

ORDINANCE NO. 2401

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, RELATED TO TEXT AMENDMENT NO. TA 24-01 AMENDING VARIOUS SECTIONS OF ARTICLE IX, CHAPTER 1 (DEVELOPMENT CODE) OF THE ARCADIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS, THE RESIDENTIAL FLEX OVERLAY, AND OTHER MINOR TEXT AMENDMENTS AND CLEANUPS WITH A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")

WHEREAS, the Development Services Department has initiated a Text Amendment No. TA 24-01 to amend and update various Divisions of the City's Development Code, Article IX, Chapter 1 of the Arcadia Municipal Code (referred to as "Text Amendment"); and

WHEREAS, the City is required to implement actions and policies within the adopted General Plan Housing Element and Implementation Plan; and

WHEREAS, the proposed Text Amendment would result in changes to Division 2, Division 3, Division 6, Division 7, and Division 9 of the City's Development Code, as shown in Exhibits "A" through "E" of this Ordinance; and

WHEREAS, on December 23, 2024, Planning Services completed an environmental review of the proposed Text Amendment and determined that it is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, is not subject to CEQA review; and

WHEREAS, on January 30, 2025, the City published the public hearing for the Text Amendment in a newspaper of general circulation (Arcadia Weekly) of the Planning

Commission public hearing at which the Text Amendment would be reviewed with a recommendation to the City Council; and

WHEREAS, on February 11, 2025, the Planning Commission held a duly-noticed public hearing and considered the Text Amendment. Following extension discussion, the Planning Commission voted 3-1 to recommend that the City Council deny Text Amendment No. TA 24-01 and continue implementing the existing ADU Ordinance that is currently in effect; and

WHEREAS, on February 25, 2025, the Planning Commission pulled the revised Resolution from Consent Calendar for further discussion. The Planning Commissioners sought guidance on how to proceed with their decision, as they were not opposed to the entire text amendment. After receiving direction and additional discussion on the amendments to the ADU regulations, the Commission decided to reconsider the entire text amendment and have it placed on the March 11, 2025, Planning Commission meeting; and

WHEREAS, on March 11, 2025, the Planning Commission continued the public hearing and reconsidered the Text Amendment and all public testimonies and after considering the evidence presented, the Planning Commission voted 3-0, with one Commissioner abstaining, to recommend to the City Council approval of Text Amendment No. TA 24-01; and

WHEREAS, on April 1, 2025, the City Council held a duly noticed public hearing concerning the Text Amendment, at which time all interested persons were given full opportunity to be heard and to present evidence.

NOW, THEREFORE, the City Council of the City of Arcadia does ordain as follows:

SECTION 1. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. The City Council finds, based upon the entire record:

1. The proposed amendment and ordinance are consistent with the City's adopted General Plan and any applicable specific plan(s).

FACT: The proposed Text Amendment No. TA 24-01 is consistent with the General Plan Land Use and Community Development Element and the Housing Element goals and policies. The Text Amendment ensures that the Development Code will comply with State law, will implement actions within the General Plan Housing Element, will be updated to improve readability, enforcement, and to align with best practice, and is consistent with the following General Plan Policies:

Land Use and Community Development Element

Policy LU-4.2: Encourage residential development that enhances the visual character, quality and uniqueness of the City's neighborhoods and districts.

Housing Element

Policy H-2.4: Maintain development standards, regulations, and design features that are flexible to provide a variety of housing types and facilitate housing that is appropriate for the neighborhoods in which they are located.

Policy H-4.1: Review and modify as appropriate development standards, regulations, and processing procedures that may constrain housing development, particularly housing for lower and moderate-income households and for persons with special needs.

Policy H-4.4: Support infill development at appropriate locations in the City.

The proposed Text Amendment No. TA 24-01 will make various minor updates and clarifications throughout the Development Code. This amendment will not impact any other development standards and is consistent with the adopted General Plan.

2. For Development Code amendments only, the proposed amendment is internally consistent with other applicable provisions of this Development Code.

FACT: The proposed Text Amendment will update the ADU Ordinance, incorporate manufactured housing as a permitted use in residential zones as required by State law and in the City's Housing Element Update, allow lot consolidation for certain housing projects in the Residential Flex Overlay, and update various provisions throughout the Development Code to improve readability and streamline the review and entitlement process. Additionally, several Text Amendments have been made to maintain consistency with the proposed updates, particularly those related to the ADU Ordinance. Therefore, the proposed Text Amendment is consistent with the other applicable provisions of the Development Code, with necessary updates included.

SECTION 3. The City Council has determined that Text Amendment No. TA 24-01 is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that the Text Amendment would not have a significant effect on the environment and, thus, is not subject to CEQA review.

SECTION 4. For the foregoing reasons, the City Council adopts this Ordinance. Staff is authorized to correct typographical errors, spelling, formatting or codification and to make other minor revisions to improve the reader's comprehension of the changes

from this text amendment attached hereto under Exhibits “A” through “E” of this Ordinance, provided that any revisions do not alter the regulatory meaning and intent.

SECTION 5. The City Council hereby directs staff to prepare, execute, and file with the Los Angeles County Clerk a Notice of Exemption within five (5) working days of the adoption of this Ordinance.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in accordance with Resolution No. 7483. This Ordinance shall take effect thirty-one (31) days after its adoption.

SECTION 7. The Custodian of Records for this Ordinance is the City Clerk and the records comprising the administrative record for this Ordinance are located at Arcadia City Hall, 240 W. Huntington Drive, Arcadia CA.

[SIGNATURES ON THE NEXT PAGE]

Passed, approved and adopted by the City Council this 15th day of April, 2025.

/s/ Sharon Kwan
Mayor of the City of Arcadia

ATTEST:

/s/ Linda Rodriguez
City Clerk

APPROVED AS TO FORM:

/s/ Michael J. Mauer
Michael J. Mauer
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, LINDA RODRIGUEZ, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2401 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 15th day of April, 2025 and that said Ordinance was adopted by the following vote, to wit:

AYES: Cao, Cheng, Fu, and Wang

NOES: Kwan

ABSENT: None

/s/ Linda Rodriguez
City Clerk of the City of Arcadia

EXHIBIT “A”

Development Code, Division 2

9102.01.020 Land Use Regulations and Allowable Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2348

Amended by Ord. No. 2363

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2397

Amended by Ord. No. 2400

- A. Allowed Uses.** Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) indicates the uses allowed within each residential zone and any permits required to establish the use, pursuant to Division 7 (Permit Processing Procedures). The regulations for each zone are established by letter designations as follows:

“P” represents permitted (allowed) uses.

“A” represents accessory uses.

“M” designates uses that require the approval of a Minor Use Permit subject to requirements of Section 9107.09 (Conditional Use Permit and Minor Use Permit) of this Development Code.

“C” designates uses that require the approval of a Conditional Use Permit subject to requirements of Section 9107.09 (Conditional Use Permit and Minor Use Permit) of this Development Code.

“--” designates uses that are not permitted.

- B. Director Determination.** Land uses are defined in Division 9 (Definitions). In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification substantially similar in character. Land uses not listed in the table or not found to be substantially similar to the land uses below are prohibited.

- C. Specific Use Regulations.** Where the last column in Table 2-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Section, Subsection, or Division number, the regulations in the referenced Section, Subsection, or Division shall apply to the use.

- D. Housing Element Candidate Sites.** Pursuant to Government Code Section 65583. 2(c), residential uses shall be allowed by right for housing development in which at least 20% of the units are affordable to lower- income households for sites that:

1. ☐ Are non-vacant and identified in the 5th Cycle Housing Element planning period; and
2. ☐ Vacant sites included in two or more consecutive Housing Element planning cycle;
3. ☐ Eligible sites can be found in the City's 2021- 2029 Housing Element (6th Cycle). Development shall meet all of the requirements of the respective zone in which such sites are located in unless otherwise permitted by this Division, and shall comply the provisions of applicable environmental documents for such site, if any.

- E. Multi-Family Uses Permitted By-Right.** Multifamily residential uses are permitted by-right in the following zones when 20% or more affordable units are provided per Gov't Code Section 65583. 2 (i): R-2, R-3, R-3-R, MU, DMU, and RF and DMU overlays.

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones	P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed						
	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
	Residential Uses						
	Boarding House	--	--	--	--	--	
	Dwellings						

Single-Family Dwelling	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)
Multifamily Dwelling	--	--	--	P	P	P	See Land Use Regulations and Allowable Uses (Section 9102.01.020)
Two-Family Dwelling	--	--	--	P	P	P	
Accessory Dwelling Unit	A	A	A	A	A	A	
Short-Term Rental	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement of a Short-Term Rental in any zone allowing residential uses. See Section 9104.02.300
Home Sharing	--	--	--	--	--	--	No Person shall post, publish, circulate, broadcast, or maintain any advertisement for Home Sharing in any zone allowing residential uses. See Section 9104.02.300
Manufactured Housing Unit	P	P	P	P	P	--	See required minimum density (Section 9102.01.090, Table 2-6 and) Subsection 9102.01.100.A (Exceptions to Minimum Density in R-2 and R-3)

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P A M C --	Permitted Permitted as an Accessory Use Minor Use Permit Required Conditional Use Permit Required Not Allowed				
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Agricultural Uses							
Urban Agriculture	A	A	A	A	A	A	See Subsection 9104.02.030 (Agricultural Uses –Urban Agriculture, Small Animal and Fowl, and Horses). See Subsection 9104.02.145 (Employee Housing)
Horse Keeping	A	A	A	--	--	--	
Small Animal and Fowl Keeping	A	A	A	--	--	--	
Education							
Schools, Private	C	C	C	C	C	C	May only be permitted as a Conditional Use, accessory to a Place of Religious Assembly.
Medical-Related and Care Uses							
Day Care, General	--	--	--	--	--	--	See Subsection 9104.02.080 (Day Care, General)
Day Care, Limited - Small Family	A	A	A	A	A	A	See Subsection 9104.02.100 (Day Care, Limited – Small Family)

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones		P Permitted A Permitted as an Accessory Use M Minor Use Permit Required C Conditional Use Permit Required -- Not Allowed					
Land Use	R-M	R-0	R-1	R-2	R-3	R-3-R	Specific Use Regulations
Day Care, Limited - Large Family	A	A	A	A	A	A	See Subsection 9104.02.090 (Day Care, Limited – Large Family)
Employee Housing – Six or Fewer Persons	P	P	P	P	P	P	See subsection 9104.02.145 (Employee Housing)
Residential Care Facility – Six or fewer persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)
Residential Care Facility – Seven or more persons	P	P	P	P	P	P	See Subsection 9104.02.260 (Residential Care Facilities)
Supportive Housing – Housing Type	P	P	P	P	P	P	
Supportive Housing – Residential Care Facility Small Type	P	P	P	P	P	P	
Transitional Housing – Housing Type	--	--	--	P	P	P	
Transitional Housing – Residential Care Facility Small Type	P	P	P	P	P	P	
Other Uses							
Antennas and Wireless Communication Facilities - Co-location or Panel	--	--	--	--	P	P	Exception: All facilities are permitted on City-owned properties and public rights-of-way. New standalone facilities are not permitted in Architectural Design (D) overlay zones. See also Subsection 9104.02.050 (Antennas and Wireless Communication Facilities)
Antennas and Wireless Communication Facilities - Standalone Facility	--	--	--	--	--	--	
Places of Religious Assembly	--	C	C	C	C	--	Tutoring and Educational Centers may be permitted as an Accessory Use under a Conditional Use Permit
Sports Courts (Private)	P	P	P	P	P	P	Must comply with Subsection 9104.02.330 (Sports Courts in Residential Zones)
Recharging Stations	A	A	A	A	A	A	
Utility Structures and Service Facilities	C	C	C	C	C	C	

9102.01.030 Development Standards in Single-Family Residential Zones (R-M, R-0, R-1)

Amended by Ord. No. 2347

Amended by Ord. No. 2363

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Tables 2-1 (Allowed Uses and Permit Requirements for Residential Zones), 2-2 (Development Standards for Single-family Residential Zones), and 2-3 (Additional Development Standards for Homeowners Association Areas), and the development standards in Division 3 (Regulations Applicable to All Zones-Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-2 and Table 2-3. Exceptions and additional regulations are included in Subsection 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones). Standards for accessory structures and accessory dwelling units are outlined in Subsection 9102.01.060 (Accessory Structures in Single-family Residential Zones) and Subsection 9102.01.080 (Accessory Dwelling Units). Development standards for garages and other parking areas are located in Section 9103.07 (Off-Street Parking and Loading). Development standards for fences, walls, and gates are outlined in Section 9103.05 (Fences, Walls, and Gates). Development standards for landscaping requirements are located in Section 9103.09.040.B (Landscape Requirements for Residential Zones).

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Minimum Setbacks						
Front	25 ft	25 ft	35 ft	65 ft Exceptions: Tract 13544 shall be a minimum of 60 ft Tracts 13345 and 11013 shall be a minimum of 55 ft and Tract 1456656 shall be a minimum of 50 ft	50 ft	See Subsection 9102.01.040 (Additional Residential Development Standards), Subsection 9103.01.060 (Setback Measurements and Exceptions), and Subsection 9102.01.050 (Permitted Projections in Single-family Residential Zones)
Side – first or single story						
Interior	5 ft or 10% of the lot width, whichever is greater	R-M: 10 ft or 10% of lot width, whichever is greater, but not to exceed 15 ft as a required setback R-1: 6 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	10 ft or 10% of the lot width, whichever is greater	15 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	20 ft	20 ft	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Reverse Corner (street side)	25 ft	R-M: 20 ft R-1: 25 ft	25 ft	25 ft	25 ft	

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Side - second story						
Interior	10 ft or 20% of the lot width, whichever is greater	R-M: 15 ft or 20% of the lot width, whichever is greater R-1: 10 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	15 ft or 20% of the lot width, whichever is greater	See Subsection: 9102.01.040 (Additional Residential Development Standards in Single- family Residential Zones).
Corner (street side)	20 ft	20 ft	20 ft	20 ft	20 ft	
Reverse Corner (street side)	25 ft	R-M: 20 ft R-1: 25 ft	35 ft	35 ft	35 ft	
Rear						
First or single story	25 ft	25 ft	35 ft	35 ft	40 ft	Additional rear setback of one foot required on each story for every 10 feet above 150 feet of lot depth. See Subsection 9102.01.040 (Additional Residential Development Standards in Single-family Residential Zones).
Second story	35 ft	35 ft	35 ft	35 ft	35 ft	
Maximum Lot Coverage						
1-story dwellings	45%	45%	45%	45%	45%	
2-story dwellings	35%	35%	35%	35%	35%	
Maximum Number of Stories	2 stories	2 stories	2 stories	2 stories	2 stories	Exposed basements shall be considered a story.
Maximum Street-Facing Porch Height	14 ft	14 ft	14 ft	14 ft	14 ft	See Subsection 9102.01.040.I (Porch Height).

Table 2-3 ⁽¹⁾
Additional Development Standards for Homeowners Association Areas
Single-family Residential Zones (R-M, R-0, R-1)

Development Feature	Santa Anita Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Santa Anita Oaks (R-0)	Upper Rancho (R-0)	Additional Requirements
Encroachment Plane						
Front Property Line	30 degrees	R-M: 40 degrees R-1: 30 degrees	30 degrees	30 degrees	30 degrees	No portion of any structure shall encroach through a plane projected from the identified angle as measured at the ground level along the front property line. That point shall be located at the intersection of a horizontal projection of the adjacent grade elevation and its intersection with the property line. See Figure 2-1 (Encroachment Plane).
Interior Rear and/or Interior Side	N/A	N/A	N/A	N/A	N/A	
Corner Street Side Property Line	40 degrees	40 degrees	40 degrees	40 degrees	40 degrees	

Table 2-3 ^{(1) (3)} Additional Development Standards for Homeowners Association Areas Single-family Residential Zones (R-M, R-0, R-1)					
Development Feature	Village (R-1)	Highlands (R-M and R-1)	Lower Rancho (R-0)	Oaks (R-0)	Upper Rancho (R-0)
Maximum Height ⁽²⁾	25 ft	R-M: 25 ft for lots less than 71-foot lot width; an additional 1 ft in height for every additional 1 ft in lot width up to 75 ft lot (30 ft height). 80-85 ft lot width: 31 ft 85'-1"-90 ft lot width: 32 ft 90'-1"-95 ft lot width: 33 ft 95'-1"-100 ft lot width: 34 ft 100'-1"+ ft lot width: 35 ft R-1: Less than 75 ft lot width: 25 ft 75'-94 ft lot width: 27 ft 94'-1"-114 ft lot width: 29 ft 114'-1" ft lot or larger width: 30 ft	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater	25 ft for lots with less than 75- foot lot width 30 ft for lots with 75-foot width or greater

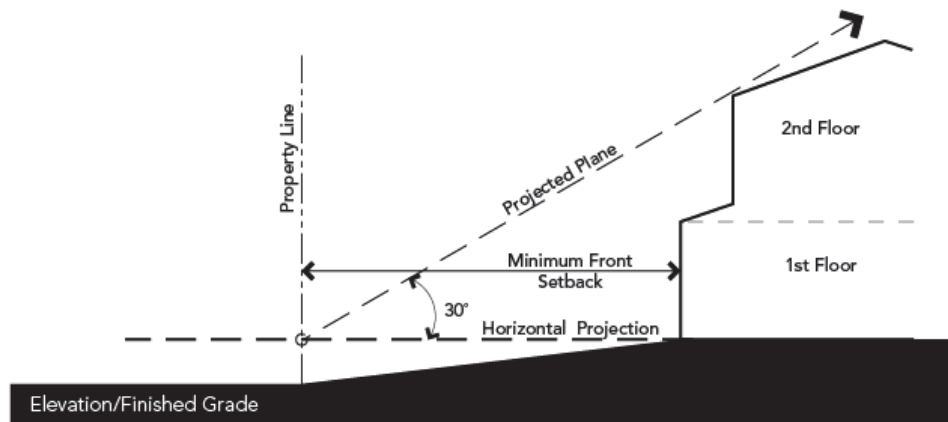
Notes:

(1) In cases where the underlying zoning's Development Standard is greater than the requirements stated in Table 2-3, Additional Development Standards for Homeowners Association Areas Single-family Residential Zones (R-M, R-0, R-1), the underlying zoning shall be used unless an exception is specifically identified.

(2) See Subsection 9103.01.030 (Measuring Floor Area and Floor Area Ratio)

(3) See Subsection 9102.01.040(J) for additional regulations regarding garages and carports.

Figure 2-1
Encroachment Plane – R-0 and R-1 Zones



9102.01.050 Permitted Projections in Single-Family Residential Zones
Amended by Ord. No. 2347

- A. Permitted Architectural Projections in Single-Family Residential Zones.** In R-M, R-0, and R-1 zones, architectural and similar features may extend into required setback areas as identified in Table 2-4 (Permitted Projections and Encroachment into Required Setback in Single-Family Zones).

Table 2-4 Permitted Projections and Encroachment into Required Setback in Single-Family Zones	Maximum Permitted Encroachment Distance Into Required Setback Area			
	R-M, R-0, and R-1 Zones			
	Architectural Feature	Front ⁽¹⁾	Side ⁽²⁾	
1 st Story			2 nd Story	
Awnings	18 inches	--	--	18 inches
Balconies	--	--	--	--
Bay windows, garden windows ⁽⁴⁾	18 inches	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--	--
Eaves ⁽⁵⁾	30 inches	30 inches	30 inches	30 inches
Fire escapes, elevator shafts and open stairways	--	--	--	--
Trellis structures and patio covers	--	--	--	--

Notes:

(1) Front Setback Exception (R-M Zone only) – Architectural features shall not project into the front setback in the R-M zone.

(2) Side Setback Exception (R-M Zone only) – A portion of a gable roof and walls thereunder which do not exceed a maximum height of 20 feet and which enclose a portion of the first story living area and/or interior stairwells which have no window(s) facing the side yard, may encroach into the required setback but in no event shall such encroachment be less than the required first story setback except as may be approved pursuant to an Administrative Modification (Section 9107.05).

(3) Rear Setback Exception (R-M Zone only) – Architectural features shall not project into the rear setback in the R-M zone.

(4) In all zones, bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.

(5) Eaves Exception (R-M Zone only) – Eaves may extend or project a maximum of two feet beyond the required setback on both the first and second stories.

- B. Mechanical Equipment Projections in Single-Family Residential Zones.** Mechanical equipment shall comply with the required setbacks set forth for the structure the mechanical equipment will serve. Exceptions: (1) Tankless water heaters and solar batteries may encroach into the required side and rear setbacks by 30 inches. (2) Mechanical equipment serving swimming pools, spas, and water features shall not be set back less than three feet from the rear property line.

9102.01.060 Accessory Structures in Single-Family Residential Zones
Amended by Ord. No. 2347
Amended by Ord. No. 2369 & 2370

Accessory structures, as defined in Division 9 (Definitions) of this Development Code, but excluding required garages, are allowed in residential zones and are subject to the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones). Accessory dwelling unit regulations are set forth in Subsection 9102.01.080 (Accessory Dwelling Units). Any allowable accessory structure that does not require a building permit shall meet the requirements of this Development Code for use, placement on the lot, height, and size. The construction and/or relocation of an accessory structure shall require review and approval per the Site Plan and Design Review, as set forth in Section 9107.19 (Site Plan and Design Review).

A. Restrictions on Number and Use

- 1. Primary Building Required.** An accessory structure(s) is allowed onsite only when there is a primary dwelling on site.

2. **Number Allowed.** ~~A maximum of two detached accessory structures are allowed on any one lot, including accessory dwelling units.~~ A maximum of two detached accessory structures are allowed on any one lot. This maximum number is reduced by the number of legal accessory dwelling units on the lot.
3. **Kitchen.** No kitchen is allowed within the accessory structure
4. **Bathroom.** The accessory structure may contain a sink, a toilet and/or a shower.
5. **Rooms.** No more than one room is allowed within the accessory structure, aside from a bathroom containing a sink, toilet and/or a shower.
6. **Covenant Required.** A covenant approved as to form by the City shall be recorded prior to the issuance of any building permit for any accessory structure stating that the accessory structure will not be used for overnight stay, rented, or used as a dwelling unit.

B. Development Standards

1. **General Standards.** Accessory structures shall comply with the development standards set forth in Table 2-5 (Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones).
2. **Consistent Exterior Appearance.** All accessory structures on a permanent foundation shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles.

Table 2-5 Development Standards for Accessory Structures in the R-M, R-0, and R-1 Zones ⁽¹⁾				
Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Floor Area	50% of the ground floor area of the main building	50% of the ground floor area of the main building	50% of the ground floor area of the main building	Shall be counted toward total allowable floor area for the zone, pursuant to Subsections 9102.01.030 (Development Standards in Single-Family Residential Zones) and 9102.01.040 (Additional Residential Development Standards in Single-Family Residential Zones).
Minimum Setbacks				
Front (public or private street)	Same as dwelling requirement	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.B (Front Setbacks-Additional Standards in R-M and R-0 Zones).
Side	10 ft	Same as dwelling requirement	Same as dwelling requirement	
Reverse Corner (street side)	20 ft	Same as dwelling requirement	Same as dwelling requirement	For exceptions refer to Subsection 9102.01.040.DC (Exceptions to Rear Setbacks on Corner and Reverse Corner Lots in R-0 and R-1 Zones-Attached Single-Story Garage)
Rear	10 ft	10 ft	10 ft	

Maximum Lot Coverage — 25% of required rear yard — 25% of required rear yard — 25% of required rear yard

Table 2-5
Development Standards for Accessory Structures
in the R-M, R-0, and R-1 Zones ⁽¹⁾

Development Feature	R-M	R-0	R-1	Additional Requirements
Maximum Number of Stories	One story	One story	One story	
Minimum Distance Between Structures	6 ft	6 ft	6 ft	
Maximum Height	16 ft and cannot exceed the maximum height of dwelling	16 ft and cannot exceed the maximum height of dwelling	16 feet and cannot exceed the maximum height of dwelling	See Subsection 9103.01.050 (Height Measurements and Exceptions) and 9102.01.040.E (Height Exception for Chimneys and Roof-Mounted Vents).
Minimum Encroachment Plane				
Front Property Line	40 degrees	30 degrees	30 degrees	
Interior Rear and/or Interior Side	N/A	N/A	N/A	
Street Side (Reverse Corner) Property Lines	N/A	40 degrees	40 degrees	

Notes:

(1) Accessory dwelling units are subject to the development standards in Subsection 9102.01.080.

9102.01.080 Accessory Dwelling Units
Amended by Ord. No. 2347
Amended by Ord. 2369 & 2370
Amended by Ord. No. 2375
Amended by Ord. No. 2396

Accessory dwelling units and junior accessory dwelling units, as defined in Division 9 (Definition) of this Development Code, are allowed in the R-0, R-1, R-M, R-2, R-3, R-3-R, CBD, MU, and DMU zones, developed with at least one dwelling.

A. Development Standards

1. **General.** Except as identified in this Subsection, accessory dwelling units shall comply with all the development standards (setbacks, lot coverage, height, etc.). All accessory dwelling units shall be clearly subordinate in location and size to the primary structure and consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles. Accessory dwelling units shall have a defined and independent exterior access. An accessory dwelling unit is allowed on a site only when a primary dwelling exists.

2. **Location:** An accessory dwelling unit is permitted on any residentially zoned property if a single-family dwelling or multifamily dwelling exists on the lot or will be constructed in conjunction with the accessory dwelling unit. An accessory dwelling unit may be either attached to the existing dwelling unit, or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. A junior accessory dwelling unit (JADU) may only be located within an existing or proposed single-family structure, including within an attached garage.

One of the following is allowed:

1. One Attached ADU (may not be allowed with detached ADU or JADU); or
2. One Detached ADU or a JADU by itself; or
3. One Detached ADU with one JADU

3. **Maximum Floor Area and Lot Coverage.** No accessory dwelling unit may cause the total Floor Area Ratio (FAR) to exceed 45%, or cause the lot coverage of the lot to exceed 50%. If either requirement would preclude development of an accessory dwelling unit up to 800 square feet in size, the requirement does not apply.

~~Maximum Rear Yard Lot Coverage in Single-Family Zones:~~ No accessory dwelling unit may cause the rear yard lot coverage to exceed 25%, except if the requirement precludes the development of an accessory dwelling unit of up to 800 square feet in size.

4. Maximum Size

- a. **Accessory Dwelling Unit.** The maximum size of a detached or attached accessory dwelling unit is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms.
- b. **Junior Accessory Dwelling Unit.** The maximum size within an existing or proposed single-family dwelling is 500 square feet.
- c. An attached accessory dwelling unit that is created on a lot within an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling, unless this would restrict the maximum size of the accessory dwelling unit to be smaller than 800 square feet.
- d. Application of other development standards in this section, such as FAR or lot coverage, might further limit the size of the accessory dwelling unit, but any application of the percent-based floor area limit in paragraph A.4.c above or of an FAR, lot coverage, or front setback, must yield to the extent necessary to allow an accessory dwelling unit to be up to 800 square feet.

5. Maximum Height and Story

- a. Except as otherwise provided by paragraphs (A)(4)(d)(5)(b) and (c) below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height and one story.

- b. ~~A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit. It may not exceed one story.~~
- c. ~~A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height. It may not exceed one story.~~
- d. ~~An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (A)(4)(d)(5)(d) may not exceed two stories.~~
- e. ~~For purposes of this subsection (A)(4)(d), height is measured above existing legal grade to the peak of the structure.~~

6. ~~Required Setbacks.~~

- a. ~~Detached and attached accessory dwelling units shall meet a minimum side and rear yard setbacks of at least four (4) feet.~~
- b. ~~An attached accessory dwelling unit shall meet the same front setbacks as required for the primary dwelling.~~
- c. ~~A new detached ADU may not be located closer to the front property line than the primary dwelling.~~
- d. ~~A front setback must yield to the extent necessary to allow an accessory dwelling unit to be up to 800 square feet.~~

7. ~~Required Parking.~~ ~~An accessory dwelling unit shall be provided with a minimum of one on-site parking space (covered or uncovered). The uncovered parking space shall be located on a paved surface, and may be provided in the setback areas or as tandem parking. For required parking spaces dimensions, please refer to Division 3.~~

~~When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the required parking spaces shall be replaced as specified in Table 3-3. If code-compliant replacement parking cannot be provided, the replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, covered spaces, uncovered spaces, or tandem spaces or by the use of mechanical automobile parking lifts within an enclosed garage.~~

8. ~~Fire Sprinklers.~~ ~~An accessory dwelling unit is required to have sprinklers if the primary dwelling is also required to have fire sprinklers.~~

B. ~~Permit Procedures for Accessory Dwelling Units and Junior Accessory Dwelling Units.~~ ~~If the accessory dwelling unit does not qualify for a Building Permit Only, the procedures specified in Subsection 9102.01.080.B.2, shall be followed.~~

1. ~~Building Permit Only.~~ ~~An accessory dwelling unit or junior accessory dwelling unit is only subject to a building permit when it is proposed on a residential or mixed-use zone and meets one of the following scenarios:~~

A. ~~Converted Accessory Dwelling Unit with Single-Family Dwelling:~~ ~~One accessory dwelling unit as described in this subsection (B)(1)(A) and one junior accessory dwelling unit on a lot with a proposed or existing single-family dwelling on it, where the accessory dwelling or junior accessory dwelling unit:~~

- 1. ~~Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.~~
- 2. ~~Has exterior access that is independent of that for the single-family dwelling.~~
- 3. ~~Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.~~

B. ~~Detached Accessory Dwelling Unit with Single-Family Dwelling:~~ ~~One detached, new construction accessory dwelling unit on a lot with a proposed or existing single-family dwelling (in addition to any junior accessory dwelling unit that might otherwise be established on the lot under Subsection A), if the detached accessory dwelling unit~~

satisfies the following limitations:

1. ~~The side and rear yard setbacks are at least four (4) feet.~~
2. ~~The total floor area is 800 square feet or less.~~
3. ~~The peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.~~

~~C. **Converted Accessory Dwelling Unit in Multifamily Dwellings:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this paragraph, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.~~

~~D. **Detached Accessory Dwelling Unit with Multifamily Dwellings:** No more than two detached accessory dwelling units may be located on a lot that has an existing or proposed multifamily dwelling. Each detached accessory dwelling unit must satisfy the following requirements:~~

1. ~~The side and rear yard setbacks are at least four (4) feet.~~
2. ~~The peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.~~

~~2. **Accessory Dwelling Unit Permit**~~

~~Any construction that does not comply with each of the requirements listed in Subsection 1 above (Building Permits Only) shall require a Zoning Clearance for an Accessory Dwelling Unit.~~

~~3. **Process and Timing**~~

~~A. A Zoning Clearance for an Accessory Dwelling Unit compliant with the standards of this Section is considered and approved ministerially, without discretionary review or a hearing, unless the unit exceeds the code requirements (e.g. FAR) and is subject to an Administrative Modification.~~

~~B. The City must act on an application within 60 days from the date the City receives a completed application, unless either:~~

1. ~~The Applicant requests for a delay, in which case the 60 day time period is tolled for the period of the requested delay, or~~
2. ~~If an accessory dwelling unit or junior accessory dwelling unit application is submitted with a permit application to create a new single family dwelling on the lot, the City may delay acting on the permit application until the City acts on the application for the new single family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit is still considered ministerially without discretionary review or a hearing.~~

~~C. If the city denies an application for an accessory dwelling unit or junior accessory dwelling unit, the city shall, within the time period described above, return in writing a full set of comments to the Applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the Applicant.~~

~~C. **Impact Fees.**~~

1. ~~Impact Fees. No impact fee is required for an accessory dwelling unit that is less than 750 square feet in size.~~

~~D. **Utility Fees.**~~

1. ~~An ADU that is constructed with a new single family dwelling is considered to be a new residential use and requires a direct connection for all utilities and payment of related connection fees and capacity charges.~~
2. ~~Aside from D. 1 above, the City does not require a direct utility connection or related fee or charge for any ADU approved under this section.~~
3. ~~An Applicant must consult any other local agency, special district, or water corporation that will provide utility services to~~

the property to determine what direct connection requirement, if any, the utility provider requires for the ADU.

E. ~~Owner Occupancy~~

1. ~~An accessory dwelling unit that is created after January 1, 2020, but before January 1, 2025, is not subject to any owner occupancy requirement.~~
2. ~~Unless applicable law requires otherwise, all accessory dwelling units that are created on or after January 1, 2025, are subject to an owner occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~
3. ~~All junior accessory dwelling units are subject to an owner occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or junior accessory dwelling unit, as the person's legal domicile and permanent residence. However, the owner occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~

F. ~~Nonconforming Accessory Dwelling Units and Discretionary Approval~~

~~Any proposed accessory dwelling unit or junior accessory dwelling unit that does not conform to each of the objective design standards in this section may be considered by the City with an Administrative Modification process in Section 9107.05.~~

G. ~~Objective Design Standards for Accessory Dwelling Units~~

~~Architectural~~

1. ~~The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.~~
2. ~~The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.~~
3. ~~The exterior lighting must be limited to down lights or as otherwise required by the building or fire code.~~
4. ~~The ADU must have an independent exterior entrance, apart from that of the primary dwelling. The ADU entrance must not be visible from the public right-of-way.~~
5. ~~For new detached ADUs, there must be indentations or projections provided that are at least 8 inches in depth on at least two of the exterior walls to break up flat wall planes. The interior wall height shall be at least seven feet tall.~~
6. ~~All windows that are located 9 feet in height above the finished floor must be clerestory windows (no dormers), and must be frosted or obscure glass.~~
7. ~~An ADU that is on real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right of way.~~

~~Landscape~~

8. ~~Landscaping must be provided to provide screening between the ADU and adjacent parcels along the rear and side property lines and there shall be at least one 15-gallon size plant for every five linear feet of exterior wall. Landscaping must be drought-tolerant or low water using plants that utilize multiple varieties of drought tolerant resistant grasses, turf substitutes, or ground covers that maintain a living and continuous planting area. Desert landscape or rock garden designs are not allowed.~~

~~Other~~

9. ~~The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire apparatus access, as determined by the Fire Department. This requirement does not apply to state-exempt ADUs.~~
10. ~~ADUs must have clear addressing visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.~~

~~11. No mezzanines or partial floors, including a loft, shall be allowed.~~

A. Accessory Dwelling Units. Purpose. The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.

B. Effect of Conforming. An ADU or JADU that conforms to the standards in this section will not be:

1. Deemed to be inconsistent with the City's General Plan and zoning designation for the lot on which the ADU or JADU is located.
2. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
3. Considered in the application of any local ordinance, policy, or program to limit residential growth.
4. Required to correct a nonconforming zoning condition, as defined below under Definitions. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.

C. Definitions. As used in this section, terms are defined as follows:

1. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
 - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
3. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.
4. "Efficiency kitchen" means a kitchen that includes all of the following:
 - a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
5. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
 - a. It is no more than 500 square feet in size.
 - b. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - c. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - d. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - e. It includes an efficiency kitchen, as defined above.
6. "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
7. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
8. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
9. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
10. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
11. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may

access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

12. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. Approvals. The following approvals apply to ADUs and JADUs under this section:

1. **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (E) below, it is allowed with only a building permit in the following scenarios:

A. **Converted on Single-family Lot:** One ADU as described in this subsection and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
2. Has exterior access that is independent of that for the single-family dwelling; and
3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
4. The JADU complies with the requirements of Government Code sections 66333 through 66339.

B. **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot), if the detached ADU satisfies each of the following limitations:

1. The side and rear yard setbacks are at least four (4) feet.
2. The total floor area is 800 square feet or smaller.
3. The height does not exceed the applicable height limit in subsection below under "Height."

C. **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

D. **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:

1. The side and rear yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
2. The height does not exceed the applicable height limit provided in subsection below under "Height."
3. If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

2. **ADU Permit.**

- A. Except as allowed under subsection (D)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (E) and (F) below.
- B. The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

3. **Process and Timing.**

- A. An ADU permit is considered and approved ministerially, without discretionary review or a hearing.

- B. The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- C. If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period.
- D. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

1. Zoning

- A. An ADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.
- B. An ADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- C. In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

2. Height

- A. Except as otherwise provided by subsections (E)(2)(B) and (E)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- B. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- C. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- D. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(D) may not exceed two stories.
- E. For purposes of this subsection (E)(2), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.

3. Fire Sprinklers

- A. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - B. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- 4. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 28 days. This prohibition applies regardless of when the ADU or JADU was created.
- 5. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- 7. **Owner Occupancy.**
 - A. ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.
 - B. As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (E)(7)(B) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.
- 8. **Deed Restriction.** Prior to issuance of a certificate of occupancy for a JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
 - A. The JADU may not be sold separately from the primary dwelling.
 - B. The JADU is restricted to the approved size and to other attributes allowed by this section.
 - C. The deed restriction runs with the land and may be enforced against future property owners.
 - D. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of a JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - E. The deed restriction is enforceable by the Director, or designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.
- 9. **Building & Safety.**
 - A. Must comply with Building Code. Subject to subsection below, all ADUs and JADUs must comply with all local building code requirements.

- B. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the Building Official or Code Enforcement Division makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the city from changing the occupancy code of a space that was uninhabitable or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.

1. Maximum Size.

- A. The maximum size of a detached or attached ADU subject to this subsection (F) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- B. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- C. Application of other development standards in this subsection (F), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (F)(1)(B) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

2. Floor Area Ratio (FAR). No ADU subject to this subsection (F) may cause the total FAR of the lot to exceed 45 percent, subject to subsection (F)(1)(C) above.

3. Setbacks.

- A. ADUs that are subject to this subsection (F) must conform to four (4) foot side and rear setbacks. ADUs that are subject to this subsection (F) must conform to 25-foot front setbacks, subject to subsection (F)(1)(C) above.
- B. No setback is required for an ADU that is subject to this subsection (F) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

4. Lot Coverage. No ADU subject to this subsection (F) may cause the total lot coverage of the lot to exceed 45 percent if the primary dwelling is one-story or 35-percent if the primary dwelling is two-story, subject to subsection (F)(1)(C) above.

5. Minimum Open Space. No ADU subject to this subsection (F) may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection (F)(1)(C) above.

6. Passageway. No passageway, as defined by subsection (C)(9) above, is required for an ADU.

7. Parking.

- A. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(12) above.
- B. Exceptions. No parking under subsection (F)(7)(A) is required in the following situations:
 - 1. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(11) above.

2. The ADU is located within an architecturally and historically significant historic district.
 3. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (D)(1)(A) above.
 4. When on-street parking permits are required but not offered to the occupant of the ADU.
 5. When there is an established car share vehicle stop located within one block of the ADU.
 6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (F)(7)(B)(1) through (5) above.
- C. **No Replacement.** When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

8. Architectural Requirements.

- A. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- B. The ADU must have an independent exterior entrance, apart from that of the primary dwelling. An attached ADU entrance must not be visible from the public right-of-way.
- C. The ADU may have an attached porch or covered entry way not exceeding 60 square feet in area and with a maximum depth of six (6) feet.
- D. All windows that are located nine (9) feet in height above the finished floor must be clerestory windows (no dormers) and must be frosted or obscure glass.
- E. The ADU and primary dwelling must use the same driveway to access the street, unless otherwise required for fire-apparatus access, as determined by the City's Fire Department.
- F. The ADU must have clear addresses visible from the street. Addresses must be at least 4 inches high and shall be shown on the curb next to the primary address number.
- G. No mezzanine or partial floor, including a loft, is allowed in an ADU.

- 9. Historical Protections.** An ADU on a property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.

- 10. Allowed Stories.** No ADU subject to this subsection (F) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (E)(2)(D) of this section.

- G. Fees.** The following requirements apply to all ADUs that are approved under subsections (D)(1) or (D)(2) above.

1. Impact Fees.

- A. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (G)(1), "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). "Impact fee" here does not include any connection fee or capacity charge for water or sewer service.

- B. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (e.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling).

2. Utility Fees.

- A. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- B. Except as described in subsection (G)(2)(A), converted ADUs on a single-family lot that are created under subsection (D)(1)(A) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- C. Except as described in subsection (G)(2)(A), all ADUs that are not covered by subsection (G)(2)(B) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - 1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - 2. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- 1. **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

2. Unpermitted ADUs and JADUs constructed before 2020

- A. **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:

- 1. The ADU or JADU violates applicable building standards, or
- 2. The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance Section 9102.01.080.

B. Exceptions:

- 1. Notwithstanding subsection (H)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
- 2. Subsection (H)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

9102.01.110 Permitted Projections in Multifamily Zones

- A. Permitted Architectural Projections in R-2, R-3, and R-3-R Zones.** In multifamily zones, architectural and similar features may extend into required setback areas as identified in Table 2-7 (Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones).

Table 2-7			
Permitted Projections and Encroachment into Required Setback Areas in Multifamily Zones			
Architectural Feature	Maximum Permitted Encroachment Distance into Required Setback Area		
	R2, R-3, and R-3-R Zones		
	Front	Side	Rear
Awnings	18 inches	--	18 inches
Balconies	--	--	--
Bay windows, garden windows ⁽¹⁾	18 inches	18 inches	18 inches
Chimneys	18 inches	18 inches	18 inches
Cornices, belt courses, buttresses, pilasters, pillars, sills	12 inches	--	--
Eaves	24 inches	24 inches	24 inches
Trellis structures and patio covers	--	--	--

Notes:

(1) Bay windows, garden windows, and other similar architectural projections shall have a vertical distance of 30 inches or greater between the lowest surface of the projection and the finished floor.

- B. Permitted Mechanical Equipment Projections in Multifamily Residential Zones.** Mechanical equipment shall not be located within any required front or side yard setback, and shall not be set back less than three feet from the rear lot line. Exception: Tankless water heaters and solar batteries may encroach 24 inches into any required interior side or rear yard provided that a minimum setback of four feet is maintained.

Section 9102.01.150 – Urban Lot Splits

Purpose. The purpose of this section is to implement the provisions of Government Code section 66411.7 for urban lot splits in single-family residentially zoned properties (R-M, R-0, and R-1).

Applicability. This section shall only apply to the extent that the City is required to ministerially approve urban lot splits under Government Code Section 66411.7. If Government Code section 66411.7 is repealed, determined to be unlawful or otherwise unenforceable, then this section shall only govern lots previously created through an urban lot split and no applicant for an urban lot split may claim any rights hereunder. The intent of this section is to only implement the requirements of Government Code Section 66411.7, and this section shall not be construed to allow any greater rights to an urban lot split than the City is required to grant under state law.

Definitions.

1. “City” means the City of Arcadia, California.
2. “Director” means the Development Services Director for the City or designee.
3. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, LP, LLC, C corp, S corp, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
4. “Specific adverse impact” has the same meaning as in Government Code Section 65589.5(d)(2), which is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code Section 214(g).
5. “Urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of Government Code Section 66411.7 and this section pursuant to a ministerial approval process.

A. Requirements and Approval Authority

1. Only individual property owners may apply for an urban lot split.
2. The Director shall ministerially approve all applications for urban lot splits that are subject to approval. Such applications shall be approved or denied in accordance with subsection (B) below. Notwithstanding Division 5 of this Code, the parcel map shall be approved by the Director, and these decisions shall be final. The Director shall not waive the requirement to submit a tentative parcel map for an urban lot split.
3. An application and tentative parcel map for an urban lot split must be submitted on the City’s approved form. Only a complete application will be considered. The City will inform the applicant in writing of any incompleteness within 30 days after the application is submitted. The City’s application form shall, at a minimum, require the applicant to submit the following:
 - a. Evidence that the applicant is an individual property owner of the lot to be split.
 - b. A signed affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant’s principal residence for a minimum of three years after the urban lot split is approved.
 - c. Proof that none of the circumstances set forth in Subsections (B)(3)(f) & (g) are present.
 - d. Proof that the lot to be split was not established through a prior urban lot split under this section.
 - e. Proof of any inspections required under Subsection (B)(3)(d).
 - f. If the lot would result in the demolition or alteration of existing housing, proof that no housing on the lot has been occupied by a tenant within the past three years.

4. The tentative parcel map may not be recorded until the final parcel map has been approved ministerially by the Director. The owner must demonstrate that the required documents have been recorded, such as deed restriction and easements. The tentative parcel map expires six months after the approval. No extension shall be granted.
5. The application fee for an urban lot split will be the same as the City's Lot Line Adjustment fee within the approved Fee Schedule. This fee may be changed from time to time by the City Council, in accordance with applicable law.

B. Requirements; Grounds for Denial

1. **Objective Development Standards for Urban Lot Split.** An urban lot split, and any development of a parcel created from an urban lot split, shall comply with all requirements of this Chapter, all objective development standards set forth in this Code or otherwise established by the City, and all other City requirements that are not in conflict with Government Code Section 66411.7.
 - a. The new lot line must be at a straight line starting from the front property line to the rear property line, or side if it is a corner lot. There shall be no curve or angles when subdividing the lot.
2. **Subdivision Standards.**
 - a. Except as otherwise expressly provided in this section, an urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Government Code section 66410 *et. seq.*) and Division 5 of Article IX (Subdivisions) of this Code.
 - b. No dedication of rights-of-way or construction of offsite improvements shall be required for an urban lot split, except for those necessary to complete standard sidewalk, parkway, and/or drainage improvements directly associated with the subject property. To the extent that dedication of rights-of-way or construction of offsite improvements are necessary to avoid a specific adverse impact, the application shall be subject to denial.
3. **Denial.** The Director shall deny an application for an urban lot split if any of the following are true:
 - a. **Development and Subdivision Standards.** The lot to be split does not satisfy the requirements of subsections (B)(1) or (B)(2) above or (C) below.
 - b. **Zone.** The lot to be split is not zoned for single family residential uses.
 - c. **Lot Location.** The lot to be split does not satisfy the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Government Code Section 66411.7(a)(3)(C).)
 - d. **Inspection**
 - i. For lots within a high fire hazard severity zone, the application does not include proof of an inspection confirming full compliance with all fire-hazard mitigation measures required by state statutes. The inspection shall be conducted by the City's fire marshal or person authorized by the City to perform building inspections.
 - ii. For lots within a delineated earthquake fault zone, the application does not include proof of full compliance with applicable seismic protection building code standards.
 - e. **Historic**
 - i. The lot to be split is a historic property or within a historic district that is included on the State Historic Resources Inventory.
 - ii. The lot to be split is within a site that is designated by ordinance as a city landmark, is considered a local historic property or resource, or is located within a local historic district.
 - f. **Prior Urban Lot Split.**
 - i. The lot to be split was established through a prior urban lot split.
 - ii. The lot to be split is adjacent to a lot that was established through a prior urban lot split by the

owner of the lot to be split or by any person acting in concert with the owner.

- g. **Impact on Protected Housing.** The urban lot split requires or includes the demolition or alteration of any of the following types of housing:
 - i. Housing that is income-restricted for households 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 its police power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Government Code Sections 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - iv. Housing that has been occupied by a tenant in the last three years.
- h. **Lot Size**
 - i. The lot to be split is smaller than 2,400 square feet.
 - ii. Either or both of the resulting lots are less than 1,200 square feet.
 - iii. Either of the resulting lots is more than 60% or less than 40% of the original lot area.
- i. **Easements.** The applicant does not convey all easements required for the provision of public services and facilities.
- j. **Specific Adverse Impacts.** If the Director makes a written finding, based on a preponderance of the evidence, that the project would have a “specific, adverse impact” on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- k. **No Legal Requirement.** If for any reason, including but not limited to repeal of Government Code Section 66411.7, initiative or referendum, court decision or any circumstance in which Section 66411.7 does not obligate the ministerial approval of an urban lot split or if for any reason the Director is not required to ministerially approve an urban lot split. To the extent that approval of an urban lot split is considered a municipal affair of a charter city, the intent of this section is that the Director shall deny an urban lot split notwithstanding any state statute to the contrary.

C. Standards Specific to Urban Lot Splits

The following development standards shall apply to urban lot splits approved under this section. In the event of a conflict between this subsection and any other development standard contained outside of the Development Code, this subsection shall govern.

- 1. **Lot Access.** Each resulting lot must adjoin the public right-of-way with no more than 60% of the original frontage and no less than 40% of the original frontage of the lot.
- 2. **Unit Quantity.** No more than two units of any kind are permitted on any lot created by an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to an ADU, or a JADU.
- 3. **Unit Size.** Notwithstanding Section 9102.01 for Single-Family Residential Zones:
 - a. The total floor area of each residential unit developed on a lot created by an urban lot split must be less than or equal to 800 square feet and at least 500 square feet.
 - b. A primary dwelling that was legally established prior to the urban lot split and that is larger than 800 square feet in floor area may remain as its lawful floor area and structural footprint at the time of the urban lot split.
 - c. A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet in floor area may be expanded to 800 square feet in floor area after the urban lot split.

- d. The unit size shall comply with the setbacks, height, parking, and other applicable standards in Section 9102.01.160 for Two-Unit Units Projects approved under an urban lot split.

- 4. **Objective Development Standards and Other Regulations.** Units built following an Urban Lot Split shall comply with the setbacks, height, FAR and lot coverage, and parking requirements found in Section 9102.01.160(C), all objective development standards found in Section 9102.01.160(F), and the City's Tree Ordinance as provided in Division 10 of this Code.

5. **Utilities.**

- a. Each dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.

For each dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment system, the applicant must: (1) demonstrate that each primary dwelling unit will have its own septic tank and leach line; (2) submit a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years. This section shall not be

interpreted to allow an onsite wastewater treatment system where connection to a sewer system is available or required.

D. Fire-Hazard Mitigation Measures. A site in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:

- 1. Emergency access and water supply requirements shall comply with the California Code of Regulations Title 14 and Title 24, Part 9.
- 2. All new structures on the site must comply with current building code standards for dwellings in a very high fire hazard severity zone.

E. Separate Conveyance

1. **Within a resulting lot:**

- a. Dwelling units on a single lot that is created by an urban lot split may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
- c. All fee interest in a lot must be held equally and undivided by all individual property owners.

- 2. **Between resulting lots.** Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, the owner must record appropriate conditions, covenants, restrictions, easements or other documentation that is necessary to allocate risk and responsibility between the owners of the two lots.

F. Restriction of Uses.

- 1. **Residential-only.** No non-residential use is permitted on any lot created by urban lot split.
- 2. **No Short-Term Rentals.** No dwelling unit on a lot that is created by an urban lot split may be rented for a period of less than ~~28~~ 30 days.
- 3. **Owner Occupancy Affidavit.** The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.

G. Deed Restriction.

- 1. The owner must record a deed restriction for the benefit of the City, in a form acceptable to the Director and the City Attorney, that does each of the following:

- a. Gives notice that the parcel was created through an urban lot split.
- b. Gives notice of any site limitations resulting from the urban lot split.
- c. Expressly prohibits any development or construction on the parcel that would be inconsistent with this Chapter.
- d. Expressly prohibits any rental of any dwelling on the property for a period of less than ~~28~~ 30 days.
- e. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- f. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- g. Identifies the City as an intended third-party beneficiary with the right, but not the obligation, to enforce its terms and provisions.
- h. Provides a statement of intent to occupy a unit for a period of three years.

The Director shall not issue a building permit for development on any lot created through an urban lot split unless the applicant provides a recorded copy of a deed restriction that satisfies the provisions above.

9102.05.030 Development Standards in Downtown Zones

**Table 2-11
Development Standards for
Downtown Zones**

Development Feature	CBD ⁽¹⁾	MU	DMU ⁽¹⁾	CM	Additional Requirements
Lot Standards					
Minimum Lot Area	5,000 sf	5,000 sf	10,000 sf	5,000 sf	

Amended by Ord. No. 2356

Amended by Ord. No. 2400

New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-10 (Allowed Uses and Permit Requirements for Downtown Zones) and Table 2-11 (Development Standards for Downtown Zones) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right-hand column of Table 2-11 (Development Standards for Downtown Zones); section and subsection numbers in this column refer to other sections and subsections of this Code.

Structure Form and Location Standards

Maximum Residential Density	80 units/acre	50 units/acre	80 units/acre	Residential not allowed except for parcels with a DMU or RF Overlay	See Note (3) below
Minimum Residential Density		40 units/acre	20 units/acre	20 units/acre	Accommodate a minimum of 16 units per site.
Maximum FAR ⁽²⁾	1.0	1.0	1.0	0.5	
Minimum Storefront Width	25 ft	N/A	N/A	N/A	
Minimum Setback					
Front or adjacent to a Side (Interior)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	10 ft	See Note (4) below
Abutting nonresidential or mixed-use zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	10 ft	10 ft	10 ft	10 ft	
Side (Street side)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	0 ft (10 ft maximum)	5 ft	See Note (4) below

Rear

Abutting Nonresidential or Downtown zone	0 ft	0 ft	0 ft	0 ft	
Abutting residential zone	20 ft	15 ft	15 ft	10 ft	
Maximum Height	60 ft	40 ft	60 ft	40 ft	
Minimum Open Space for Residential Uses	100 sf per unit	100 sf per unit	100 sf per unit	N/A	See Subsection 9102.05.040.D (Open Space Requirements for Residential Uses in CBD, MU, and DMU Zones)

Notes:

- (1) See City Center Design Plan for additional design guidelines.
- (2) FAR maximum is applicable only to nonresidential component of a development.
- (3) Utilize DMU Zone development standards for a residential project located on a C-M zoned parcel within the DMU Overlay area and use the RF Development standards for a residential project located on a C-M zoned parcel within the RF Overlay area.
- (4) Where a property in the C-M Zone fronts First Avenue, the front setback shall be 0 ft (10 ft maximum) and the side (street side) setback shall be 0 ft (5 ft maximum).

9102.11.030 DTP - Downtown Parking Overlay Zone
Amended by Ord. No. 2375

- A. Purpose and Intent.** The Downtown Parking Overlay Zone, indicated on the Zoning Map as “DTP,” is intended to provide opportunities for economic development within the Downtown area through shared parking mechanisms and the reduction in certain parking requirements.
- B. Located Onsite.** All required surface parking spaces shall be provided in a surface lot or parking garage located on the same building site or within the same development, except where allowed by Section 9102.11.030.C (Off-Site Parking), below.
- C. Off-Site Parking.** Off-site parking for new uses or new nonresidential construction may be permitted on either a privately owned property or public property through the Site Plan and Design Review process or other applicable discretionary review permit process for an individual use or development project, subject to Section 9103.07.090 and the following regulations:
- 1. Location of Off-Site Parking.** An off-site parking facility serving a use within the Downtown Parking Overlay Zone shall be located within the Downtown Parking Overlay Zone.
 - 2. Irrevocable Access and/or Parking Easement.** If parking is provided at an off-site location, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this Chapter.
- D. Change in Use.** No additional parking is required when there is a change in use within the Downtown Parking Overlay Zone. This requirement does not apply to any development that was previously approved under a Conditional Use Permit or Minor Use Permit.
- E. Parking Modifications for New Structures and Expansions.** Property owners in the Downtown Parking Overlay Area may request an Administrative Modification to reduce the required off-street parking requirement, pursuant to Section 9107.05 (Administrative Modifications).
- F. Elimination of Parking Minimums –** No minimum off-street parking spaces shall be required for an expansion to an existing commercial use that is 3,000 square feet or less on a property that is zoned Central Business District (CBD) and within 150 feet from the City’s public parking lot. The distance shall be measured from property lines to property lines. Any addition that is more than 3,000 square feet, may request an Administrative Modification under Subsection 9102.11.030(E) and shall not rely on the City’s parking supply, or make an in lieu payment pursuant to the requirements in Section 9103.07.090 (Shared/Joint Use, Off-Site Parking, and In-Lieu Parking).

9102.11.050 RF Residential Flex Overlay Zone
Amended by Ord. No. 2400

- A. Purpose and Intent.** The Residential-Flex “RF” Overlay Zone is established to provide for greater flexibility in land use planning and to maximize the housing types and styles at a more affordable price range than may be possible under the strict application of other sections of this Division. The RF Overlay Zone provides the option to build a residential project in a commercial zone. Given the state of commercial development throughout the City and region, there are locations that may benefit from this flexibility; also, a residential project may serve as a catalyst for other types of development in the surrounding area. The RF Overlay Zone is intended to maintain compatibility between residential and non-residential uses on adjacent lots through development standards and design guidelines. The standards in this section are applicable to stand-alone residential projects only; all other projects are subject to the requirements of the underlying zoning designation.
- B. Allowed Uses.** In addition to the land use regulations of the underlying zone, allow residential developments by-right when 20 percent or more of the units are affordable to lower income households on sites identified as part of the Residential Flex Overlay Zone. By-right development will not require a CUP, planned unit development permit, or other discretionary review or approval except for the City’s Subdivision requirements and Objective Development Standards. Refer to Section 9103.15.030 of the Code for additional incentives and concessions for affordable housing development.
- C. Development Standards.** New land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-15 (Development Standards for Residential Flex Overlay Zone) and the development standards in Division 3 (Regulations Applicable to All Zones – Site Planning and General Development Standards). Additional regulations are denoted in the right hand column of Table 2-15 (Development Standards for Residential Flex Overlay Zone).

Table 2-15 Development Standards for Residential Flex Overlay Zones				
Development Feature	Live Oak	Las Tunas	Commercial General (CG) ²	Additional Requirements
Structure Form and Location Standards				
Maximum Height	60 ft			See Subsection 9103.01.050 (Height Measurements and Exceptions)
Residential Density				
Maximum	50 units/acre			
Minimum	30 units/acre			
Minimum Setbacks ⁽¹⁾				
Front or adjacent to a street	10 ft			
Side (interior)	10 ft			
Side (Street side)	10 ft			
Rear	10 ft			

**Table 2-15
Development Standards for
Residential Flex Overlay Zone**

Development Feature	R-F	Additional Requirements
Structure Form and Location Standards		
Distance between Structures – Minimum	6 ft	Or as may otherwise be required by the Fire Code
Minimum Open Space for Residential Uses	100 sf per unit	See Subsection 9102.11.050.F (Open Space)

Notes:

(1) Refer to Section H for additional setback provisions.

(2) Residential units are permissible if affordable units are provided per the City's Density Bonus requirements (Section 9103.15). Properties within the CG zone with a Residential Flex Overlay may only be developed with residential uses if identified in the available sites list within the 6th Cycle Housing Element Update on file in the Development Services Department. **A property within the CG Zone, but which is not listed in the available sites list, may be consolidated with an adjacent lot/s identified in the available sites list where all properties are under the same ownership. Consolidation of a site not on the available sites list will be subject to a Site Plan and Design Review – Director (Minor Review) (Section 9107.19.030).**

D. No Parking within Front and/or Street Side Setbacks. No parking shall be allowed within required front and/or street side setbacks, or within any landscaped area not designated as a driveway or vehicle parking area.

E. Parking Requirements. New residential development in the R-F Overlay Zones shall require a minimum of 1 space per studio unit and 1.5 spaces per unit. Unless parking reductions or modifications are allowed in compliance with provisions identified, parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses).

F. Laundry Facilities. If an area for installation of laundry facilities is not provided in every unit, a common laundry area shall be provided with a minimum of one washer and one dryer for each eight units. The common laundry area shall be centrally located to the units served.

G. Open Space

1. **Type.** Open space shall be in the form of private or common open space via balconies, courtyards, at-grade patios (rear and side of the units), rooftop gardens, or terraces.
2. **Minimum Dimension.** Balconies that are 30 inches or less in width or depth shall not be counted as open space.
3. **Encroachment.** Balconies that project over a public right-of-way shall be subject to approval by the City Engineer.

H. Special Setback and Stepback Requirements. The purpose and intent of this section is to provide minimum standards for property line setbacks and building stepbacks in cases where existing residential development is adjacent to new construction within the RF Overlay to protect adjacent residential neighborhood integrity and character. These special requirements apply to residential uses that were in existence at the time of adoption of these special provisions. The following standards shall apply:

1. Adjacent to Existing Residential

- a. 10-foot minimum building setback from property line (See "A" in Figure 2-B)
- b. 3-foot minimum building stepback for building heights greater than 30-feet (See "B" and "C" In Figure 2-B), when significant adjacent view impacts can be demonstrated.
- c. Appropriate planting, trees or other natural materials shall be provided within the view plane of adjacent residential uses.

- i. All plantings or other natural materials shall be at full maturity within 1 year of installation and shall be maintained in a manner that preserves its natural state.
 - ii. Planting materials shall be primarily evergreen and shall limit shedding or loss of leaves during winter months.
 - iii. Deciduous trees and plantings shall be limited in a manner that does not demonstrably impact the screening from adjacent properties.
2. **Exceptions.** Special exceptions may be granted to setback, stepback and screening requirements through the processing of a modification application if the following can be demonstrated by the project applicant. All exception requests shall be subject to the provisions of the City's adopted Objective Design Standards.
- a. The setback standards preclude the applicant from reaching minimum densities and can be demonstrated conclusively by the applicant
 - b. The standards preclude the development of affordable housing units and can be demonstrated conclusively by the applicant.
 - c. Unique site conditions or factors that may preclude the ability to comply with setback standard and/or the installation of landscape screening.

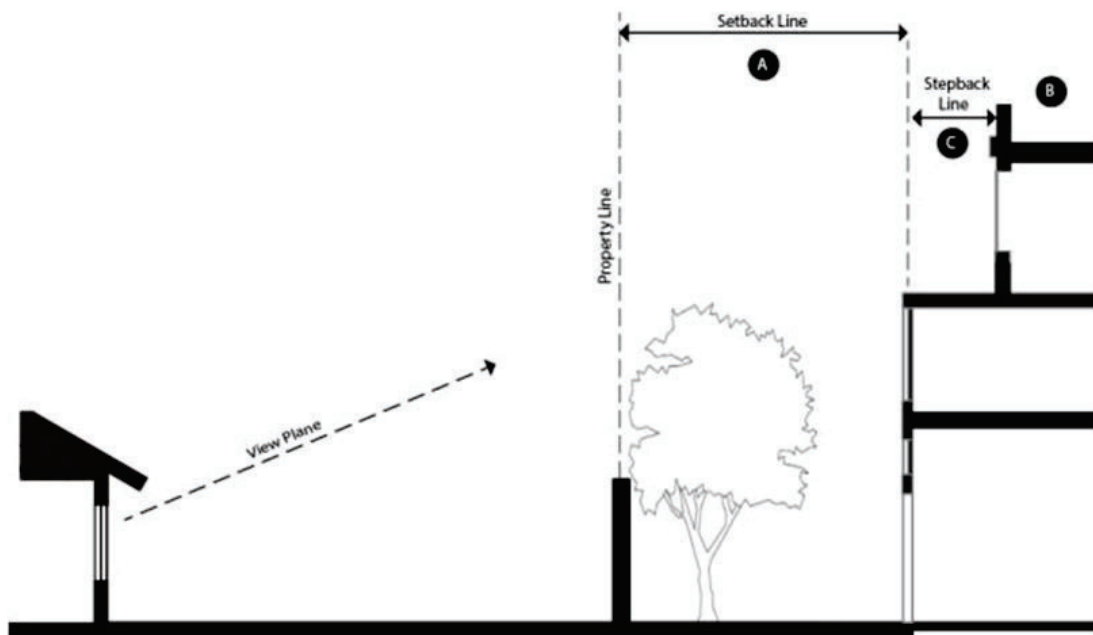


Figure 2-B: Setback and Step Back Provisions

I. Design Review

1. **Applicability.** Structures erected or modified to accommodate the land uses allowed by this Section shall require the approval of a Site Plan and Design Review subject to the requirements of Section 9107.19 (Site Plan and Design Review) of this Development Code.
2. **Design Review Criteria.** The project design shall be compatible with the scale and quality of development within the underlying zone and surrounding area. In conducting a review of projects subject to the requirements of this Section, the Review Authority may utilize design guidelines/criteria that have been adopted by the City in order to provide guidance to project proponents on how to best achieve the City's expectations for quality development; implementation of the applicable General Plan goals and policies; and maintenance of the public health, safety, general welfare and property throughout the underlying zone. Existing land uses shall be considered in the review of projects utilizing the the Residential Flex Overlay Zone. Neighborhood Serving Retail, such as supermarkets/ grocery stores shall be retained and integrated

into new projects to the extent feasible to maintain commercial retail and services to serve the needs of the local and surrounding community.

EXHIBIT “B”

Development Code, Division 3

Section 9103.05 – Fences, Walls, and Gates

Subsections:

- 9103.05.010 Purpose and Intent
- 9103.05.020 Permit Requirements
- 9103.05.030 Development Standards
- 9103.05.040 Prohibited Fencing Materials in All Zones

9103.05.010 Purpose and Intent

- A. This Section establishes standards and regulations for the construction and maintenance of fences, walls, and gates, as the terms are defined in Division 9 (Definitions). The standards are intended to ensure that these types of structures provide the desired privacy and safety while avoiding becoming a public safety hazard or nuisance.
- B. For Specific Plans and Planned Developments, fence and wall heights shall comply with the standards contained within the applicable Specific Plan or Planned Development. Where the Specific Plan or Planned Development is silent with regard to fence and wall height, the standards for the zone that most closely reflects the Specific Plan or the Planned Development shall apply, as determined by the Director.

9103.05.020 Permit Requirements

Construction of new fences, walls, and gates shall be subject to Site Plan and Design Review according to Section 9107.19 (Site Plan and Design Review).

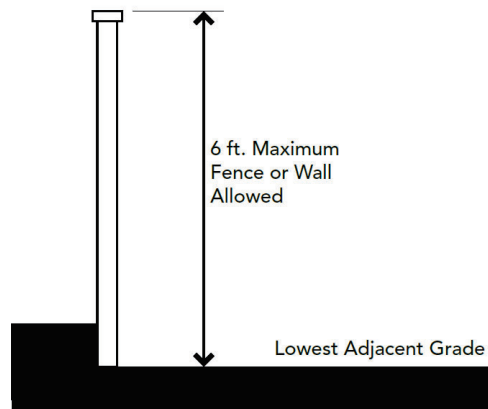
9103.05.030 Development Standards

Amended by Ord. No. 2347

A. General

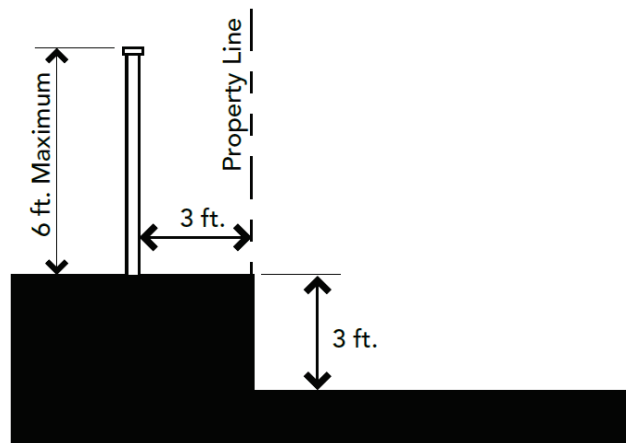
1. The fence or wall height shall be measured from the lowest adjacent grade to the uppermost part of the fence or wall. Refer to Figure 3-7 (Fence Height Measurement).
2. When there is a full landscaped parkway with no sidewalk, a fence and/or columns, excluding vehicular entry gate(s), may be placed adjacent to the front property line.
3. The need for any retaining walls and/or fences, and their heights, shall be determined by the Director and the Building Official through the Site Plan Review process. An administrative modification is not required for retaining walls and/or fences located on hillsides.
4. Temporary construction fencing that is of chain link or wire type may be allowed within the front and street side setback areas, provided it does not exceed six feet in height.
5. All fences, walls, and gates shall be subject to the height limitations described in Section 9103.01.070 (Vehicular Visibility Standards) of this Development Code.

Figure 3-7
Fence Height Measurement



- B. **Fence Height with Difference in Grade.** Where there is a difference in a grade between properties, a fence, wall, or gate may be a maximum height of six feet adjacent to the rear and property lines if such fence, wall, or gate maintains a minimum setback that is equal to the difference in grade between the properties. See Figure 3-8 (Fence Height Measurement with a Difference in Grade). In all other situations, the wall height shall comply with the provisions of this Section.

Figure 3-8
Fence Height Measurement with a Difference in Grade



C. **Residential Zones**

1. **Fences, Walls, and Gates Located in the Front Setback**

- a. The required setbacks, height dimensions, and spacing for fences, walls, and gates shall be as indicated in Table 3-2 (Fences, Walls, and Gates) and Figure 3-9 (Fences, Walls, and Gates).

**Table 3-2
Fences, Walls, and Gates – Front Setback**

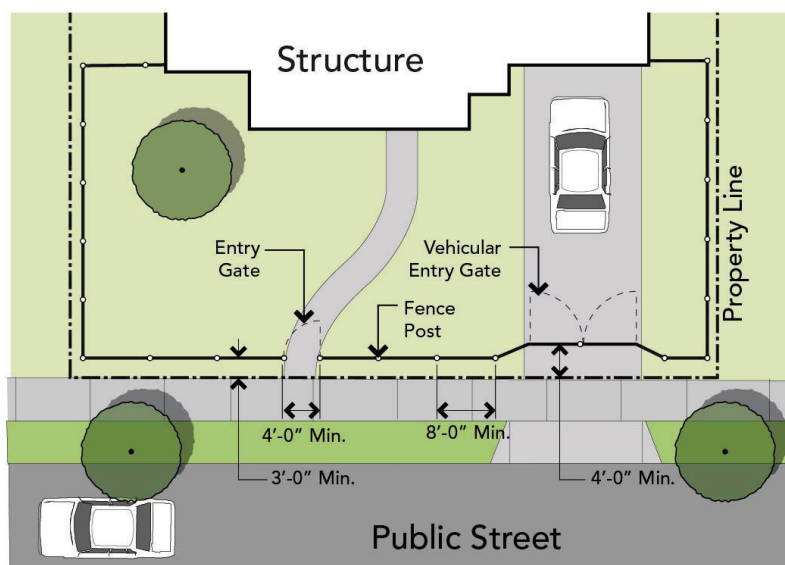
Front Setbacks	Regulations within Each Residential Zone					
	Zones					
Requirement	R-M	R-0	R-1	R-2	R-3	R-3-R
Setbacks						
Decorative fences, columns, and caps	3 ft minimum from property line					Fences, walls, and/or vehicular gates prohibited within front and street side setbacks. ⁽¹⁾
Vehicular entry gates and pilasters	4 ft minimum from the property line					
Height						
Decorative fences, columns, and caps:	4 ft maximum	4 ft maximum (N of Hugo Reid Drive) 3 ft maximum (S of Hugo Reid Drive)	3 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Pedestrian entry gates, vehicular entry gates, and pilasters:	4 ft maximum	5 ft max (N of Hugo Reid Drive) 4 ft maximum (S of Hugo Reid Drive)	4 ft maximum	4 ft maximum ⁽²⁾	4 ft maximum ⁽²⁾	3 ft maximum ⁽³⁾
Decorative lights, limited to entry points at pedestrian and vehicular entry gates	18 inches above the maximum fence/column height					--
Decorative outdoor post mounted light fixture	8 ft maximum					--
Dimensions and Spacing						
Distance between decorative columns for a pedestrian entry gate.	4 ft minimum 8 ft maximum					---
Horizontal intervals of columns and posts	8 ft minimum					--
Dimension of columns and posts	24 inches maximum					---
Dimensions of caps	30 inches by 30 inches maximum					---
Garden arbor or pergola over a pedestrian walkway (allowed within the front setback area)	8 ft height maximum			--	--	--

Notes:

Table 3-2 Fences, Walls, and Gates – Front Setback						
Front Setbacks	Regulations within Each Residential Zone					
	Zones					
Requirement	R-M	R-0	R-1	R-2	R-3	R-3-R

- (1) Except for guard rails and hand rails required for safety protection, or for reasonable accommodation (ADA) purposes, up to the minimum height required by the Building Code.
- (2) Applicable to properties with multifamily dwelling units that face the street-side of a lot.
- (3) Temporary construction fencing that is of chain link or wire type may be allowed within the front street and side setback areas, provided it does not exceed six feet in height.
- (4) For fences, walls, and gates in side and rear setback areas, see Subsection 9103.05.030C.5 (Fences, Walls, and Gates—Side and Rear Setback Areas)

**Figure 3-9
Fences, Walls, and Gates**

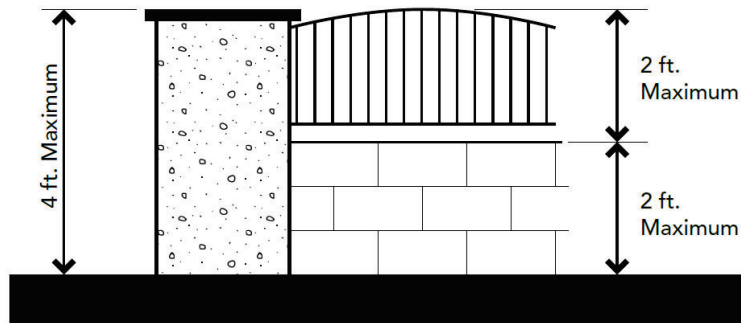


2. Special Regulations for Fences, Walls, and Gates Located in the Front Setback—Residential Zones

a. R-M and R-0 Zones

- (1) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed four feet in height.
- (2) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.
- (3) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A two-foot high solid wall may be combined within the allowed height of the decorative fence. Refer to Figure 3-10 (Fence in R-M and R-0 Zones).

**Figure 3-10
Fence in R-M and R-O Zones**



b. R-1 Zone

- (1) All fences shall be of open work design (a minimum of four inches between vertical and horizontal members.) A solid decorative masonry base for fences may be allowed in the front setback area, provided that it does not exceed eight inches in height. Refer to Figure 3-11 (Fence in R-1 Zone).

**Figure 3-11
Fence in R-1 Zone**



- (2) A solid wall adjacent to the interior side property line may be allowed in the front setback area, provided that it does not exceed three feet in height.
- (3) Only one pedestrian gate with decorative columns shall be allowed within the front setback area.

3. Fences, Walls, and Gates—Corner Lots

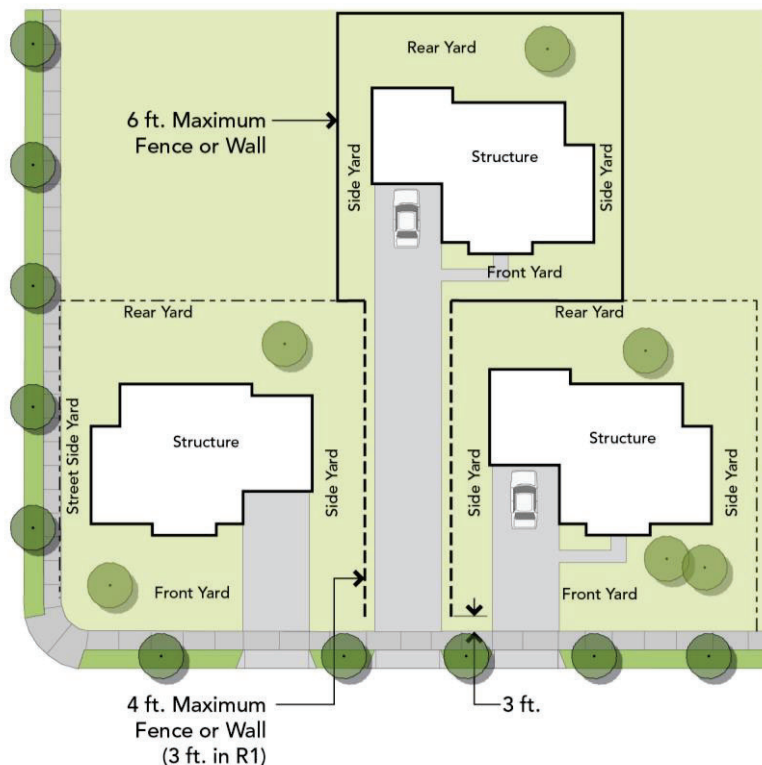
- a. All fences, walls, or gates, including height, design, and location within the street side setback or special setback area, shall be subject to Site Plan and Design Review pursuant to requirements Section 9107.19 (Site Plan and Design Review) in the R-2 and R-3 zones.
- b. On corner lots, fences, walls, and gates within the required street side setback or special setback are allowed up to six feet in height, measured at the street side property line, except as restricted by Subsection 9103.01.070 (Vehicular Visibility Standards)
- c. Fences, walls, and gates shall be setback a minimum of 18 inches from the street side property line.
- d. The area between the street side property line and the fence, wall, or gate shall have an appropriate irrigation system and decorative landscaping (shrubs, ground cover, flowers, plants, etc.). However, when there is a full

landscaped parkway with no sidewalk, a fence, wall, and gate, excluding entry gate(s), may be placed to the street side property line in R-M, R-0, and R-1 Zones.

4. Fences, Walls, and Gates—Flag Lots

- a. Fences, walls, and gates on flag lots shall not be allowed in R-2, R-3-R, and R-3 zones.
- b. In areas zoned R-M and R-0, a fence or wall may be allowed in the front setback and driveway area, provided that it does not exceed four feet in height. In the R-1 zone, the height shall not exceed three feet.
- c. Where a fence or wall is located within the front setback of a flag lot and the front property line of that flag lot abuts the rear property line of an adjacent lot, it may be allowed up to six feet in height. See Figure 3-12 (Fences and Walls on Flag Lots).

Figure 3-12
Fences and Walls on Flag Lots

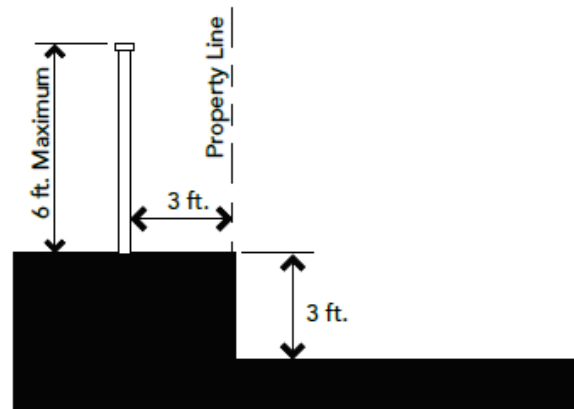


5. Fences, Walls, and Gates—Side and Rear Setback Areas

- a. Fences, walls, and gates located within a required side and/or rear setback area(s) are allowed up to six feet in height, provided that no portion of any such fence, wall, or gate extends into the required front setback area.
- b. Where there is a difference in grade between properties, a wall or fence is allowed up to six feet in height adjacent to the rear and side property lines if the wall or fence maintains a minimum setback that is equal to the difference in grade between the properties. Where there is no difference in grade between properties, a wall shall comply with the height limitations unless it complies with the setbacks required for an accessory building. Refer to Figure 3-13 (Fences Walls and Gates with a Grade Difference). However, if the grade has been altered due to previous grading, the finished grade shall be subject to review and approval by the Director.

- c. Fences and walls are allowed adjacent to the property line in the side and rear setback areas.

Figure 3-13
Fences Walls and Gates with a Grade Difference



6. Walls for Tennis Courts

- a. A six-foot high solid masonry wall shall be installed on the property lines between the tennis court and adjacent properties. In the R-M, R-0 and R-1 zones, where the entire side of a tennis court is a minimum distance of 25 feet from a property line, a six-foot high solid masonry wall shall not be required along the property line.

D. Commercial Zones

1. Fences, walls, and gates shall not be allowed ~~exceed three (3) feet~~ along the front property line ~~and must be of an open design. ; except to enclose a ground floor landscaped court setback or an outdoor dining area.~~ Any gate placed across the a court setback opening ~~or a fence around an~~ outdoor dining area shall have a minimum of 50 percent transparency.
2. Fences and walls located at rear and interior side setback areas are limited to six feet in height.

9103.05.040 Prohibited Fencing Materials in All Zones

- A. No spears (apache, aristocrat with crushed spears, or any spear-like features) shall be allowed on a fence, wall, or gate.
- B. Chain link, corrugated fiberglass, bamboo fencing, and wire type fencing shall not be allowed, except chain link fencing is allowed as a fencing material enclosing sports courts and temporary construction fencing.

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Section 9103.07 – Off-Street Parking and Loading

Subsections:

9103.07.010 Purpose and Intent
9103.07.020 Applicability
9103.07.030 Permit Requirements
9103.07.040 Exemptions
9103.07.050 Off-Street Parking for Residential Uses
9103.07.060 Off-Street Parking for Non-Residential Uses
9103.07.070 Mixed-Use (Nonresidential and Residential Combined) Parking Standards
9103.07.080 Parking Area Design Standards Applicable to All Zones
9103.07.090 Shared/Joint Use, Off-site Parking, and In-Lieu Parking
9103.07.100 Valet Parking
9103.07.110 Parking Structures
9103.07.120 Prohibition on Commercial Vehicle Parking in Residential Zones
9103.07.130 Landscape Standards for Parking Lots
9103.07.140 Parking for Electric and Alternative Fuel Vehicles
9103.07.150 Bicycle Parking Requirements
9103.07.160 Off-Street Loading

9103.07.010 Purpose and Intent

This Section establishes regulations to:

- A. Regulate off-street parking and loading to minimize traffic congestion and hazards to motorists, bicyclists, and pedestrians;
- B. Provide off-street parking in proportion to the needs generated by different land uses;
- C. Ensure access to projects by emergency response vehicles; and
- D. Ensure that parking areas are designed to operate efficiently and effectively and in a manner compatible with on-site and surrounding land uses.

9103.07.020 Applicability

- A. All terms defined in Division 9 (Definitions), except as provided, shall apply to this Section. The minimum off-street parking spaces established in this Section shall be provided for new construction or intensification of use, and for the enlargement or increased capacity and use of land.
- B. All required parking spaces shall be maintained in connection with the building or structure and use of land. The regulations within this Section apply:
 - 1. At the time of the erection of any building and/or structure; or
 - 2. Before the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats; or
 - 3. At a time that a usage requiring a higher number of parking spaces than the existing or previous use is applied.
- C. Nothing in this Section shall be deemed to limit the power of the Director, Commission, or Council, acting either on its own or on appeal, to require parking of increased numbers or alternative types and arrangements as part of the conditions of approval to a discretionary permit or to mitigate environmental impacts.

9103.07.030 Permit Requirements

- A. **New Parking Lots.** New parking lot design shall be reviewed as part of the building permit process and any other land use or development permit process required for a project. A site plan of the premises shall be required for all new parking. The site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance with the provisions of this Section. The site plan shall be approved, modified, and/or denied through the normal process of approving, modifying, and/or denying the permit causing the submission of the site plan or other discretionary permit.
- B. **Modification of Existing Parking Lots.** Except otherwise stated in this Section, modification or improvement to an existing parking lot which impacts the parking space layout, configuration, and/or number of stalls shall require the review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).

9103.07.040 Exemptions

- A. **Modification of Existing Lots.** The following parking lot improvements shall be considered minor in nature, as long as the number and/or configuration of parking stalls are not altered. These improvements shall be exempt from permit requirements, except for permits that may be required by the Building Official.
 - 1. Repair of any defects in the surface of the parking area, including holes and cracks.
 - 2. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
 - 3. Repair or replacement of damaged planters and curbs in the same location.
 - 4. Installation of parking stalls reserved as accessible parking stalls in compliance with the Americans with Disabilities Act (ADA), and any required ADA passenger loading areas.

9103.07.050 Off-Street Parking for Residential Uses

Amended by Ord. No. 2347

Amended by Ord. No. 2375

Amended by Ord. No. 2400

- A. **Number Required.** Unless off-street parking reductions are allowed in compliance with provisions identified, off-street parking spaces shall be provided in compliance with Table 3-3 (Off-Street Parking Requirements: Residential Uses). These standards shall be considered the minimum required to preserve the public health, safety, and welfare of the community. An increase or decrease in the parking requirements may be determined by the Review Authority in particular circumstances where these requirements are inadequate for a specific project. These cases shall be determined through a parking study as outlined in this Division.
- B. **Off-Street Parking Requirement Calculations.** Table 3-3 (Off-Street Parking Requirements: Residential Uses) establishes the off-street parking requirements for number of spaces. Except as otherwise specifically stated, the following rules apply:
 - 1. "Square feet" or "sf" shall mean "square feet of floor area" and refer to floor area as defined in Division 9 (Definitions), unless otherwise specified.
 - 2. Any fractional parking space greater than or equal to one-half shall be rounded to the next whole number. If the fraction is less than 0.49 of a space, the total number of spaces shall be rounded down to the nearest whole number.
- C. **Off-Street Residential Parking Requirements for Residential Uses**
 - 1. **Uses Not Listed.** The number of parking spaces required for land uses not specifically listed shall be determined by the Director based on common functional, product, or compatibility characteristics and activities. The determination is considered a formal interpretation of the Development Code and shall be decided and recorded accordingly. The interpretations shall have the same force of law as the provisions of this Section. Any inclusion of land uses in this

Section shall be defined and included in Division 9 (Definitions), and shall be included in the land uses in Division 2 (Zones, Allowable Uses, and Development Standards).

Table 3-3 Off-Street Parking Requirements: Residential Uses	
Land Use	Minimum Parking Spaces Required
Single-Family Dwellings (Attached and Detached) and Two-Family Dwellings	<ul style="list-style-type: none"> • 2 spaces per dwelling unit in a garage for units less than 5,000 square feet or less in size with up to 4 bedrooms • 3 spaces per dwelling unit in a garage for units greater than 5,000+ square feet or more in size and/or with 5 or more bedrooms ⁽¹⁾
Accessory Dwelling Unit	Refer to Section 9102.01.080
Multifamily Dwellings	<p>For the R-2, R-3 and R-3-R Zones:</p> <ul style="list-style-type: none"> • 2 covered spaces per unit, plus guest parking as follows: • 1 guest parking space for every 2 units <p>For the Residential Flex Overlay Zone:</p> <ul style="list-style-type: none"> • 1 space per studio unit • 1.5 spaces per unit
Mixed Use Units	<ul style="list-style-type: none"> • 1 space per studio unit • 1.5 spaces per unit • 1 guest space for every 3 units
Live/Work Units	1 space per unit and 1 space per 1,000 square feet of nonresidential floor area
Senior Housing (when restricted to age 62 and older)	<p>For senior affordable apartment housing: 1 space per unit, and 1 guest space for every 4 units for assisted living facilities: 1.5 spaces per unit</p> <p>For senior market rate housing: 2 spaces per unit</p>

Notes:

- (1) A tandem parking space may be allowed to satisfy the third required, or any non-required, parking space, subject to Design Review approval.
- (2) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 - a. The accessory dwelling unit is located within one-half mile of public transit
 - b. The accessory dwelling unit is located within an architecturally and historically significant historic district
 - c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure
 - d. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit
 - e. When there is a car sharing vehicle located within one block of the accessory dwelling unit

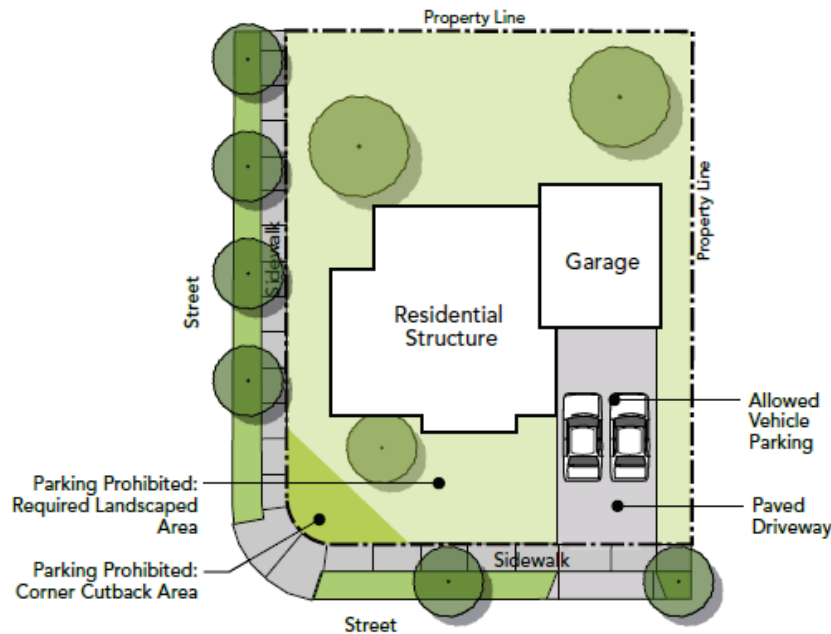
2. **Residential Use: When Required Covered or Garage Parking Cannot Be Provided.** Apart from the requirements for parking in a garage contained in Table 3-3 (Off-Street Parking Requirements: Residential Uses) for residential uses, wherever required covered or garage parking cannot be provided due to physical limitations on a property, an alternative parking arrangement for the remaining required parking can be arranged by the approval of an Administrative Modification subject to the requirements of Section 9107.05 (Administrative Modifications).

D. Parking Location

1. Parking spaces shall be designed, constructed, and maintained in a manner that does not preclude direct and free access to stairways, walkways, elevators, any pedestrian way, and fire safety equipment.
2. Vehicle parking (and access thereto) shall be provided on a permanently paved surface.

3. When required off-street parking spaces are provided on a separate lot from the building or land use, Subsection 9103.07.090 (Shared/Joint Use and Off-site Parking) shall apply.

Figure 3-14
Single-Family Parking Location Requirements



E. Residential Parking Location—Specific Requirements

1. R-M Zone

- a. A garage or carport opening directly upon a side street shall be located not less than 20 feet from the street side lot line.

2. R-0 and R-1 Zones

- a. Required parking spaces shall be provided on the same site as the main building in an enclosed garage. Each parking space provided beyond the minimum required shall also be within an enclosed garage.
- b. Each required parking space shall be in a garage located behind the required front setback and shall be served by a driveway no less than nine feet in width, except as specified in Section 9103.07.050.D.
- c. Only one driveway shall lead to an enclosed garage, unless it is a circular driveway.
- d. Below grade or subterranean parking spaces shall not be allowed unless an Administrative Modification is granted pursuant to Section 9107.05 (Administrative Modifications). Not more than one story below grade shall be allowed.
- e. On lots less than 100 feet in width, no more than a two-car garage shall be allowed facing the front and/or street-side areas. On lots 100 feet or greater in width, no more than a three-car garage shall be allowed facing the front and/or street-side areas.
- f. An enclosed two-car garage shall have a minimum opening of 16 linear feet, and an enclosed three-car garage shall have a minimum opening of 24 linear feet.

3. R-2, R-3, and R-3-R

- a. For enclosed garages, the minimum garage opening is 16 linear feet.

F. **Standard Residential Parking Stall Dimensions.** Required parking stalls, including guest parking spaces, within all residential zones shall meet the dimension requirements set forth in Table 3-4 (Parking Space Dimensions-Residential Zones). Dimensions shall be measured from interior building wall.

Table 3-4 Parking Space Dimensions-Residential Zones			
Zone	Size of Parking Stall (minimum)		Length
	Width (General)	When Adjacent to Wall or Structure	
R-M, R-O, and R-1	10 ft	11 ft, 6 in	20 ft
R-2, R-3, and R-3-R	10 ft	11 ft, 6 in	20 ft

G. Residential Driveways

1. **Paving.** All parking areas and driveways shall be paved with cement concrete. Other paving materials, including brick may be substituted with review and approval by the Director of a Site Plan and Design Review pursuant to the requirements of Section 9107.19 (Site Plan and Design Review).
2. **Width.** The maximum width of driveways within residential zones shall be 20 feet for single-family zones and 25 feet for multifamily zones. The maximum width for all single-family and multi-family residential common driveways shall not exceed 30 feet.
3. **Does Not Fulfill Parking Requirement.** No portion of any required driveway shall be used to fulfill any parking space requirements, except as specified in Section 9103.07.050.D
4. **R-M, R-0 and R-1 Zones**
 - a. Only one driveway shall be allowed for each residential lot. The number may be increased to two for an approved circular driveway pursuant to Section 9103.07.050.H (Circular Driveways for Residential Zones).
 - b. A driveway shall not be less than nine feet in width.
 - c. Pedestrian walkways and driveways shall occupy no more than 40 percent of the required front setback or street side setback.
 - d. Driveways shall have at least 10 feet of unobstructed vertical clearance.
 - e. Driveway slope shall not exceed 10 percent.
5. **R-2, R-3 and R-3-R Zones**
 - a. Each driveway to a parking space shall be at least 10 feet wide.
 - b. Every driveway serving as access to more than 12 required parking spaces or which is more than 125 feet long shall have a minimum width of 18 feet. Two 10-foot wide driveways may be provided in lieu of one 18-foot driveway.
 - c. Each driveway adjacent to a garage or parking space shall have a minimum width of 25 feet.

- d. "Guest Parking Only" signs with letters not less than two inches in height shall be properly located to designate guest parking spaces.
- e. Common/shared driveways shall be allowed, provided the owners of the lots show proof of a recorded easement or other legal instruments authorizing the use of a shared driveway arrangement and further provided that a covenant, in recordable form by its terms to be for the benefit of, enforceable by, and to be released only by the City, is executed by the owners of all property affected. The covenant shall state that the common/shared driveway shall be usable by the tenants and owners of the properties proposed to be served by the driveway. Recordation of this instrument shall be completed before the issuance of a Building Permit.
- f. Eaves and bay windows which are at least 10 feet above the pavement may overhang any driveway by a distance of not more than three feet.

H. **Circular Driveways for Residential Zones**

- 1. Lots with street frontage of 100 feet or greater are eligible for circular driveways.
- 2. On lots with more than one street frontage, a circular driveway shall be located on the street frontage that is 100 feet or greater; provided, however, that not more than one circular driveway shall be allowed for any one lot.
- 3. The circular driveway shall not be less than nine feet in width and shall not have a width greater than 15 feet.
- 4. The inside edge of the circular driveway shall be located a minimum distance of 25 feet from the property line at the street right-of-way.

I. **Tandem Parking Spaces.** Tandem parking spaces may be allowed in residential and mixed-use zones in compliance with the following requirements, and subject to Site Plan and Design Review pursuant to Section 9107.19 (Site Plan and Design Review).

- 1. For multifamily development projects, tandem spaces shall not constitute more than 20 percent of all required spaces and shall not be permitted to meet guest parking requirements.
- 2. For single-family units, tandem parking may be provided within a garage, provided that such garage has an interior space measuring at least 20 feet by 20 feet adjacent to the garage door and at least one required parking space shall be in a regular (non-tandem) format.
- 3. The size of the tandem parking space shall be 10 feet by 19 feet and shall allow adequate maneuvering room for both vehicles and pedestrians around the tandem spaces.

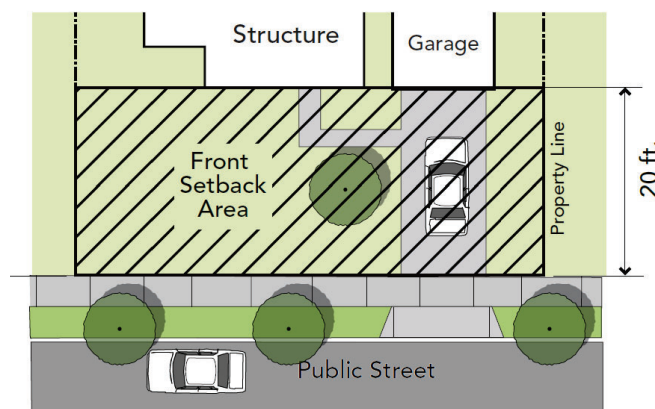
9103.09.040 Landscape Requirements
Amended by Ord. No. 2375

- A. **Applicability.** The standards in this Section shall apply to residential and non-residential uses.
- B. **Landscape Requirement for Residential Zones.** All areas of a site not devoted to structures, driveways, or walkways shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.

1. **R-M, R-0 and R-1 Zones**

- The front and street-side areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
- Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the required front setback or street side yard. See Figure 3-17 (Front Setback Yard Area-60% Landscaping Required).

Figure 3-17
Front Setback Yard Area – 60% Landscaping Required



- R-M Zone.** All cut or fill slopes exceeding six feet six inches in vertical height between two or more contiguous lots shall be planted with adequate plant material to protect the slope against erosion. The planting shall cover the bank within two years from the time of planting. The permittee, owner, or developer shall water the planted slopes at sufficient time intervals to promote growth.
- R-2 and R-3, and R-3-R Zones.**
 - The front/street side yard areas shall be landscaped with lawn, trees, shrubs, or other plant materials, and shall be permanently maintained in a neat and orderly manner.
 - Hardscape materials of driveways and pedestrian walkways, including pavement, concrete, interlock pavers, and the use of artificial turf, shall not cover more than 40 percent of the required front setback or street side yard. See Figure 3-17 (Front Setback Yard Area-60% Landscaping Required).

C. **Landscape Requirement for Commercial, Mixed Use, and Industrial Zones**

- Required Areas.** All setbacks, parkways, open areas, plazas, paseos, and non-work areas that are visible from a public street/alley or from a parking lot available to the general public shall be landscaped.

2. **Landscape Coverage Requirement.** Shrubs, groundcover, and other plant material shall cover all areas not occupied by structures, parking areas, storage, trash enclosures, driveways, and sidewalks at the time of issuance of a Certificate of Occupancy. Embellished pavement, fountains, and similar hardscape materials may, in part, be substituted for the required landscaping through the Site Plan and Design Review process.
3. **Parkway-adjacent Planting and Maintenance.** All landscaped parkway areas located between the sidewalk and the edge of development shall meet the following requirements:
 - a. The ground surface shall contain low shrubbery, mulch, or ground cover to provide coverage within two years.
 - b. If a wall or fence separates the development from the street, planting vines or espalier shrubs shall be incorporated into the planting design.
4. **Required Landscaping for Loading Areas.** Loading areas shall incorporate landscaping to provide screening if visible from the public right-of-way, adjacent uses, and pedestrians.
5. **Special Requirements for Drive-through Businesses**
 - a. Five-foot-wide raised planters shall be located along the street side property line, except for curb cut openings.
 - b. Three-foot-wide raised planters shall be located along the walls of the interior property lines to a distance equal to the front building line. For this purpose, canopies and other such structural appurtenances shall not be considered the front building line.
 - c. A minimum of 150 square feet of raised planting area shall be located at the intersection of two property lines at a street corner.
 - d. A minimum of 30 square feet of raised planting area shall be located along the building facades fronting on the street.
 - e. All planting areas shall be separated from adjacent asphaltic concrete paving by six-inch minimum curb walls.

D. Artificial Turf

1. **Locations Permitted**
 - a. **Back Yards and Interior Side Setback Yard Areas.** Artificial turf is permitted in any zone within any back yard and/or interior side setback yard areas.
 - b. **Front and Street-Side Yards.** In any zone, a maximum of 15 percent of the yard area within the front or street side yards may be installed with artificial turf. Artificial turf shall not be installed within 10 feet of a sidewalk or within 20 feet from the curb if there is no sidewalk.
 - c. **Not Permitted in Parkway.** Artificial turf is not permitted within any parkway areas.
2. **Minimum Standards.** To be used in the front or street-side yard, artificial turf must meet minimum standards for materials, installation, and maintenance.
 - a. **Materials and Style.** Artificial turf must have a minimum eight-year no-fade warranty as issued by the manufacturer; be cut-pile infill and made from lead-free polypropylene, polyethylene or a blend of such fibers on a permeable backing; and, have a minimum blade length (pile height) of 1.5 inches, or as determined by the Director as manufacturing processes are updated. Nylon-based or plastic grass blades are not permitted. The use of indoor/outdoor carpeting, and artificial shrubs, flowers, trees and vines instead of natural plantings is prohibited. Infill medium must consist of ground rubber; rubber coated

sand or other approved mixtures and must be brushed into the fibers of the artificial turf. The style of the fiber, color, and texture shall resemble fescue, rye, and other common natural grass blades.

- b. **Installation.** Artificial turf must be installed per all manufacturer's requirements and must include removal of all existing plant material and top three inches of soil in the installation area; placement of filter fabric or synthetic porous material over compacted and porous crushed rock or other comparable material below the turf surface to provide adequate drainage; and, the area must be sloped and graded to prevent excessive pooling, runoff, or flooding onto adjacent property. Artificial turf areas must be sufficiently drained to live planting areas to provide complete infiltration of runoff. Artificial turf must be separated from live planting areas by a barrier such as a mow strip or bender board to prevent mixing of natural plant materials and artificial turf. Artificial turf must be permanently anchored with nails and glue, and all seams must be nailed, or sewn, and glued, with the grain pointing in a single direction.
- c. **Maintenance.** Artificial turf must be maintained in a green, fadeless condition; free of weeds, stains, debris, tears, holes, depressions, ruts, odors, and looseness at edges and seams. Damaged or worn areas in the artificial turf surface must be repaired or removed and replaced in a manner that results in consistent appearance with the existing artificial turf. The artificial turf surface must be replaced once it is unable to be maintained as required. Vehicle parking on artificial turf is prohibited.

EXHIBIT “C”

Development Code, Division 6

9106.01.010 Modifications or Extensions of Legal Nonconforming Use or Structure

- A. A legal nonconforming use shall not be modified in any manner that expands, extends, or enlarges the use beyond its existing scope/area, or other portion(s) of a structure, upon the date the nonconformity was created, except as specified below.
1. The changes are, in and of themselves, in conformance with the provisions of this Development Code.
 2. The changes are limited to minor alterations, improvements, or repairs that do not increase the degree of nonconformity present and do not constitute or tend to produce an expansion or intensification of a nonconforming use.
 3. The changes are required by other laws.
 4. The changes are determined, by the Director, to be small additions to legal-nonconforming single-family residential properties (including multifamily dwelling units on a single-family lot) and are subject to the approval of a Modification granted in compliance with Division 7 (Permit Processing Procedures).
 5. The changes are incidental to the public acquisition of a portion of a site, no greater degree of nonconformity will be created other than that caused as a result of the public acquisition, and the changed development will conform to current regulations to the maximum extent feasible.
- B. If the nonconforming use is discontinued, any future use of the structure(s) shall be in compliance with the provisions of this Development Code; provided, however, that all nonconforming uses of a conforming structure shall be discontinued as provided in this Division.
- C. No change made to any development or use shall be construed as automatically allowing an extension of any time limit for the termination of a nonconformity.
- D. Allowable changes to nonconforming uses within a commercial or industrial development. A nonconforming use located within a commercial or industrial development may be replaced by another similar nonconforming use only after the Director first finds all of the following:
1. The nonconforming use is similar to or less intensive than the use originally allowed in the development;
 2. The nonconforming use generally adheres to the intent of the General Plan and any applicable specific plan;
 3. The nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 4. The use of the entire development has not been ceased or discontinued for a period of ~~180~~ 90 consecutive days or more.

9106.01.020 Discontinuance of Legal Nonconforming Uses

- A. **Effect of Discontinuance.** If any legal nonconforming use ceases to operate or is discontinued for a period of ~~180~~ 90 consecutive days or more, subsequent use of the land shall be in compliance with the applicable provisions of this Development Code. Maintenance/retention of a valid City issued Business License shall of itself not be considered a continuation of the use.
- B. **Cessation or Discontinuance Defined.** A nonconforming use shall be considered ceased or discontinued when any of the following apply:
1. Cessation or discontinuance of a nonconforming use shall be deemed by the Director as an abandonment of the use, irrespective of the owner's or occupant's intent;
 2. Discontinuance shall include cessation of a use regardless of intent to resume the use;

3. The intent of the owner to cease or discontinue utilization of the nonconforming use is apparent, as determined by the Director;
 4. Where characteristic furnishings and equipment associated with the nonconforming use have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of ~~180~~ 90 consecutive days or more; or
 5. Where there are no business receipts or utility payments for the ~~180~~ 90-day period.
- C. Discontinuance of Use.** If the conforming use is discontinued, the nonconforming structure shall either be removed or made to comply with the regulations governing the zone in which the structure is located.

9106.01.030 Discontinuance of Legal Nonconforming Structures

- A. If Abandoned or Discontinued.** If any legal nonconforming structure, except for residential structures located in single-family residential zones, is abandoned or the use thereof discontinued for a period of ~~180~~ 99 consecutive days or more, subsequent structural and site development shall be in full compliance with all applicable provisions of this Development Code. Maintenance of a valid City issued Business License shall of itself not be considered a continuation of the structure.
- B. Cessation or Discontinuance Defined.** Use of a nonconforming structure shall be considered ceased or discontinued when any of the following apply:
1. Cessation or discontinued use of a nonconforming structure shall be deemed as an abandonment of the structure, irrespective of the owner's or occupant's intent;
 2. Discontinuance shall include cessation of the use of a structure regardless of intent to resume the use;
 3. The intent of the owner to cease or discontinue use of the nonconforming structure is apparent, as determined by the Director;
 4. Where characteristic furnishings and equipment associated with the use of the structure have been removed and not replaced with equivalent furnishings and equipment during this time, and where normal occupancy and/or use has been ceased or discontinued for a period of ~~180~~ 99 consecutive days or more; or
 5. Where there are no business receipts or utility payments available for the ~~180~~ 99-day period.
- C. Properties on the Market - Exempt.** Any property which is listed on the real estate market shall not be ~~not~~ considered abandoned or discontinued, but only if in compliance with all of the following provisions:
1. On the market for up to 180 days; and
 2. The property shall be continually maintained in a proper condition subject to the approval of the Director.

EXHIBIT “D”

Development Code, Division 7

9107.01.010 Allowed Modifications, Review Authority, and Noticing Requirements

Amended by Ord. No. 2347

Amended by Ord. No. 2369 & 2370

Amended by Ord. No. 2375

- A. Table 7-2.** In order to secure an appropriate improvement of a parcel, prevent an unreasonable hardship, and/or to promote uniformity of development, the applicable Review Authority shall have the authority to approve, conditionally approve, or deny Administrative Modifications for those matters specified in Table 7-2 (Allowed Modifications, Review Authority, and Noticing Requirements), below. Table 7-2 also identifies the applicable Review Authority responsible for reviewing and making decisions on each type of Administrative Modification application allowed by this Section, as well as the type of notice or hearing, if any, required by this Section.

<p style="text-align: center;">Table 7-2 Allowed Modifications, Review Authority, and Noticing Requirements</p>			
Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Accessory dwelling units—objective design standards		X	
Accessory dwelling units—unit sizes that exceeds the FAR			X
Accessory dwelling units—Setbacks		X	
Conversions of existing attic areas within main dwellings in the R-M, R-0, and R-1 zones; provided the requests do not result in an additional structure story or any exterior alterations within required setback areas		X	
Distance between structures	X		
Driveway and parking stall size requirements (Residential zones)	X		
Driveway and parking stall size requirements (Commercial, Industrial, and Downtown zones)		X	
Fence, wall, and hedge regulations, except along the street side of a corner parcel	X		
Fence and landscaped buffer regulations (Subsection 9106.09.020 B.)		X	
Front lot line determination	X		
Front yard setback for additions to existing structures		X	
Height of noncommercial structures - Solar panels only	X		
Height of noncommercial structures			X
Interior side setbacks in the R-M, R-0, and R-1 zones for detached accessory structures		X	
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of 30 linear feet or less and maintain(s) the same or greater setback than the existing structure walls; and further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-0 zones is maintained	X		
Interior side setbacks in the R-M, R-0, and R-1 zones for single-story additions to an existing dwelling where the portion of the addition(s) which does not comply with the setback requirements consists of a total of more than 30 linear feet and maintain(s) the same or greater setback than the existing structure walls; and		X	

Table 7-2
Allowed Modifications, Review Authority, and Noticing Requirements

Type of Administrative Modification Allowed	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
further provided, a minimum interior side setback of three feet in the R-1 and five feet in the R-M and R-O zones is maintained			
Interior side setbacks		X	
Landscaping and Hardscaping Standards		X	
Loading Requirements	X		
Lot Size (area, depth, and width)			X
Minimum Density		X	

Table 7-2
Allowed Modifications, Review Authority, and Noticing Requirements

Type of Administrative Modification Allowed ¹	Minor Director's Review	Major Director's Review	Commission's Review
	No Notice or Hearing Required	Notice, but No Hearing Required	Notice and Hearing Required
Ornamental Features (height or number of features)		X	
Open Space Standards		X	
Nonconforming residential structures – alterations or expansions (Subsection 9106.05.020)		X	
Nonconforming residential uses – alterations or expansions (Subsection 9106.03.010)		X	
Nonconforming single-family residential properties (small additions) (Subsection 9106.03.030.A.4)		X	
Parking Plan			X
Perimeter Parking Lot Landscaping	X		
Reduce the number of required parking spaces in a commercial, mixed-use, or industrial zoned properties	X (1-3 Spaces)	X (4-6 Spaces)	X (7 spaces or greater)
Rear setbacks – first floor additions to existing dwellings or detached accessory structures		X	
Rebuilding of single-family dwellings; provided the new portion(s) of the project comply with current Development Code requirements		X	
Setbacks for mechanical and plumbing equipment	X		
Setbacks for wireless communication facilities		X	
Sign regulations	X		
Special setbacks; provided a setback from a street shall be modified only with a written declaration of the City Engineer that the modification, if granted, will not adversely affect any foreseeable need for widening the street	X		
Street side setbacks for first floor additions to existing dwellings or for accessory structures		X	
Subdivision Design and Improvements (Section 9105.01.110)		X	
Swimming pool regulations	X		
Tennis and paddle tennis courts — Construction and operations standards		X	
Trash Enclosures in Subparagraphs 9103.01.130 C.2. relating only to the number and size of enclosures and D.2. the location of enclosures.	X		
Utility and storage space requirements	X		
When the maximum number of units allowed in the R-2 and R-3 zones has a fractional remainder of .05 or less, the Commission may allow the maximum number of units to be rounded up to the next highest whole number, but in no case greater than 30 du/acre in the R-3 zone.			X
Modifications Only to Commission			
Below-grade or subterranean parking in the R-M, R-0, and/or R-1 zones, provided the request does not result in more than one story below grade.			X
Modification to any of the setbacks for a new dwelling			X
Rebuilds			X

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Second story setback on an existing dwelling			X
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1. In cases where a specific modification is not listed but it is a standard that can be deviated under this Review Authority, the Director shall assign the modification to a category substantially similar in category, including its noticing requirements.

Section 9107.25 – Variances

Subsections:

- 9107.25.010 Purpose and Intent
- 9107.25.020 Applicability
- 9107.25.030 Review Authority
- 9107.25.040 Application Filing, Processing, and Review
- 9107.25.050 Findings and Decision
- 9107.25.060 Precedents
- 9107.25.070 Burden of Proof
- 9107.25.080 Conditions of Approval
- 9107.25.090 Use of Property before Final Action
- 9107.25.100 Post Decision Procedures

9107.25.010 Purpose and Intent

A. The Purpose of this Section is to Ensure That:

1. Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Development Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone; and
2. Conditions are applied that would ensure that the Variance shall not constitute an approval of special privilege(s) inconsistent with the limitations upon other property in the vicinity and zone in which the subject property is located.

B. Does not Extend to Land Uses

1. The power to approve Variances does not extend to land uses, **unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.**
2. Flexibility in allowable land uses is provided in Section 9107.09 (Conditional Use Permits and Minor Use Permits).

9107.25.020 Applicability

- A. When practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this Section occur by reason of a strict interpretation of any of the provisions of this Development Code, the Commission, upon its own motion or upon the verified application of any interested person, may in specific cases initiate proceedings for the granting of a Variance from the provisions of this Development Code under conditions deemed necessary to ensure that the spirit and purposes of this Development Code will be observed, public safety and welfare secured, and substantial justice done.
- B. The Commission may approve a Variance that allows for an adjustment from any of the development standards required by this Development Code.

9107.25.030 Review Authority

The Commission shall approve or deny Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or general welfare, in compliance with this Section and State law and necessary to make the findings required by Subsection 9107.25.050 (Findings and Decision) below.

9107.25.040 Application Filing, Processing, and Review

- A. Filing.** An application for a Variance shall be filed and processed in compliance with Section 9107.03 (Application Processing Procedures). The application shall include the information and materials specified in the most up-to-date Department handout for Variance applications, together with the required fee in compliance with the Fee Schedule.
- B. Project Review Procedures.** Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Section. Initial review of the application, including time requirements and requests for information, shall be in compliance with Subsection 9107.03.060 (Initial Application Completeness Review).
- C. Notice and Hearing Required.** A public hearing shall be required for the Commission's decision on a Variance application. The public hearing shall be scheduled once the Director has determined the application complete. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Section 9108.13 (Public Notices and Hearings).

9107.25.050 Findings and Decision

- A. Authorized Actions.** The Commission shall, by resolution, record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that section may be amended from time to time.
- B. Required Findings.** The Commission may approve a Variance application, with or without conditions, only if it first makes all of the following findings:
 - 1. There are special exceptional or extraordinary circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
 - 2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
 - 3. Granting the Variance would not:
 - a. Constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated;
 - b. Be materially detrimental to the public health or general welfare or injurious to the property or improvements in the vicinity or zone in which the property is located; or
 - c. Adversely affect the General Plan;
 - 4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel, **unless the requested use variance is for a well-established existing use, and granting the variance would demonstrably improve public safety or welfare.**

9107.25.060 Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.

9107.25.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Subsection 9107.25.050 (Findings and Decision), above, is the responsibility of the applicant.

9107.25.080 Conditions of Approval

In approving a Variance application, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with this Section, State law, and the findings required by Subsection 9107.25.050 (Findings and Decision), above.

9107.25.090 Use of Property before Final Action

No permits or approvals shall be issued for any improvement involved in an application for a Variance until and unless the same shall have become final, in compliance with Subsection 9108.11.030 (Effective Dates of Permits).

9107.25.100 Post Decision Procedures

The procedures and requirements in Section 9108.11 (Permit Implementation, Time Limits, and Extensions), and those related to appeals, public notices and hearings, revocation, and enforcement in Division 8 (Development Code Administration) shall apply following the decision on a Variance application.

EXHIBIT “E”

Development Code, Division 9

Personal Services, Restricted. Personal services with characteristics that have the potential to adversely impact surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of these uses include:

- day spa
- holistic services such as reiki and therapeutic touch, but excluding acupuncture and accupressure
- fortune-telling and psychic services
- laundromats (self-service laundries)
- massage establishments (massage establishments shall only be allowed-as ancillary use within a Day Spa in CBD, MU, and DMU zones and not as a standalone use).
- palm and card readers
- tanning salons
- tattoo and body piercing services

Vehicle Repair. The repair of motor vehicles in an enclosed building, including the repair or replacement of engines and transmissions, body and fender repair, and the installation of nonfactory-installed products.

Major (Major Repair/Body Work). Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light-duty trucks (i.e., gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights of more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; ~~brake shops~~; machine shops, painting shops; towing services, and transmission shops. Does not include vehicle dismantling or salvage and tire retreading or recapping.

Minor (Minor Repair/Maintenance). Minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including installation of electronic equipment (e.g., alarms, audio equipment, etc.); servicing of cooling and air conditioning, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and air filter replacement; wheel alignment and balancing; tire sales, service, and installation shops;; shock absorber replacement; chassis lubrication; smog checks; engine tune-ups; and installation of window film, and similar accessory equipment.