources of electrical interference with aircraft or air traffic control communications or navigation equipment, including radar.
- f. Features that create an increased attraction for wildlife as identified in FAA rules, regulations, and guidelines including, but not limited to, FAA Order 5200.5A, Waste Disposal Sites On or Near Airports, and Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. Land uses with the possibility of attracting hazardous wildlife include landfills and certain recreational or agricultural uses that attract 48 through large flocks of birds. Exceptions to this policy are acceptable for wetlands or other environmental mitigation projects required by ordinance, statute, court order, or Record of Decision issued by a federal agency under the National Environmental Policy Act.

## **Article 33 – NONCONFORMING LOTS, USES, STRUCTURES AND PARKING**

[Subsections 33.1 – 33.10 remain unchanged]

[Article 33, Section 33.11 is amended as follows]

### **33.11 – Structural Alteration of Nonconforming Structures.**

A nonconforming structure may be structurally altered, provided that:



- A. For single-family, two-family (duplex), and three-family (triplex) residential structures, no more than seventy percent (70%) of the existing exterior walls, measured in linear feet, floor area per residential unit may be removed or structurally altered unless the entire structure is brought into compliance with zoning requirements;
- B. For all other structures, no more than seventy ~~(70)~~ percent (70%) of the existing exterior walls, measured in linear feet, of the floor area may be removed or structurally altered unless the entire structure is brought into compliance with zoning requirements. Calculations shall not include garage floor area, but shall include all cumulative repair, maintenance and alterations over any five (5) year period;
- C. The foregoing limitations may be exceeded with respect to repairs or alterations to single-family, two-family (duplex) and three-family (triplex) structures which are nonconforming only as to parking requirements, subject to the provisions of Sections 33.16 and 33.17 of this article;
- D. Existing nonconforming accessory structures may be repaired, reconstructed, or converted into accessory dwelling units, provided that there is no increase in the nonconformity caused or created by such structure.

[Subsections 33.12 – 33.15 remain unchanged. Subsection 33.16, 33.17, and 33.18 are amended as follows]

### **33.16 – Nonconforming Parking—~~Single Family Residential~~ Residential Uses.**

- ~~A. A single-family use or structure that is nonconforming due to the number of parking spaces, may be enlarged, provided:~~
- ~~1. The addition does not occupy existing available parking area;~~
  - ~~2. The structure is located in the RH, R-1, R-2, R-3, R-4, or R-5 Zoning Districts;~~
  - ~~3. The structure will not exceed two thousand (2,000) square feet in total living area after the enlargement is completed, except as provided in subsection 5;~~
  - ~~4. The driveway meets the standards of Section 30.9 (Access Drives); and parking access and backup constraints do not prohibit use of the existing space(s);~~
  - ~~5. The square footage limitation of two thousand (2,000) square feet may be exceeded where a Use Permit is approved, subject to meeting the following additional criteria:~~
    - ~~a. That the total net enlargement will not exceed two hundred (200) square feet (gross) over the life of the subject property;~~
    - ~~b. That the enlargement not require a variance or other additional special exception other than for the existing nonconforming parking condition;~~
- A. A residential use or structure that is nonconforming due to the number of parking spaces may be enlarged, provided that all the following conditions are met:
1. The addition does not result in a reduction in the number of existing parking spaces; and
  2. Parking is provided, at the ratio defined in Article 30, for new dwelling units added in the project (excluding accessory dwelling units).

B. A ~~single-family residential~~ use or structure that is nonconforming due only to the size or location of parking spaces (but has an adequate number of spaces), and/or the size and location of its garage or carport (or related design criteria for driveway access or parking backup area), may be enlarged, provided:

1. The addition does not occupy existing available parking area;
2. Any driveway meets the standards of Section 30.9 (Access Drives); and parking access and backup constraints do not prohibit use of the existing spaces.

C. Accessory dwelling units are not subject to this Section.

### **~~33.17 – Nonconforming Parking—Two Family (Duplex) and Three Family (Triplex) Residential.~~**

~~A. A two-family (duplex) or three-family (triplex) use or structure that is nonconforming due to the number of parking spaces, may be enlarged, provided:~~

- ~~1. The addition does not occupy existing available parking area;~~
- ~~2. The structure is located in the R-2, R-3, R-4, or R-5 Zoning Districts;~~
- ~~3. At least one additional covered parking space is provided per unit to be enlarged, that reduces or eliminates the parking nonconformity;~~
- ~~4. Additional square footage does not exceed two hundred fifty (250) square feet, and not more than one additional bedroom is added, per living unit;~~
- ~~5. Existing parking spaces on the site are covered and were legally established at their current dimensions; and~~
- ~~6. A minimum driveway width of ten (10) feet is provided, or a lesser width is provided where existing and legally established at that width; and access and backup constraints do not restrict use of the existing spaces.~~

~~B. A two-family (duplex) or three-family (triplex) use or structure that is nonconforming due only to the size or location of parking spaces (but has an adequate number of spaces), and/or the size and location of its garage or carport (or related design criteria for driveway access or parking backup area), may be enlarged, provided:~~

- ~~1. The addition does not occupy existing available parking area;~~
- ~~2. Existing parking spaces on the site are covered and were legally established at their current dimensions;~~
- ~~3. A minimum driveway width of ten (10) feet is provided, or a lesser width is provided where existing and legally established at that width; and~~
- ~~4. Access and backup constraints do not restrict use of existing spaces.~~

### **~~33.18 – Nonconforming Parking—Multi-Family Residential.~~**

~~A multi-family residential use or structure that is nonconforming due to the number, size or location of parking spaces, (or related design criteria for driveway access or parking backup area), may not be enlarged unless parking for the entire project is brought into compliance with the provisions of this article.~~

[Sections 33.19-33.24 are unchanged]

### **33.25 – Expansion of structures with Nonconforming Residential Density**

Except as otherwise noted in this article, a structure with nonconforming residential density may be enlarged if the new portion conforms to the regulations of the district in which it is located.

#### Article 41 – COMMON PROCEDURES

[subsections 41.1 – 41.3 are unchanged] [Article 41, Section 41.4 is amended as follows]

##### 41.4 Review Authorities for All Permits

Review authorities for permit applications are described in individual permit articles. The following provisions further specify review authority in particular circumstances.

- A. **Concurrent Review.** When a project requires approval of multiple permits, all of the permits shall be reviewed concurrently by the highest applicable review authority; ~~provided however, that prior to the review by such review authority, the project receives any and all required recommendations and advisory input from applicable committees or commissions.~~ The following is the review hierarchy listed from the lowest to the highest authority:
  1. Zoning Administrator – no public hearing
  2. Zoning Administrator – public hearing.
  3. Planning Commission
  4. City Council
- B. **Planning Commission Review.** In addition to reviewing applications as required in the Zoning Ordinance and Municipal Code, Planning Commission review is also required in the following circumstances:
  1. **Environmental Review.** Planning Commission shall review all applications requiring a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report (EIR).
  2. **New Construction Exceeding Three Stories or (35) Feet.** Planning Commission shall review all applications involving new building construction or building additions exceeding three (3) stories or thirty-five (35) feet in height.
  3. **Referral.** Planning Commission shall review applications that have been referred by the Zoning Administrator, appealed or called up to the Planning Commission as provided for in Section 41.7 (Appeals) and 41.8 (Call Ups).
  4. **Architectural Permits.** Architectural Permit applications that exceed three thousand (3,000) square feet or a forty-five (45) percent floor area ratio, whichever is greater, as described in Article 48 (Floor Area Ratio for Single-Family Homes).
- C. **City Council Review.** In addition to reviewing applications as required in the Zoning Ordinance and Municipal Code, City Council review is also required for applications that have been appealed or called up to the City Council as provided for in Section 41.7 (Appeals) and 41.8 (Call Ups).
- D. **Zoning Administrator Review.** In addition to reviewing applications as required in the Zoning Ordinance and Municipal Code, Zoning Administrator is the review authority for:

1. **Streamlined Affordable Multifamily (SB 35)**- This application is for affordable multifamily housing projects (two or more units) under the State of California ministerial approval process outlined in Government Code Section 65913.4, would be reviewed in a public hearing by the Zoning Administrator.

**~~D-E.~~ Applications Not Listed.** In the event a review authority is not specified for a particular application, the Zoning Administrator shall be the review authority.

[Subsections 41.5 – 41.7 are unchanged]

#### **41.8 Call Ups.**

- A. **Requesting a Call Up.** Call ups may be requested within fifteen (15) days of the date of action. Call ups shall be requested in accordance with Chapter 1, Article III of the Municipal Code (Procedures on Appeals and Call Ups).
- B. **Call Up Review Authority.** ~~Call ups of decisions by the Zoning Administrator, Planning Manager, Director, or Subdivision Committee shall be heard by the Planning Commission. Call ups of decisions by the Planning Commission shall be heard by the City Council.~~ The Planning Commission may call up decisions by the Zoning Administrator, Planning Manager, Director, or Subdivision Committee. The City Council may call up decisions by the Planning Commission, Zoning Administrator, Planning Manager, Director, or Subdivision Committee.
- C. **Multiple Actions.** If a project has multiple permit decisions, a call up of any permit decision shall be considered a call up of all of the associated decisions for the project. For a project requiring an environmental determination, that determination shall also be considered by the review authority considering the call up. In the event an appeal is filed as well as a call up on the same project, the matters shall be consolidated and acted upon in compliance with this Article.
- D. **Call Up Hearing.** Call ups shall be processed and heard by the reviewing body in accordance with Chapter 1, Article III of the Redwood City Municipal Code (Procedures on Appeals and Call Ups).
- E. **Finality.** A decision by the Planning Commission on a call up shall become final fifteen (15) days after the date of the decision unless called up by the City Council. A decision of the City Council becomes final on the date of the decision. Following a final decision on a call up, reapplication will be governed by Section 41.12. A person aggrieved by a final decision may seek judicial review by timely appealing to the appropriate court pursuant to California Code of Civil Procedure Sections 1094.5, 1094.6, 1094.8 or other applicable law.
- F. **Concurrent Hearings.** An appeal and call up may be concurrently heard by the reviewing body.

## **ARTICLE 42 – Use Permits**

[Article 42, Section 42.5 is amended as follows]

### **42.5 - Review, Decisions, Appeals and Permit Duration.**

Procedures for application review, decisions, appeals, permit duration and expiration and other requirements are located in Chapter Article 41 (Common Procedures).

## **Article 44 – REASONABLE ACCOMMODATION**

[Article 44, Section 44.5 is amended as follows]

### **44.5 - Findings.**

To permit the reasonable accommodation, the following findings shall be made:

- A. That an individual residing on the property and requiring reasonable accommodation is protected under the Acts; and
- B. That accommodating the request would provide direct benefit to the individual by meeting specific housing needs; and
- ~~C. That the request is the minimum necessary to provide the necessary relief from the City's zoning ordinance to meet the needs of the individual; and~~
- ~~D. That the request is not detrimental to and will not adversely impact the adjacent properties or surrounding neighborhood; and~~
- C. E. That the request does not place an undue financial or administrative burden on the City; and
- D. F. That the request does not significantly alter the overarching purposes or intent of the City's zoning ordinance/land development regulations.

## **Article 45 - ARCHITECTURAL PERMITS**

[Article 45, Section 45.2 and 45.6 are amended as follows]

### **45.2 Applicability.**

The following projects require an Architectural Permit:

- A. **Nonresidential Uses.** Nonresidential uses that include new construction, additions, changes to the building exterior or other site modifications.
- B. **Multifamily Residential Uses.** Multifamily residential uses that include new construction, additions, changes to the building exterior or other site modifications.  
For purposes of this section, SB 9 Projects, as described in Section 5.10, are not multifamily residential uses, and shall not be subject to an Architectural Permit.
- C. **Two-Story Additions.** Single-family, or duplex dwelling units that include new construction, additions or exterior modifications to the second floor or any upper floors.
- D. **Additions on Sloping Lots.** One-story new construction, additions or exterior modifications when the lot has a slope of fifteen percent (15%) or greater and the

total gross floor area is three thousand (3,000) square feet or more. If the lot slope is thirty percent (30%) percent or greater, an Architectural Permit is required for changes of any size. These provisions apply to any single-family, or duplex dwelling unit.

[Section 45.3 – 45.5 remain unchanged]

#### 45.6 - Review, Decisions, Appeals and Permit Duration.

Procedures for application review, decisions, appeals, permit duration and expiration and other requirements are located in ~~Chapter~~ Article 41 (Common Procedures).

#### Article 53 - MIXED-USE CORRIDOR ZONING DISTRICT

[Article 53, Section 53.7 is amended as follows]

[Subsection 53.1 – 53.6 unchanged]

#### 53.7 Height, Density, and Intensity Regulations.

##### A. Height, Density, and Intensity Regulations by Sub-District.

##### 1.General Development Standards by Sub-District.

Table 53-3: Height, Density, and Intensity Development Standards						
Development Standards	MUC-ECR	MUC-VB	MUC-RC	MUC-SB	MUC-GB	Specific Regulations
Maximum Height - Residential Use (Max)	4 stories/50 ft.	4 stories/50 ft.	4 stories/50 ft.	4 stories/50 ft.	4 stories/50 ft.	
Maximum Height - Commercial Use (Max)	4 stories/60 ft.	4 stories/60 ft.	4 stories/60 ft.	4 stories/60 ft.	4 stories/60 ft.	
Maximum Height <u>with</u> Bonus Height (Max)	6 stories/85 ft.	6 stories/85 ft.	6 stories/85 ft.	6 stories/85 ft.	6 stories/85 ft.	53.7.B.3
Minimum Height - All Uses	2 stories/20 ft.	2 stories/20 ft.	2 stories/20 ft.	2 stories/20 ft.	2 stories/20 ft.	53.7.B.2
Maximum Density - Residential Only	60 80 du/ac	60 80 du/ac	60 80 du/ac	60 80 du/ac	60 80 du/ac	
Maximum Density - Mixed-Use	60 80 du/ac	60 80 du/ac	60 80 du/ac	60 80 du/ac	60 80 du/ac	
Maximum FAR - Commercial Only	0.5	0.5	0.5	0.5	0.5	
Maximum FAR - Mixed-Use	1.0	1.0	1.0	1.0	1.0	FAR applicable to commerc

						ial use only.
--	--	--	--	--	--	---------------

[Subsections 53.7.A.2 and 53.7.A.3 and 53.7.B are unchanged]

[Subsection 53.8 is unchanged]

#### **Article 54 - MUN (MIXED-USE NEIGHBORHOOD) DISTRICT**

[Article 54, Section 54.7 is amended as follows]

[Subsections 54.1 – 55.6 unchanged]

#### **54.7 Height, Density, and Intensity Regulations.**

- A. General Height, Density, and Intensity Development Standards.** Table 54-3 prescribes the height, density, and intensity development standards for the MUN Zoning District. Structures must comply with both the maximum height in stories and in feet as identified in Table 54-3. Additional regulations are denoted in the right hand column.

Table 54-3 Height, Density, and Intensity Development Standards	MUN	Specific Regulations
Development Standards	MUN	Specific Regulations
Maximum Height - Residential Only	<del>3 stories / 40 ft.</del> <u>60 ft.</u>	
Maximum Height - Commercial Only	<del>2 stories / 35 ft.</del>	
Maximum Height - Mixed-Use*	<del>4 stories / 50 ft.</del> <u>60 ft.</u>	Section 54.7.B, D
Minimum Height - All Uses	<del>2 stories / 20 ft.</del>	Section 54.7.C
Maximum Density - Residential Only	<del>60</del> <u>40</u> du/ac	
Maximum Density - Mixed-Use	<del>60</del> <u>40</u> du/ac	
Maximum FAR - Commercial Only	0.6	
Maximum FAR - Mixed-Use*	0.8	FAR applicable to commercial use only. Section 54.7.E
Maximum FAR - Mixed-Use/Public Amenity Bonus FAR*	1.0	FAR applicable to commercial use only. Section 54.7.E
After approval, a mixed-use building shall not be converted to an entirely residential or entirely commercial use.		

[Subsection B, C, D are unchanged]

[Subsection 54.8 is unchanged]

#### **Article 55 - MUT (MIXED-USE TRANSITIONAL) DISTRICT**

[Article 55, Section 55.3 is amended as follows]

[Subsection 55.1 – 55.2 unchanged]

### 55.3 Development Standards.

Required development standards are included in Table 55.3 (Development Standards).

**Table 55.3 Development Standards**

Mixed Use Transitional		Standards: Required	Standards: Community Benefits (CB)	Additional Regulations
Floor Area Ratio (FAR)		2.0 max.	—	Floor area is calculated for commercial uses only and is exclusive of residential square footage.
Density		20-40 du/acre max.	60-40 du/acre max.	Mixed-Use developments shall be subject to both maximum density and maximum FAR requirements, each calculated separately.
Height	Residential	60 ft. max.	—	CB standards are in 10 ft. increments.
	Residential, Commercial & Mixed-Use	40 ft. max	50 ft. - 60 ft. max.	
Setbacks	Residential	Front: 6 ft. min.	—	Fully subterranean parking structures may extend into front setbacks up to street-fronting property lines, provided the parking structures are designed to accommodate surface porches, planters, and/or other complementary architectural features. Upper-floor
		Side: 5 ft. min.		
		Rear: 15 ft. min.		



				balconies may extend up to 2 ft. into the setback area or public right-of-way; up to 3 ft. may be considered depending on design and review authority approval.
	Commercial & Mixed-Use	All setbacks: 0 ft.	—	—
	Setback from Caltrain (Joint Powers Board ROW)	15 ft. min.	—	—
	Building Length	200 ft. max.	—	Building façade lengths may exceed maximum limits if projects dedicate a portion of the project property to reintroduce the historic street grid through the development of private streets, pedestrian paseos, or right-of-way dedications for public streets. However, no street-facing building façade length shall exceed 300 ft.
	Open Space Requirements	125 <u>sq. ft.</u> /unit min.	—	Not required for live/work units.
	Pervious Area on the Lot	10% min.	—	Pervious area shall be composed of landscaping, vegetated open space, or permeable paving materials, consistent with the

			provisions of Section 32.12
Personal Storage	80 cu. ft./unit min.	—	Storage shall be enclosed, lockable, and located outside the unit. Storage space may be within: (1) an enclosed garage provided the storage space does not encroach within required parking space(s), or (2) a patio, balcony, or deck provided it is in addition to required open space and does not adversely impact the façade appearance.

[Subsections 1 & 2 unchanged]

[Subsections 55.4 – 55.8 unchanged]