

ARTICLE II – ZONES

CHAPTER 19.04 RESIDENTIAL ZONES

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19.04.010 PURPOSE

1. The purpose of this Chapter is to achieve the following:
 - A. Reserve neighborhood areas for residential living with a broad range of dwelling unit densities (i.e., low-density estate, single-family detached and attached, multi-family, and housing for special needs) consistent with the General Plan and appropriate standards of public health, safety, welfare, and aesthetics.
 - B. Ensure adequate light, air, privacy, and open space for each dwelling.
 - C. Minimize traffic congestion and avoid the overloading of public services and utilities.
 - D. Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
 - E. Facilitate the provision of public improvements commensurate with anticipated increase in population, dwelling unit densities, and service requirements.
 - F. Provide lands to accommodate housing units which meet the diverse economic and social needs of the residents; locating development to achieve the following:
 1. Retain the scale and character of existing residential neighborhoods;
 2. Facilitate the upgrade of declining and mixed-density residential neighborhoods; and

3. Allow expansion into vacant and low-intensity use lands within infrastructure and environmental constraints.
 - G. Single-family dwelling units which legally existed in the residential zones prior to June 3, 1991 may remain as a permitted use. (MC 823 3/5/92; MC 1393 12/2/13)
2. The purpose of the individual residential zones is as follows: (MC 1393 12/2/13)

A. RE (RESIDENTIAL ESTATE) ZONE

This zone is intended for low density residential units located on large lots and conveying an "estate" character with a minimum lot size of 1 net acre per unit.

B. RL (RESIDENTIAL LOW) ZONE

This zone is intended to promote the development of low-density, large lot, single-family detached residential units with a minimum average lot size of 10,800 square feet. The RL zone allows a maximum density of 3.1 units per net acre.

C. RS (RESIDENTIAL SUBURBAN) ZONE

This zone is intended to promote the development of single-family detached units in a suburban setting with a minimum lot size of 7,200 square feet, and a maximum density of 4.5 units per net acre.

D. RU (RESIDENTIAL URBAN) ZONE

This zone is intended to promote the development of detached and attached units, duplex, mobile home parks, and small lot subdivisions as part of a planned residential development where the intent is to consolidate lots to achieve maximum open space. The RU zone requires a minimum lot size of 7,200 square feet. However, on existing lots of record, recorded prior to June 2, 1989, a minimum lot area of 6,200 square feet and existing lot widths and depths are permitted. The RU zone allows a maximum density of eight units per net acre, and permits the development of senior citizen and senior congregate care housing at a maximum density of 12 units per net acre with a marketing feasibility study and a conversion plan. Multi-family units which legally existed in the RU zone prior to June 3, 1991, may remain as a permitted use. (MC 821 2/17/92)

E. RESIDENTIAL MULTI-FAMILY ZONES

These zones are intended to promote the development of multi-family townhomes, condominiums, and apartments.

All multi-family zones require a reduced density if the minimum lot size for the zone is not met, and shall comply with maximum densities provided in Table 04.02.

Multi-family units which legally existed in the multi-family zones prior to June 3, 1991, may remain as a permitted use. (MC 821 2/17/92)

1. **RM (Residential Medium) Zone**

This zone requires a minimum lot size of 14,400 square feet with a maximum density of 12 units per net acre. Parcels less than 14,400 square feet in area shall be developed at RU density.

2. **RMH (Residential Medium High) Zone**

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 24 units per net acre. Lots 14,400-20,000 square feet shall be development at RM density. Lots less than 14,400 square feet shall be developed at RU density.

3. **RH (Residential High) Zone**

This zone requires a minimum lot size of 20,000 square feet with a maximum density of 31 units per net acre. Lots 14,400-20,000 square feet shall be developed at RM density. Lots less than 14,400 square feet shall be developed at RU density.

All multi-family zones listed above permit the development of senior citizen and senior congregate care housing at a density up to 50% greater than that allowed in the zone with a marketing feasibility study and a conversion plan.

4. **RSH (Residential Student Housing) Zone**

This overlay zone is specifically designed to allow student housing complexes on lots located within 500 feet of California State University San Bernardino, and which are at least five acres in size, at a maximum density of 20 units per acre and with no more than 60 bedrooms per acre, and specifically, only on the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06, and the 10.16 acres on the west side of Northpark Boulevard, northwest of the intersection of University Parkway and Northpark Boulevard in Tract 17703-2 Lot 1, and Tract 17703-3 Lots 1, 2, and 3. In the event that the project no longer houses California State University, San Bernardino students or is demolished, further use of the site will revert back to the underlying zone policies and standards. (MC 1132 12/19/02; MC 1406 7/21/14)

**19.04.020 PERMITTED, DEVELOPMENT PERMITTED AND
CONDITIONALLY PERMITTED USES**

The following list represents those uses in the residential zones which are Permitted (P), subject to an Administrative or Development Permit (D), a Conditional Use Permit (C), a Fence Permit (F) or Prohibited (X):

**TABLE 04.01
PERMITTED, DEVELOPMENT PERMITTED, AND
CONDITIONALLY PERMITTED USES**

LAND USE ACTIVITY		RE	RL	RS	RU	RM	RMH	RH	RSH
1.	<u>Residential Uses</u>								
	A. Community Care Facility (6 or less)	P	P	P	P	P	P	P	X
	B. Condominium or Townhouse	D	D	D	D	D	D	D	X
	C. Convalescent Homes	X	X	X	C	D	D	D	X
	D. Day Care Center ¹	C	C	C	C	C	C	C	X
	E. Day Care Homes, Family 8 or less children ² 9 to 15 children ²	P	P	P	P	P	P	P	X
		D	D	D	D	D	D	D	X
	F. Dormitories/Fraternity/Sorority	X	X	X	X	C	C	C	X
	G. Homeless Facilities	X	X	X	X	C	C	C	X
	H. Manufactured Housing	D	D	D	D	D	D	D	X
	I. Mobile Home Parks or Subdivisions	D	D	D	D	D	D	D	X
	J. Multi-Family Dwellings	X	X	X	D	D	D	D	X
	K. Multi-Family Dwellings, Existing ³	X	X	X	P	P	P	P	X
	L. Planned Residential Developments ²	X	X	X	D	D	D	D	X
	M. Accessory Dwelling Unit ⁷	P	P	P	P	P	P	P	P
	N. Senior Citizen/Congregate Care Housing	X	X	X	D	D	D	D	X
	O. Single-Family Dwellings	D	D	D	D	D	D	D	X
P. Single-Family Dwellings, Existing ⁴	P	P	P	P	P	P	P	X	
Q. Small Lot Subdivision	X	X	X	D	D	D	D	X	
R. Student Housing Complex ⁵	X	X	X	X	X	X	X	C	
2.	<u>Equestrian Uses</u>								
	A. Stables, Private	D	D	D	D	D	D	D	X
	B. Stables, Commercial	C	C	C	C	C	C	C	X
3.	<u>Agricultural Uses</u>	C	C	C	C	C	C	C	X
4.	<u>Recreational Uses</u>								
	A. Clubhouse	C	C	C	C	C	C	C	X
	B. Golf Course	C	C	C	C	C	C	C	X
	C. Golf Course Related Facilities	C	C	C	C	C	C	C	X
	D. Swimming Pool/Spa ⁷	P	P	P	P	P	P	P	P
	E. Tennis Court, Private	D	D	D	D	D	D	D	X
	F. Trails, Equestrian	P	P	P	P	P	P	P	X

LAND USE ACTIVITY		RE	RL	RS	RU	RM	RMH	RH	RSH
5.	<u>Accessory Uses</u>								
	A. Antennae, Vertical/Satellite Dish	D	D	D	D	D	D	D	X
	B. Fences and Walls ²	F	F	F	F	F	F	F	X
	C. Garage ²	P	P	P	P	P	P	P	X
	D. Garage Sales	P	P	P	P	P	P	P	X
	E. Guest Houses ⁷	P	P	P	P	X	X	X	X
	F. Patio/Gazebo ²	P	P	P	P	P	P	P	X
	G. Storage ²	P	P	P	P	P	P	P	X
6.	<u>Other</u>								
	A. Churches	C	C	C	C	C	C	C	X
	B. Private/Public Utility Facilities	D	D	D	D	D	D	D	X
	C. Private Schools	C	C	C	C	C	C	C	X
	D. Vocational/Trade Schools ⁶	X	X	X	C	X	X	X	X
	E. Social Service Uses/Centers ²	X	X	X	X	C	C	C	C
	F. Other such uses that the Director may find to be similar with those uses previously listed, pursuant to Section 19.02.070(3)								
7.	<u>Home Occupation</u> (Subject to [H] Home Occupation Permit)	H	H	H	H	H	H	H	X
8.	<u>Temporary Uses</u> (Subject to [T] Temporary Use Permit/ Special Event Permit)	T	T	T	T	T	T	T	X

¹ (MC 841 7/7/92)

² (MC 1381 12/19/12)

³ (MC 821 2/17/92)

⁴ (MC 823 3/2/92)

⁵ (MC 1132 12/19/02)

⁶ (MC 933 2/9/95)

⁷ (MC 1393 12/2/13; MC 1559 5/5/2021)

19.04.030 DEVELOPMENT STANDARDS

1. GENERAL STANDARDS (MC 1559 5/5/21)

The standards contained in Table 04.02 (Residential Development Standards) relating to density, lot area and configuration, building setbacks, building lot coverage and height, accessory building and structure height, distance between buildings, and private outdoor living space, apply to all residential zones, and shall be determined to be minimum requirements, unless states as maximum by this Development Code. (MC 1393 12/2/13)

- A. Single-Family Dwellings located in the RU, RM, RMH, or RH zones shall be constructed in compliance with the development standards for the RS zone.
- B. Accessory Dwelling Units shall be constructed in compliance with the requirements of Section 19.04.030(2)(P).

**TABLE 04.02
RESIDENTIAL DEVELOPMENT STANDARDS**

Standard	RE	RL	RS	RU	RM	RMH	RH	RSH (MC 1132 12/19/02)	CO	CG-2	CR-2
Lot Area Maximum Units/ Net Acre	1	3.5	4.5	8 12 Sr.	12 18 Sr.	24 36 Sr.	31 47 Sr.	20 (60 bedrooms)	47 Sr.	12W/ 21E 18W/ 31E Sr.	47 130 Sr.
Lot Area (s.f.) (Minimum required for new development)	1 ac.	10,800 av. 9,720 min.	7,200	7,200 (1)	14,400 (2)	20,000 (3)	20,000 (3)	5 ac.	1 ac.	1 ac.	1 ac-R 20,000 MU
Lot Width (feet)	150	80	60	60	60	60	60	150	60	60	60
Corner Lot Width	150	88	66	66	66	66	66	150	66	66	66
Lot Depth (feet)	100	100	100	100	100	100	100	150	100	100	100
Front Setback (feet)		25 (8) 35	25 (8) 20	25 (8) 20	25 (8) 20	20 (8) 15	20 (8) 15	40	15	10	-0-
Rear Setback (feet) (4)	20	20 av. 15 min.	20 av. 15 min.	10	10	10	10	20	10	10	-0-
Side Setback minimum (feet)	5	5	5	5	1-story: 5' plus 1' for ea. 15' of wall length			30	1-story: 5' plus 1' for ea. 15' of wall length		-0-
DU Separation (4)	15	15	15	15	2-story: 10' plus 1' for ea. 15' of wall length				2-story: 10' plus 1' for ea. 15' of wall length		
Side Setback Street Side (feet) (MC 876 6/7/93)	15	15	15	15	15	15	15	30	10	10	-0-
Building Lot Coverage (Maximum %)	35	35	35	40	50	50	50	50	50	50	100
Distance Between Buildings (feet)	10	10	10	20	20	20	20	25	20	20	20
Private Outdoor Living Space (s.f.)	NA	NA	NA	300 s.f. or 25% of unit size whichever is less					300 s.f. or 25% of unit size whichever is less		
Common Usable Outdoor Living Space (s.f.)	NA	NA	NA	30% of net site area				35% of unit size (9)	30% of net site area		
Maximum Structure Height in Stories (feet)	3 (45)	2.5 (35)	2.5 (35)	2.5 (35)	3 (5) (42)	3 (5) (42)	4 (5) (56)	4 (56)	4 (5) (56)	2 (30)	(100) (6)
Maximum Avg. No. of Attached Dwelling Units	6 (7)	6 (7)	6 (7)	8	12	12	12	30	12	12	NA

av. = Average
min. = Minimum

W = West of I-215
E = East of I-215

MU = Mixed Use
R = Residential

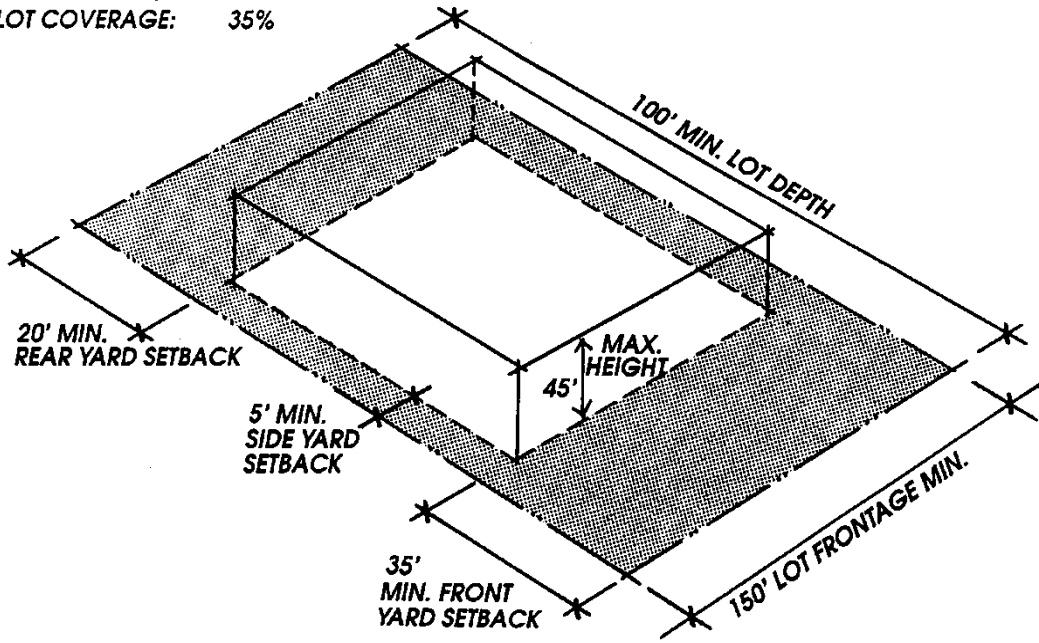
ac. = Acre
s.f. = square feet

Sr. = Senior

- (1) For lots of record prior to June 2, 1989, the minimum lot area is 6,200 s.f. and existing lot widths and depths are permitted.
- (2) The min. lot size may be less than 14,400 s.f. for parcels existing prior to November 1, 2012. (MC 1381 12/19/12)
- (3) The min. lot size may be less than 20,000 s.f. for parcels existing prior to November 1, 2012. (MC 1381 12/19/12)
- (4) See Section 19.04.030(2)(A) for accessory structure setback requirements.
- (5) Except within 75 feet of the Residential Suburban (RS) zone where the height shall be limited to 2.5 stores or 35 feet.
- (6) See Section 19.06.030(2)(E) for allowable 50 foot additional bonus height.
- (7) Attached dwelling units are only permitted in the Hillside Management Overlay District.
- (8) A 5-foot reduction in the minimum front yard setback is allowable for individual lots when yard averaging is used in conjunction with new subdivisions. (MC 888 1/6/94)
- (9) A minimum of 5% of the outdoor living space must be private (balcony or patio), and a minimum of 25% of the outdoor living space must be common usable space (not including parking lot landscaping, or landscaped setback areas). The balance (5%) may be either common or private usable open space. See Chapter 19.04, Section 19.04.030 (2)(U)(3).

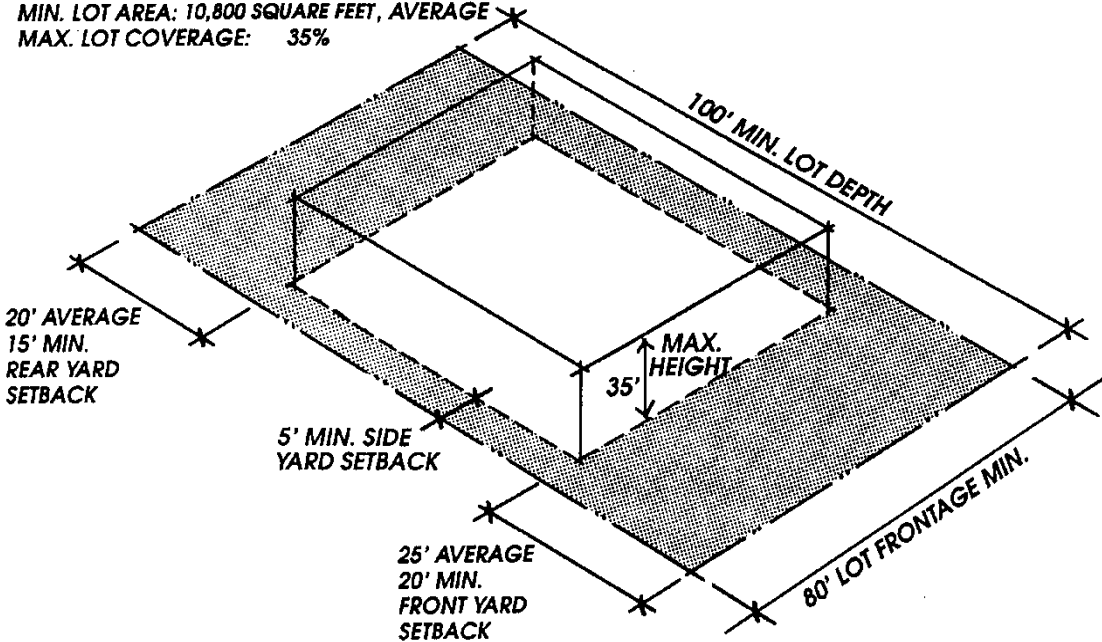
**SITE DEVELOPMENT STANDARDS
RE (RESIDENTIAL ESTATE) ZONE**

MIN. LOT AREA: 1 ACRE
MAX. LOT COVERAGE: 35%



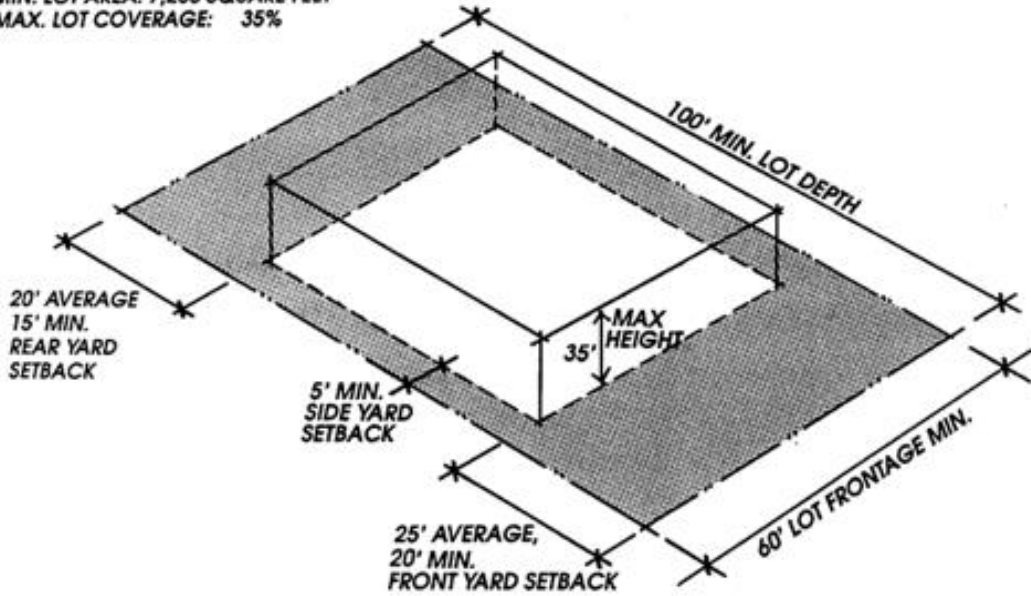
**SITE DEVELOPMENT STANDARDS
RL (RESIDENTIAL LOW) ZONE**

MIN. LOT AREA: 10,800 SQUARE FEET, AVERAGE
MAX. LOT COVERAGE: 35%



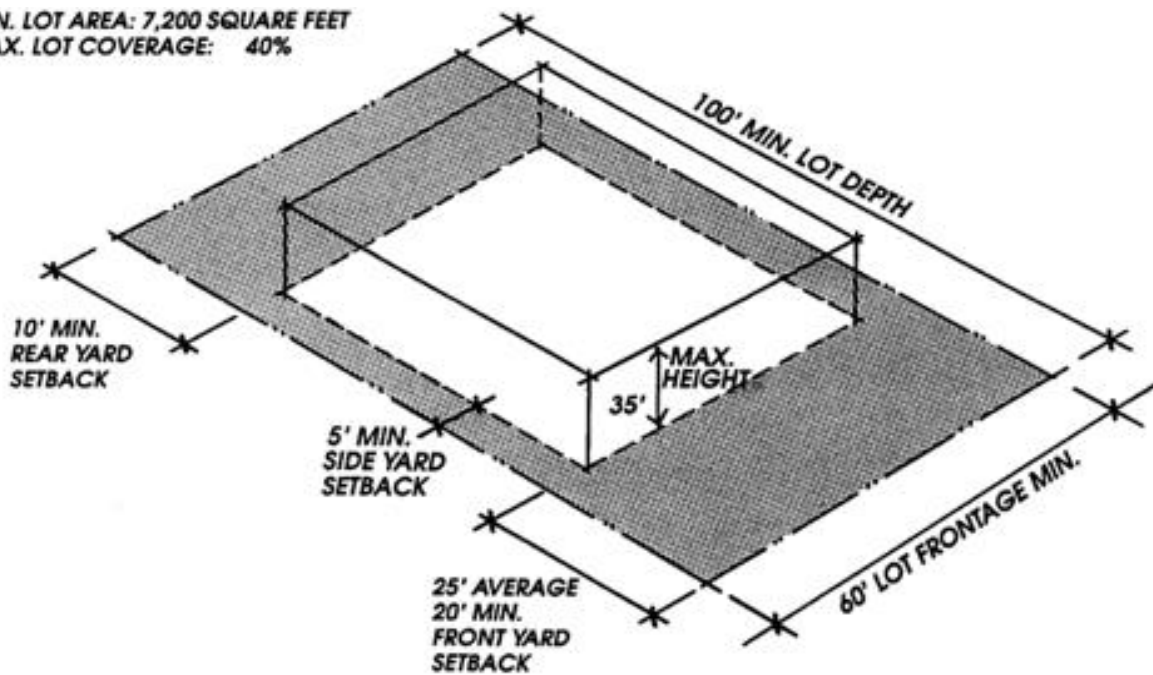
**SITE DEVELOPMENT STANDARDS
RS (RESIDENTIAL SUBURBAN) ZONE**

MIN. LOT AREA: 7,200 SQUARE FEET
MAX. LOT COVERAGE: 35%



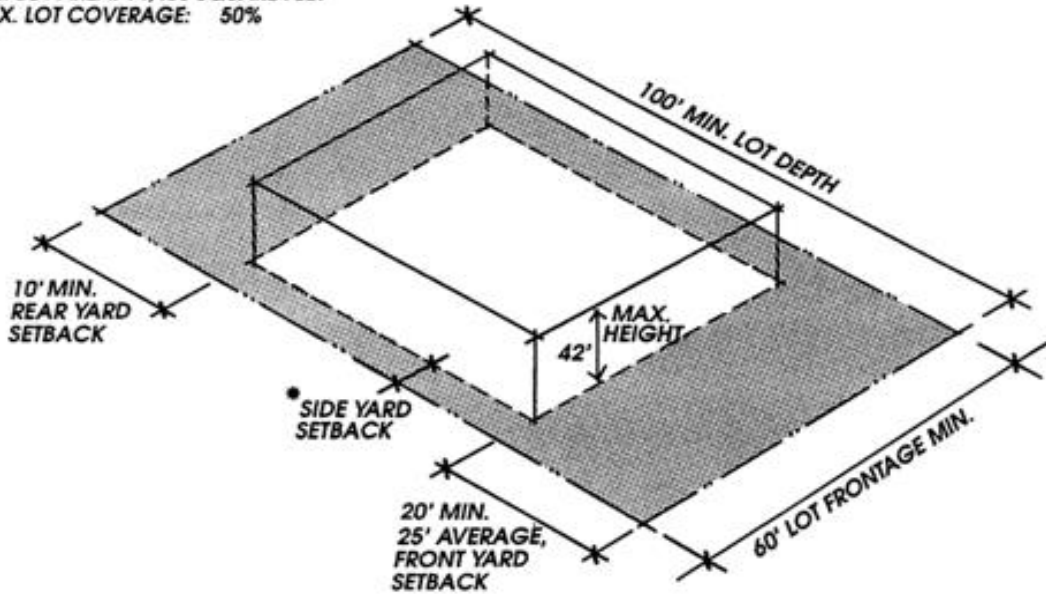
**SITE DEVELOPMENT STANDARDS
RU (RESIDENTIAL URBAN) ZONE**

MIN. LOT AREA: 7,200 SQUARE FEET
MAX. LOT COVERAGE: 40%



**SITE DEVELOPMENT STANDARDS
RM (RESIDENTIAL MEDIUM) ZONE**

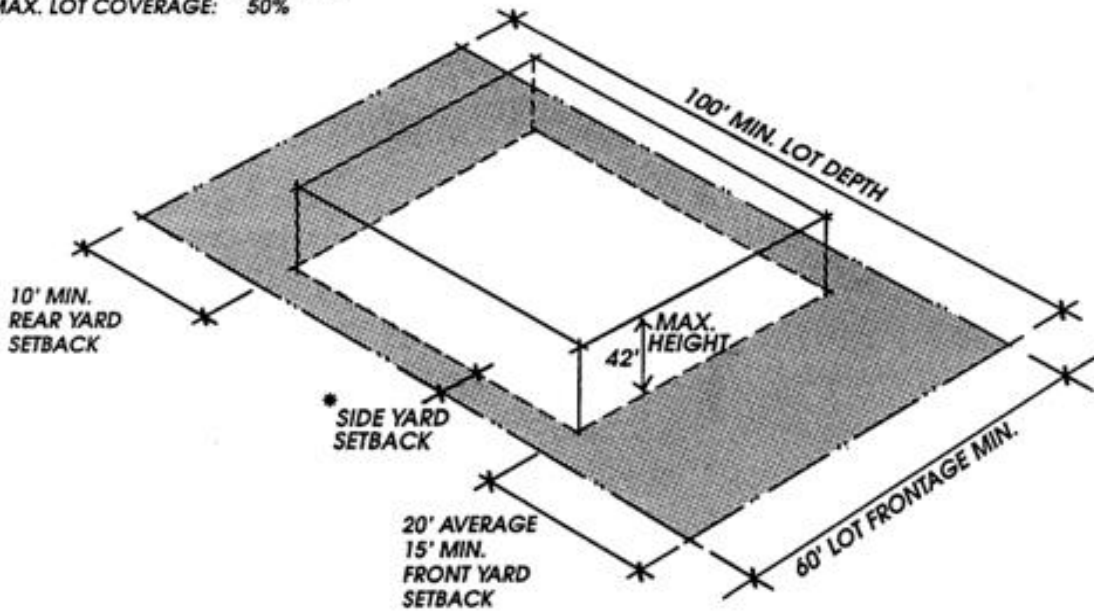
MIN. LOT AREA: 14,400 SQUARE FEET
MAX. LOT COVERAGE: 50%



- * 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

**SITE DEVELOPMENT STANDARDS
RMH (RESIDENTIAL MEDIUM HIGH) ZONE**

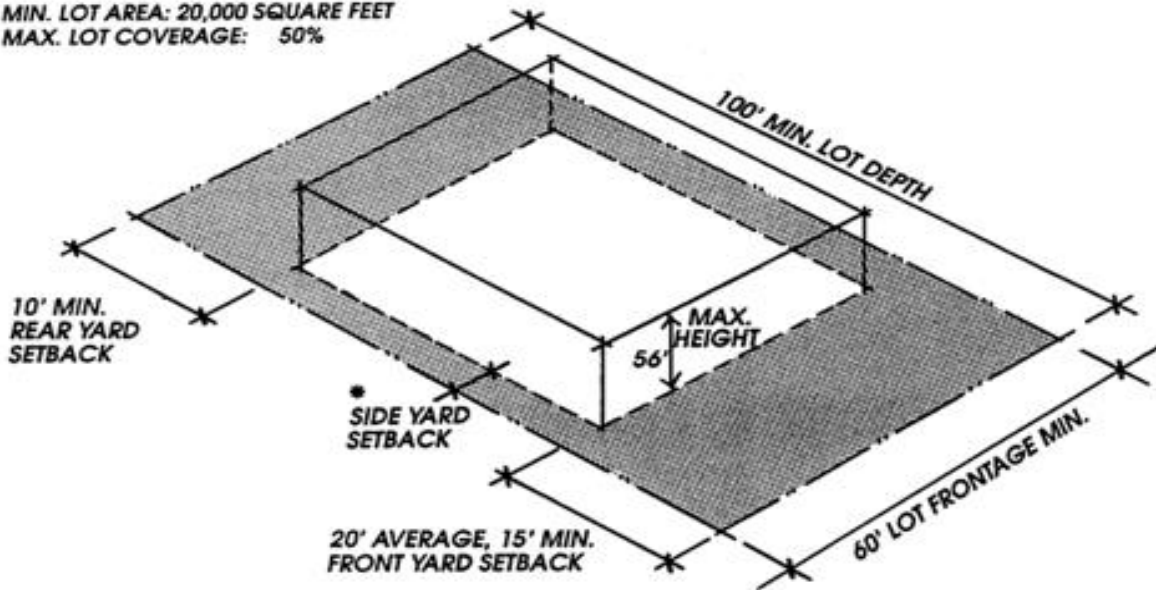
MIN. LOT AREA: 20,000 SQUARE FEET
MAX. LOT COVERAGE: 50%



- * 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

**SITE DEVELOPMENT STANDARDS
RH (RESIDENTIAL HIGH) ZONE**

MIN. LOT AREA: 20,000 SQUARE FEET
MAX. LOT COVERAGE: 50%



- 1 STORY: 5' MIN. SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH
- 2 STORY: 10' MIN SIDE YARD SETBACK PLUS 1' FOR EVERY 15' OF WALL LENGTH

2. RESIDENTIAL ZONES SPECIFIC STANDARDS

In addition to the general development requirements contained in Chapter 19.20 (Property Development Standards), the following standards shall apply to specific residential zones:

**TABLE 04.03
RESIDENTIAL ZONES SPECIFIC STANDARDS**

Specific Standards	RE	RL	RS	RU	RM	RMH	RH	RSH	CO	CG-2	CR-2
A. Accessory Structure	+	+	+	+	+	+	+		+	+	+
B. Day Care Facility	+	+	+	+	+	+	+		+	+	+
C. Day Care Home, Large Family	+	+	+	+	+	+	+		(MC 841 7/7/92)		
D. Density Bonus/Affordable Housing or Amenities	+	+	+	+	+	+	+		+	+	+
E. Front/Rear Yard Averaging		+	+		+	+	+				
F. Golf Courses & Related Facilities	+	+	+	+	+	+	+				
G. Guest House	+	+	+	+							
H. Minimum Room Size	+	+	+	+	+	+	+		+	+	+
I. Minimum Dwelling Size	+	+	+	+	+	+	+		+	+	+
J. Mobile Home & Manufactured Housing	+	+	+	+	+	+	+				
K. Mobile Home Park or Subdivision	+	+	+	+	+	+	+				
L. Multiple Family Housing				+	+	+	+			+	+
M. Multi-Family Housing, Existing				+	+	+	+		(MC 821 2/17/92)		
N. Planned Residential Development				+							
O. Recreational Vehicle Storage	+	+	+	+	+	+	+				
P. Accessory Dwelling Unit	+	+	+	+	+	+	+		(MC 1393 12/2/13)		
Q. Senior Citizen/ Congregate Care Housing				+	+	+	+		+	+	+
R. Single-Family Dwellings, Existing	+	+	+	+	+	+	+		+	+	+
									(MC 923 3/5/92)		
S. Small Lot Subdivisions				+							
T. Social Service Uses/ Centers					+	+	+		+	+	+
									(MC 1393 12/2/13)		
U. Vocational/Trade Schools				+							
V. Student Housing Complex								+	(MC 1132 12/19/02)		

Key: “+” applies in the zone.

A. ACCESSORY STRUCTURES

Accessory structures in residential zones are subject to Development review and shall be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built to the interior side and rear property lines provided that such structures are not closer than 10 feet to any other structure. Building Code requirements may further restrict the distance to be maintained from property lines or other structures. The accessory structure may be a maximum of 50% of the main structure footprint and a maximum of 16 feet in height. (MC 1393 12/2/13)

B. DAY CARE CENTER DESIGN STANDARDS

Day Care Centers are permitted for 15 or more children, subject to Conditional Use Permit review, pursuant to Section 19.04.020 (Table 04.01) and Section 19.06.020 (Table 06.01). The centers shall be constructed in the following manner: (MC 1393 12/2/13)

1. The facility shall conform to all property development standards of the zone in which it is located.
2. Large facilities shall not be located within 500 feet of another day care center.
3. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area shall be located in the rear area. Stationary play equipment shall not be located in required side and front yards.
4. A six-foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. In the front yard, the open fence shall not exceed 48 inches in height, and a solid wall shall not exceed 36 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for safety with controlled points of entry.
5. On-site landscaping shall be consistent with that prevailing in the neighborhood and shall be installed and maintained, pursuant to Chapter 19.28 (Landscaping Standards). Landscaping shall be provided to reduce noise impacts on surrounding properties.
6. All on-site parking shall be provided pursuant to the provisions of Chapter 19.24 (Off-Street Parking). On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces, shall be provided.
7. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the use it is serving.
8. All on-site signage shall comply with the provisions of Chapter 19.22. (Sign Standards).

9. The center shall contain a fire extinguisher and smoke detector devices and meet all standards established by the City Fire Marshall.
10. A center within a residential zone may operate up to 14 hours per day.
11. Outdoor activities may only be conducted between the hours of 8:30 A.M. to 8:00 P.M. (MC 841 7/7/92)

C. DAY CARE HOMES, LARGE FAMILY

Large family day care homes may be located no closer than 500 feet, in any direction, from an existing large family day care home, measured from property line to property line except that they may be located no closer than 250 feet measured from property line to property line from any existing large family day care home not fronting on the same street. (MC 841 7/7/92; MC 859 1/20/93)

D. DENSITY BONUS

This section contains two density bonus provisions. The first entitlement is based upon the provision of affordable housing pursuant to State Government Code Section 65915. The second provision is intended to provide density bonus incentives for the incorporation of on-site amenities.

1. Affordable Housing

State Government Code Section 65915 provides for the granting of a density bonus or other incentives of equivalent financial value when a developer of housing agrees to construct at least 1 of the following:

- a. Twenty percent of the total units of a housing development for persons and families or lower income, as defined in Section 50079.5 of the Health and Safety Code.
- b. Ten percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.
- c. Fifty percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.2 of the Civil Code.

A request for a density bonus and regulatory concessions and/or incentives shall require Conditional Use Permit review and be subject to the following provisions:

- a. For the purpose of this Section, "density bonus" shall mean a density increase of 25% over the otherwise maximum allowable residential density under this Development Code and the General Plan. When determining the number of housing units which are to be affordable, the density bonus shall not be included.
- b. The purposes for implementing this section are as follows:

- 1) The City shall within 90 days of receipt of a written proposal, notify the developer in writing of the procedures governing these provisions.
- 2) The Council may approve the density bonus and regulatory concessions and/or incentives only if all of the following findings are made:
 - a) The developer has proven that the density bonus and adjustment of standards is necessary to make the project economically feasible;
 - b) That additional adjustment of standards is not required in order for the rents for the targeted units to be set, pursuant to Government Code Section 65915(c); and
 - c) The proposed project is compatible with the purpose and intent of the General Plan and this Development Code.
- c. The density bonus shall only apply to housing developments consisting of five or more dwelling units.
- d. The density bonus provision shall not apply to senior citizen and senior congregate care housing projects that utilize the senior citizen housing density provisions of this Development Code.
- e. Prior to the issuance of a building permit for any dwelling unit in a development for which "density bonus units" have been awarded or incentives have been received, the developer shall submit documentation which identifies the restricted units and shall enter into a written agreement with the City to guarantee for 30 years their continued use and availability to low and moderate-income households. The agreement shall extend more than 30 years if required by the Construction or Mortgage Financing Assistance Program, Mortgage Insurance Program, or Rental Subsidy Program. The terms and conditions of the agreement shall run with the land which is to be developed, shall be binding upon the successor in interest of the developer, and shall be recorded in the Office of the San Bernardino County Recorder.

The agreement shall include the following provisions:

- 1) The developer shall give the City the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;
- 2) The deeds to the designated units shall contain a covenant stating that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sales price of the units is consistent with the limits established for low- and moderate-income households, which shall be related to the Consumer Price Index;

- 3) The City shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.
- f. "Density bonus units" shall be generally dispersed throughout a development project and shall not differ in appearance from other units in the development.
- g. The City shall provide, in addition to a density bonus, at least 1 of the following regulatory concessions and/or incentives to ensure that the multi-family residential project will be developed at a reduced cost:
 - 1) A reduction or modification of Development Code requirements which exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 123 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 - 2) Approval of mixed use development in conjunction with the multi-family residential project if commercial, office, industrial, or other land uses will reduce the cost of the development and if the project will be compatible internally as well as with the existing or planned development in the area where the proposed housing project will be located.
 - 3) Other regulatory incentives or concessions proposed by the developer or the City which result in identifiable cost reductions.

2. **Amenities Bonus Provision**

This provision allows an increase in the maximum permitted density of 15% in only the RU, RM, RMH, RH, CO-1 & 2, CG-2, and CR-2 land use zoning districts. Increases of up to 15% may be granted based upon the finding(s) that any proper combination of the following amenities are provided in excess of those required by the applicable zone:

- a. Architectural features that promote upscale multi-family development;
- b. Additional on-site or off-site mature landscaping which will benefit the project;
- c. Additional useable open space;
- d. Attached garages;
- e. Additional recreational facilities (i.e., clubhouse, play area, pool/Jacuzzi, tennis court, etc.); and
- f. Day care facilities.

This amenity bonus provision shall not be used as an addition to the affordable housing density bonus provision.

E. FRONT/REAR YARD AVERAGING STANDARDS

Front/rear setbacks required by the base district in Table 04.02 may be averaged on the interior lots within a single family detached or duplex subdivision.

The front/rear yard setback of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall equal the minimum required for the base zone.

F. GOLF COURSES AND RELATED FACILITIES STANDARDS

Golf course developments are subject to Conditional Use Permit review and shall be constructed in the following manner:

1. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course.
2. Treated effluent shall be used for irrigation where available.
3. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
4. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility and harmony with the golf course setting.

G. GUEST HOUSE DESIGN STANDARDS (MC 1393 12/2/13)

Guest houses shall be constructed in the following manner:

1. All guest houses shall conform to all development standards of the underlying zone.
2. There shall be no more than 1 guest house on any lot.
3. The floor area of the guest house shall not exceed 500 square feet.
4. The guest house shall not exceed the height of the main dwelling.
5. There shall be no kitchen or cooking facilities or wet bar facilities within a guest house.
6. The guest house shall conform to all of the setback regulations outlined in the applicable zone.
7. A guest house shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees. The guest house shall not be rented.

H. MINIMUM DWELLING SIZE STANDARDS

The following minimum dwelling areas are computed by calculating the living area as measured from the outside of walls and excludes garages, carports, exterior courtyards, patios, or balconies.

1. The minimum area requirements for single-family residential units are as follows:

a.	<u>Zone</u>	<u>Minimum Area in Square Feet</u>	<u>Minimum Average Livable Area in Square Feet</u>
	RE	1,700	---
	RL	1,200	1,500
	RS	1,200	---
	RU	1,000	--- (MC 826 4/6/92)

- b. Infill Single-Family Dwellings

Minimum Livable Area in Square Feet
1,000 sq. ft.*

*Note: The minimum setbacks of applicable zone shall be applied.

2. The minimum area requirements for apartments/multi-family are as follows:

<u>Livable Area in Square Feet</u>	<u>Bedrooms Maximum Number</u>	<u>Baths Minimum Number</u>
500	Bachelor	1
600	1	1
800	2	1½
1,000	3	2
1,200	3+	2

I. MINIMUM ROOM SIZE STANDARDS

Minimum room size standards are as follows:

<u>Room</u>	<u>Minimum Area in Square Feet</u>
Garage	400
All Other	Subject to adopted UBC Standards (MC 826 4/6/92)

J. MOBILE HOME AND MANUFACTURED HOUSING DESIGN STANDARDS

Manufactured or mobile homes are subject to Development Permit review and shall be installed in the following manner:

1. Mobile or manufactured homes may be used as single-family dwellings if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974.
2. Mobile or manufactured homes which are used as single-family residences shall be installed on an approved permanent foundation system in compliance with applicable codes.
3. Director shall determine that the subject lot together with the proposed mobile or manufactured home is compatible with surrounding development. This determination shall include an assessment of on-site design and development standards and materials, architectural aesthetics, setbacks, building height, accessory buildings, access, off-street parking and minimum square footage requirements, and any other criteria determined appropriate by the Director.
4. The following Specific Design Standards shall govern the installation and construction of manufactured and mobile homes.
 - a. All homes shall have a minimum eave dimension of 1 foot.
 - b. All siding shall be non-reflective and shall be installed from the ground up to the roof.
 - c. All roofs shall have a minimum pitch of 1:4.
 - d. All homes shall have a minimum width (across the narrowest portion) of 20 feet.

K. MOBILE HOME PARK OR SUBDIVISION DESIGN STANDARDS

Mobile home parks or subdivisions are subject to Development Permit review and shall be constructed in the following manner:

1. Individual mobile home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:
 - a. Front – 10 feet
 - b. Side – 5 feet on each side, or zero lot line on one side with 10 feet on the opposite side.
 - c. Rear – 10 feet
 - d. Structural separation – 10 foot minimum between dwelling units.
2. Maximum mobile home space coverage (mobile home and its accessory structure) shall be 75%.
3. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade.

4. All on-site utilities shall be installed underground.
5. The mobile home park shall be provided with parking as required by Chapter 19.24 (Off-street Parking Standards).
6. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 400 square feet of recreational space for each mobile home space.
7. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device six feet in height, with a minimum six-foot wide landscaped area provided along the inside of the perimeter screen.
8. Common open space shall be landscaped in accordance with a landscape plan approved by the review authority and in a manner consistent with Chapter 19.28 (Landscaping Standards).
9. All mobile home park or subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-9	0
10-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

L. MULTI-FAMILY HOUSING STANDARDS

Multi-family housing is permitted in the RU, RM, RMH, RH, CG-2, and CR-2 zones subject to Development Permit Review and shall be constructed in the following manner:

1. All multi-family developments with 12 or more dwelling units shall provide 30% useable open space for passive and active recreational uses. Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patio or private yards; or, slope areas greater than 8%.
2. Each dwelling unit shall have a private (walled) patio or balcony not less than 300 square feet in area or 25% of the dwelling unit size, whichever is less.

3. All multi-family developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

4. Off-street parking spaces for multi-family residential developments shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.
5. Each dwelling unit shall be provided a minimum of 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.
6. Driveway approaches within multiple family developments of 12 or more units shall be delineated with interlocking pavers, rough-textured concrete, or stamped concrete and landscaped medians.
7. All parts of all structures shall be within 150 feet of paved access for single story and 50 feet for multi-story.
8. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the Uniform Building Code shall be provided.
9. Each dwelling unit shall be plumbed and wired for a washing machine and dryer.
10. Management and security plans shall be submitted for review and approval for multi-family developments with 12 or more dwelling units. These plans shall be comprehensive in scope.

M. MULTI-FAMILY HOUSING, EXISTING

Additions, alterations, and expansions to multi-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the multi-family zone in which the project is located. (MC 821 2/17/92)

N. PLANNED RESIDENTIAL DEVELOPMENT/SMALL LOT SUBDIVISIONS

Planned Residential Development (PRD) including Clustered Subdivision and Small Lot Divisions are permitted in Residential Urban (RU), Residential Medium (RM), Residential Medium High (RMH), and Residential High (RH) zones subject to Development Permit review. Attached and detached single-family dwelling units are permitted. The purpose of allowing these types of developments is to promote residential amenities beyond those expected in conventional residential developments, to achieve greater flexibility in design, to encourage well planned neighborhood through creative and imaginative planning as a unit, to provide for appropriate use of land which is sufficiently unique in its physical characteristics or other circumstances to warrant special methods of development, to reduce development problems in hillside areas and to preserve areas of natural scenic beauty through the encouragement of integrated planning and design. (MC 1213 12/5/05)

1. Density

The underlying residential zone or the Hillside Management Overlay Zone shall determine the maximum number of dwelling units allowed in a PRD or Small Lot Subdivision. Where a parcel or parcels have more than one zone, the maximum number of dwelling units shall be determined by adding together the allowable density for each zone area. Density transfer throughout the PRD project area is permitted for the promotion of clustering units in those areas suited to development, and thus preserving the open space and natural features of the site. (See Hillside Management Overlay Zone for restrictions to on-site density transfer.)

2. Minimum Lot Size

The minimum lot size for a detached single-family unit in a Small Lot Subdivision shall be 5,000 square feet. PRDs may create lot sizes to accommodate the creation of attached single-family dwelling units or Clustered Subdivisions.

3. Site Coverage

Structures shall not occupy more than 40% of the gross site area.

4. Structure Height/Number of Attached Dwelling Units

Detached single-family structures shall not exceed 2½ stories, or 35 feet. Attached single-family structures shall not exceed three stories or 42 feet. The maximum average number of single-family units attached in any manner to form a single structure shall be six.

5. Setbacks

The minimum front, rear, and side structural setback from the project perimeter boundary shall be 15 feet. The minimum dwelling unit side structural setback from other dwelling unit structures is 15 feet plus one foot for each 15 feet of structure length. In small lot subdivisions the minimum side setback is five feet with a 15-foot minimum dwelling unit separation.

6. Open Space

All Planned Residential Developments with 12 or more dwelling units shall

provide 30% useable open space for passive and active recreational uses. Planned Residential Development consisting of single-family detached units may provide 15% useable open space in lieu of the required 30%.

Useable open space areas shall not include: rights-of-way; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; setbacks; patios and private yards; or, slope areas greater than eight percent. Slopes greater than eight percent may be approved in the Hillside Management Overlay District by the Director as useable open space. (MC 1178 9/16/04)

7. Amenities

All Planned Residential Developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter - barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Director and provided according to the following schedule:

<u>Units</u>	<u>Amenities</u>
0-11	0
12-50	1
51-100	2
101-200	3
201-300	4

Add 1 amenity for each 100 additional units or fraction thereof.

8. Private Streets

Private streets shall be permitted when there is a homeowners' association established to maintain them. The streets shall be built to standards and specifications for public works construction.

9. Maintenance and Completion of Open Space, Amenities, Landscaping, and Manufactured Slopes

No lot or dwelling unit in the development shall be sold unless a corporation, homeowners' association, assessment district or other approved appropriate entity has been legally formed with the right to assess all those properties which are jointly owned or benefited to operate and maintain all of the mutually available features of the development including, but not limited to, open space, amenities, landscaping or slope maintenance landscaping (which may be on private lots adjacent to street rights-of-way). Conditions, Covenants, and Restrictions (CC&Rs) may be developed and recorded for the development subject to the review and approval of the City Attorney.

The recorded CC&Rs shall permit the enforcement by the City, if required. No lot or dwelling unit shall be sold unless all approved and required open space, amenities, landscaping, or other improvements, or approved phase thereof, have been completed or completion is assured by a financing guarantee method approved by the City Engineer.

10. Fire Department Standard

All parts of the structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

11. Residential Specific Standards

In addition to the PRD development requirements, the following specific standards contained within this chapter shall apply:

- a. Day care facilities
- b. Golf courses and related facilities
- c. Guest house
- d. Lighting
- e. Minimum room size
- f. Minimum dwelling size
- g. Mobile home and manufactured housing
- h. Mobile home park or subdivision
- i. Recreational vehicle storage

O. RECREATIONAL VEHICLE STORAGE FACILITIES

Developments within the multi-family zones and with 12 or more dwelling units shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the Development Permit and shall be constructed in the following manner:

- 1. Centralized storage areas shall be provided for recreational vehicles, boats, etc., at a minimum of one space for each eight dwelling units. Any fractional space requirement shall be construed as requiring one full storage space pursuant to Chapter 19.24 (Off-Street Parking Standards).
- 2. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.
- 3. Storage areas shall be paved and drained.
- 4. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8 feet in height, subject to the approval of the Director.

P. ACCESSORY DWELLING UNITS (MC 1559 5/5/21; MC 1604U 12/7/22)

- 1. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.
- 2. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
 - a. Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.

- b. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- c. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- d. Required to correct a nonconforming zoning condition, as defined in subsection (3)(g) below. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

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

- a. “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - i. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - ii. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
- b. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
- c. “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.
- d. “Efficiency kitchen” means a kitchen that includes each of the following:
 - i. A cooking facility with appliances.
 - ii. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- e. “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - i. It is no more than 500 square feet in size.
 - ii. 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.
 - iii. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - iv. 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.
- f. “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.

- g. “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
 - h. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
 - i. “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - j. “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.
 - k. “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.
4. **Approvals.** The following approvals apply to ADUs and JADUs under this section:
- a. **Statutory Criteria.** 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:
 - i. **Converted on Single-family Lot:** One ADU as described in this subsection 0 and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a) 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
 - b) Has exterior access that is independent of that for the single-family dwelling; and
 - c) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - d) The JADU complies with the requirements of Government Code Section 65852.22.
 - ii. **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 under subsection 0 above), if the detached ADU satisfies each of the following limitations:
 - a) The side- and rear-yard setbacks are at least four-feet.
 - b) The total floor area is 800 square feet or smaller.
 - c) The peak height above grade does not exceed the applicable height limit in subsection 5.a below.
 - iii. **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. Under this subsection 1.a.i.c), 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.

- iv. Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:
 - a)** 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.
 - b)** The peak height above grade does not exceed the applicable height limit provided in subsection 5.a below.

b. Additional Criteria.

- i.** An ADU that does not qualify under the criteria set forth in subsection (4)(a) above may be created with a building permit if it complies with the standards set forth in subsections (5) and (6) below.

c. Process and Timing.

- i.** An ADU application is considered and approved ministerially, without discretionary review or a hearing.
- ii.** 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 does not approve or deny the completed application within 60 days, the application is deemed approved unless either:
 - a)** The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - b)** 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.
- iii.** 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 established by subsection (4)(c)(ii) above.
- iv.** 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.

5. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (4)(a) or (4)(b) above
- a. **Height.**
 - i. Except as otherwise provided by subsections 0 and 0 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.
 - ii. 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.
 - iii. 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.
 - iv. 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 0 may not exceed two stories.
 - v. For purposes of this subsection 5.a, height is measured above existing legal grade to the peak of the structure.
 - b. **Fire Sprinklers.**
 - i. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - ii. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
 - c. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
 - d. **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, 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).
 - e. **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
 - f. **Owner Occupancy.** 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 (5)(h) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

g. Deed Restriction. Prior to issuance of a building permit for an ADU or 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:

- i.** Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
- ii.** The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
- iii.** The deed restriction runs with the land and may be enforced against future property owners.
- iv.** The deed restriction may be removed if the owner eliminates the ADU or 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 ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director’s determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
- v.** The deed restriction is enforceable by the Director or his or her 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 ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

6. Specific ADU Requirements. The following requirements apply only to ADUs that are approved under subsection (4)(b) above.

a. Maximum Size.

- i.** The maximum size of a detached or attached ADU subject to this subsection (6) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- ii.** 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.

here does not include any connection fee or capacity charge for water or sewer service.

- ii. 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.)

b. Utility Fees.

- i. If an ADU or JADU is constructed with a new single-family home, a separate utility connection directly between the ADU or JADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- ii. Except as described in subsection (6)(b)(i), converted ADUs and JADUs on a single-family lot that are created under subsection (4)(a)(i) above are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required.
- iii. Except as described in subsection (7)(b)(i), all ADUs and JADUs that are not covered by subsection (7)(b)(ii) require a new, separate utility connection directly between the ADU or JADU and the utility.
 - a) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, 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.
 - b) The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

Q. SENIOR CITIZEN/CONGREGATE CARE HOUSING DESIGN STANDARDS

Senior group housing developments are subject to Development Permit review and shall be constructed in the following manner:

1. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the Director.
2. Dial-a-ride transportation shuttles shall be provided; number to be determined during project review.
3. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying zone.
4. The senior group housing shall conform with all local, state, and federal requirements.
5. The number of dwelling units shall be based on Table 4.02 (Residential Development Standards).

6. The minimum floor area for each residential unit shall be as follows:
 - Studio: 410 square feet
 - One-bedroom: 510 square feet if kitchen-dining living areas are combined.
570 square feet if kitchen-dining living areas are separate.
 - Two-bedroom: 610 square feet if kitchen-dining living areas are combined.
670 square feet if kitchen-dining living areas are separate.
7. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to Section 19.24.050.
8. Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.) as well as emergency signal/intercom systems as determined by the Director.
9. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
10. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.
11. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. The facilities shall have keyed access for tenants only.
12. Each residential unit shall be plumbed and wired for a washing machine and dryer.
13. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
 - a. Central cooking and dining room(s).
 - b. Beauty and barber shop.
 - c. Small scale drug store not exceeding 1,000 square feet.
14. Off-street parking shall be provided in the following manner:
 - a. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents plus one space for every 5 units for guest parking.
 - b. Three parking spaces for every four dwelling units for employee and guest use for congregate care residences.
 - c. All off-street parking shall be located within 150 feet of the front door of the main entrance.
 - d. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.

- e. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc. shall be consistent with the standards outlined in Chapter 19.24 (Off-Street Parking Standards).
 - f. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to parking study based on project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, mass transit, etc.
15. The project shall be designed to provide maximum security for residents, guests, and employees.
16. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted Public Works Department Standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.
17. Residential occupancy shall be limited to single persons over 60 years of age or married couples of which one spouse is over 60 years of age.
18. Developers of Senior Citizen/Congregate Care housing which have a density larger than that allowed in the underlying zone, shall provide a marketing analysis which analyzes long term feasibility and a conversion plan of Senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying zone if the project is not occupied by Seniors 60 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the City's Development Department or a non-profit housing development corporation. If the proposed project is to be located in the CO zone the conversion plan shall address the transformation of residential units into the uses allowed in the Commercial Office (CO) zone.
19. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

R. SINGLE FAMILY HOUSING, EXISTING

Additions, alterations and expansions to single-family housing which legally existed prior to June 3, 1991, shall comply with the standards of the Residential Suburban (RS) zone. (MC 823 3/5/92; MC 888 1/6/94)

S. SMALL LOT SUBDIVISION STANDARDS

Standards for small lot subdivisions are located in Subsection N. (Planned Residential Development Standards) of this chapter.

T. SOCIAL SERVICE FACILITIES (MC 1548 10/21/20)

The following provisions are applicable to all social service facilities:

1. Action

Social Service Facilities may be established in commercial and industrial zones subject to approval of a Development Permit. Facilities located within one thousand (1,000) of a residentially zoned parcel may be permitted subject to approval of a Conditional Use Permit.

Social Service (Residential) Facilities may be established in multi-family residential and commercial zones subject to approval of a Conditional Use Permit.

2. General Provisions

- a. Hours of Operation.** Facilities shall only be permitted to operate between the hours of 8:00 a.m. and 8:00 p.m. daily, unless authorized by the Planning Commission.
- b. Waiting Areas.** All waiting areas shall be located on the same premise as the facility served, and shall not obstruct public access to sidewalks, rights-of-way, or adjacent properties. In residential zones all waiting areas shall be located indoors.
- c. Management Plan.** All facilities shall provide a management plan that includes the following:
 - **Description of services provided.**
 - **Facility Capacity.**
 - **On-Site Management.** On-site supervision must be provided at all times that the center is in operation. The facility operator shall provide the name, phone number and email address of an on-site manager to whom one can provide notice if there are operating problems associated with the facility.
 - **Residential Provisions (if applicable).**
 - **Security Plan (security staffing, alarms, etc.).** The facility operator shall submit a security plan for approval by the Director. The plan shall include provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site. A centrally monitored alarm system shall be installed and maintained in good working order.
 - **Transportation Services Provided (if applicable).**
- d. Prohibited Activities.** Patrons shall not be permitted on the site if not waiting for or receiving services, and no consumption of alcoholic beverages shall be allowed on the premises. The facility operator shall post a sign detailing these requirements.

- e. **Food and Goods Distribution.** No distribution of food or goods to anyone not residing at the facility shall be permitted from any facility located in or within one thousand (1,000) feet of a residentially zoned parcel.
- f. **State Licensing.** When one is required, evidence of preliminary state agency approval or a current state agency license shall be provided to the department.

3. Development Standards

- a. **Outdoor Areas.** All outdoor areas shall be adequately screened to prevent adverse impacts on any adjacent properties.
- b. **Trash Receptacles.** Outdoor trash receptacles shall be available near the primary entrances and exits of the facility.
- c. **Residential Density.** The density of residential uses shall be determined at project review.
- d. **Distancing.** Facilities shall not be any closer than five hundred (500) feet from any of the following uses:
 - A public or private state licensed or accredited school.
 - A public park, playground, recreational area, or youth facility, including a nursery school, preschool, or day-care facility.
 - A place of public assembly.
 - A hospital.
 - Another social service facility.
- e. **Access.** The site shall have direct frontage along a major, secondary, or collector arterial. Vehicular access shall be provided from a major, secondary, or collector arterial.

U. VOCATIONAL/TRADE SCHOOLS

Vocational/trade schools are subject to a Conditional Use Permit and shall comply with the following standards:

1. Vocational/trade schools shall be permitted only at the facilities of an existing church, hospital or other not for profit organization fronting a major or secondary arterial.
2. The vocational/trade school curriculum may include GED courses, business, office and secretarial skill courses, dental or medical assistant courses, or other courses determined by the Director of Community Development to be compatible with the adjacent neighborhood. No courses in automotive repair, welding, construction, woodworking, or industrial manufacturing shall be taught due to their incompatibility with surrounding residential uses.
3. All curriculum activities shall be conducted entirely within an enclosed structure.
4. Off-street parking shall comply with the standards contained in Chapter 19.24 of this Development Code.

5. In addition to the required on-site parking, on-street parking may be permitted along the major or secondary arterial only.
6. Vehicular access to the vocational/trade school shall be restricted to the frontage along the major or secondary arterial. (MC 933 2/9/95)

V. STUDENT HOUSING COMPLEX (MC 1132 12/19/02)

1. Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 8.28 acres on the south side of Northpark Boulevard, east of University Parkway, as designated in General Plan Amendment No. 01-06.
2. The minimum unit size shall be as follows:

1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,200 square feet
3. Student housing complex units may be up to 20% smaller than the minimum dwelling unit size prescribed above if a common area is provided on each floor. The common area shall be no less than 300 square feet, and shall include: a television set, sofa and chairs; or a game table (pool table, card table, etc.), chairs and a sofa; desks, chairs and computer access facilities; or other such amenity as is consistent with an area used for common social activity, subject to approval by the Planning Commission.
4. All student-housing complexes shall provide 35% of each unit size as useable open space for passive and active recreational use. A minimum of 5% of the outdoor open space must be private (balcony or patio), and a minimum of 25% of the outdoor open space must be common useable. The balance (5%) may be either common or private useable open space. Useable open space areas shall not include: right-of-ways; vehicle parking areas; areas adjacent to or between any structures less than 15 feet apart; or slope areas greater than 8%. Useable open space areas shall be delineated on project site plans, and total square footage in open space shall be listed on the site plan.
5. Every bedroom shall be wired for computer Internet access in addition telephone access.
6. Every bedroom shall be equipped with an individual lock for use only by the tenant. Master keys shall be maintained for each building.
7. All student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball or baseball fields; or such other similar facilities as approved by the Planning Commission. The amenities shall be equivalent to a minimum of 50 square feet per resident.

The type of amenities shall be provided according to the following schedule:

<u>Bedrooms</u>	<u>Amenities</u>
0-25	0
26-100	1
101-200	2
201-300	3
301-400	4

Add one amenity for each 100 additional bedrooms or fraction thereof.

8. One off street parking space shall be provided for each bedroom, plus three uncovered off-street guest parking spaces per 100 rooms. A minimum of 65% of the parking spaces shall be covered. The balance of the parking spaces shall be shaded by trees in such a manner that all parking spaces shall be fully shaded within five years of construction of the project.
9. Common laundry facilities at a ratio of one full size washer and one full size dryer per 10 units, and consistent with the Uniform Building Code shall be provided on each floor.
10. Access to student housing complexes shall be limited through the use of fencing or walls with locked gates. Gates shall be equipped with either key or card access and an intercom system for guests.
11. Each building within a student housing complex shall be locked, and equipped with either key or card access and an intercom system for guests.
12. A professional, non-student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided for each floor of each building.
13. Management and security plans shall be submitted for review and approval by the Community Development Department and Police Department.
14. Each lease shall be for a minimum of one academic year. Short-term tenancy during the summer months may be permitted, with the approval of a Temporary Use Permit. No month-to-month tenancy or sub-leasing of individual rooms shall be permitted.
15. The applicant shall enter into and continuously maintain an affiliation agreement with California State University San Bernardino (“CSUSB”) and shall provide the City with a copy of such affiliation agreement prior to the approval of any building or grading permit for the project. The affiliation agreement shall include, but not be limited to, the following:
 - a. Require that the project conform to CSUSB on-campus housing policies. Require that all tenant leases incorporate CSUSB on-campus housing policies.
 - b. Require that the design, engineering and construction of the project be approved by CSUSB.

- c. Grant CSUSB an option to purchase and a right of first of to purchase the property and the project at fair market value with a guaranteed minimum and maximum price.
 - d. If a court finds that the project cannot limit the residents to students of CSUSB, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have the immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property and project must continue to conform to all requirements in this Development Code and in the affiliation agreement except the requirement that the project limit residents to students of CSUSB.
 - e. If the affiliation agreement is terminated either mutually by the parties, or unilaterally by the property/project owner, then CSUSB shall have an immediate right to purchase the property at fair market value and, if it elects not to so purchase, then CSUSB shall have an immediate right to lease the property at fair market value so that the property will be part of the CSUSB campus and therefore occupancy can be limited to students. If CSUSB does not exercise either right on the property, then the property must convert to a use consistent with the underlying General Plan Land Use District.
 - f. Require that any successor in interest to the property and project, prior to the conveyance of title, enter into an affiliation agreement with CSUSB, the contents of which shall conform to the requirements of this section.
- 16.** Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and only the 10. 16 acres on the west side of Northpark Boulevard, north of University Parkway in Tract 17703-2 Lot 1 and Tract 17703-3 Lots 1, 2 and 3. (MC 1416 7/21/14)
- a. Whenever the requirements of this Section 19.04.030(2)(V)(16) conflicts with the underlying base zone, specific plan, or other requirements of the Development Code, the requirements of this Section 19.04.030(2)(V)(16) shall govern.
 - b. Townhome Student Housing complexes are only permitted in the Residential Student Housing District on lots within 500 feet of California State University, San Bernardino, and on only the 10. 16 acres on the west side of Northpark Boulevard, north of University Parkway.
 - c. The requirements specified above in Section 19. 04. 030(2)(V)(2), (3), (5), (6) and (13) shall apply to a Townhome Student Housing complex.
 - d. The maximum density of a townhome student housing complex is 80 beds per acre.
 - e. The minimum townhome unit size shall be as follows:

1-bedroom	600 square feet
2-bedroom	800 square feet
3-bedroom	1,000 square feet
4-bedroom	1,200 square feet

5-bedroom 1,400 square feet

6-bedroom 1,600 square feet

- f.** A minimum of 5 percent of the bedrooms in the student housing project shall be designed as bedroom studios that meet Americans with Disabilities Act (ADA) standards, including a private bathroom and facilities for preparation of food including storage, refrigeration and cooking).
- g.** Townhome Student Housing complexes are not required to provide a balcony or patio for each bedroom and/or each unit provided the site of the student housing project is within 1, 000 feet of a public park and the student housing project provides indoor and outdoor living space for passive and active recreational uses equivalent to a minimum of 15 percent of the gross floor area of dwellings in the project.
- h.** Student housing complexes shall provide indoor and outdoor recreational amenities within the site which may include: a swimming pool; spa; clubhouse; picnic shelter and barbeque area; court game facilities such as tennis, basketball, volleyball or racquetball; improved softball or baseball fields; patios and balconies, or such other similar facilities. Each student housing complex shall have a minimum of one swimming pool and Jacuzzi. The amenities shall be equivalent to a minimum of 25 square feet per bedroom.
- i.** Student housing shall provide off street parking to conform to the requirements specified in the Development Code for townhomes and the TD (Transit District Overlay) District.
- j.** Common laundry facilities with a minimum of one full size washer and one full size dryer and consistent with the City's Building Code shall be provided in each townhome.
- k.** Each townhome shall be lockable and equipped with either key or card access. Each bedroom shall be lockable and equipped with either key or card access.
- l.** A professional, non- student resident manager shall live within each project. In addition, a resident student manager, working a minimum of 16 hours a week, shall be provided at a ratio of one per 100 beds.
- m.** The residents of the townhomes and bedrooms shall be limited to students enrolled at California State University San Bernardino including students graduating during their lease terms and continuing occupancy until the end of their lease terms), faculty and staff at California State University San Bernardino, and on- site managers living in the student housing complex; persons affiliated with the California University system; and visiting faculty and staff from other colleges and universities, and students enrolled at other colleges and universities; and tenants who do not qualify under the standards in this section may be approved in writing by California State University San Bernardino.
- n.** Fraternities and sororities are permitted uses in townhome student housing complexes.
- o.** The height of buildings shall not exceed the height standards of the underlying zoning district.

W. URBAN LOT SPLITS (MC 1570U 1/9/22)

1. **Purpose.** The purpose of this subpart (W) is to allow and appropriately regulate urban lot splits in accordance with Government Code Section 66411.7.
2. **Definition.** An “urban lot split” means the subdivision of an existing, legally subdivided lot into two lots in accordance with the requirements of this section.
3. **Application.**
 - a. Only individual property owners may apply for an urban lot split. “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 Rev. & Tax Code §402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by §214.15).
 - b. An application 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.
 - c. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Mayor and City Council may establish and change the fee by resolution. The fee must be paid with the application.
4. **Approval.**
 - a. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Community and Economic Development Director, or his or her designee, without discretionary review.
 - b. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.
 - c. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
 - d. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys’ fees and costs associated with enforcing the requirements of this Code.
5. **Requirements.** An urban lot split must satisfy each of the following requirements:
 - a. **Map Act Compliance.**
 - i. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code §66410 et. seq., “SMA”), including implementing requirements in this Code, except as

otherwise expressly provided in this section.

- ii.** If an urban lot split violates any part of the SMA, the City’s subdivision regulations, including this subpart (W), or any other legal requirement:

 - a)** The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - b)** The City has all the remedies available to it under the SMA, including but not limited to the following:

 - (I)** An action to enjoin any attempt to sell, lease, or finance the property.
 - (II)** An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - (III)** Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - (IV)** Record a notice of violation.
 - (V)** Withhold any or all future permits and approvals.
- iii.** Notwithstanding Section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.
- b. Zone.** The lot to be split is in a single-family residential zone. For purposes of this subpart (W), a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot and only includes the Residential Estate (RE), Residential Low (RL) and Residential Suburban (RS) zones.
- c. Lot Location.**

 - i.** The lot to be split is not located on a site that is any of the following:

 - a)** Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b)** A wetland.
 - c)** Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d)** A hazardous waste site that has not been cleared for residential use.
 - e)** Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f)** Within a 100-year flood hazard area, unless the site has either:

 - (I)** been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

- (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g) Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - h) Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - i) Habitat for protected species.
 - j) Land under conservation easement.
- ii. The purpose of subpart (W)(e)(3)(A) above is merely to summarize the requirements of Government Code Section 65913.4(a)(6)(B)–(K). (See Gov. Code §66411.7(a)(3)(C).)
- d. **Not Historic.** The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a City or County landmark or as a historic property or district.
- e. **No Prior Urban Lot Split.**
 - i. The lot to be split was not established through a prior urban lot split.
 - ii. The lot to be split is not adjacent to any 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.
- f. **No Impact on Protected Housing.** The urban lot split must not require or include 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 policy power.
 - iii. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§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. The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The City may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the City may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
- g. **Lot Size.**
 - i. The lot to be split must be at least 2,400 square feet.
 - ii. The resulting lots must each be at least 1,200 square feet.

iii. Each of the resulting lots must be between 60 percent and 40 percent of the original lot area.

h. Easements.

i. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.

ii. Each easement must be shown on the tentative parcel map.

iii. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with subpart (W)(d)(2) above.

i. Lot Access.

i. Each resulting lot must adjoin the public right of way.

ii. Each resulting lot must have frontage on the public right of way of at least 12.5 feet.

j. Unit Standards.

i. **Quantity.** No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, “unit” means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under Subpart (X) of this Code, an ADU, or a JADU

ii. Unit Size.

a) The total floor area of each primary dwelling that is developed on a resulting lot must be

(I) less than or equal to 800 and

(II) more than 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 is limited to the lawful floor area at the time of the urban lot split. It may not be expanded.

c) A primary dwelling that was legally established prior to the urban lot split and that is smaller than 800 square feet may be expanded to 800 square feet after the urban lot split.

iii. Height Restrictions.

a) On a resulting lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.

b) On a resulting lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the stepback.

- c) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot resulting from an urban lot split.
- iv. **Lot Coverage.** This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
- v. **Open Space.** This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.
- vi. **Setbacks.**
 - a) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.
 - b) **Exceptions.** Notwithstanding subpart (W)(e)(10)(F) above:
 - (I) Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (II) 800 square feet; four-foot side and rear. The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - c) **Front Setback Area.** Notwithstanding any other part of this Code, dwellings that are constructed after an urban lot split must be at least 20 feet from the front property lines. The front setback area must:
 - (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans;
 - (III) allow for vehicular and fire-safety access to the front structure.
- vii. **Parking.** Each new primary dwelling unit that is built on a lot after an urban lot split must have at least one off-street parking space per unit unless one of the following applies:
 - a) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (II) a site that contains
 - (ia) an existing rail or bus rapid transit station,
 - (ib) a ferry terminal served by either a bus or rail transit service, or
 - (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less

during the morning and afternoon peak commute periods.

- b) The site is located within one block of a car-share vehicle location.

viii. Architecture.

- a) If there is a legal primary dwelling on the lot that was established before the urban lot split, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- b) If there is no legal primary dwelling on the lot before the urban lot split, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
- c) All exterior lighting must be limited to down-lights.
- d) No window or door of a dwelling that is constructed on the lot after the urban lot split may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- e) If a dwelling is constructed on a lot after an urban lot split and any portion of the dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

ix. Landscaping. Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:

- a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24” box size plant shall be provided for every ten linear feet of exterior wall.
- b) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
- c) All landscaping must be drought-tolerant.

x. Nonconforming Conditions. An urban lot split may be approved without requiring a legal nonconforming zoning condition to be corrected.

xi. Utilities.

- a) Each primary dwelling unit on the resulting lots must have its own direct utility connection to the utility service provider.
- b) Each primary dwelling unit on the resulting lots that is or that is proposed to be connected to an onsite wastewater treatment

system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

- xii.** Building & Safety. All structures built on the lot must comply with all current local building standards. An urban lot split is a change of use.

k. Fire-Hazard Mitigation Measures.

- i.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - a)** It must have direct access to a public right of way with a paved street with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - b)** All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - c)** All enclosed structures on the site must have fire sprinklers.
 - d)** All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - e)** If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.
- ii.** Prior to submitting an application for an urban lot split, the applicant must obtain a certificate of compliance with all applicable fire-hazard mitigation measures in accordance with this subpart (W)(e)(11). The City or its authorized agent must inspect the site, including all structures on the site, and certify as to its compliance. The certificate must be included with the application. The applicant must pay the City's costs for inspection. Failure to pay is grounds for denying the application.

l. Separate Conveyance.

- i.** Within a resulting lot.
 - a)** Primary dwelling units on a 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 and all dwellings on the lot must be held equally and undivided by all individual property owners.
- ii.** 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 Covenants, Conditions & Restrictions (CC&Rs), easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

m. Regulation of Uses.

- i.** Residential-only. No non-residential use is permitted on any lot created by urban lot split.
- ii.** 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 30 days.
- iii.** Owner Occupancy. 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.

n. Notice of Construction.

- i.** At least 30 business days before starting any construction of a structure on a lot created by an urban lot split, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - a)** Notice that construction has been authorized,
 - b)** The anticipated start and end dates for construction,
 - c)** The hours of construction,
 - d)** Contact information for the project manager (for construction-related complaints), and
 - e)** Contact information for the Building & Safety Division.
- ii.** This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

o. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:

- i.** Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- ii.** Expressly prohibits any non-residential use of the lots created by the urban lot split.
- iii.** Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- iv.** States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

6. Specific Adverse Impacts.

- a. Notwithstanding anything else in this subpart (W), the City may deny an application for an urban lot split if the Building Official 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.
- b. “Specific adverse impact” has the same meaning as in Gov. Code §65589.5(d)(2): “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).
- c. The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

X. TWO-UNIT PROJECTS (MC 1570U 1/9/22)

- 1. **Purpose.** The purpose of this subpart (X) is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
- 2. **Definition.** A “two-unit project” means the development of two primary dwelling units or, if there is already a primary dwelling unit on the lot, the development of a second primary dwelling unit on a legally subdivided lot in accordance with the requirements of this section.
- 3. **Application.**
 - a. Only individual property owners may apply for a two-unit project. “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 Rev. & Tax Code § 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by § 214.15).
 - b. An application for a two-unit project must be submitted on the City’s approved form.
 - c. The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
 - d. 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.
 - e. The City may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The Mayor and City Council may establish and change the fee by resolution. The fee must be paid with the application.

4. Approval.

- a. An application for a two-unit project is approved or denied ministerially, by the Community and Economic Development Director, or his or her designee, without discretionary review.
- b. The ministerial approval of a two-unit project does not take effect until the City has confirmed that the required documents have been recorded, such as the deed restriction and easements.
- c. The approval must require the owner and applicant to hold the City harmless from all claims and damages related to the approval and its subject matter.
- d. The approval must require the owner and applicant to reimburse the City for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

5. Requirements. A two-unit project must satisfy each of the following requirements:

- a. **Map Act Compliance.** The lot must have been legally subdivided.
- b. **Zone.** The lot is in a single-family residential zone. For purposes of this section, a single-family residential zone is a zone where the only residential use that is allowed as a primary use is a single residential dwelling on a lot and only includes the Residential Estate (RE), Residential Low (RL) and Residential Suburban (RS) zones
- c. **Lot Location.**
 - i. The lot is not located on a site that is any of the following:
 - a) Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - b) A wetland.
 - c) Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - d) A hazardous waste site that has not been cleared for residential use.
 - e) Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - f) Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - g) Within a regulatory floodway, unless all development on the site has received a no-rise certification.

- b) A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.
- c) A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

iii. Height Restrictions.

- a) On a lot that is larger than 2,000 square feet, no new primary dwelling unit may exceed a single story or 16 feet in height, measured from grade to peak of the structure.
- b) On a lot that is smaller than 2,000 square feet, no new primary dwelling unit may exceed two stories or 22 feet in height, measured from grade to peak of the structure. Any portion of a new primary dwelling that exceeds one story must be stepped back by an additional five feet from the ground floor; no balcony deck or other portion of the second story may project into the setback.
- c) No rooftop deck is permitted on any new or remodeled dwelling or structure on a lot with a two-unit project.

iv. Demo Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

v. Lot Coverage. This lot coverage standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

vi. Open Space. This open space standard is only enforced to the extent that it does not prevent two primary dwelling units on the lot at 800 square feet each.

vii. Setbacks.

- a) **Generally.** All setbacks must conform to those objective setbacks that are imposed through the underlying zone.
- b) **Exceptions.** Notwithstanding subpart (X)(e)(6)(G) above:
 - (I) **Existing Structures.** No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - (II) **800 square feet; four-foot side and rear.** The setbacks imposed by the underlying zone must yield to the degree necessary to avoid physically precluding the construction of up to two units on the lot or either of the two units from being at least 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.

- c) **Front Setback Area.** Notwithstanding any other part of this code, dwellings that are constructed under this section must be at least 20 feet from the front property lines. The front setback area must:
 - (I) be kept free from all structures greater than three feet high;
 - (II) be at least 50 percent landscaped with drought-tolerant plants, with vegetation and irrigation plans;
 - (III) allow for vehicular and fire-safety access to the front structure.
- viii. **Parking.** Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
 - a) The lot is located within one-half mile walking distance of either
 - (I) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours or
 - (II) a site that contains
 - (ia) an existing rail or bus rapid transit station,
 - (ib) a ferry terminal served by either a bus or rail transit service, or
 - (ic) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - b) The site is located within one block of a car-share vehicle location.
- ix. **Architecture.**
 - a) If there is a legal primary dwelling on the lot that was established before the two-unit project, any new primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - b) If there is no legal primary dwelling on the lot before the two-unit project, and if two primary dwellings are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.
 - c) All exterior lighting must be limited to down-lights.
 - d) No window or door of a dwelling that is constructed on the lot may have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
 - e) If any portion of a dwelling is less than 30 feet from a property line that is not a public right-of-way line, then all windows and doors in that portion must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

- x. **Landscaping.** Evergreen landscape screening must be planted and maintained between each dwelling and adjacent lots (but not rights of way) as follows:
 - a) At least one 15-gallon size plant shall be provided for every five linear feet of exterior wall. Alternatively, at least one 24” box size plant shall be provided for every ten linear feet of exterior wall.
 - b) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least 6 feet in height may be installed.
 - c) All landscaping must be drought-tolerant.
- xi. **Nonconforming Conditions.** A two-unit project may only be approved if all nonconforming zoning conditions are corrected.
- xii. **Utilities.**
 - a) Each primary dwelling unit on the lot must have its own direct utility connection to the utility service provider.
 - b) Each primary dwelling unit on the lot that is or that is proposed to be connected to an onsite wastewater treatment system must first have a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- xiii. **Building & Safety.** All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city’s current code.
- g. **Fire-Hazard Mitigation Measures.** A lot in a very high fire hazard severity zone must comply with each of the following fire-hazard mitigation measures:
 - i. It must have direct access to a public right of way with a paved street with a width of at least 40 feet. The public right of way must have at least two independent points of access for fire and life safety to access and for residents to evacuate.
 - ii. All dwellings on the site must comply with current fire code requirements for dwellings in a very high fire hazard severity zone.
 - iii. All enclosed structures on the site must have fire sprinklers.
 - iv. All sides of all dwellings on the site must be within a 150-foot hose-pull distance from either the public right of way or of an onsite fire hydrant or standpipe.
 - v. If the lot does not have a swimming pool, the lot must have a water reservoir of at least 5,000 gallons per dwelling, with fire-authority approved hookups compatible with fire-authority standard pump and hose equipment.
- h. **Separate Conveyance.**
 - i. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
 - ii. Condominium airspace divisions and common interest developments are not permitted within the lot.

iii. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

i. **Regulation of Uses.**

i. **Residential-only.** No non-residential use is permitted on the lot.

ii. **No Short Term Rentals.** No dwelling unit on the lot may be rented for a period of less than 30 days.

iii. **Owner Occupancy.** Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

j. **Notice of Construction.**

i. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:

a) Notice that construction has been authorized,

b) The anticipated start and end dates for construction,

c) The hours of construction,

d) Contact information for the project manager (for construction-related complaints), and

e) Contact information for the Building & Safety Division.

ii. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

k. **Deed Restriction.** The owner must record a deed restriction, acceptable to the city, that does each of the following:

i. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.

ii. Expressly prohibits any non-residential use of the lot.

iii. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.

iv. If the lot is not created by an urban lot split: Expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.

v. States that the property is formed by an urban lot split and is therefore subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development.

6. **Specific Adverse Impacts.**

a. Notwithstanding anything else in this subpart (X), the City may deny an

application for a two-unit project if the building official 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.

- b.** “Specific adverse impact” has the same meaning as in Gov. Code §65589.5(d)(2): “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).
- c.** The Building Official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

7. Remedies. If a two-unit project violates any part of this code or any other legal requirement:

- a.** The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- b.** The city may:
 - i.** Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - ii.** Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - iii.** Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
 - iv.** Record a notice of violation.
 - v.** Withhold any or all future permits and approvals.
 - vi.** Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city’s code.

19.04.040 APPLICABLE REGULATIONS

All uses shall be subject to the applicable regulations of this Development Code, including, but not limited to, Article IV, Administration provisions.