



CITY of BRISBANE

Planning Commission Meeting Agenda

Thursday, May 14, 2020 at 7:30 PM • Virtual Meeting

This virtual meeting is compliant with the Governor’s Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. Consistent with the Order, this virtual meeting provides a safe environment for staff, Planning Commissioners, and the public while allowing for public participation. The public may address the Commission using exclusively remote public comment options which are detailed below.

TO ADDRESS THE COMMISSION:

The Planning Commission Meeting will be an exclusively virtual meeting broadcast on Comcast Channel 27 and the City’s YouTube channel at www.youtube.com/Brisbaneca. The agenda materials may be viewed online at www.brisbaneca.org by 1 PM on Friday, May 8, 2020.

Members of the public are encouraged to submit comments in writing in advance of the meeting to the following email and text line. Comments that can’t be provided in advance of the meeting may be emailed or texted **prior to the start of the particular agenda item**. A call-in telephone number will be provided during the meeting broadcast for those who cannot provide written comments in advance of the meeting.

Email: jswiecki@brisbaneca.org

Text: 415-713-9266

Commissioners: Gomez, Gooding, Mackin, Patel, and Sayasane

CALL TO ORDER

ROLL CALL

ADOPTION OF AGENDA

CONSENT CALENDAR

Please Note: Items listed here as Consent Calendar Items are considered routine and will be acted upon collectively by one motion adopting the Planning Department’s recommendation unless a member of the public, the Commission, or its staff asks to remove an item to discuss it. Prior to the motion, the Chairperson will ask if anyone wishes to remove an item from the Consent Calendar.

- A. [Approval of Draft Regular Meeting Minutes of February 13, 2020](#)
- B. [Approval of Draft Regular Meeting Minutes of February 27, 2020](#)

ORAL COMMUNICATIONS (Limited to a total of 15 minutes)

WRITTEN COMMUNICATIONS

OLD BUSINESS

- C. [Grading Review EX-4-19; 338 Kings Road; R-1 Residential District; Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.](#)

NEW BUSINESS

- D. [Zoning Text Amendment RZ-1-20; Various zoning districts; Zoning text amendments to update the existing accessory dwelling unit regulations in the zoning ordinance to comply with updated State regulations, and to increase the existing floor area ratio \(FAR\) exception of 200 square feet to 400 square feet for covered parking on substandard lots; City of Brisbane, applicant.](#)

ITEMS INITIATED BY STAFF

ITEMS INITIATED BY THE COMMISSION

ADJOURNMENT

APPEALS PROCESS

Anyone may appeal the action of the Planning Commission to the City Council. Except where specified otherwise, appeals shall be filed with the City Clerk not later than 15 calendar days following the Planning Commission's decision. Exceptions to the 15 day filing period include the following: appeals shall be filed with the City Clerk within 6 calendar days of the Planning Commission's action for use permits and variances and 10 calendar days for tentative maps and advertising sign applications. An application form and fee is required to make a formal appeal. For additional information, please contact the City Clerk at 415-508-2110.

INTERNET & OTHER ACCESS

Agendas and adopted minutes for meetings of the Planning Commission are posted on the Internet at: www.brisbaneca.org. Email may be sent to the Community Development Department at: planning@brisbaneca.org. Meetings are broadcast live on Comcast Channel 27 and by streaming video, via a link from the City's homepage. Rebroadcasts are during weeks following the meetings, on Fridays at 5 pm and Sundays at 1 pm; see the link <http://www.brisbaneca.org/live-streaming> for further details on Comcast's schedule. For a DVD copy, please contact the Community Development Department.

NOTICE OF DISCLOSURE

Written information or comments that may include a person's name, address, email address, etc. submitted to the City, Planning Commission, and/or City staff are public records under the California Public Records Act, are subject to disclosure and may appear on the City's website.

BRISBANE PLANNING COMMISSION
Action Minutes of February 13, 2020
Regular Meeting
DRAFT

A. CALL TO ORDER

Chairperson Sayasane called the meeting to order at 8:00 p.m.

B. ROLL CALL

Present: Commissioners Gomez, Gooding, Mackin, Patel and Sayasane.

Absent: None.

Staff Present: Community Development Director Swiecki, Senior Planner Johnson, Associate Planner Robbins

C. ADOPTION OF AGENDA

Commissioner Gomez moved adoption of the agenda. Commissioner Gooding seconded the motion and it was approved 5-0.

D. CONSENT CALENDAR

Commissioner Mackin moved adoption of the consent calendar. Commissioner Patel seconded the motion and it was approved 5-0.

E. ORAL COMMUNICATIONS

Nancy Lacsamana, a Brisbane resident, highlighted a short term, no-host rental on Humboldt Road and her concerns about what the upcoming, short-term housing rental ordinance should address.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged twenty-two (22) written communications regarding tonight's item; 21 in support and one against.

G. NEW BUSINESS

- 1. PUBLIC HEARING: Use Permit UP-6-19, Design Permit DP-2-19 and Grading Permit EX-2-19; 36-50 San Bruno Avenue; NCRO-2 Neighborhood Commercial District; Extend and modify previously approved planning applications UP-2-17, DP-1-17 and EX-4-17 to develop a 9,505 square foot lot with a 3-story, mixed-use, senior housing building with 16, 1-bedroom units; John Goldman, applicant; Horsepower Holdings LLC, owner.**

Senior Planner Johnson gave the staff presentation and answered questions from the Commission regarding design and landscape changes between the previously approved project in 2017 and the current iteration before the Commission, noting the plan before the commission now is more conceptual in nature at this time, and the potential loss of street parking due to bulb-outs for stormwater management.

Chairperson Sayasane opened the public hearing.

John Goldman, the applicant, further addressed the Commission's questions about the changes in design and landscape. He responded to the Commission's follow-up question pertaining to privacy, solar, and potential uses for the commercial storefronts.

Paul Buscal, Brisbane resident, spoke in support of the project and asked the Commission to approve the requested extension and modifications.

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Gomez seconded the motion and it was approved 5-0.

Following deliberation, Commissioner Patel moved to approve applicant's request to modify and extend the previously approved project. Commissioner Gomez seconded the motion and it was approved 5-0.

H. ITEMS INITIATED BY STAFF

Community Development Director Swiecki introduced Jeremiah Robbins, the department's new Associate Planner. He announced the City Council approved the Baylands General Plan Amendment with no changes, and the Council was tentatively scheduled to consider cannabis retail storefront regulations in March. He also stated the City will release its Notice of Preparation for the Environmental Impact Report for the Baylands Specific Plan the week of 2/17, with a public scoping meeting following in early March.

I. ITEMS INITIATED BY THE COMMISSION

There were none.

J. ADJOURNMENT

Commissioner Gomez moved to adjourn to the regular meeting of Thursday, February 27, 2020. Commissioner Gooding seconded the motion and it was approved 5-0. The meeting adjourned at 9:00 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.

BRISBANE PLANNING COMMISSION
Action Minutes of February 27, 2020
Regular Meeting
DRAFT

A. CALL TO ORDER

Chairperson Sayasane called the meeting to order at 7:30 p.m.

B. ROLL CALL

Present: Commissioners, Gooding, Mackin, Patel and Sayasane.

Absent: Commissioner Gomez.

Staff Present: Community Development Director Swiecki, Senior Planner Ayres, Associate Planner Robbins

C. ADOPTION OF AGENDA

Commissioner Gooding moved adoption of the agenda. Commissioner Mackin seconded the motion and it was approved 4-0.

D. CONSENT CALENDAR

Commissioner Mackin moved adoption of the consent calendar. Commissioner Patel seconded the motion and it was approved 4-0.

E. ORAL COMMUNICATIONS

Michele Salmon, a Brisbane resident, voiced concerns about the enforcement of the conditions of approval on the Google Bus Yard on Tunnel Road, particularly the lighting of the site at night.

F. WRITTEN COMMUNICATIONS

Chairperson Sayasane acknowledged written communications regarding item H.1.

G. NEW BUSINESS

1. **PUBLIC HEARING: Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

Senior Planner Ayres gave the staff presentation

Chairperson Sayasane opened the public hearing.

Abraham Zavala, the applicant, answered questions about the project.

Prem Lall, Brisbane resident, spoke against the project.

Barbara Ebel, Brisbane resident, spoke against the project.

Michele Salmon, Brisbane resident, spoke against the project.

Joe Sulley, Brisbane resident, spoke against the project.

With no one else coming forward to address the Commission, Commissioner Patel moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 4-0.

The Planning Commission commenced deliberation and identified concerns with the street tree removal and street improvements required by the City Engineer, as well as the potential impact to site hydrology.

Chairperson Sayasane recognized audience members wishing to speak after the public hearing was closed.

Barbara Ebel, Brisbane resident, spoke against the project.

Prem Lall, Brisbane resident, spoke against the project.

The Commission resumed deliberation. Following deliberation, Commissioner Patel moved to deny the permit. Commissioner Mackin seconded the motion and the motion was approved 4-0. (*Administrative note: no findings of denial were adopted; therefore, final action on this item must be continued to the next regular meeting.*)

H. OLD BUSINESS

1. **CONTINUED PUBLIC HEARING: Zoning Text Amendment RZ-2-19;** Zoning Text Amendments to adopt regulations for short term residential rentals (STRs) by adding a new Chapter 17.35 to the Brisbane Municipal Code; Citywide; City of Brisbane, applicant.

Senior Planner Ayres gave the staff presentation and answered questions from the Commission to clarify the ordinance's provisions regarding citations, renting of accessory dwelling units (ADUs) by permanent residents of the ADU, limitations on listings and bookings, and neighbor notification.

Chairperson Sayasane opened the public hearing.

David McWaters spoke against non-hosted rentals and suggested a cap on number of people per habitable bedroom.

Dennis Busse spoke against the STR ordinance, and thought the insurance requirements were too low.

Lori Lacsamana spoke against the STR ordinance, with concerns about parking.

Sharon Boggs spoke against non-hosted rentals and allowing ADUs to be STRs.

Julia Babiarz spoke against the STR ordinance, with concerns about non-hosted rentals and occupancy limits under the ordinance.

Peter Bockrath spoke against non-hosted rentals, with concerns about traffic and parking on narrow roads.

Joe Sulley spoke against the STR ordinance, with concerns about enforcement.

Nancy Lacsamana spoke against the STR ordinance, with concerns about non-hosted rentals and housing supply lost to STRs and read a petition signed by many residents.

Jodi Borghesi voiced concerns about parking, noise, and non-hosted rentals and support for hosted rentals.

Prem Lall spoke against the STR ordinance, with concerns about quality of life.

Barbara Ebel spoke in favor of non-hosted rentals with limitations and against renters being permitted to host STRs.

Linda Seekins spoke against the STR ordinance, specifically non-hosted rentals.

Michele Salmon spoke in favor of the STR ordinance but against non-hosted rentals.

Willy Chang spoke in favor of the STR ordinance with limits on occupancy.

Aaron Klevin, spoke in favor of the STR ordinance and for allowing limited non-hosted rentals.

Philipp Reichardt spoke in favor of the STR ordinance.

Dean Gough spoke against the STR ordinance, with concerns about parking and noise.

Radu Mihaila spoke in favor of the STR ordinance.

With no one else coming forward to address the Commission, Commissioner Mackin moved to close the public hearing. Commissioner Gooding seconded the motion and it was approved 4-0.

Following deliberation, Commissioner Mackin moved adoption of Resolution RZ-2-19 recommending Council approval of Zoning Text Amendment RZ-2-19 with modifications, including:

- Impose a 275-day residency requirement for hosts.
- Publish a public STR registry.
- Extend window for complaints relative to suspending a permit to 12 months.
- Initial permits valid for 1 year and renewed permits valid for 2 years or less.
- Ban unhosted rentals with exceptions for unplanned host absences.
- Ban STRs completely on any property that has an ADU built on or after 4/1/2017.

Commissioner Gooding seconded the motion and it was approved 4-0.

I. ITEMS INITIATED BY STAFF

Community Development Director Swiecki stated the Baylands Scoping EIR meeting will be held March 4, 2020 and told the Commission they would have to revisit Grading Review EX-4-19; 338 Kings Road next meeting with findings of recommending denial.

J. ITEMS INITIATED BY THE COMMISSION

Chairperson Sayasane asked Staff to update the Commission on the Google Bus Yard at the next scheduled meeting.

K. ADJOURNMENT

Commissioner Gooding moved to adjourn to the regular meeting of Thursday, March 2, 2020. Commissioner Patel seconded the motion and it was approved 4-0. The meeting adjourned at 10:15 p.m.

Attest:

John A. Swiecki, Community Development Director

NOTE: A full video record of this meeting can be found on DVD at City Hall and the City's website at www.brisbaneca.org.

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/14/2020

SUBJECT: **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

SUPPLEMENTAL REPORT:

The Planning Commission held a public hearing on this application on February 27, 2020. After closing the public hearing, the Planning Commission voted to deny the application primarily due to the project impacts to a mature Coast live oak street tree, among other concerns with hydrology impacts and street improvement design. However, because no findings of denial were prepared or adopted at the time of the Planning Commission's action, the Planning Commission's vote was not legally binding. Per the City Attorney, in order for the Planning Commission action to be effective, the Commission would need to adopt a revised resolution containing the findings of denial. A revised resolution containing findings of denial is attached for the Commission's reference.

However, during the Commission's recess due to the Countywide Shelter in Place order, the applicant revised the project in response to the Commission's concerns regarding impacts to the mature street trees (see attached letter from Mr. Zavala) and requests the Planning Commission reconsider the application. The applicant's revised plans are not attached to this report and would be subject to review at a public hearing should the Commission vote to reconsider the application.

The motion to grant reconsideration must be made by a Commissioner who voted to deny the application at the February 27, 2020 public hearing. All Commissioners except for Commissioner Gomez, who was absent, voted in favor of denial at the February 27 hearing. The application would then be scheduled for a future public hearing and a public hearing notice would be mailed to neighbors per standard procedure.

RECOMMENDATION: That the Commission grant the applicant's request for reconsideration of the application and for the application to be scheduled for a future public hearing.

If the Commission wishes to deny the applicant's request, the Commission may adopt the attached resolution, containing findings of denial .

ATTACHMENTS:

- A. Draft Resolution EX-4-19 with Findings Denial
- B. Request from the applicant for reconsideration of revised project
- C. February 27, 2020 Planning Commission staff report
- D. February 27, 2020 Planning Commission draft minutes (included in the agenda packet)



Julia Ayres, Senior Planner



John Swiecki, Community Development Director

Draft
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
DENYING GRADING PERMIT REVIEW EX-4-19
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that will require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission closed the public hearing and came to a consensus to deny the project based on its impacts to mature street trees in the vicinity of the project, potential hydrology impacts, and changes to the public right-of-way, and deferred adoption of findings of denial to the next regular Planning Commission meeting; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of May 14, 2020 did resolve as follows:

Grading Permit review EX-4-19 is denied without prejudice, and City Engineer issuance of the grading permit as proposed is not recommended.

ADOPTED this 14th day of May, 2020, by the following vote:

AYES:
NOES:
ABSENT:

Pamala Sayasane
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

DRAFT
EXHIBIT A

Action Taken: Denial without prejudice of Grading Permit Review EX-4-19, per the February 27, 2020 and May 14, 2020 staff memorandums with attachments, via adoption of Resolution EX-4-19.

Findings:

Grading Permit EX-4-19

- As indicated by the applicant’s grading plan and site plan, the proposed excavation is limited to the footprint of the additions and necessary site access from the street, and is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and design standards contained in Chapter 17.34 of the Municipal Code.
- The proposed grading would result in one exposed retaining wall of approximately nine feet in height within a portion of the front setback, extending into the public right-of-way.
- The proposed grading is not designed to conserve existing street trees (as defined by BMC Section 12.12.020), and specifically would require removal of a mature Coast live oak street tree and potentially impact the health of a second mature Coast live oak street tree.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.



**DESIGN AND ENGINEERING,
INC.**

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ATTACHMENT B

Item C.

March 10, 2020

Community Development Department
City of Brisbane
50 Park Place, Brisbane, CA 94005

Subject: 338 Kings Road, Brisbane, CA 94005

Dear Planning Commission,

I am requesting consideration of the proposed denial of the application for the property that is the subject of this letter. We filed revised plans, which address concerns regarding the tree impact and driveway width.

Sincerely,

Abraham Zavala
Abraham Zavala, P.E.
RCE 60620 Exp. 12/31/20

the subject property before crossing the property line of 334 Kings Road. A triangular driveway easement for the benefit of the owner of 334 Kings Road ensures the portion of the driveway located within the front yard of 338 Kings Road is maintained free of obstruction to allow access to their property (see applicant's site plan, Attachment D).

The existing home maintains nonconforming front and east side yard setbacks. A lot line adjustment was recorded in 2014 to adjust the lot lines between the subject property and 340 Kings Road to the east to cure prior encroachment of the existing home over the property line as it existed at the time. The encroachment of the home into the public right-of-way will continue without adjustment per the City Engineer.

Project Description

The applicant's grading plan calls for excavation and export of 330 cubic yards of soil from the subject property, and excavation of approximately 61 cubic yards within the public right-of-way, to accommodate the proposed 1,539 sq ft of additions to the home and improvements to the existing shared driveway to fully serve both the subject property and the adjacent property. The additions include a ground floor two-car garage, second level accessory dwelling unit, and upper level additions to the main dwelling, including an uncovered roof deck. (Note: While compliance with all development standards of the R-1 District will be required and verified at building permit check, the proposal appears to comply with applicable development standards including floor lot coverage, and building height.)

Work proposed within the public right-of-way will include excavation to accommodate a widened 20-ft unobstructed travel lane adjacent to the property's frontage, two new street parking spaces within the frontage of the subject property, and improvements to two existing street parking spaces on the north side of the travel lane (between 333 and 339 Kings Road).

The existing 12 ft driveway would be widened, with an approximately 33 ft curb cut allowing for unimpeded access for both properties as well as a new tandem parking space within the driveway. At least one mature street tree (coast live oak), located east of the existing driveway, would need to be removed due to driveway widening within the right-of-way. Per BMC Chapter 12.12, removal of any tree within the right-of-way is subject to approval by the City Engineer. No trees are proposed to be removed on the subject property or other private properties in the vicinity.

The City Engineer has reviewed the grading and site plans and will require full geotechnical reports and engineered grading plans to be submitted prior to building permit issuance. The Building Department and Fire Departments have also reviewed the proposed plans and have imposed conditions of approval to be satisfied at building permit, per the conditions of approval contained in Resolution EX-4-19.

Grading Permit review: In 2003, the Planning Commission adopted guidelines for reviewing grading permit applications that contain findings for permit approval, as described below. With the suggested conditions of approval contained in the attached Resolution, the application **would meet** these findings.

City of Brisbane Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 2/27/2020

SUBJECT: **Grading Review EX-4-19; 338 Kings Road; R-1 Residential District;** Grading Review for approximately 330 cubic yards of soil cut and export to accommodate a new driveway, attached garage, and additions for an existing single-family dwelling on a 6,400 square-foot lot with a 43% slope; Abraham Zavala, applicant; Huang John & Chen Joy Trust, owner.

REQUEST: Recommend the City Engineer issue the grading permit to allow expansion of the existing single-family dwelling, including construction of a garage where no on-site parking currently exists and expansion of an existing shared driveway. The proposed site and grading plan would improve existing access to the neighboring property to the west at 334 Kings by expanding the existing curb cut.

RECOMMENDATION: Recommend the City Engineer issue the grading permit via adoption of Resolution EX-4-19 containing the findings and conditions of approval.

ENVIRONMENTAL DETERMINATION: The project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15301(e) of the CEQA Guidelines. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

APPLICABLE CODE SECTIONS: Grading permit review by the Planning Commission is required for projects involving site grading of 250 CY or more or 50 CY of soil export per BMC §15.01.081.A and BMC §17.32.220. Tree removal regulations are established in BMC Chapter 12.12.

ANALYSIS AND FINDINGS:

Site Description

The 6,400 sq ft property is developed with an existing 1,740 sq ft single-family dwelling. The front lot line is located approximately 15 feet behind and 10 feet above the edge of the existing paved travel lane. The site is accessed from an on-grade stairway within the right-of-way and no dedicated driveway or on-site parking exists. The upslope lot has an approximately 43% slope.

A curb cut in the right-of-way within the subject property's frontage allows driveway access to 334 Kings Road, the adjacent property to the west (see annotated aerial site map and site photos, Attachments B and C). The existing curb cut is located within the frontage of 338 Kings Road, causing the driveway to traverse diagonally in front of the subject property and over a portion of

any street tree associated with the project to fund tree planting in the vicinity or elsewhere in the City.

- The proposed grading complies with the terms of the San Bruno Mountain Area Habitat Conservation Plan Agreement and Section 10(a) Permit, if and as applicable (General Plan Policy 119 and Program 83b).

This finding does not apply as the subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

ATTACHMENTS:

- A. Draft Resolution EX-4-19 with recommended Findings and Conditions of Approval
- B. Aerial site map
- C. Site photos
- D. Applicant's plans



 Julia Ayres, Senior Planner



 John Swiecki, Community Development Director

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- The proposed grading is minimized and designed to reflect or fit comfortably with the natural topography (General Plan Policies 43, 245 & 312 and Program 18a).

The applicant's grading plan would create dedicated street access and off-street parking where none currently exists for the subject property, in compliance with the parking requirements of the R-1 Residential District and within the allowable maximum driveway design requirements of BMC Chapter 17.34 (proposed driveway grade is 18%; maximum driveway grade is 20%). The proposed grade differential within the garage further reduces excavation within the footprint of the addition. Recognizing the existing shared driveway condition, the driveway widening is the minimum necessary to provide unimpeded and code-compliant egress and ingress for both the subject property and neighboring property to the west at 334 Kings Road.

- The proposed grading is designed to avoid large exposed retaining walls (General Plan Policies 43 & 245).

A proposed 10 ft retaining wall largely in the public right-of-way would partially encroach within the front setback, to retain the widened driveway and new entry stairway (refer to sheet C-2 of the applicant's plans, Attachment D). BMC §17.32.050 requires vegetative screening or wall treatments for retaining walls over six feet in height if they are located within a setback area. Conditions of approval A.1 and A.2 in the attached resolution requires that the landscaping plan submitted with the building permit include vegetative screening for this wall such that no more than six feet of the wall (horizontally) is visible, or that the wall is treated with different materials to break up the wall massing in six foot segments. This condition would apply to any additional walls identified after the project undergoes grading permit review by the City Engineer.

It should be noted that a new approximately nine ft tall retaining wall would be constructed within the public right-of-way to provide required on-street parking. Condition of approval A.2 recommends that the City Engineer consider similar treatment measures for new retaining walls within the public right-of-way. Retaining wall design in the right of way is subject to the sole discretion of the City Engineer.

- The proposed grading is designed to conserve existing street trees (as defined by BMC Section 12.12.020), any California Bay, Laurel, Coast Live Oak or California Buckeye trees, and three or more trees of any other species having a circumference of at least 30 inches measured 24 inches above natural grade.

The project will require removal of at least one mature street tree per the current grading plan design (a coast live oak). Another mature coast live oak is likely to be able to be retained, but ultimately its fate would depend on further refinement of the grading plans at time of building and grading permit application. Per the updated tree removal regulations in BMC Chapter 12.12, removal of street trees is solely within the discretion of the City Engineer. Condition of approval B recommends that the City Engineer consider requiring an in-lieu fee to be paid for removal of

BLANK

ATTACHMENT A

G.1.6

G.1.5

ATTACHMENT C
Item C.

DRAFT
EXHIBIT A

Action Taken: Recommended City Engineer issuance of Grading Permit EX-4-19, per the staff memorandum with attachments, via adoption of Resolution EX-4-19.

Findings:

Grading Permit EX-4-19

- As indicated by the applicant’s grading plan and site plan, the proposed excavation is limited to the footprint of the additions and necessary site access from the street, and is the minimum necessary to allow the site to conform to the parking requirements of the R-1 Residential District and design standards contained in Chapter 17.34 of the Municipal Code.
- The proposed grading would result in one exposed retaining wall of approximately nine feet in height within a portion of the front setback, extending into the public right-of-way. With the conditions of approval, the visual impact of this wall would be minimized with vegetative screening or application of varying finish materials or textures to break up the massing of the wall, at the applicant’s option at building permit. Additionally, the conditions of approval recommend that the City Engineer consider requiring other new retaining walls within the public right-of-way to be similarly treated or screened, subject to the discretion of the City Engineer.
- The conditions of approval require that the applicant submit a landscaping plan with the building permit that identifies screening plantings for the retaining wall in the front yard setback, or details the proposed treatment of the wall’s exterior per the conditions of approval. The plan shall additionally demonstrate compliance with the minimum 15% front yard landscaping requirement for the property.
- The subject property is not located within the boundaries of the San Bruno Mountain Area Habitat Conservation Plan.

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Draft
RESOLUTION EX-4-19

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING GRADING PERMIT EX-4-19
FOR DRIVEWAY AND SITE ACCESS IMPROVEMENTS AND ADDITIONS TO
AN EXISTING SINGLE-FAMILY DWELLING AT 338 KINGS ROAD

WHEREAS, Abraham Zavala applied to the City of Brisbane for Grading Permit review to construct additions, including a two-car garage and attached accessory dwelling unit, to an existing single-family dwelling with no off-street parking that will require approximately 330 cubic yards of soil excavation and export from the site at 338 Kings Road, such application being identified as EX-4-19; and

WHEREAS, on February 27, 2020, the Planning Commission conducted a hearing of the application, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said application, and the written and oral evidence presented to the Planning Commission in support of and in opposition to the application; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; pursuant to Section 15301(e) of the State CEQA Guidelines; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein, as Exhibit A, in connection with the requested Grading Permit review;

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of February 27, 2020 did resolve as follows:

City Engineer issuance of Grading Permit EX-4-19 is recommended by the Planning Commission in compliance with the conditions of approval attached herein as Exhibit A.

ADOPTED this 27th day of February, 2020, by the following vote:

AYES:
NOES:
ABSENT:

Pamala Sayasane
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

Item C.

- H. Drawings depicting all work completed and proposed shall be provided to the satisfaction of the City. Exposure of covered work may also be required to demonstrate compliance with building code requirements.
- I. The permittees agree to indemnify, defend and hold the City and its officers, officials, boards, commissions, employees and volunteers harmless from and against any claim, action or proceeding brought by any third party to attack, set aside modify or annul the approval, permit or other entitlement given to the applicant, or any of the proceedings, acts, or determinations taken, done or made prior to the granting of such approval, permit, or entitlement.
- J. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.

DRAFT

Conditions of Approval:Prior to Issuance of a Building Permit

- A. The applicant shall obtain a building permit and a grading permit prior to proceeding with construction. The project plans shall comply with all development standards of the R-1 District. Plans submitted for the building and grading permits shall substantially conform to plans on file in this application EX-4-19 in the City of Brisbane Planning Department, with the following modifications:
1. A landscape plan shall be submitted demonstrating compliance with the requirements of Brisbane Municipal Code §17.06.040.I, to the satisfaction of the Planning Director. The plan shall incorporate water-conserving, non-invasive landscaping to comply with the minimum front yard landscaping requirements.
 2. All on-site exposed retaining walls exceeding six feet in exposed height from grade in the shall be either planted with screening plantings such that no more than six (6) feet of the height of the retaining wall will remain visible, or varying treatment and materials at six foot horizontal intervals may be incorporated into the wall design. The chosen screening method shall be subject to review and approval by the Community Development Director. The City Engineer is encouraged to require similar treatment of new walls within the public right-of-way.
 3. Plans submitted for grading permit review shall be subject to standard review procedures by the Department of Public Works.
- B. Subject to approval by the City Engineer, the applicant may be required to pay an in-lieu fee for any street tree to be removed due to proximity to or location within the footprint of proposed street widening or other improvements.
- C. Prior to issuance of a building permit, the applicant shall obtain an encroachment permit from the Department of Public Works for all proposed construction activity and private improvements within the public right-of-way.
- D. Prior to issuance of a building permit, the property owner shall enter into a standard landscape maintenance agreement with the City.
- E. Prior to issuance of a building permit, an agreement shall be recorded between the owner and the City whereby the owner waives the right to protest the inclusion of the property within an underground utility district.

Other Conditions

- F. All glass shall be nonreflective, and all exterior lighting shall be located so as not to cast glare upward or onto surrounding streets or properties.
- G. Water and sanitary sewer service and storm drainage details shall be subject to approval by the City Engineer.

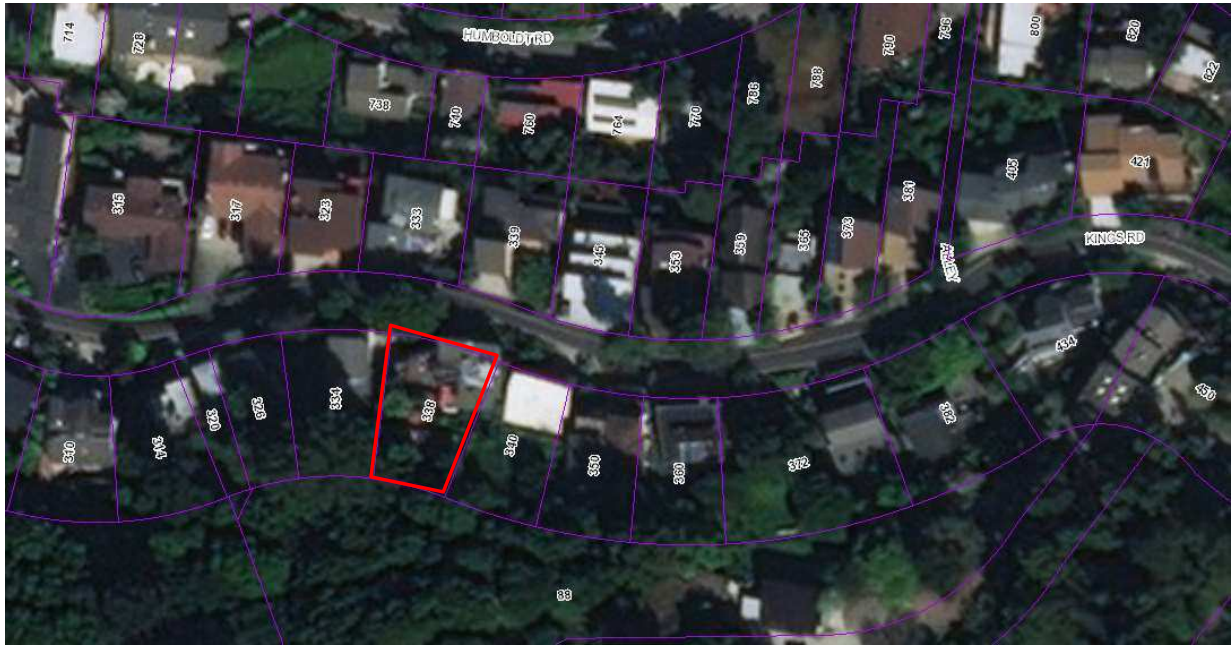
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ATTACHMENT B

G.1.12

G.1.11

ATTACHMENT C
Item C.



G.1.13

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G.1.14

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ATTACHMENT C

G.1.16

G.1.15



Above: Street tree to be removed to accommodate driveway and street widening



Above: View of the property from Kings Road looking west

Below: View of the property from Kings Road looking southeast

23

Below: Approximate location of proposed new on-street parking space within property frontage



G.1.18



G.1.17



Above: Area of on-street parking improvement (two spaces) between 333 and 339 Kings Road.

Below: View of home from Kings Road looking west



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ATTACHMENT D

G.1.22

G.1.21



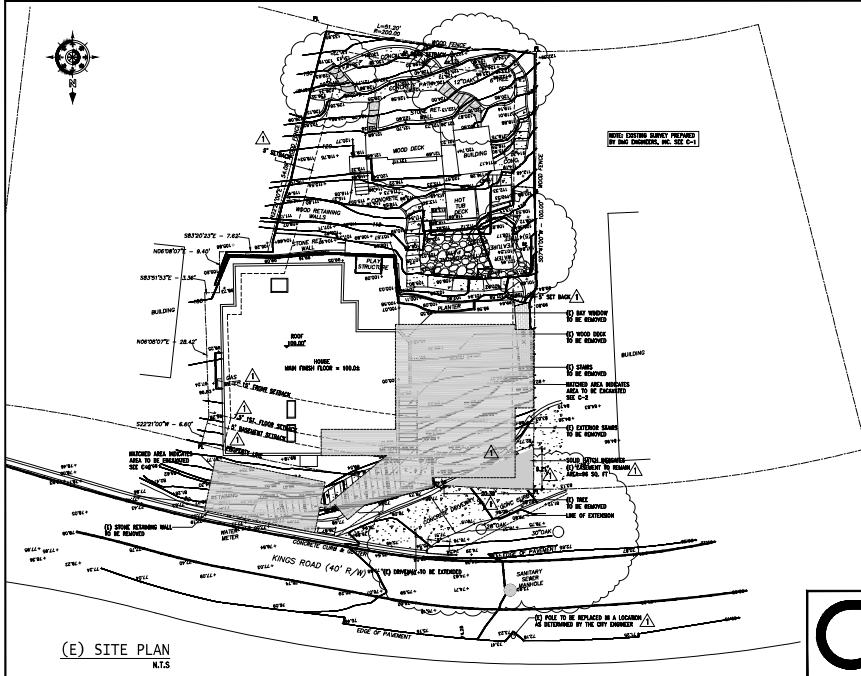
338 KINGS RD., BRISBANE, CALIFORNIA 94005
APR#: 0097-471-1470
(E) LOT AREA: ± 8,690 SQ.FT.
ZONE DISTRICT: R-1
OCCUPANCY CLASS: R-3/U
TYPE OF CONSTRUCTION: V-3
FIRE SPRINKLERS: NO
NUMBER OF BUILDINGS: 1
(E) STORIES: 2
(X) STORES: 2+BASEMENT
OWNER(S) INFORMATION:
NAME: JOHN HUANG
338 KINGS RD., BRISBANE, CALIFORNIA 94005

1. ADD NEW 2 CAR GARAGE DETACHED FROM EXISTING HOUSE.
2. ADD NEW 1 UNIT INTERIOR REMODEL.
3. REMODEL EXISTING ONE UNIT INTERIOR REMODEL.
4. ADD NEW ELEVATOR TO CONNCT 1ST FLOOR TO GARAGE.
5. ADD NEW 2 PARKING SPACES ALONG STREET.
AREAS
EXISTING BUILDING
SECOND FLOOR
HOUSE
-LIVABLE AREA=1,501 SQ.FT -LIVABLE AREA=1,670 SQ.FT
-DECK AREA= 545 SQ.FT
FIRST FLOOR
-LIVABLE AREA=318 SQ.FT -LIVABLE AREA= 281 SQ.FT
BASEMENT FLOOR
-GARAGE AREA= 788 SQ.FT
TOTAL LIVABLE=1,819 SQ.FT TOTAL LIVABLE=1,951 SQ.FT
DECK AREA= 545 SQ.FT
GARAGE AREA= 788 SQ.FT
GRAND TOTAL= 3,164 SQ.FT
NEW A.D.U
-A.D.U AREA= 860 SQ.FT

ARCHITECTURAL
1. SITE PLAN AND PROJECT INFORMATION
2. (E) ARCHITECTURAL FLOOR PLAN
A-1.1 (C)
A-1.2 (C)
A-2 (C)
A-2.1 (C)
A-2.2 (C)
A-2.3 (C)
A-3 (N) SCHEMATIC CROSS SECTION
A-3.1 (N) SCHEMATIC CROSS SECTION
CIVIL
C-1 TOPOGRAPHIC AND BOUNDARY SURVEY
C-2 PROPOSED GRADING PLAN

Item C.

338 KINGS RD., BRISBANE, CALIFORNIA 94005



MATERIALS	
	ADORNIC TILE ON BOARD
	BRANDED CONCRETE
	CERAMIC TILE
	CONCRETE
	CONCRETE BLOCK
	EARTH
	GLASS
	METAL
	METAL MESH
	PLASTIC LAMINATE
	PLYWOOD
	WOOD PANELING
	WOOD PANELING DISCONTINUED
	WOOD PANELING
SITE PLAN LEGEND:	
	JOINT POWER POLE
	WATER METER
	FIRE HYDRANT
	GAS VALVE
	WATER VALVE
	WATER LINE
	GAS LINE
	SANITARY SEWER LINE
	OVERHEAD ELECTRIC

SYMBOLS	
	NOTE MARK
	DOOR MARK
	WINDOW MARK
	LOWER MARK
	SECTION MARK
	SECTION CUT MARK
	ELEVATION MARK
	ELEVATION SECTION MARK
	SECTION MARK

APPLICABLE CODES	
2016 CALIFORNIA BUILDING CODE (BASED ON 2015 INTERNATIONAL BUILDING CODE)	
2016 CALIFORNIA ELECTRICAL CODE (BASED ON 2014 NATIONAL ELECTRICAL CODE)	
2016 CALIFORNIA PLUMBING CODE (BASED ON 2015 UNIFORM PLUMBING CODE)	
2016 CALIFORNIA MECHANICAL CODE (BASED ON 2015 UNIFORM MECHANICAL CODE)	
2016 CALIFORNIA ENERGY CODE	
2016 CALIFORNIA EXISTING BUILDING CODE	
2016 CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE)	
2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE)	
2016 CALIFORNIA GREEN BUILDING STANDARDS CODE	
2015 INTERNATIONAL EXISTING BUILDING CODE	

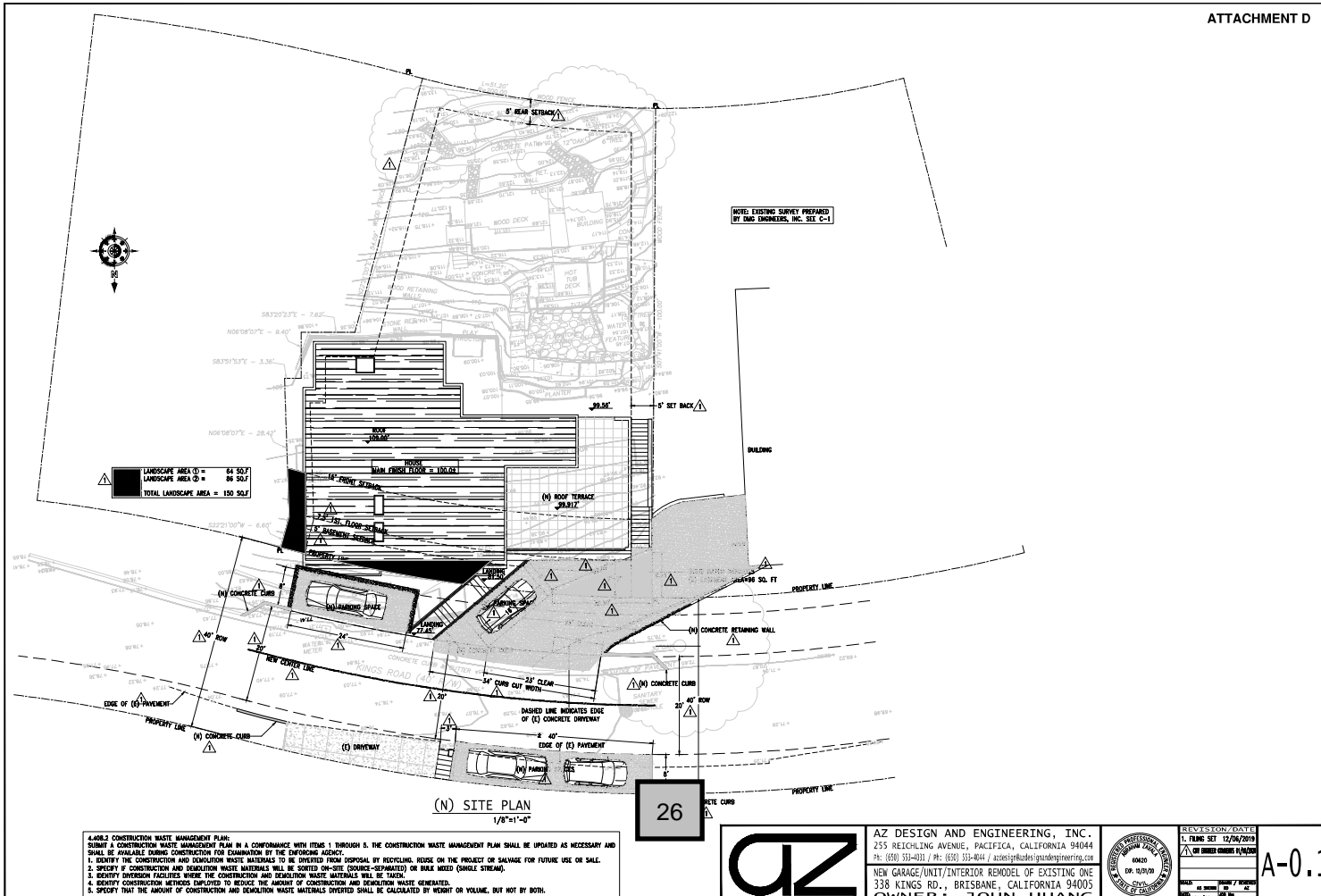
NOTES

SECTION 1: THESE PLANS ARE PREPARED BY THE ARCHITECT AND ENGINEER, INC. (AZ DESIGN AND ENGINEERING, INC.) AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY OTHER USE OF THESE PLANS IS PROHIBITED. THE ARCHITECT AND ENGINEER, INC. DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREIN, NOR DOES IT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT AND ENGINEER, INC. SHALL NOT BE RESPONSIBLE FOR THE PERFORMANCE OF THE PROJECT OR THE PERFORMANCE OF THE CONTRACTOR OR SUBCONTRACTOR. THE ARCHITECT AND ENGINEER, INC. SHALL NOT BE RESPONSIBLE FOR THE PERFORMANCE OF THE PROJECT OR THE PERFORMANCE OF THE CONTRACTOR OR SUBCONTRACTOR.

AZ DESIGN AND ENGINEERING, INC.
 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044
 Ph: (650) 333-4011 / Fx: (650) 333-4014 / azdesign@azdesignengineering.com

NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE
 338 KINGS RD., BRISBANE, CALIFORNIA 94005
 OWNER: JOHN HUANG

A-0



4.002 CONSTRUCTION WASTE MANAGEMENT PLAN:
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE AVAILABLE DURING CONSTRUCTION FOR EXAMINATION BY THE ENFORCING AGENCY.

1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.

2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE SORTED ON-SITE (DRAWING-SEPARATED) OR OFF-SITE (SHRINK WRAP).

3. IDENTIFY DIVERSION FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE TAKEN.

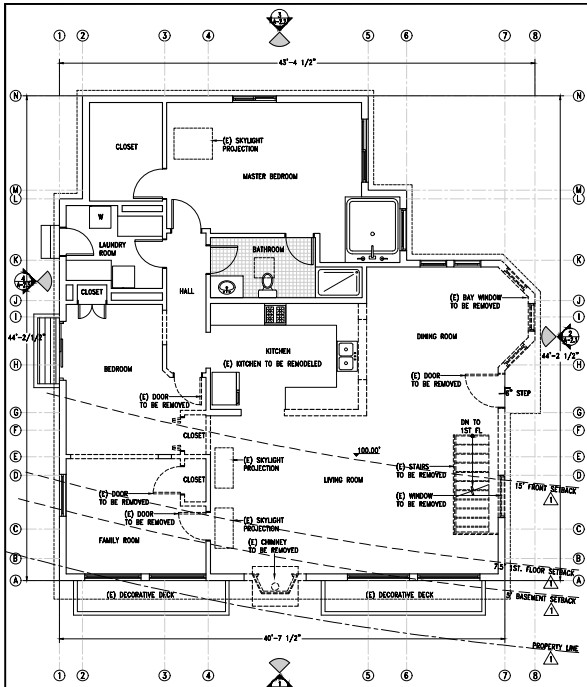
4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED.

5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.

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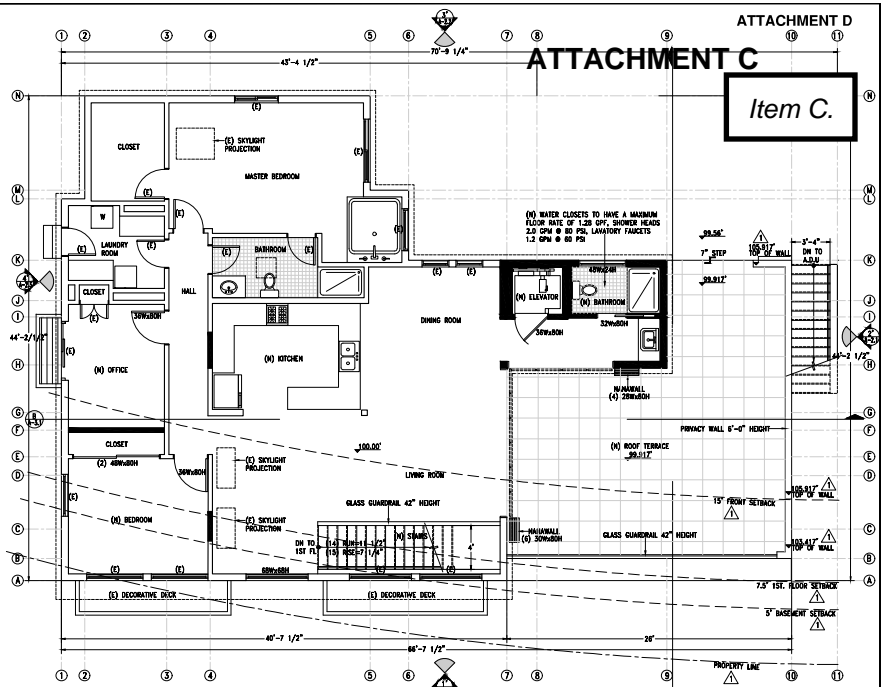
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(E) SECOND FLOOR PLAN
1/4"=1'-0"

WALL LEGEND	
(Solid line)	(1) WALL TO REMAIN
(Dashed line)	(2) WALL TO BE REMOVED
(Dotted line)	(3) WALL TO BE REMOVED
(Thick solid line)	(4) WALL

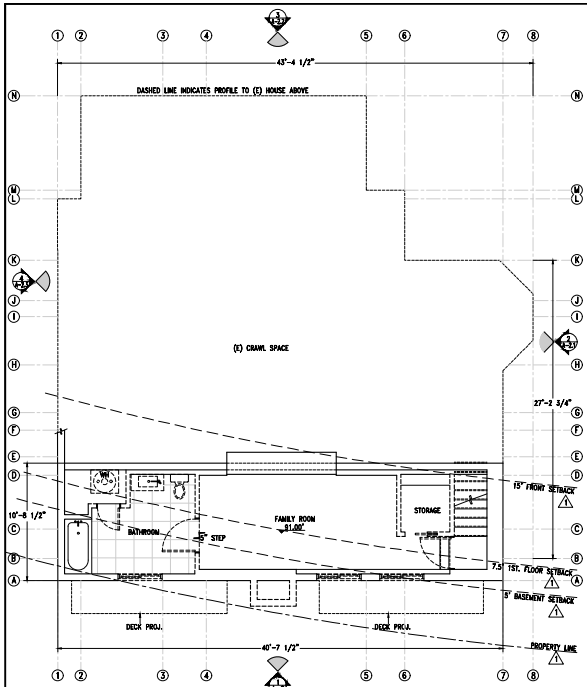
- 4.002 CONSTRUCTION WASTE MANAGEMENT PLAN:
 SUBMIT A CONSTRUCTION WASTE MANAGEMENT PLAN IN A CONFORMANCE WITH ITEMS 1 THROUGH 5. THE CONSTRUCTION WASTE MANAGEMENT PLAN SHALL BE UPDATED AS NECESSARY AND SHALL BE MANAGED DURING CONSTRUCTION FOR EXAMINATION BY THE SURVEYING AGENCY.
 1. IDENTIFY THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS TO BE DIVERTED FROM DISPOSAL BY RECYCLING, REUSE ON THE PROJECT OR SALVAGE FOR FUTURE USE OR SALE.
 2. SPECIFY IF CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE SORTED ON-SITE (SOURCE-SEPARATED) OR MUST BE SORTED (SINGLE STREAM).
 3. IDENTIFY DIVERSION FACILITIES WHERE THE CONSTRUCTION AND DEMOLITION WASTE MATERIALS WILL BE TAKEN.
 4. IDENTIFY CONSTRUCTION METHODS EMPLOYED TO REDUCE THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE GENERATED.
 5. SPECIFY THAT THE AMOUNT OF CONSTRUCTION AND DEMOLITION WASTE MATERIALS DIVERTED SHALL BE CALCULATED BY WEIGHT OR VOLUME, BUT NOT BY BOTH.



(N) SECOND FLOOR PLAN
1/4"=1'-0"

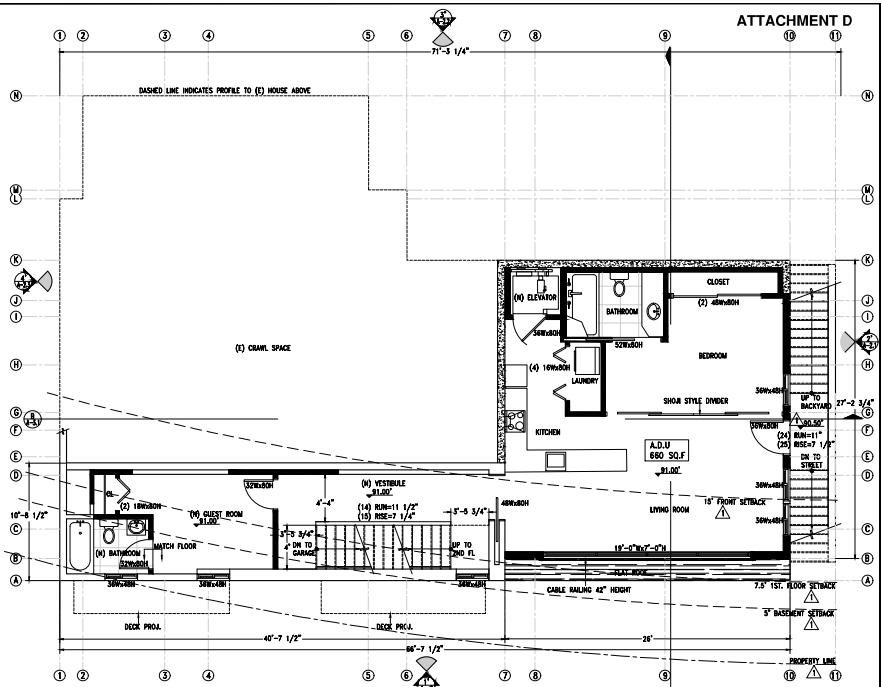
- PER 2018 CALIFORNIA SECTION 301: THE MANDATORY PROVISIONS OF CHAPTER 4 SHALL BE APPLIED TO ADDITIONS OR ALTERATIONS OF EXISTING RESIDENTIAL BUILDINGS. THE REQUIREMENTS SHALL APPLY ONLY TO AND/OR WITHIN THE SPECIFIC AREA OF THE ADDITION OR ALTERATION.
 * TO PROVIDE WATER CONCERNING PLUMBING FIXTURES AND FITTINGS PER CODE 4.502 THESE INCLUDE MAXIMUM 1.28 GPM FOR WATER CLOSETS, MAXIMUM 2.0 GPM AT 80 PSI FOR SINGLE SHOWERS/HEADS, COMBINED FLOW RATE OF MULTIPLE SHOWERS/HEADS TO NOT EXCEED 2.0 GPM AT 80 PSI, MAXIMUM 1.2 GPM AT 80 PSI FOR LAUNDRY FIXTURES, MAXIMUM 1.8 GPM AT 80 PSI AT SINKS/FIXTURES.
 * DUCT SYSTEMS ARE SEED, RESIDENTIAL, AND EQUIPMENT IS SELECTED PER SECTION 4.507.2. HVAC SYSTEM INSTALLERS MUST BE TRAINED AND CERTIFIED AND SPECIAL INSPECTORS EMPLOYED BY THE SURVEYING AGENCY MUST BE CONSULTED.
 * SHOW COMPLIANCE WITH CALIFORNIA SECTION 4.506.1 FOR BATHROOM EXHAUST FANS. EACH BATHROOM SHALL BE MECHANICALLY VENTILATED WITH AN ENERGY STAR EXHAUST FAN, AND FAN MUST BE CONTROLLED BY A HUMIDITY CONTROL (4.506.1).
 * PROTECT ANNUAL SPACES AROUND PIPES, ELECTRICAL CABLES, CONDOLTS OR OTHERS OPENINGS AT EXTERIOR WALLS AGAINST PASSAGE OF ROOSTERS (4.504.1).
 * COVER DUCTS OPENINGS AND OTHERS RELATED AN DISTRIBUTION COMPONENT OPENINGS DURING CONSTRUCTION (4.504.1).
 * ADHESIVE SEALANTS AND CAULKES SHALL BE COMPLIANT WITH VOC AND OTHER TOXIC COMPOUND LIMITS (4.504.2).
 * PAINTS, STAINES AND OTHERS COATINGS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.2.2).
 * AEROSOL PAINTS AND COATINGS SHALL BE COMPLIANT WITH PRODUCT WEIGHTED MFP LIMITS FOR VOC AND OTHER TOXIC COMPOUNDS (4.504.2.3).
 * VERIFICATION OF COMPLIANCE SHALL BE PROVIDED.
 * CARPET AND CARPET SYSTEMS SHALL BE COMPLIANT WITH VOC LIMITS (4.504.3).
 * MINIMUM 90 % OF FLOOR AREA RECEIVING RESIDENT FLOORING SHALL BE COMPLIANT WITH SECTION 4.504.4.
 * PARTICULATEBOARD, MEDIUM DENSITY FIBERBOARD (MDF) AND HARDWOOD PLYWOOD USED IN INTERIOR FINISH SYSTEMS SHALL COMPLY WITH LOW FORMALDEHYDE EMISSION STANDARDS (4.504.5).
 * INSTALL CAPSULTY BREAK AND WAPOR RETARDER AT SLAB ON GRADE FOUNDATIONS (4.505.3).
 * CHECK MOISTURE CONTENT OF BUILDING MATERIALS USED IN WALL AND FLOOR FRAMING BEFORE ENCLOSURE (4.505.3).

	AZ DESIGN AND ENGINEERING, INC. 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044 Ph: (850) 333-0011 / Ph: (850) 333-0014 / azdesign@azdesignengineering.com		A-1
	NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE 338 KINGS RD., BRISBANE, CALIFORNIA 94005 OWNER: JOHN HUANG		
	RECEIVED FOR DATE 1. PLUMB SET 12/06/2018 2. A/C BIDDING COMING 1/10/2019 3. ELECTRICAL SET 1/10/2019 4. MECHANICAL SET 1/10/2019 5. CIVIL SET 1/10/2019		
	6. 11/10/2018 7. 11/10/2018 8. 11/10/2018		



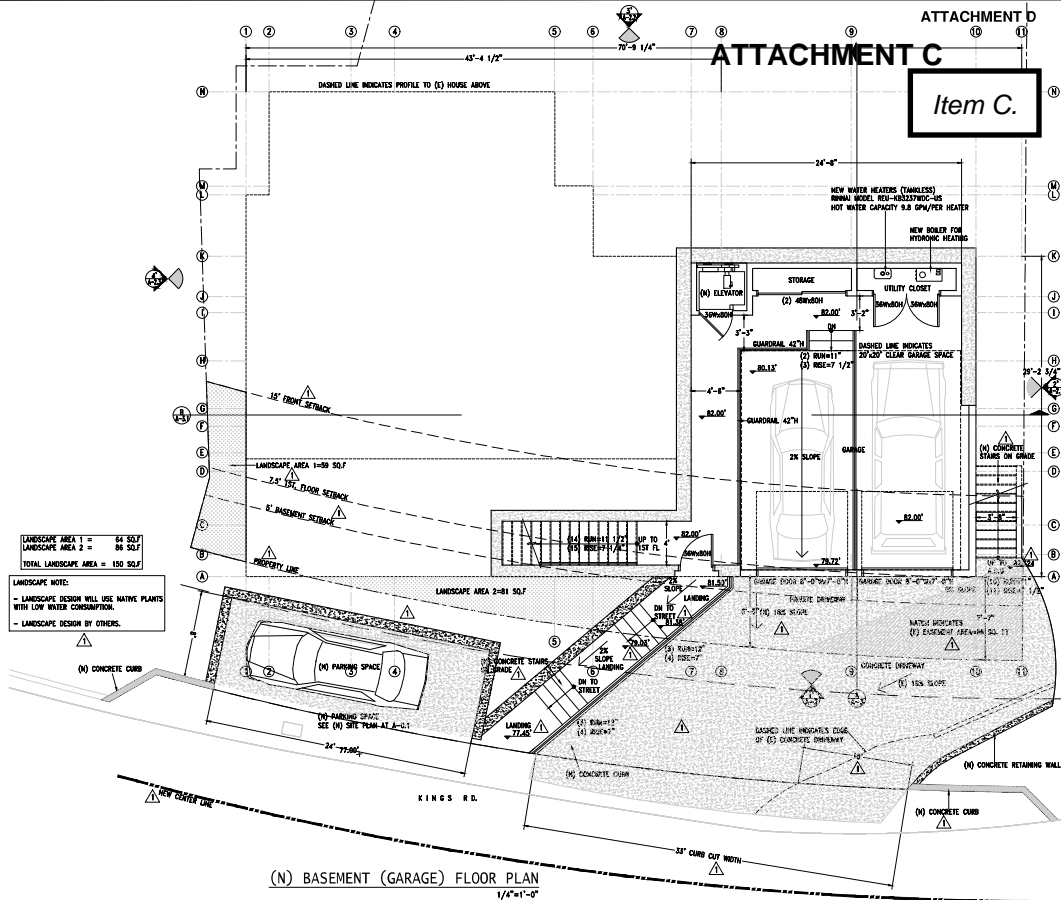
(E) FIRST FLOOR PLAN
1/4"=1'-0"

WALL LEGEND	
(Solid line)	(1) WALL TO REMAIN
(Dashed line)	(2) WALL TO BE REMOVED
(Dotted line)	(3) WALL TO BE REMOVED
(Thick solid line)	(4) WALL
(Thick dashed line)	(5) CONCRETE WALL



(N) FIRST FLOOR PLAN
1/4"=1'-0"

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	6. 11/10/2018 7. 11/10/2018 8. 11/10/2018		



(N) BASEMENT (GARAGE) FLOOR PLAN
1/4"=1'-0"



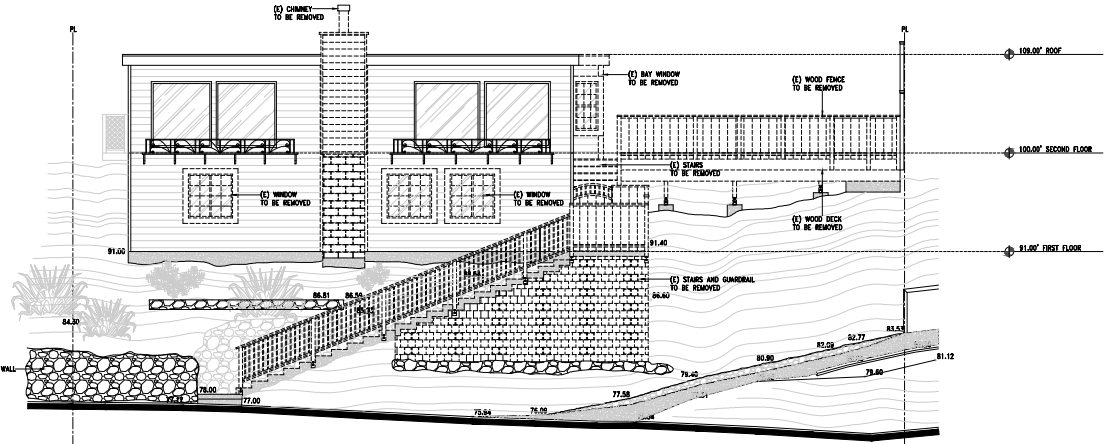
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NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE
338 KINGS RD., BRISBANE, CALIFORNIA 94005
OWNER: JOHN HUANG



REVISION NO.	DATE	DESCRIPTION
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100	01/09/2019	CONCRETE

A-1.2

G.1.27



1. (E) NORTH (FRONT) ELEVATION
1/4"=1'-0"



1'. (N) NORTH (FRONT) ELEVATION
1/4"=1'-0"

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AZ DESIGN AND ENGINEERING, INC.
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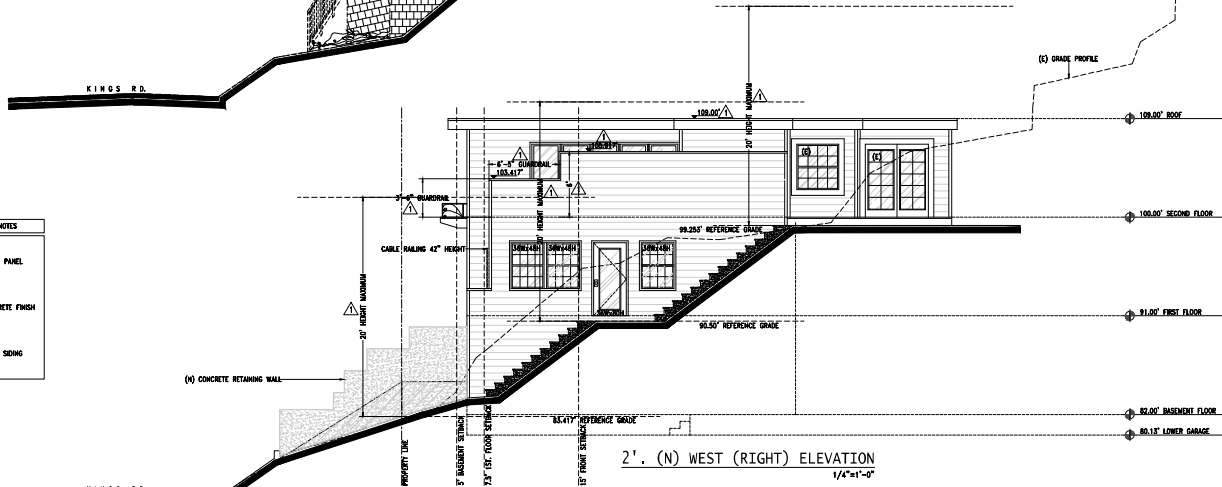
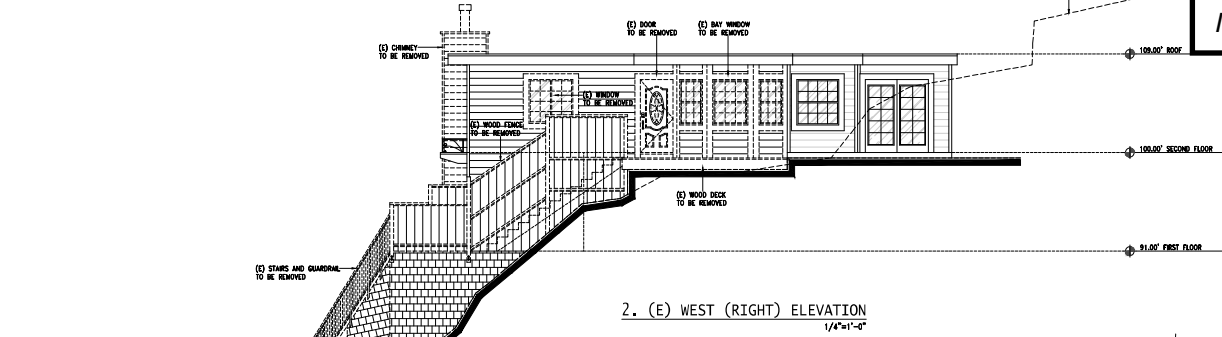
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76	01/09/2019	CONCRETE
77	01/09/2019	LANDSCAPE
78	01/09/2019	MECHANICAL
79	01/09/2019	ELECTRICAL
80	01/09/2019	CONCRETE
81	01/09/2019	LANDSCAPE
82	01/09/2019	MECHANICAL
83	01/09/2019	ELECTRICAL
84	01/09/2019	CONCRETE
85	01/09/2019	LANDSCAPE
86	01/09/2019	MECHANICAL
87	01/09/2019	ELECTRICAL
88	01/09/2019	CONCRETE
89	01/09/2019	LANDSCAPE
90	01/09/2019	MECHANICAL
91	01/09/2019	ELECTRICAL
92	01/09/2019	CONCRETE
93	01/09/2019	LANDSCAPE
94	01/09/2019	MECHANICAL
95	01/09/2019	ELECTRICAL
96	01/09/2019	CONCRETE
97	01/09/2019	LANDSCAPE
98	01/09/2019	MECHANICAL
99	01/09/2019	ELECTRICAL
100	01/09/2019	CONCRETE

A-2

G.1.28

ATTACHMENT C

Item C.



MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING



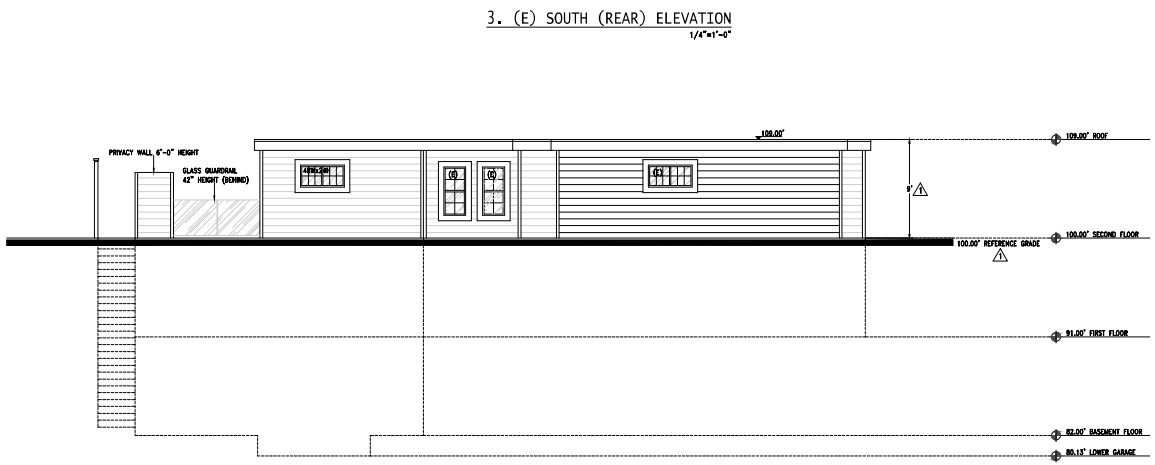
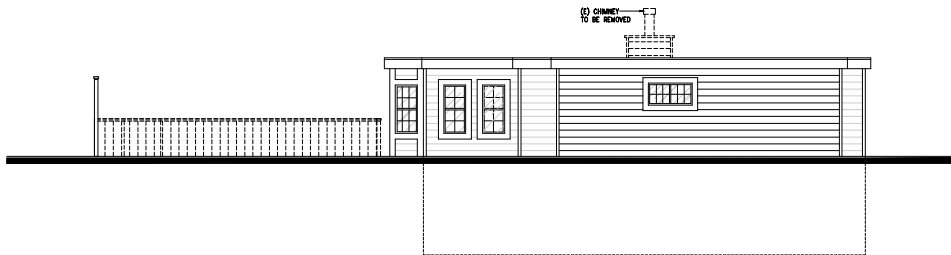
AZ DESIGN AND ENGINEERING, INC.
 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044
 Ph: (650) 333-4031 / Fx: (650) 333-8044 / azdesign@azdesignengineering.com
 NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE
 338 KINGS RD., BRISBANE, CALIFORNIA 94005
 OWNER: JOHN HUANG



REVISIONS/DATE	
1.	PLUMB SET 12/06/2018
2.	BY JOHN HUANG 12/06/2018
3.	BY JOHN HUANG 12/06/2018
4.	BY JOHN HUANG 12/06/2018
5.	BY JOHN HUANG 12/06/2018
6.	BY JOHN HUANG 12/06/2018
7.	BY JOHN HUANG 12/06/2018
8.	BY JOHN HUANG 12/06/2018
9.	BY JOHN HUANG 12/06/2018
10.	BY JOHN HUANG 12/06/2018

A-2.1

G.1.25



MATERIAL KEYNOTES	
	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

29



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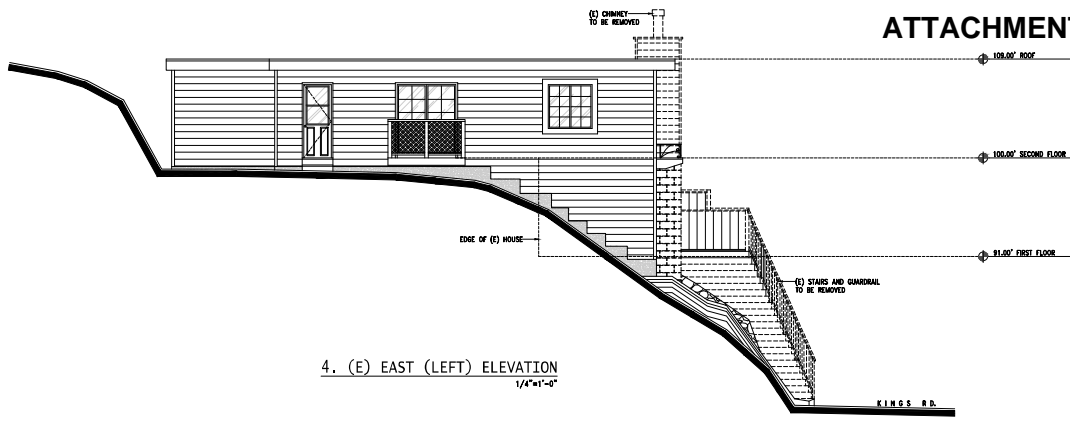


REVISIONS/DATE	
1.	PLUMB SET 12/06/2018
2.	BY JOHN HUANG 12/06/2018
3.	BY JOHN HUANG 12/06/2018
4.	BY JOHN HUANG 12/06/2018
5.	BY JOHN HUANG 12/06/2018
6.	BY JOHN HUANG 12/06/2018
7.	BY JOHN HUANG 12/06/2018
8.	BY JOHN HUANG 12/06/2018
9.	BY JOHN HUANG 12/06/2018
10.	BY JOHN HUANG 12/06/2018

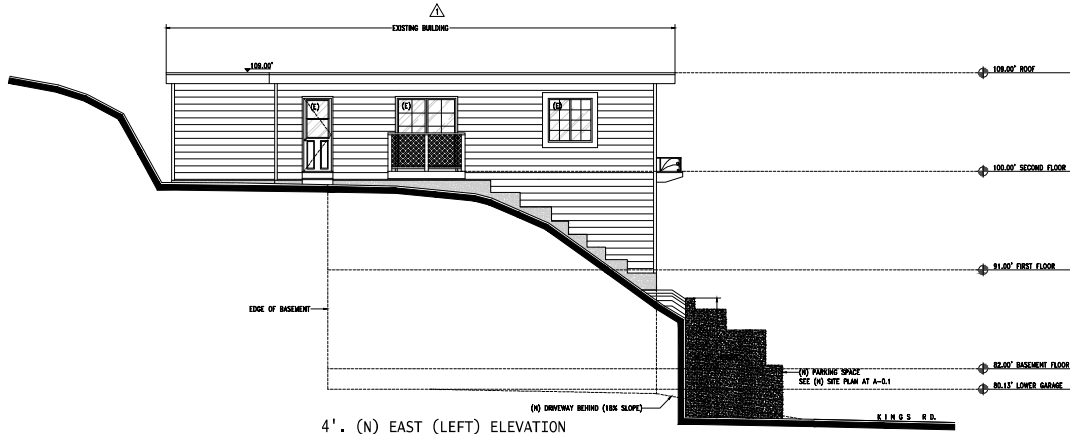
A-2.2

ATTACHMENT C

Item C.



4. (E) EAST (LEFT) ELEVATION
1/4"=1'-0"



4. (N) EAST (LEFT) ELEVATION
1/4"=1'-0"

MATERIAL KEYNOTES

	GLASS PANEL
	CONCRETE FINISH
	WOOD SIDING

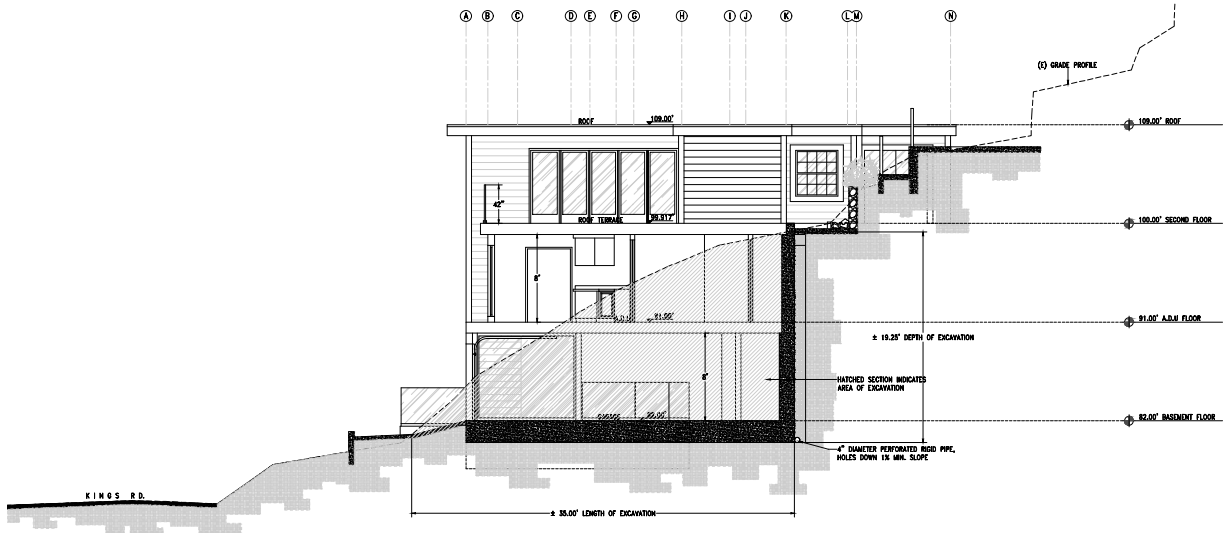


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 338 KINGS RD., BRISBANE, CALIFORNIA 94005
 OWNER: JOHN HUANG



REVISION/DATE	
1. PLUMB SET 12/06/2018	
2. CEILING CHANGES 1/1/2019	
3. REVISED PER COMMENTS 1/1/2019	
4. REVISED PER COMMENTS 1/1/2019	
5. REVISED PER COMMENTS 1/1/2019	
6. REVISED PER COMMENTS 1/1/2019	
7. REVISED PER COMMENTS 1/1/2019	
8. REVISED PER COMMENTS 1/1/2019	
9. REVISED PER COMMENTS 1/1/2019	
10. REVISED PER COMMENTS 1/1/2019	

A-2.3



(N) SCHEMATIC LONGITUDINAL CROSS SECTION A
1/4"=1'-0"

30

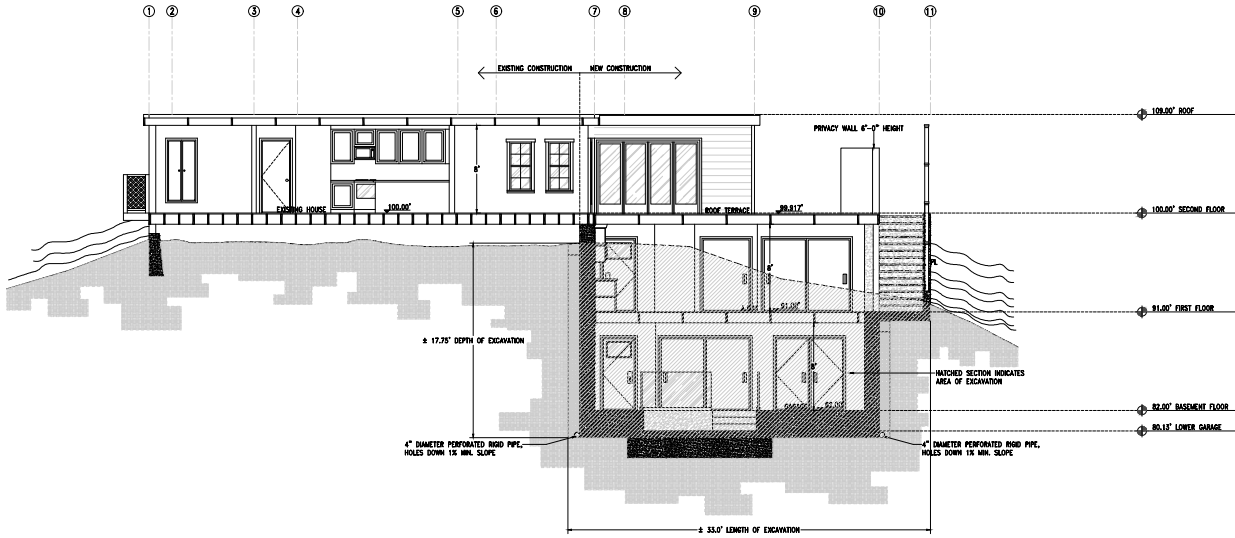


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 Ph: (650) 333-4033 / Fx: (650) 333-4044 / azdesign@azdesignengineering.com
 NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE
 338 KINGS RD., BRISBANE, CALIFORNIA 94005
 OWNER: JOHN HUANG



REVISION/DATE	
1. PLUMB SET 12/06/2018	
2. CEILING CHANGES 1/1/2019	
3. REVISED PER COMMENTS 1/1/2019	
4. REVISED PER COMMENTS 1/1/2019	
5. REVISED PER COMMENTS 1/1/2019	
6. REVISED PER COMMENTS 1/1/2019	
7. REVISED PER COMMENTS 1/1/2019	
8. REVISED PER COMMENTS 1/1/2019	
9. REVISED PER COMMENTS 1/1/2019	
10. REVISED PER COMMENTS 1/1/2019	

A-3



(N) SCHEMATIC TRANSVERSAL CROSS SECTION B
1/4"=1'-0"

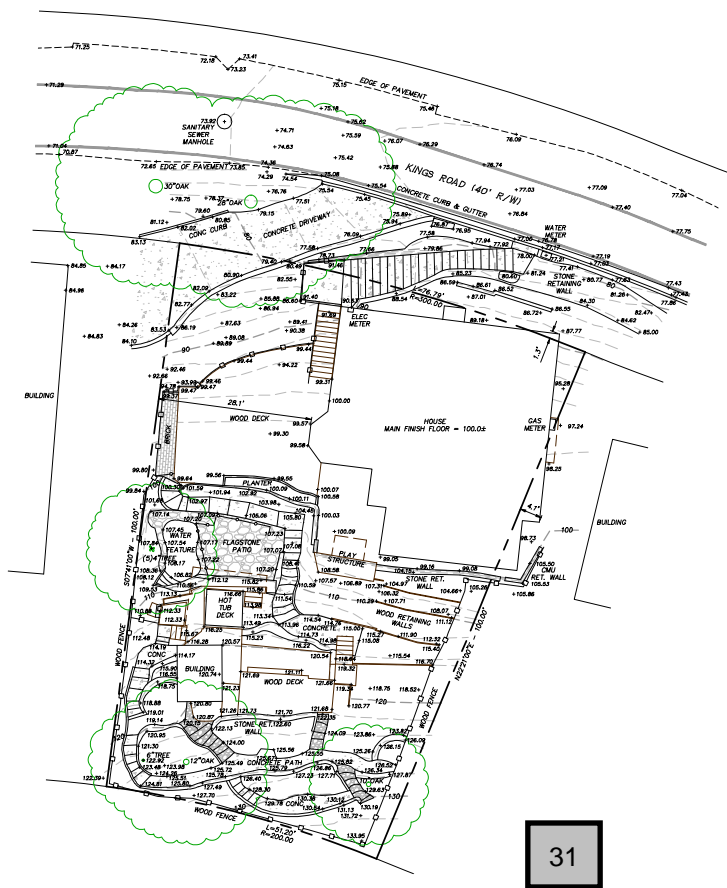


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 255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044
 Ph: (650) 331-0011 / Fax: (650) 331-0044 / azdesign@azdesignengineering.com
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 338 KINGS RD., BRISBANE, CALIFORNIA 94005
 OWNER: JOHN HUANG

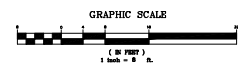


REVISION/DATE	1. FILED SET 12/04/2019
BY	DR. DILAN M. GONSALVES
DATE	09.12.2019
SCALE	AS SHOWN
PROJECT	338 KINGS RD. BRISBANE, CA
DATE	NOV/2019

A-3.1



TOPOGRAPHIC AND BOUNDARY SURVEY
 338 KINGS ROAD
 CITY OF BRISBANE
 SAN MATEO COUNTY - CALIFORNIA
 SCALE: 1 INCH = 8 FEET
 MAY 2019



LOT AREA:
6,400.00 SQUARE FEET

ASSESSOR PARCEL NUMBER:
007-471-170

LEGAL DESCRIPTION
 LOTS 33, 34, 35, BLOCK 51, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "AMENDED MAP OF SUBDIVISION NO. 1, 2 AND 3 OF CITY OF HISTORICAL CALIFORNIA," FILED FOR RECORD ON OCTOBER 4, 1906, IN THE OFFICE OF THE COUNTY RECORDER OF SAN MATEO COUNTY, STATE OF CALIFORNIA, IN VOLUME 6 OF MAPS AT PAGE 45.

- NOTES:
- CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
 - BASE OF ELEVATIONS: ELEVATIONS SHOWN ARE ON AN ASSUMED DATUM. MAIN FINISH FLOOR AT FRONT ENTRY = 100.00.
 - NO TITLE REPORT WAS FURNISHED IN THE COURSE OF THIS SURVEY, THEREFORE EASEMENTS, IF ANY, HAVE NOT BEEN SHOWN.
 - 2' CONTOUR INTERVAL.

SURVEYOR'S STATEMENT

THIS MAP CORRECTLY REPRESENTS A TOPOGRAPHIC AND BOUNDARY SURVEY MADE BY ME OR UNDER MY DIRECTION AT THE REQUEST OF:

JOHN HUANG IN: MARCH 2019

I HEREBY STATE THAT THE TOPOGRAPHIC AND BOUNDARY SURVEY SHOWN ON THIS MAP IS BASED UPON A SURVEY MADE BY ME, DILAN M. GONSALVES, PLS 0075.

ON MAY 8, 2019

I FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.

Dilan M. Gonsalves 5-14-2019
 DATE



DMG ENGINEERING, Inc
 30 OAKVUE COURT
 PLEASANT HILL, CA 94523
 PHONE: (925) 787-0463
 FAX: (925) 287-8503

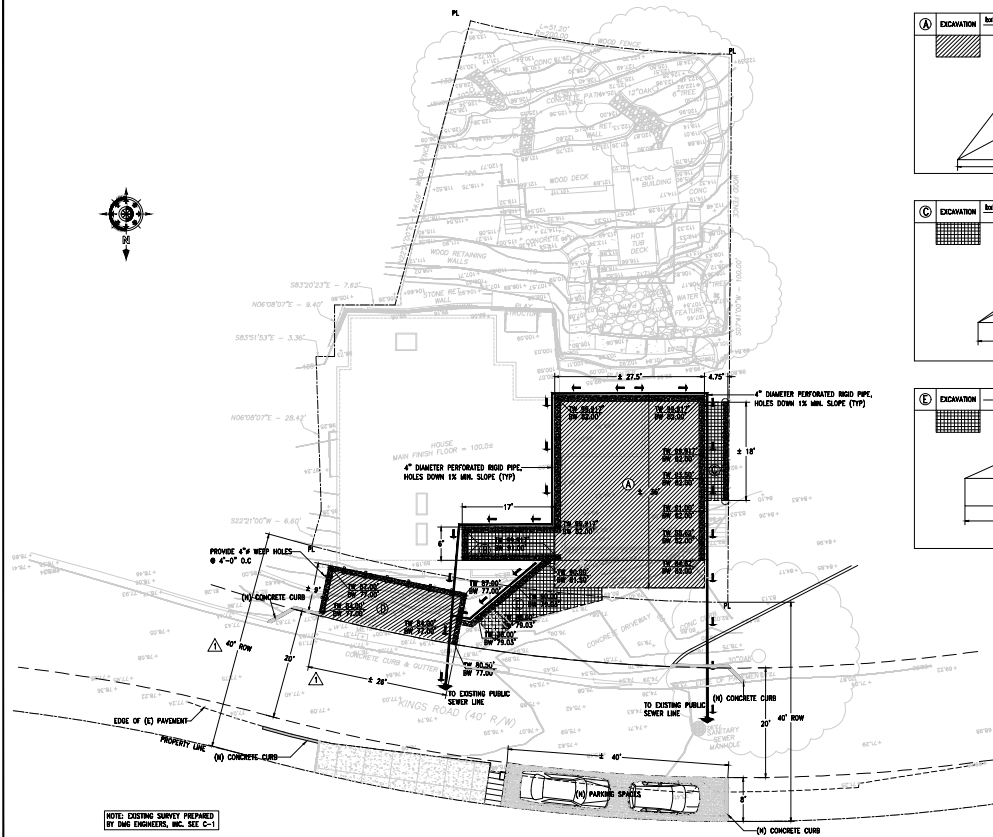
RESTRICTED ENGINEERING DRAWINGS
 The information, plans, designs, notes and instruments reproduced hereon are the property of DMG ENGINEERING, Inc. and shall not be used, copied, reproduced or transmitted in any form without the expressed written consent of DMG ENGINEERING, Inc. Any unauthorized use or disclosure of this information may result in legal action.

NO.	DATE	REVISIONS	DESCRIPTION

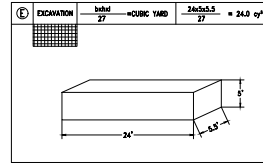
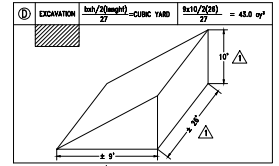
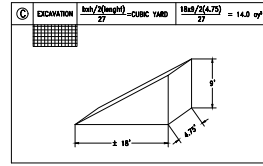
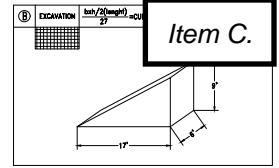
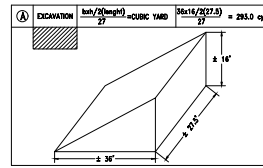
TOPOGRAPHIC AND BOUNDARY SURVEY
 338 KINGS ROAD
 CITY OF BRISBANE - CALIFORNIA
 SCALE: 1 INCH = 8 FEET
 MAY 2019

SHEET 1 OF 1 SHEETS
 ORIGINAL: 5-14-2019
 REVISED:
 COR: 18-58

ATTACHMENT C



PROPOSED GRADING PLAN
1/8"=1'-0"



GRADING DATA (CUBIC YARD)	
MK	EXCAVATION
①	293.00
②	17.00
③	14.00
④	43.00
⑤	24.00
GRAND TOTAL=391.0 CUBIC YARDS	

NOTE: EXISTING SURVEY PREPARED BY DMS ENGINEERS, INC. SEE C-1



AZ DESIGN AND ENGINEERING, INC.
255 REICHLING AVENUE, PACIFICA, CALIFORNIA 94044
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NEW GARAGE/UNIT/INTERIOR REMODEL OF EXISTING ONE
338 KINGS RD., BRISBANE, CALIFORNIA 94005
OWNER: JOHN HUANG



REVISIONS / DATE
1. PLUMB SET 12/06/2018
2. CIVIL ENGINE 1/14/2019

C-2

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City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 5/14/2020

SUBJECT: Zoning Text Amendment RZ-1-20; Zoning Text Amendments to update the City’s existing Accessory Dwelling Unit (ADU) regulations and increase the Floor Area Ratio (FAR) exemption for covered parking on small lots to 400 square feet; City of Brisbane, applicant; Citywide.

REQUEST: Recommend City Council adoption of proposed zoning text amendments to:
 (1) Increase the FAR exemption for covered parking for lots 3,700 square feet or smaller in size in the R-1, R-2, and R-3 Residential zoning districts; and
 (2) Update the existing ADU regulations in Title 17 to comply with State law.

RECOMMENDATION: Recommend City Council adoption of Zoning Text Amendment RZ-1-20 via adoption of Resolution RZ-1-20.

ENVIRONMENTAL DETERMINATION: The project is statutorily exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which exempts adoption of an ordinance regarding ADUs in single-family and multifamily residential zones. In addition to being statutorily exempt from CEQA, the project falls within a class of projects which are consistent with existing zoning or general plan policies for which an EIR was certified and shall therefore not require further review. The exception to this exemption does not apply.

APPLICABLE CODE SECTIONS:

- General provisions ([BMC Chapter 17.01](#))
- “Dwelling” defined in [Chapter 17.02](#)
- R-1 Residential District ([BMC Chapter 17.06](#))
- R-2 Residential District ([BMC Chapter 17.08](#))
- R-3 Residential District ([BMC Chapter 17.10](#))
- R-BA Residential District ([BMC Chapter 17.12](#))
- Downtown Brisbane Neighborhood Commercial District ([BMC Chapter 17.14](#))
- Southwest Bayshore Commercial District ([BMC Chapter 17.16](#))
- Parkside Overlay District ([BMC Chapter 17.27](#))
- Planned Development District ([BMC Chapter 17.28](#)).
- Setback exceptions ([BMC Chapter 17.32](#))
- Off-street parking ([BMC Chapter 17.34](#))
- Nonconforming uses and structures ([BMC Chapter 17.38](#))
- Accessory Dwelling Units ([BMC Chapter 17.43](#))

ANALYSIS AND FINDINGS:

1. Floor Area Ratio Parking Exemption

Background

Lots 3,700 square feet or less in the R-1, R-2, and R-3 Residential Districts with a single-family dwelling are currently granted a 200 square foot exemption for covered parking (equivalent to one parking space) when calculating the floor area ratio (FAR) for the property. The origin and timeline of the FAR exemption for covered parking on small lots is described in Attachment F.

On July 17, 2019, the City Council Planning Issues Subcommittee met to discuss amending the FAR exemption for garages on small lots and on September 5, 2019 the City Council initiated a zoning text amendment to increase the FAR exemption for garages on small lots as a means to increasing the supply of available off-street parking in residential areas.

Draft Ordinance

The draft ordinance would increase the FAR exemption for covered parking to 400 square feet, or the equivalent of two parking spaces, for single-family dwellings in the R-1, R-2, and R-3 Residential zoning districts, matching the original 400 square foot exemption passed in 2002. No change is made towards its limitation to lots 3,700 square feet or less; the exemption does not apply to lots greater than 3,700 square feet.

2. Accessory Dwelling Units

Background

In 2019, the California State Legislature passed a flurry of bills pertaining to Accessory Dwelling Units (ADUs) (see Attachments C, D, and E) that became effective January 1, 2020. The City's current ADU regulations (BMC Chapter 17.43) were last updated in May 2018 (Ordinance 626) and must be updated to comply with current State law.

These new State laws require local agencies to:

- Permit ADUs in any zoning district zoned for single or multifamily dwellings (including mixed use zones);
- Allow ADUs in multifamily buildings;
- Permit ADUs in a planned developments regardless of any existing covenant, condition, or restriction(CC&Rs);
- Exempt ADUs meeting certain size, height, and setback limitations from FAR and lot coverage limits;
- Allow conversion or demolition of a garage, carport, or covered parking structure in conjunction with the construction of an ADU without replacement off-street parking;
- Permit a junior ADU (JADU) in addition to an ADU on single family lots;
- Allow conversion of legal nonconforming accessory structures into ADUs;

- Require that rentals of ADUs must be for a term longer than 30 consecutive days;
- Eliminate owner-occupancy requirements for ADUs; and
- Require owner-occupancy for JADUs.

The primary goal of the State when passing this new legislation was to increase affordable housing by easing regulations on ADUs.

Draft Ordinance

The draft ordinance proposes a complete overhaul of the existing Chapter 17.43, Accessory Dwelling Units of the BMC and a number of minor amendments to other sections of the BMC to comply with the new State regulations. Below is a list of the major amendments the draft ordinance addresses.

➤ **Zoning Districts**

State Legislation:	<ul style="list-style-type: none"> ▪ ADUs must be permitted in all residential and mixed-use zones, with limited exceptions. ▪ CC&Rs that prohibit or restrict ADUs and JADUs for single family dwellings are null and void.
Existing BMC:	<ul style="list-style-type: none"> ▪ ADUs allowed in R-1, R-2, R-3, R-BA, and SCRO-1 zoning districts only.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ ADUs allowed in any zone that permits residential uses either by right or conditionally (R-1, R-2, R-3, R-BA, NCRO-2, SCRO-1, PAOZ-1, PAOZ-2 and PD zoning districts) with an existing or proposed single-family or multiple-family dwelling.

➤ **Unrestricted ADUs**

State Legislation:	<ul style="list-style-type: none"> ▪ Must allow an “unrestricted ADU” up to 800 square feet that is at least 16 feet in height with 4 foot side and rear yard setbacks on any residential lot.
Existing BMC:	<ul style="list-style-type: none"> ▪ ADUs may be limited or restricted by lot coverage, FAR, and development standards.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ “Unrestricted ADUs” less than 16 feet tall and 800 square feet or less in size are exempt from lot coverage, FAR, and other development standards. ▪ Any ADU greater than 800 square feet and/or 16 feet tall shall be included in the calculation of floor area, lot coverage, and open space requirements.

➤ **Junior Accessory Dwelling Units**

State Legislation:	<ul style="list-style-type: none"> ▪ JADUs must be allowed in any zone that allow single-family dwellings; ▪ JADUs shall be contained within existing walls of main dwelling, owner occupied, and no more than 500 square feet. ▪ Single-family dwellings may have one detached ADU up to 800 square feet and less than 16 feet tall and a JADU.
---------------------------	---

Existing BMC:	<ul style="list-style-type: none"> ▪ JADUs not permitted.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ Defines JADU as a dwelling unit no more than 500 square feet in size contained entirely within a single-family dwelling. A JADU may share sanitation facilities with the single-family dwelling and are distinguished from ADUs in that they: <ol style="list-style-type: none"> (1) must include the conversion of existing, legally permitted floor area within an existing single-family dwelling; and (2) must be owner occupied, or the main dwelling be owner occupied; and (3) are subject to unique standards that are not applicable to ADUs. ▪ JADUs permitted only in conjunction with an existing or proposed single-family dwelling; may have a detached ADU and JADU.

➤ **Accessory Dwelling Units in Multiple-Family Dwellings**

State Legislation:	<ul style="list-style-type: none"> ▪ ADUs permitted in multiple-family dwellings. ▪ At least one attached ADU shall be allowed; the total number of attached ADUs permitted is limited to 25% of the total number of existing dwelling units. ▪ Attached ADUs shall be allowed within existing portions of multiple-family dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; attached ADUs shall not be created within any portion of the habitable area of an existing dwelling unit in a multiple-family dwelling. ▪ No more than two additional detached ADUs may be permitted; each detached ADU shall be limited to a height of 16 feet, a total floor area of 800 square feet, and a minimum side and rear setback of 4 feet.
Existing BMC:	<ul style="list-style-type: none"> ▪ ADUs not permitted in multiple-family dwellings.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ ADUs are permitted in multiple-family dwellings in any zone that allows residential uses either by right or conditionally. ▪ Complies with new state laws regulating quantity, location, and size of ADUs in multiple-family dwellings.

➤ **Setbacks and Height**

State Legislation:	<ul style="list-style-type: none"> ▪ Setbacks: 4-foot side and rear setbacks; rebuilds or conversions may maintain nonconforming setbacks.
Existing BMC:	<ul style="list-style-type: none"> ▪ Setbacks: Front: Per district regulations; Side: 5-3 feet based on lot width; Rear: 10 feet; Converted structures may retain existing nonconforming setbacks. ▪ Height: established by underlying zone.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ Setbacks: Front: no change; Side: 3-4 feet based on lot width; rebuilds or converted structures may maintain nonconforming setbacks. ▪ Height: established by underlying zone; two-story limit; “unrestricted ADUs” limited to 16 feet.

➤ **Parking**

State Legislation:	<ul style="list-style-type: none"> ▪ One parking space for ADUs except no parking required when located within one-half mile of transit. ▪ When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, any parking spaces that were provided by such garage, carport, or covered parking structure are not required to be replaced. ▪ No parking required for JADU.
Existing BMC:	<ul style="list-style-type: none"> ▪ No off-street parking required for ADUs.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ No off-street parking required for ADUs except in the R-BA or PD zoning districts; one parking space required in R-BA and PD except no parking is required when located within one-half mile of transit. ▪ Complies with new state laws regulating parking facility conversions to ADUs and parking requirements for JADUs.

➤ **Owner Occupancy and Short-Term Rentals**

State Legislation:	<ul style="list-style-type: none"> ▪ Cannot require owner occupancy for ADUs; JADUs shall require owner occupancy restrictions. ▪ ADUs and JADUs cannot be rented for less than 30 consecutive days.
Existing BMC:	<ul style="list-style-type: none"> ▪ Owner occupancy required for all ADUs. ▪ Short term rentals (STR) currently banned in City; RZ-2-19 would permit STR in ADUs legally established before April 1, 2017.
Draft Ordinance:	<ul style="list-style-type: none"> ▪ Complies with new state laws regulating owner occupancy restrictions and STR for ADUs and JADUs. ▪ RZ-2-19 would permit STR in ADUs legally established before April 1, 2017.

ATTACHMENTS:

- A. Draft Resolution RZ-1-20 (including draft ordinance)
- B. Redline copy of proposed zoning text amendments
- C. Department of Housing and Community Development Memorandum addressing California Law regarding ADUs and JADUs
- D. Government Code Sections [65852.2](#) and [6585.22](#), relating to ADUs
- E. Summary of new State legislation
- F. History of FAR covered parking exception



Jeremiah Robbins, Associate Planner



John Swiecki, Community Development Director

ATTACHMENT A
DRAFT RESOLUTION & ORDINANCE

DRAFT RESOLUTION NO. RZ-1-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BRISBANE
RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT RZ-1-20
AMENDING REGULATIONS CONCERNING ACCESSORY DWELLING UNITS AND
JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH STATE LAW AND
REVISING THE FLOOR AREA RATIO EXEMPTION FOR COVERED PARKING ON SMALL LOTS

WHEREAS, the City Council adopted the Housing Element for the 2015-2022 cycle on April 2, 2015 via Resolution No. 2015-08; and

WHEREAS, Housing Element Goal H.B establishes the community's aspiration to maintain a diverse housing stock in Brisbane; and

WHEREAS, Housing Element Policy H.B.1 encourages the construction of a balance of housing types, sizes, and tenure, and the inclusion of affordable dwelling units in multiple-family developments; and

WHEREAS, Housing Element Policy H.I.1 encourages reducing regulatory constraints on the development of new housing, especially infill housing and housing that adds to the mix of types, size, tenure and affordability of the local housing stock; and

WHEREAS, effective January 1, 2020, Senate Bill 13, Assembly Bill 68, and Assembly Bill 881 amended Sections 65852.2 and 65852.22 of the Government Code and changed the requirements for local governments relating to accessory dwelling units (ADUs) and junior ADUs (JADUs); and

WHEREAS, the City's current ordinance regarding ADUs must be updated to comply with current State law; and

WHEREAS, on September 5, 2019, the City Council initiated a zoning text amendment to increase the floor area ratio exemption for covered parking on lots equal to or less than 3,700 square feet in area; and

WHEREAS, the draft ordinance attached as Exhibit A to this resolution proposes amendments to Title 17 (Zoning) of the Brisbane Municipal Code in order to comply with current State law regarding ADUs and JADUs; and

WHEREAS, the draft ordinance attached as Exhibit A to this resolution proposes amendments to Title 17 (Zoning), specifically existing Chapters 17.06 (R-1 Residential District), 17.08 (R-2 Residential District), and 17.10 (R-3 Residential District), to increase the floor area ratio exemption for covered parking on lots equal to or less than 3,700 square feet in area; and

WHEREAS, on May 14, 2020, the Planning Commission conducted a hearing of the draft ordinance concerning ADUs and JADUs and revisions to the floor area ratio covered parking exemption for small lots, publicly noticed in compliance with Brisbane Municipal Code Chapters 1.12 and 17.54, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the draft ordinance is statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15282(h) of the CEQA Guidelines and categorically exempt from CEQA per Section 15183(a) of the CEQA Guidelines, and the exceptions to the categorical exemption are inapplicable.

DRAFT

Item D.

NOW, THEREFORE, based upon the evidence presented, both written and oral, the Planning Commission of the City of Brisbane hereby RECOMMENDS that the City Council adopt the attached ordinance.

AYES:

NOES:

ABSENT:

PAMALA SAYASANE
Chairperson

ATTEST:

JOHN SWIECKI, Community Development Director

draft
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING TITLE 17 OF THE BRISBANE MUNICIPAL CODE
TO REGULATE ACCESSORY DWELLING UNITS AND
JUNIOR ACCESSORY DWELLING UNITS AND
FLOOR AREA RATIO EXEMPTION FOR GARAGES ON SMALL LOTS
AND AMENDING TITLE 15 OF THE BRISBANE MUNICIPAL CODE
TO REGULATE ALTERATIONS AND ADDITIONS TO EXISTING STRUCTURES**

The City Council of the City of Brisbane hereby ordains as follows:

SECTION 1: Section 13.04.453 - Disclosure and sewer lateral certificate, when required of Chapter 13.04 of the Brisbane Municipal Code is amended to read as follows:

13.04.453 - Disclosure and sewer lateral certificate; when required.

- A. A person must possess or obtain a sewer lateral certificate issued under Section 13.04.452 before the city will issue a final building permit when the person has undertaken work that:
 - 1. Triggers the requirements of Chapter 15.10 of this code; or.
 - 2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter).

- B. Beginning April 20, 2015, any person intending to sell or transfer a fee interest in real property must disclose the requirements of this section to each of the following, except as provided in subsection C:
 - 1. The person's real estate broker or agent, if any;
 - 2. The person to whom the real property is intended to be sold or transferred;
 - 3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;
 - 4. The escrow company or holder involved in the real property sale or transfer, if any.

- C. Subsection B does not apply to:
 - 1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this code;
 - 2. Sales or transfers of less than a fee interest, e.g., a leasehold;
 - 3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;
 - 4. Transfers from one co-owner to one or more other co-owners;
 - 5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);
 - 6. Transfers made by a trustor to an intervivos trust;

7. Transfers between spouses or between registered domestic partners;
 8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.
- D. The director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this section. A person may satisfy the disclosure requirements of subsection B by providing a then current copy of the handout or other written material to those parties identified in subsection B.

SECTION 2: Section 15.08.130 - Additions, alterations or repairs - Compliance with construction codes of Chapter 15.08 of the Brisbane Municipal Code is amended to read as follows:

15.08.130 - Additions, alterations or repairs—Compliance with construction codes.

Any addition, alteration, or repair to, or change of use of, or occupancy in a building or structure shall comply with the provisions for new buildings and structures set out in the construction codes, except as may otherwise be provided in Chapter 15.10, Sections 15.08.180 through 15.08.210, and in Section 502 of the Uniform Building Code, latest adopted edition.

SECTION 3: Section 15.44.080 - Section 903 amended—Automatic sprinkler systems of Chapter 15.44 of the Brisbane Municipal Code is amended to read as follows:

15.44.080 - Section 903 amended—Automatic sprinkler systems.

Section 903 of the fire code is amended in its entirety to read as follows:

903 Automatic fire extinguishing systems.

- (a) Notwithstanding any other provisions of this Code or any other code or ordinance of the City of Brisbane, automatic fire sprinkler systems, approved by the Fire Marshal, shall be installed in the following buildings and structures that are classified as new construction:
 1. For all occupancies except R-3 occupancies: Any new building or structure, regardless of size, except stand alone, uninhabitable buildings, garages and sheds having a floor area of less than 400 square feet.
 2. For all R-3 occupancies: Any new single-family or duplex structure, excluding any detached accessory structure that does not constitute habitable space having a floor area of less than 400 square feet.
- (b) When additions or alterations made to an existing building fall within the requirements under Brisbane Municipal Code Chapter 15.10, an automatic fire sprinkler system shall be provided for the entire building.
- (c) Other Areas. An automatic fire sprinkler system shall be installed in all garbage compartments, rubbish and linen chutes, linen rooms, incinerator compartments, dumb waiter shafts, and storage rooms when located in all occupancies except Group R, Division 3. An accessible indicating shut off valve shall also be installed.
- (d) Condominium Conversions. An automatic fire sprinkler system shall be installed for all condominium conversions.
- (e) Where automatic fire sprinkler systems are required to be installed, the following additional requirements shall also be satisfied, as applicable:

1. A minimum of three (3) copies of plans and specifications for automatic sprinkler installations, plus water supply calculations, shall be provided to the Fire Department for review and approval prior to commencement of the installation work.
2. All required automatic sprinkler systems shall be approved by the Fire Department.
3. All acceptance tests and such periodic tests as required by the Fire Marshall or pursuant to NFPA Pamphlets No. 13, 13D, 13R and/or Subchapter 5, Title 19, California Code of Regulations, shall be conducted and, where applicable, witnessed by a representative of the Fire Department.
4. An approved exterior visual fire alarm device may be required for buildings that have numerous fire department connections (FDC's). Type and locations will be determined by the Fire Department. Such visual alarm devices are not to replace the exterior audible device, but to assist fire suppression personnel as to location(s) of systems which require pumping operations.

SECTION 4: Section 15.08.140 - Additions or alteration in excess of fifty percent of floor area of Chapter 15.08 of the Brisbane Municipal Code is deleted in its entirety and reserved for future use.

SECTION 5: A new Chapter 15.10 is adopted to read as follows:

Chapter 15.10 - Additions, alterations, and major rebuilds to existing buildings.

15.10.010 - Authority.

The building official or the building official's designee shall have the authority to enforce the provisions of this Chapter.

15.10.020 - Coordination with other Chapters.

This Chapter is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the codes adopted by this Title 15 and the requirements of Section 17.01.060 of this title.

15.10.030 - Applicability.

This Chapter shall apply to additions, alterations, or major rebuilds, as defined in Section 15.10.040 of this Chapter, to a lawfully constructed building completed within any five (5) year period. The date of completion shall normally be established as the date on which the City grants final inspection approval of the work.

15.10.040 - Definitions.

For the purposes of this Chapter 15.10 the following definitions apply:

- A. "Addition and Alteration" shall mean new floor area added to an existing lawfully constructed building and/or changes to the existing floor area of a lawfully constructed building, which calculated together or apart constitute fifty (50) percent of the pre-existing floor area of the building. The conversion or recognition of - non-habitable rooms to habitable space may be included in the calculation of alteration of space, at the discretion of the building official.

- B. “Major rebuild” shall mean removal of seventy-five percent (75%) or more of the combined surface area of the interior walls and ceilings of the habitable rooms of a building or structure to expose support members.
- C. “Floor Area” shall mean the sum of the gross horizontal areas of all floors of all buildings or structures measured from the interior face of the exterior walls, but excluding each of the following:
 - 1. Any area where the floor to ceiling height is less than six (6) feet.
 - 2. Any detached garage or other detached accessory structure which does not constitute habitable space.
 - 3. Any attached carport or covered deck.
 - 4. Any attached or detached accessory dwelling unit eight hundred (800) square feet or less in gross horizontal area that, if detached, does not exceed sixteen (16) feet in height, where authorized pursuant to Chapter 17.43 of Title 17 of this Code.
- D. "Standards for new construction" shall mean:
 - 1. The requirements of the California Buildings Code adopted by this Title 15; and
 - 2. The storm water management and discharge requirements established by Chapter 13.06 of Title 13; and
 - 3. The standard specifications and street standards adopted by Section 12.24.010 of Title 12.
- E. “Hardship” means some verifiable level of difficulty or adversity, beyond the control of the applicant, by which the applicant cannot reasonably comply with the requirements of this Chapter.

15.10.050 - Compliance Standards.

For applicable projects, the entire building shall be brought into conformity with the standards for new construction that the building official determines to be necessary or appropriate to eliminate existing health or safety hazards, including, but is not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate fire sprinklers, sanitary sewer or storm drainage facilities, and substandard street access to the property.

15.10.060 - Exceptions.

- A. Standard Exceptions. The following standard exceptions to Section 15.10.050 shall apply:
 - 1. The area of any additions and/or alterations not exceeding a cumulative total of four hundred (400) square feet within any five (5) year period.
 - 2. The conversion of existing floor area in an existing single-family or multiple-family dwelling to an accessory dwelling unit where authorized pursuant to Chapter 17.43 of Title 17.
 - 3. The area of any addition and/or alteration for the creation or expansion of an attached or detached accessory dwelling unit eight hundred (800) square feet or less in floor area

where authorized pursuant to Chapter 17.43 of Title 17. If detached, the accessory dwelling unit may not exceed sixteen (16) feet in height.

4. Work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.
 5. Alterations, renovations or repairs which do not essentially change the uses of the rooms within the building.
- B. Other Exceptions. Where the above listed exceptions do not apply, the building official shall have authority on a case-by-case basis to grant modifications of any such requirements for the standards of new construction if the building official is able to find and determine that:
1. Compliance with the requirement will cause unreasonable hardship; or
 2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; or
 3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

SECTION 6: Section 17.01.060 - Requirement for lot of record and infrastructure improvements of Chapter 17.01 of the Zoning Ordinance is amended to read as follows:

17.01.060 - Requirement for lot of record and infrastructure improvements.

- A. Except as permitted under subsections B and C of this section or as may be permitted under other provisions of this title, no permit or approval shall be granted for the construction or expansion of any new or existing main or accessory structure of any size upon any land, nor shall any permit or approval be granted for the establishment or expansion of any use upon any land, unless both of the following requirements are satisfied:
1. The land constitutes a lot of record, as such term is defined in Chapter 17.02 of this title, or the granting of the permit or approval is conditioned upon such land being established as a lot of record through the recording of a parcel map approved by the city; and
 2. All infrastructure improvements necessary for providing service to the existing or proposed structure or use have been constructed or installed in accordance with applicable city standards as determined by the city engineer, or the granting of the permit or approval is conditioned upon such improvements being constructed or installed pursuant to the terms and within such period of time as set forth in an improvement agreement between the city and the applicant, which agreement shall be recorded in the office of the county recorder and shall constitute a covenant running with the land. The improvement agreement may require the applicant to provide security for performance of the work, in such form and amount as determined by the approving authority, and may provide for the applicant to either construct the improvements or to participate in an arrangement for such construction by others, or any combination thereof.
- B. In the case of a lot of record which does not abut a public street providing the principal means of access to that lot, the following improvements may be constructed without compliance with the infrastructure requirements set forth in subsection (A)(2) of this section; provided, however

no such improvements shall be allowed unless the approving authority determines that adequate infrastructure to service the proposed improvement is available at the site or will be constructed as part of the project:

1. Unenclosed hot tubs, decks, stairways and landings located on the same lot as a lawfully constructed dwelling;
 2. Retaining walls;
 3. Parking garages and carports, no portion of which is used or usable for human occupancy;
 4. An addition, not exceeding a floor area of one hundred (100) square feet, to a lawfully constructed building or structure. Only one such addition shall be allowed under this exemption;
 5. Repairs or remodels which do not change the original size or significantly alter the configuration and/or habitable floor area of a lawfully constructed building or structure, as determined by the planning director.
 6. The conversion of existing floor area of the main dwelling or the conversion of existing floor area of an accessory structure to an accessory dwelling unit or a junior accessory dwelling unit as permitted under Chapter 17.43 of this title. Such conversion may include the addition of floor area as provided in paragraph 4 of this subsection B. Only one such conversion shall be allowed under this exemption.
- C. Additions or alterations may be made to a lawfully constructed building or structure which is located on a lot of record, without compliance with the infrastructure requirements set forth in subsection (A)(2) of this section, where both of the following conditions are satisfied:
1. The additions or alterations are exempt from the provisions of Chapter 15.10.060; and
 2. A public street abutting the lot on which the building or structure is located provides the principal means of access to that lot.

SECTION 7: Section 17.02.235 – Dwelling of Chapter 17.02 of the Zoning Ordinance is amended to read as follows:

17.02.235 - Dwelling.

"Dwelling" means a place that is used as the personal residence of the occupants thereof, including transitional housing as defined in California Health and Safety Code Section 50675.2(h) and supportive housing as defined in California Health and Safety Code Sections 50675.14(b)(2) and (3). The term includes factory-built or manufactured housing, such as mobilehomes, but excludes trailers, campers, tents, recreational vehicles, hotels, motels, boarding houses and temporary structures.

- A. "Dwelling group" means a group of two (2) or more detached buildings located upon the same site, each of which contains one or more dwelling units.
- B. "Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed,

occupied, or intended for occupancy by one family on a permanent basis. Permanent residency shall mean continuous occupancy of the dwelling unit for a period of thirty (30) days or more.

- C. "Multiple-family dwelling" means a building or site containing three (3) or more dwelling units (also see "duplex"). The term includes single-room-occupancy dwelling units, typically comprised of one or two (2) rooms (which may include a kitchen and/or a bathroom, in addition to a bed), that are restricted to occupancy by no more than two (2) persons.
- D. "Accessory dwelling unit" means a separate dwelling unit created upon a site that contains a single-family dwelling, duplex, or multiple-family dwelling. Subject to the restrictions of this title, the accessory dwelling unit may be within, attached to, or detached from the single-family dwelling, duplex, or multiple-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The term "secondary dwelling unit" shall have the same meaning throughout this title.
- E. "Junior accessory dwelling unit" means a dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the single-family dwelling. Junior accessory dwelling units are distinguished from accessory dwelling units in that they: (1) must include the conversion of existing, legally permitted floor area within an existing single-family dwelling; (2) must be owner occupied, or the main dwelling be owner occupied; and (3) are subject to unique standards that are not applicable to accessory dwelling units, as specified in Chapter 17.43 of this Title.
- F. "Single-family dwelling" means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established accessory dwelling unit that may be located within the same structure on upon the same site). The term includes employee housing for six (6) or fewer persons, residential care facilities, licensed by the state to provide twenty-four (24) hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see "Group care home" for seven (7) or more persons.

SECTION 8: Section 17.06.020 – Permitted uses of Chapter 17.06 of the Zoning Ordinance is amended to read as follows:

17.06.020 - Permitted uses.

The following permitted uses shall be allowed in the R-1 district:

- A. Single-family dwellings.
- B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- D. Small family day care homes.

- E. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

SECTION 9: Section 17.06.040 – Development regulations of Chapter 17.06 of the Zoning Ordinance is amended to read as follows:

17.06.040 - Development regulations.

The following development regulations shall apply to any lot in the R-1 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. Not more than one single-family dwelling shall be located on each lot in the R-1 district.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 - 2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72. Where the size of the lot is three thousand seven hundred (3,700) square feet or less, no more than two covered parking spaces designed to accommodate full-size automobiles shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet.
- G. Height of Structures.
1. Except as otherwise provided in paragraph 2 of this subsection G and in Section 17.32.060, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 3. Rear outside wall: Thirty percent (30%) articulation.
 4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.
- K. Recycling Area Requirements. For new subdivisions containing an area where solid waste is collected and loaded in a location which serves five (5) or more living units, adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided to serve the needs of the living units which utilize the area. This requirement shall also apply to all institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

SECTION 10: Section 17.08.020 – Permitted uses of Chapter 17.08 of the Zoning Ordinance is amended to read as follows:

17.08.020 - Permitted uses.

The following permitted uses shall be allowed in the R-2 district:

- A. Single-family dwellings.
- B. Duplexes.
- C. Multiple family dwellings containing not more than six (6) dwelling units.
- D. Dwelling groups.
- E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- G. Small family day care homes.

H. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

SECTION 11: Section 17.08.040 – Development regulations of Chapter 17.08 of the Zoning Ordinance is amended to read as follows:

17.08.040 - Development regulations.

The following development regulations shall apply to any lot in the R-2 district:

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this Section 17.08.040.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten

(10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:

1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, no more than two covered parking spaces designed to accommodate full-size automobiles shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet.

2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

G. Height of Structures.

1. Except as otherwise provided in paragraph 2 of this subsection G and in Section 17.32.060, the maximum height of any structure shall be as follows:

a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or

b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.

2. Side outside walls:

a. Interior side outside wall: No articulation requirement.

b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation

shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.

3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

K. Recycling Area Requirements:

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

SECTION 12: Section 17.10.020 – Permitted uses of Chapter 17.10 of the Zoning Ordinance is amended to read as follows:

17.10.020 - Permitted uses.

The following permitted uses shall be allowed in the R-3 district:

- A. Multiple-family dwellings;
- B. Single-family dwellings.
- C. Duplexes.
- D. Dwelling groups.
- E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- G. Small family day care homes.
- H. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

SECTION 13: Section 17.10.040 – Development regulations of Chapter 17.10 of the Zoning Ordinance is amended to read as follows:

17.10.040 - Development regulations.

The following development regulations shall apply to any lot in the R-3 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this section.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

K. Recycling Area Requirements:

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste

collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

SECTION 14: Section 17.12.020 – Permitted uses of Chapter 17.12 of the Zoning Ordinance is amended to read as follows:

17.12.020 - Permitted uses.

The following permitted uses shall be allowed in the R-BA district:

- A. Single-family dwellings.
- B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- D. Small family day care homes.
- E. Accessory dwelling units and junior accessory dwelling units, when authorized by a permit under Chapter 17.43 of this title.

SECTION 15: Section 17.12.040 – Development regulations of Chapter 17.12 of the Zoning Ordinance is amended to read as follows:

17.12.040 - Development regulations.

The following development regulations shall apply to any lot in the R-BA district:

- A. Lot Area.
 1. The minimum area of any lot shall be twenty thousand (20,000) square feet, except as otherwise provided in Section 17.12.050, Density transfer, and Section 17.12.055, Clustered development, of this chapter.
 2. A single-family dwelling may be constructed on a lot of record with an area of less than twenty thousand (20,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.01.060 of Chapter 17.01 of this title.
- B. Density of Development. Not more than one single-family dwelling shall be located on each lot in the R-BA District.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
110 feet	140 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
1. Front setback: Ten (10) feet.
 2. Side setback: Ten percent (10%) of the lot width, but in no event more than fifteen (15) feet or less than five (5) feet. Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be twenty-five percent (25%).
- F. Floor Area Ratio. The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet.
- G. Height of Structures.
1. Except as otherwise provided in paragraph 2 of this subsection G and in Section 17.32.060, the maximum height of any structure shall be thirty-five (35) feet.
 2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however:
 - a. Residential structures on sites sloping down from the adjacent street may be constructed to a height of twenty (20) feet above the elevation of the center of the street, so long; and
 - b. Garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street and may exceed a height of thirty-five (35) feet, but the height of any permitted living area underneath shall not exceed thirty-five (35) feet from finish grade.
- H. Wildland Interface. The development shall incorporate such measures as the fire chief may deem necessary to protect against the spread of fire between the site and the adjacent wildland.
- I. HCP Compliance. All development within the R-BA District, except as provided in Section 17.01.060, shall comply with the requirements of the San Bruno Mountain Area Habitat Conservation Plan (HCP), including site activity review, environmental assessments, and operating programs for planned management units, consistent with the objectives and obligations set forth in the HCP.

J. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

K. Landscaping Requirements.

1. Landscape Plan. All development proposals and re-landscaping projects subject to the water conservation in landscaping ordinance (Chapter 15.70), except as permitted in Section 17.01.060 of Chapter 17.01 of this title, shall include a landscape plan to be approved by the planning director in consultation with the HCP plan operator. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and fauna, and are not invasive to the HCP area;
 - c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

L. Ridgeline. Development on any site through which a ridgeline runs as identified in Figure 17.02.695, Ridgelines, shall be subject to design permit approval, except for accessory dwelling units and junior accessory dwelling units and except as provided in Section 17.01.060.

1. In addition to the required contents of application for design permit set forth in Section 17.42.020(A), story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the community development director. The upper one-foot length of each pole shall be painted OSHA yellow so as to be clearly visible from a distance.
 2. In addition to the findings required for issuance of design permits set forth in Section 17.42.040, the planning commission shall find that the building's placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the Community Park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value. Methods to accomplish this may include varying the building's roofline to reflect the ridgeline's topography, orienting the building to minimize the impact of its profile upon public views, locating the building on the lower elevations of the site, and reducing the building's height below the maximum permitted in the district.
 3. An existing structure may be repaired or replaced in accordance with Section 17.38.090 without design permit approval, but any alteration or expansion which raises any portion of the roofline or increases the building's lot coverage shall be subject to design permit approval under this section.
- M. Canyon Watercourses and Wetlands. Development of the site, including any temporary disturbance, shall be set back thirty (30) feet in each direction from the center line of any watercourse, and twenty (20) feet from the boundary of any wetlands. The specific location of watercourse center lines and wetland boundaries shall be determined by qualified personnel under the city's direction.
- N. Trails. The development shall incorporate public access trails to the extent feasible given the environmental sensitivities of the site.
- O. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of paragraph 3 of subsection L of Section 17.12.040 and Chapters 17.34 and 17.38 of this title.
- P. Recycling Area Requirements. For new subdivisions containing an area where solid waste is collected and loaded in a location which serves five (5) or more living units, adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided to serve the needs of the living units which utilize the area. This requirement shall also apply to all institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

SECTION 16: Section 17.14.020 – Permitted uses of Chapter 17.14 of the Zoning Ordinance is amended to read as follows:

17.14.020 - Permitted uses.

The following uses are permitted uses in the NCRO-1 and NCRO-2 districts, if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.
- G. Home occupations, in the NCRO-2 District only.
- H. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title, in the NCRO-2 District only.

SECTION 17: Section 17.14.060 – Development regulations for the NCRO-2 district of Chapter 17.14 of the Zoning Ordinance is amended to read as follows:

17.14.060 - Development regulations for the NCRO-2 district.

Development regulations for the NCRO-2 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

- C. Density of Residential Use. Dwelling unit density in a mixed use shall be established by the use permit.
- D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: No requirement (0).
 - 2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where abutting any residential district.
 - 3. Rear Setback: Ten (10) feet.

- E. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-2 district shall be ninety percent (90%).
- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by a design permit granted pursuant to Chapter 17.42 of this title and provided the approving authority is able to make the findings set forth in Section 17.14.110 of this chapter.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.
- H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this title, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:
 - 1. The minimum floor area for a storefront use is six hundred (600) square feet. The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.
 - 2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.
 - 3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.
 - 4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.
- I. Passive Open Space. Usable passive open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such passive open space may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable passive open space for the other residential use. If an existing residential use has passive open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of passive open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable passive open space for the other residential uses, including the loss of non-forming passive open space.
- J. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

SECTION 18: Section 17.16.020 – Permitted uses of Chapter 17.16 of the Zoning Ordinance is amended to read as follows:

17.16.020 - Permitted uses.

- A. The following are permitted uses in the SCRO-1 district:
 1. Emergency shelters in compliance with Section 17.16.040.
 2. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title.

SECTION 19: Section 17.16.040 – Development regulations of Chapter 17.16 of the Zoning Ordinance is amended to read as follows:

17.16.040 - Development regulations.

Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
 1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
 2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;

3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.

C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	No requirement

D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:

1. Front setback;
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;
 - c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
2. Side setback:
 - a. Residential/Mixed Use: Five (5) feet;
 - b. Commercial Uses: Fifteen (15) feet;
 - c. Exception: The planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.
3. The screening requirements set forth in subsections (H)(1) and (H)(2) of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

I. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period

collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

- J. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:
1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
 2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.
 3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
 4. Each resident shall be provided personal living space.
 5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
 6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
 7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
 8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with Section 17.16.050(E).
 10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
 11. Parking shall be as specified in Chapter 17.34.
 12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in Section 17.16.070.

13. The facility may provide the following:
- a. Kitchen facilities;
 - b. Dining area;
 - c. Recreation room;
 - d. Training and counseling support services;
 - e. Child care facilities;
 - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population, computer access for residents, and training, counseling and social service programs for residents, as applicable.

K. Mobile Home Parks.

- 1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
- 2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

SECTION 20: Section 17.27.020 – Permitted uses of Chapter 17.27 of the Zoning Ordinance is amended to read as follows:

17.27.020 - Permitted uses. (PAOZ-1 & PAOZ-2)

The following are permitted uses in the PAOZ-1 and PAOZ-2 districts:

PAOZ-1	PAOZ-2	Permitted Uses
X	Not permitted	Single-family dwellings
X	X	Multiple-family dwellings

PAOZ-1	PAOZ-2	Permitted Uses
X	X	Dwelling groups
X	X	Accessory structures
X	X	Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44
X	X	Small family day care homes
X	X	Accessory dwelling units, in compliance with Chapter 17.43 of this title.
X	Not permitted	Junior accessory dwelling units, in compliance with Chapter 17.43 of this title.

SECTION 21: Section 17.27.040 – Development regulations for the PAOZ-1 district of Chapter 17.27 of the Zoning Ordinance is amended to read as follows:

17.27.040 - Development regulations for the PAOZ-1 district.

Development regulations for the PAOZ-1 district are as follows:

- A. Lot Area. There is no minimum lot area.
- B. Density of Development. The minimum development density for any site shall be twenty (20) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.
- C. Lot Dimensions. There are no minimum lot dimensions.
- D. Setbacks. The minimum required setbacks for any building shall be as follows:
 - 1. Front: Five (5) feet minimum, fifteen (15) feet maximum.
 - 2. Side: Five (5) feet minimum, ten (10) feet maximum.
 - 3. Street Side: Ten (10) feet minimum and maximum.
 - 4. Rear: Fifteen (15) feet minimum.

5. Any architectural projection (including lobbies, porches, stoops, canopies, and other entry-related architectural features) may extend up to two (2) feet into the required front setback area.
- E. Lot Coverage. There is no maximum lot coverage.
- F. Floor Area Ratio. There is no maximum floor area ratio.
- G. Height.
1. Buildings and Architectural Features. The maximum building height shall be thirty-eight (38) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.
 2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from maximum fence and wall heights shall require approval by the planning commission as provided in Section 17.32.050(B)(5) of this title.
- H. Landscaping Requirements. Not less than thirty percent (30%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest State provisions, whichever is more effective in conserving water. Landscaping shall conform to the development standards established in Section 3.5 of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
- I. Open Area Requirements. At least four hundred (400) square feet of open area shall be provided for the dedicated use of each dwelling unit. The open area requirement shall not be met by shared or communal open areas. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.
- J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- L. Parking. Required on-site parking for single-family dwellings shall be two (2) spaces per dwelling, both of which shall be in an enclosed garage. For multiple-family dwellings, accessory

dwelling units, and junior accessory dwelling units, required on-site parking and additional guest parking shall be provided as set forth in Section 17.34.020 of this title.

1. Design Requirements. Off-street parking facilities shall comply with the design standards as set forth in Table 1, which appears immediately following this section.

M. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. These requirements shall apply to all new residential buildings having five (5) or more dwelling units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the City) where solid waste is collected and loaded. These requirements shall also apply to an existing development project for which building permit applications are submitted within a twelve-month period that collectively add thirty percent (30%) or more to the existing floor area of the development project.

SECTION 22: Section 17.27.050 – Development regulations for the PAOZ-2 district of Chapter 17.27 of the Zoning Ordinance is amended to read as follows:

17.27.050 - Development regulations for the PAOZ-2 district.

Development regulations for the PAOZ-2 district are as follows:

- A. Lot Area. There is no minimum lot area.
- B. Density of Development. The minimum development density for any site shall be twenty-four (24) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.
- C. Lot Dimensions. There are no minimum lot dimensions.
- D. Setbacks. The minimum required setbacks for any building shall be as follows:
 1. Front: Five (5) feet minimum, twenty (20) feet maximum.

Any architectural projection (including lobbies, porches, stoops, canopies, and other entry-related architectural features) may extend up to two (2) feet into the required front setback area.
 2. Side: Five (5) feet minimum.

Upper floor second and third-story balconies may extend up to two (2) feet into the required side setback area.

3. Street Side: Ten (10) feet minimum and maximum.
 4. Rear: Fifteen (15) feet minimum.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).
- F. Floor Area Ratio. There is no maximum floor area ratio.
- G. Height.
1. Buildings and Architectural Features. The maximum building height shall be forty (40) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.
 2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from the fence and wall heights shall require approval by the planning commission as set forth in Section 17.32.050(B)(5) of this title.
- H. Landscaping Requirements. Not less than twenty percent (20%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest State provisions, whichever is more effective in conserving water. Landscaping shall conform to the development standards established in Section 3.5 of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
- I. Open Area Requirements. At least one hundred (100) square feet of open area per dwelling unit shall be provided. The open area may be met through a combination of common or private open areas provided on-site. Open areas shall be usable and shall support residents' passive and/or active use. The computation of open areas may include amenities and structures designed to enhance usability, such as swimming pools, rooftop gardens or decks, fountains, planters, benches, and usable landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.
- J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.

L. Parking. Required on-site parking and additional guest parking shall be as established in Section 17.34.020 of this title for multiple-family developments and accessory dwelling units.

1. Design Requirements. Off-street parking facilities shall comply with the design standards as set forth in Table 1, which appears immediately following this section.
2. Short-term and long-term parking for bicycles in the PAOZ-2 district shall be provided as follows: Long-Term: 1/10 units; Short-Term: 1/20 units.

Bicycle parking design shall conform to the standards established in Section 3.4 of the Parkside Precise Plan.

M. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. These requirements shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. These requirements shall also apply to existing development project for which building permit applications are submitted within a twelve-month period that collectively add thirty percent (30%) or more to the existing floor area of the development project.

SECTION 23: Section 17.28.120 – Amendment or modification of a PD permit of Chapter 17.28 of the Zoning Ordinance is amended to read as follows:

17.28.120 - Amendment or modification of PD permit.

- A. Amendments or modifications to a PD permit shall require approval by the city council, except as follows:
1. The planning commission and the zoning administrator shall have authority to approve any items which, under the terms of the PD permit, have been specifically delegated to either of them for approval, either as a condition for issuance of the permit or at any time thereafter.
 2. Minor changes during the course of construction which do not materially affect the use, nature, appearance, quality or character of the project may be approved by the zoning administrator.
 3. The relocation of a use or activity authorized by the PD permit to another location regulated by the same permit where no significant adverse impacts are created as a result of such relocation may be approved by the zoning administrator.

- 4. The construction of an accessory dwelling unit or junior accessory dwelling unit in compliance with Chapter 17.43 of this title shall be approved ministerially by the zoning administrator.

- B. The application requirements, public hearing procedures and findings required for amendments or modifications to a PD permit shall be as prescribed in Sections 17.28.040, 17.28.050 and 17.28.080 of this chapter.

SECTION 24: Section 17.32.070 - Exceptions – Setback requirements of Chapter 17.32 of the Zoning Ordinance is amended to read as follows:

17.32.070 - Exceptions – Setback requirements.

- A. Notwithstanding any other provision of this title, certain structures or portions thereof may extend into a front, rear or side setback area to the extent permitted by the following chart:

- 1. Projections from a Building.

- a. Overhanging Architectural Features (Such as Eaves, Cornices Canopies, Rain Gutters and Downspouts).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend three (3) feet from the building into the side setback area, but no closer than two and one-half (2½) feet from the side lot line. Rain gutters and downspouts may extend no closer than two (2) feet from the side lot line. In the R-1 district, a noncombustible awning over the main entrance to a residence located at the side of the structure may extend four (4) feet from the building into any portion of the side setback area, but shall not extend over or drain onto the abutting property.

- b. Cantilevered Windows No Greater Than Ten (10) Feet in Length That Do Not Include Any Floor Area (Such as Bay, Box, Bow, and Greenhouse Windows).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend two (2) feet into the side setback area, but no closer than three (3) feet from the side lot line.

- c. Supported Decks, Cantilevered Decks and Balconies.

Front setback area:	May extend five (5) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line. Decks may be located atop a garage or carport approved under Section 17.32.070(A)(3)(a) and may extend to the front of the garage, but the railings of such deck may not exceed fifteen (15) feet in height above the elevation of the center of the adjacent street or four (4) feet from the surface of the deck, whichever is less, while at the same time maintaining the minimum railing height required by the building code.
Rear setback area:	May extend five (5) feet from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. This exception shall not apply to the NCRO district.
Side setback area:	No exception permitted.

Modifications. The planning commission may approve a modification to the foregoing exceptions if there are not more than two (2) units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
 - ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
 - iii. The visual impacts of the modification have been minimized.
- d. Deck Railings within Setback Areas.

Front setback area:	May not be higher than four (4) feet from the surface of the deck.
Rear setback area:	May not be higher than four (4) feet from the surface of the deck.
Side setback area:	No exception permitted.

- e. Stairs, Ramps and Landings (That Are Open and Uncovered and Serve Buildings with No More Than Two Units).

Front setback area:	No more than one set of stairs per dwelling unit may extend from the building into the front setback area. Each set of stairs must lead to the front entrance of the unit. The height of the stairway within the front setback area shall not exceed twenty (20) feet. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the front setback area.
Rear setback area:	No more than one set of stairs per dwelling unit may extend from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the rear setback area.

Side setback area:	No more than one set of stairs per dwelling unit may extend from the building into the side setback area, but no closer than three (3) feet from the side lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the side setback area.
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Modifications. The planning commission may approve a modification to the foregoing exceptions for stairs, ramps and landings if there are not more than two units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

The planning commission may also approve a modification to the foregoing exceptions as part of a design permit being granted for three (3) or more units on the site, if the commission is able to make all of the findings listed above.

f. Accessibility Improvements (Such as Ramps, Elevators, and Lifts).

All Setback Areas. Accessibility improvements, such as ramps, elevators and lifts, may be allowed within any front, rear or side area setback upon the granting of an accessibility improvement permit by the zoning administrator, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties. The zoning administrator may issue the accessibility improvement permit if he or she finds and determines that:

- i. The exception is necessary to meet special needs for accessibility of a person having a physical handicap which impairs his or her ability to access the property and cannot be addressed through the standard exceptions to the setback area requirements under this Section 17.32.070.
- ii. Visual impacts of the accessibility improvements located within a setback area have been minimized.
- iii. The accessibility improvements will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
- iv. The accessibility improvements will be constructed in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

2. Small Free-Standing Structures.

- a. Small Accessory Buildings and Roofed Structures (Such as Gazebos, Greenhouses, Garden and Utility Sheds).

Front setback area:	No exception permitted.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line or three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet.
Side setback area:	May be placed at any location within the interior side setback area which is not less than three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the interior side setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet. No exception is permitted for an exterior side setback area.

Modifications. The zoning administrator may approve a modification to the foregoing exceptions for small accessory buildings and roofed structures, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

A building permit shall be required to construct or install any accessory structure for which a modification has been granted under this subsection.

- b. Unroofed and Openwork Roofed Garden Structures (Such as Arbors, Porticos, Trellises and Lath Houses).

Front setback area:	May not exceed eight (8) feet in height or cover more than fifteen percent (15%) of the front setback area.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line, provided the structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the rear setback area.
Side setback area:	May be placed at any location within the side setback area which is not less than three (3) feet from the side lot line, provided the structure, or portion thereof, within the side setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the side setback area.

Modifications. The zoning administrator may approve a modification to the foregoing exceptions for unroofed and openwork roofed garden structures, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

3. Miscellaneous Improvements.

- a. Garages and Carports and Parking Decks on Slopes of Fifteen Percent (15%) or Greater.

Front setback area:	Garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street in the R-1, R-2 and R-3 Districts and parking decks in the R-BA District may be placed at any location within the front setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Rear setback area:	On through lots, garages, carports and parking decks not more than fifteen (15) feet in height above the elevation of the center of the adjacent street may be placed at any location within the rear setback area provided: (i) there is no encroachment into any side setback area, and (ii) the garage is approved by the city engineer, based upon a finding that no traffic or safety hazard will be created.
Side setback area:	No exception permitted.

- b. Decorative Artwork, Ponds, Fountains and Similar Water Features, Not More Than Six (6) Feet in Height.

Front setback area:	May be placed at any location within the front setback area.
Rear setback area:	May be placed at any location within the rear setback area.
Side setback area:	No exception permitted.

- c. Existing Permitted Garages or Accessory Buildings Converted into Accessory Dwelling Units.

Front setback area:	May be placed at any location within the front setback area.
Rear setback area:	May be placed at any location within the rear setback area.
Side setback area:	May be placed at any location within the side setback area.

4. Accessory Dwelling Units

- a. Exceptions to the setback requirements for accessory dwelling units shall be as established in Chapter 17.43.
- B. The exceptions set forth in subsection A of this Section 17.32.070 shall not be construed to include chimney boxes, swimming pools and spas, exposed plumbing, or mechanical equipment such as heating and air conditioning units or pool pumps, and no exceptions to the setback requirements shall be permitted for any of these structures.
- C. Any structure, architectural feature, wall, or other improvement lawfully constructed within a setback area and constituting a nonconforming structure as defined in Section 17.02.560, may be allowed to continue in accordance with Chapter 17.38 of this title.

SECTION 25: Section 17.34.020 – Minimum requirements of Chapter 17.34 of the Zoning Ordinance is amended to read as follows:

17.34.020 – Minimum requirements.

- A. The following minimum parking requirements shall apply to all buildings erected, new uses commenced, and to the area of extended uses commenced after the effective date of this Chapter. For any use not specifically mentioned in this Chapter, the planning commission shall determine the amount of parking required. All required off-street parking facilities shall be on-site unless specified differently in this Chapter or as permitted under Title 12 of this Code. Required off-street parking facilities need not be provided as covered parking unless specified differently in this chapter:

Uses:	Parking Requirements:
Single-family dwellings and group care homes:	
Studio or 1-bedroom dwellings not more than 900 square feet in floor area:	1 off-street space (uncovered or covered).
All other dwellings not exceeding 1,800 square feet in floor area:	1 off-street space plus 1 space which shall be in a garage or carport.

Uses:	Parking Requirements:
Dwellings exceeding 1,800 square feet in floor area on lots having less than 37.5 feet in frontage:	2 off-street spaces plus 1 space which shall be in a garage or carport.
Dwellings exceeding 1,800 square feet in floor area on lots of 37.5 feet frontage or greater:	2 on-street or off-street spaces plus 2 spaces which shall be in a garage or carport.
	See Section 17.34.020(B)(1) regarding garage and carport exclusions from the floor area calculation.
	Additional guest parking spaces shall be provided for all residential subdivisions of 5 or more single-family residences, at the rate of 1 parking space for every 5 units. Such spaces shall be located entirely within the public right-of-way and available for public use. Any accessible parking spaces required per Section 17.34.040(D) shall count as guest parking spaces.
Accessory dwelling units	In the R-1, R-2, R-3, NCRO-2, SCRO-1, PAOZ-1, or PAOZ-2 Districts: No off-street parking required. In the R-BA and PD Districts: 1 off-street parking space (uncovered or covered), unless the accessory dwelling unit is located within one-half mile walking distance of public transit, or the accessory dwelling unit is part of the proposed or existing dwelling, as defined in Section 17.02.235, or an accessory structure as defined in subsection B of Section 17.02.755.
Junior accessory dwelling units	No off-street parking required.
Duplex or multiple family dwelling units; Mobilehome park units:	
Studios	1 (uncovered or covered) space per unit.
1-bedroom units	1½ spaces (1 of which shall be covered) per unit; only 1 (covered) space required for units not over 900 square feet in floor area.
2-bedroom units	1½ spaces (1 of which shall be covered) per unit.
3-bedroom units or larger	2 spaces (1 of which shall be covered) per unit, plus 1 (uncovered or covered) space for units over 2,700 square feet.

Uses:	Parking Requirements:
	See Section 17.34.020(B)(1) regarding garage and carport exclusions from the floor area calculation.
	Additional guest parking spaces shall be provided for all developments of 5 or more units at the rate of 1 parking space for every 5 units. The accessible parking spaces required per Section 17.34.040(D) shall count as guest parking spaces.
Emergency shelters	0.35 space per bed plus 1 space per staff member on the largest shift.
Hotels, motels	1 space per unit, plus applicable requirements for restaurants, bars and meeting halls.
Cultural facilities, meeting halls and places of worship	
	1 space for each 50 square feet of assembly area or 1 space for each 4 fixed seats, whichever is greater, plus 1 space for each 300 square feet of the remaining floor area of the building (meeting rooms not exceeding 750 square feet and ancillary to an office use shall be included with the floor area of the office in calculating the parking requirement for the office use).
Commercial recreation	3 spaces per ball court; 2.5 spaces per batting cage; 4 spaces per lane for bowling alleys; 2 spaces per tee for golf courses; 20 spaces per playing field; 2 spaces per shooting range; 2 spaces per horse stall for stables; 1 space per 100 square feet of water area for swimming pools.
	For commercial recreation uses that do not fall within the above categories, 1 parking space shall be required for every 4 fixed seats for spectators, 1 parking space per each 200 square feet of floor area used for indoor commercial recreation, and 1 parking space per each 1,000 square feet of site area used for outdoor commercial recreation.
Marinas	1 space per 0.75 berths.
Schools—Public, private or commercial	1 space for each classroom and office.

Uses:	Parking Requirements:
Hospitals	1 space per bed plus 1 space for each 2 employees on the largest shift.
Financial services	1 space for each 200 square feet of gross floor area.
Administrative office	1 space for each 300 square feet of gross floor area.
Professional office	1 space for each 250 square feet of gross floor area.
Retail stores, restaurants, bars, offices	1 space for each 300 square feet of gross floor area.
Service stations	2 spaces for each working bay plus 1 space for each employee on the largest shift.
Warehousing, light fabrication, food production, media studios, printing	1 space for each 1,000 square feet of gross floor area.
Convalescent hospitals, sanitariums, rest homes	1 space for each 7 beds plus 1 space for each 2 employees on the largest shift.

B. The minimum parking requirements shall be calculated according to the following:

1. All references to square feet shall be in regards to floor area as defined in Chapter 17.02. The floor area of garages and carports shall not be included in measuring floor area to calculate the parking requirements, except for any floor area exceeding 400 square feet within a garage or carport exclusively for the use of a single residential unit.
2. When more than one use subject to the parking requirements occupies a site, the requirements for each use shall be calculated separately. The floor area occupied by accessory uses, such as hallways, bathrooms, breakrooms, utility rooms and storage closets, shall be included in the calculation of the parking requirements for the associated primary use.
3. No parking shall be required for accessory structures 200 square feet or less in floor area.
4. When application of the parking requirements results in a fractional number, all fractions shall be rounded up from 0.5 to the next whole number, except when specified otherwise. No parking shall be required for uses for which the requirement is less than 0.5 space.

SECTION 26: Section 17.38.030 – Expansion of nonconforming uses of Chapter 17.38 of the Zoning Ordinance is amended to read as follows:

17.38.030 - Expansion of nonconforming uses.

- A. Except as otherwise provided in subsection B of this 17.38.030 and Section 17.38.110 of this chapter, a nonconforming use may not be enlarged, expanded or intensified. This prohibition shall include any enlargement, expansion or intensification of a nonconforming use which:
1. Increases the site area or floor area occupied by the nonconforming use; or
 2. Increases the amount, volume, or intensity of nonconforming business use, or the machinery, equipment, trade fixtures or other personal property utilized in the conduct of such use; or
 3. Displaces any conforming use occupying a structure or site.
- B. Nonconforming residential uses located in the R-1, R-2, R-3 or R-BA district may be enlarged or expanded upon the granting of a use permit by the planning commission pursuant to Chapter 17.40 of this title. In addition to the findings required by Chapter 17.40, the planning commission shall also find and determine that:
1. Parking spaces in accordance with the requirements set forth in Chapter 17.34 of this title will be provided for the nonconforming use and all other uses on the site;
 2. Any expansion of the nonconforming facility will comply with all applicable development standards for the district in which the site is located, including, but not limited to, floor area ratio, setbacks, height, and coverage limitations.
 3. The nonconforming facility will comply with all applicable provisions of the building, health and fire codes.
 4. The nonconforming use will comply with such other conditions and requirements which, in the judgment of the planning commission, are necessary or appropriate to mitigate any potential adverse impacts of the expansion on the neighborhood.

Note. A single-family dwelling on a lot of record in an R-1, R-2, R-3, or R-BA district having less than the minimum lot area prescribed by the applicable district regulations, shall constitute a conforming use and may be enlarged or expanded subject to the development standards of the applicable district and the limitations set forth in Section 17.32.055 of Chapter 17.32 of this title.

SECTION 27: Section 17.38.040 – Maintenance and repair of nonconforming facility of Chapter 17.38 of the Zoning Ordinance is amended to read as follows:

17.38.040 - Maintenance and repair of nonconforming facility.

- A. Nonconforming facilities may be continued, maintained and repaired so as to protect the health and safety of the occupants and preserve the useful life of the structure.
- B. Nonconforming facilities may be remodeled and the interior reconfigured so long as there is no enlargement, expansion, or intensification of the nonconforming use, except as otherwise permitted by subsection B of Section 17.38.030.

SECTION 28: Section 17.38.060 – Reconstruction or replacement of nonconforming facility of Chapter 17.38 of the Zoning Ordinance is amended to read as follows:

17.38.060 - Reconstruction or replacement of nonconforming facility.

A nonconforming facility which is damaged or destroyed may be reconstructed or replaced for continued occupancy by the nonconforming use or uses previously conducted therein, subject to the following limitations:

- A. The site area or floor area occupied by the nonconforming use, and the intensity of activity conducted by the nonconforming use, subsequent to reconstruction or replacement of the facility shall not exceed that existing prior to the damage or destruction of the facility, except as otherwise permitted by subsection B of 17.38.030.
- B. The reconstructed or replaced facility shall comply with all of the applicable regulations of this title, other than the use of the structure, and all applicable provisions of the building, health, and fire codes.

SECTION 29: Section 17.38.080 – Alteration or expansion of nonconforming structures of Chapter 17.38 of the Zoning Ordinance is amended to read as follows:

17.38.080 - Alteration or expansion of nonconforming structures.

- A. A nonconforming structure shall not be altered, enlarged, or expanded so as to increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of this title.
- B. Structural alterations may be permitted when necessary to comply with the requirements of law.
- C. The prohibitions of this section shall not apply to any alteration, enlargement or expansion for which a variance is granted pursuant to Chapter 17.46 or to which a use permit is granted pursuant to Chapter 17.34 and 17.40 of this title.

SECTION 30: Section 17.38.090 – Repair and replacement of nonconforming residential structures of Chapter 17.38 of the Zoning Ordinance is amended to read as follows:

17.38.090 - Repair and replacement of nonconforming residential structures.

- A. **Damage of Less Than Seventy-Five Percent (75%).** A nonconforming structure used for residential purposes which is damaged or destroyed by fire, flood, wind, earthquake, or other natural disaster to the extent of less than seventy-five percent (75%) of its floor area may be repaired, restored or reconstructed to its original size and configuration. All new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.
- B. **Damage of More Than Seventy-Five Percent (75%).** A nonconforming structure used for residential purposes which is damaged or destroyed by fire, flood, wind, earthquake, or other natural disaster to the extent of seventy-five percent (75%) or more of its floor area may be repaired, restored or reconstructed provided that all of the following conditions are satisfied:
 - 1. The total floor area of the restored structure shall not be greater than the total floor area of the original structure.
 - 2. The total number of dwelling units in the restored structure shall not be greater than the total number of dwelling units in the original structure.

3. The front, side and rear setbacks of the restored structure shall not be less than the setbacks of the original structure.
 4. The number of off-street parking places shall not be reduced from the number available prior to the restoration.
 5. The new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.
- C. Mixed Use Structure. A nonconforming structure containing both residential and nonresidential uses may be restored in accordance with the provisions of this section where the residential uses constitute more than fifty percent (50%) of the floor area of the entire structure.

SECTION 31: A new Section 17.38.110 – Addition of accessory dwelling units to nonconforming uses or structures is added to Chapter 17.38 of the Zoning Ordinance to read as follows:

17.38.110 - Addition of Accessory Dwelling Units to Nonconforming Uses or Structures.

- A. Nonconforming single-family, duplex, or multiple-family uses may be expanded to accommodate accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.43 of this title.
- B. A nonconforming structure may be rebuilt in the same location and to the same dimensions as the existing structure and converted to an accessory dwelling unit pursuant to Chapter 17.43 of this title.

SECTION 32: Chapter 17.43 - Accessory Dwelling Units of the Zoning Ordinance is amended in its entirety to read as follows:

Chapter 17.43 - Accessory Dwelling Units and Junior Accessory Dwelling Units

17.43.010 - Purposes of chapter.

Accessory dwelling units and junior accessory dwelling units are permitted under this chapter to achieve the following purposes:

- A. To provide opportunities to establish accessory dwelling units and junior accessory dwelling units on building sites developed with existing or proposed single-family dwellings, duplexes, or multiple-family dwellings.
- B. To provide affordable housing to meet the needs of Brisbane citizens.
- C. To ensure that the development of accessory dwelling units is compatible with existing development and reflects the diversity of the community.
- D. To implement and promote the goals and policies of the general plan so as to guide and manage residential development in the city in accordance with such plan.

17.43.020 - Definitions.

In addition to the definitions set forth in Chapter 17.02, all of which are applicable to this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

“Impact fees” include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or any accessory structure.

"Main dwelling" means that dwelling unit on the property that is not an accessory dwelling unit or a junior accessory dwelling unit.

“Efficiency kitchen” means a kitchenette or a small kitchen or part of a room equipped as a kitchen in a junior accessory dwelling unit and shall include all of the following: (1) a cooking facility with appliances, and (2) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

“Multiple-family dwellings” means a dwelling than contains two (2) or more dwelling units (including a “duplex”), provided, however, that a property containing a single-family dwelling and a lawful accessory dwelling unit (either attached and detached) and/or a junior accessory dwelling unit shall not be deemed a multiple-family dwelling.

17.43.030 – Permit Requirements.

- A. Except as provided by subsection C of this Section 17.43.030, building permit applications for junior accessory dwelling units or accessory dwelling units shall be ministerially processed within sixty (60) days of receipt of a complete building permit application and approved if they meet the requirements of this chapter. Incomplete applications will be returned to the applicant with a written explanation of the additional information required for approval.
- B. Notwithstanding subsection A, if the building permit application submitted will also create a new single-family dwelling or multiple-family dwelling on the lot, the application for the junior accessory dwelling unit or accessory dwelling unit(s) shall not be acted upon until the building permit application for the new single-family dwelling or multiple-family dwelling is approved, but thereafter shall be ministerially processed within sixty (60) days of receipt of a complete application and approved if it meets the requirements of this chapter. Occupancy of the junior accessory dwelling unit or accessory dwelling unit(s) shall not be allowed until the City approves occupancy of the main dwelling.
- C. The City shall grant a delay in processing an application for an accessory dwelling unit or junior accessory dwelling unit if requested by the applicant.
- D. All junior accessory dwelling unit and accessory dwelling unit applications shall be subject to building inspection and permit fees as established by resolution of the City Council and water and sewer connection and capacity fees in compliance with Title 13, except that:
 1. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than seven hundred fifty (750) square feet.
 2. For accessory dwelling units that have a floor area of seven hundred fifty (750) square feet or more, impact fees shall be charged proportionately in relation to the current impact fees for the square footage of the main dwelling.
- E. Construction of an accessory dwelling unit and/or junior accessory dwelling unit in the R-BA Brisbane Acres Residential District shall require submittal of an application for an accessory

dwelling unit permit in addition to an application for a building permit. Accessory dwelling unit permits shall be granted ministerially by the director of community development pursuant to this chapter within sixty (60) days of receipt of a complete permit application in accordance with Section 65852.2 of the California Government Code.

17.43.040 – Development regulations for accessory dwelling units.

Accessory dwelling units shall comply with all of the following development standards:

- A. Zoning Districts. Accessory dwelling units may only be established or occupied in the R-1, R-2, R-3, R-BA, NCRO-2, SCRO-1, PAOZ-1, PAOZ-2 and PD zoning districts with an existing or proposed single-family or multiple-family dwelling.
- B. Density. An accessory dwelling unit that conforms to this Chapter 17.43 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located. The accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot and shall not be considered in the application of any City ordinance, policy, or program to limit residential growth.
- C. Lot Size. There is no minimum lot size requirement.
- D. Number of Units.
 1. No more than one accessory dwelling unit may be constructed on any lot developed with a single-family dwelling.
 2. The number of accessory dwelling units permitted on any lot developed with a multiple-family dwelling shall comply with Section 17.43.050 of this chapter.
- E. Attached or Detached. Accessory dwelling units may be attached to or located within the existing or proposed main dwelling, including garages, storage areas, or accessory structures, or detached from the main dwelling on the same lot.
- F. Unit Size. Accessory dwelling units shall not exceed one thousand (1,000) square feet in floor area, as defined in Section 17.02.315 of Chapter 17.02 of this title.
- G. Setbacks. Accessory dwelling units shall be subject to the following setback requirements:
 1. Front Setback: The minimum front setback shall be as established in the underlying zoning district regulations.
 2. Side Setback. Accessory dwelling units on a lot of forty (40) feet or more in width shall have a minimum side setback of four (4) feet. Accessory dwelling units on a lot with a width of less than forty (40) feet shall provide minimum side setbacks in compliance with the underlying zoning district regulations.
 3. Rear Setback. Accessory dwelling units on any lot shall have a rear setback of at least four (4) feet.
 4. No setback shall be required for an existing, legally permitted living area, garage, or accessory structure with nonconforming setbacks that is converted to an accessory

dwelling unit or a portion of an accessory dwelling unit or an accessory dwelling unit constructed in the same location and to the same dimensions as an existing, legally permitted living area, garage, or accessory structure with nonconforming setbacks.

- H. Lot Coverage. Accessory dwelling units shall be included in calculating the lot coverage for the lot on which the accessory dwelling unit is located, except for accessory dwelling units eight hundred (800) square feet or less in floor area and no more than sixteen (16) feet in height.
- I. Floor Area Ratio. The floor area of the accessory dwelling unit shall be included in calculating the floor area ratio for the lot on which the accessory dwelling unit is located, except for accessory dwelling units eight hundred (800) square feet or less in floor area and no more than sixteen (16) feet in height.
- J. Height. Accessory dwelling units shall not exceed two stories and shall be subject to the height maximum established in the underlying zoning district.
- K. Required Facilities. An accessory dwelling unit shall include all of the following facilities:
 - 1. A kitchen, including a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as a range or cooktop and oven, that meet Building Code standards; and
 - 2. A full bathroom, including sink, toilet, and shower and/or bath facilities.
- L. Landscaping. Accessory dwelling units shall be subject to the landscaping requirements of the underlying zoning district.
- M. Parking. Parking spaces for the main dwelling and accessory dwelling units shall be provided in accordance with the requirements set forth in Chapter 17.34, except that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, any parking spaces that were provided by such garage, carport, or covered parking structure are not required to be replaced.
- N. Unit Access.
 - 1. As required by Section 17.01.060, the lot on which the accessory dwelling unit is located shall have a legal means of access to the public right of way that complies with the street standards set forth in Section 12.24.010.
 - 2. A separate exterior entry from the main entrance to the main dwelling shall be required to serve each attached accessory dwelling unit. Interior entry access between an accessory dwelling unit and the main dwelling is permitted, provided that the interior entry is located off a common living area of the main dwelling, such as a living room, family room, dining room, kitchen, or an interior hallway leading to common living areas.
- O. Utilities. The lot is served by adequate water, sewer, and storm drain facilities which comply with city standards as established per Title 13 of this Code. An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the City, pursuant to Title 13 of this Code. As to the main dwelling, a separate water connection, a separate sewer service connection, or a

separate power connection for water, sewer, and power service is not required for an accessory dwelling unit.

- P. Compliance with Codes. The accessory dwelling unit and all new construction on the lot that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health and fire codes.
1. Accessory dwelling units shall not be required to provide fire sprinklers except when fire sprinklers are required for the main dwelling, as determined by the building official consistent with Chapter 15.10.

17.43.050 - Accessory dwelling units in multiple-family dwellings.

In addition to compliance with the development regulations established in Section 17.43.040 of this chapter, accessory dwelling units on lots with existing multiple-family dwellings shall also comply with all of the following criteria:

- A. At least one attached accessory dwelling unit shall be allowed per lot developed with a multiple-family dwelling.
1. The total number of attached accessory dwelling units permitted shall not exceed a maximum of twenty-five percent (25%) of the total number of existing dwelling units within the existing multiple-family dwelling.
 2. Attached accessory dwelling units shall be allowed within existing portions of multiple-family dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided, that each accessory dwelling unit complies with state building standards for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multiple-family dwelling.
- B. In addition to attached accessory dwelling units permitted under subsection A, not more than two detached accessory dwelling units may be allowed on a lot developed with a multiple-family dwelling. Detached accessory dwelling units shall be subject to the following standards:
1. Setbacks. The setback requirements of Section 17.43.040 of this Chapter apply.
 2. Floor Area. Detached accessory dwelling units may not exceed eight hundred (800) square feet in floor area per unit.
 3. Height. Detached accessory dwelling units shall not exceed sixteen (16) feet in height.

17.43.060 - Development regulations for junior accessory dwelling units.

Junior accessory dwelling units shall comply with all of the following development standards:

- A. Zoning Districts. Junior accessory dwelling units may only be established or occupied on lots in the R-1, R-2, R-3, R-BA, NCRO-2, SCRO-1, PAOZ-1, and PD zoning districts with an existing or proposed single-family dwelling.
- B. Density. A junior accessory dwelling unit that conforms to this Chapter 17.43 shall be deemed to be an accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located. The junior accessory dwelling unit shall be deemed to be a residential

use that is consistent with the existing general plan and zoning designations for the lot and shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

C. Lot Size. There is no minimum lot size requirement.

D. Number of Units.

1. No more than one junior accessory dwelling unit may be constructed on any lot developed with an existing or proposed single-family dwelling.
2. A junior accessory dwelling unit may be permitted on a lot with an accessory dwelling unit, provided the following criteria are met:
 - a. The accessory dwelling unit is fully detached and the junior accessory dwelling unit is within an existing or proposed single-family dwelling; and
 - b. The detached accessory dwelling unit does not exceed a total floor area of more than eight hundred (800) square feet and a height limitation of sixteen (16) feet.

E. Floor Area Requirements.

1. Junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area and shall be constructed within the existing walls of the main dwelling. The floor area of the junior accessory dwelling unit shall be included in calculating the floor area ratio for the lot on which the junior accessory dwelling unit is located and subject to the maximum floor area ratio established in the underlying zoning district.
 - a. Exemption: A junior accessory dwelling unit may expand the main dwelling by not more than one hundred fifty (150) square feet beyond the physical dimensions of the main dwelling, provided that the expansion of the main dwelling shall be limited to accommodating ingress and egress for the junior accessory dwelling unit. The setbacks of the expansion shall comply with the setback standards of the underlying zoning districts and shall be compliant with building, health, and fire codes.

F. Unit Access.

1. As required by Section 17.01.060, the lot on which the junior accessory dwelling unit is located shall have a legal means of access to the public right of way that complies with the street standards set forth in Section 12.24.010.
2. A separate exterior entry from the main entrance to the main dwelling shall be provided to serve the junior accessory dwelling unit only. Interior entry access between the junior accessory dwelling unit and the main dwelling is permitted, provided that the interior entry is located off a common living area of the main dwelling, such as a living room, family room, dining room, kitchen, or an interior hallway leading to these common living areas.

G. Required Facilities. A junior accessory dwelling unit shall include all of the following facilities:

1. At a minimum, an efficiency kitchen.

2. Sanitation facilities, but such facilities may be separated from or shared with the main dwelling.
- H. Owner Occupancy. Either the main dwelling or the junior accessory dwelling unit shall be occupied by the record owner of the property as the owner's principal place of residence. In the case of ownership by a corporation, limited liability company, partnership, trust or association, either the main dwelling or the junior accessory dwelling unit shall be the principal place of residence of an officer, director, shareholder, or member of the company, a partner in the partnership, a trustor or beneficiary of the trust, a member of the association, or an employee of any such organization. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
- I. Recordation of Declaration of Restrictions.
1. A Declaration of Restrictions shall be recorded to run with the land that indicates the following:
 - a. Only one unit may be occupied solely by persons other than the owner or owners of record;
 - b. If a junior accessory dwelling unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days;
 - c. Sale of the junior accessory dwelling unit separately from the main dwelling is prohibited; and
 - d. The approved size and attributes of the junior accessory dwelling unit.
 2. A copy of this Declaration of Restrictions must be given to each prospective purchaser or occupant.
- J. Parking. Parking spaces for the main dwelling and junior accessory dwelling unit shall be provided in accordance with the requirements set forth in Chapter 17.34 of this title.
- K. Utilities. The lot shall be served by adequate water, sewer, and storm drain facilities which comply with city standards as established per Title 13 of this Code. A junior accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the City.
- L. Compliance with Codes. The junior accessory dwelling unit and all new construction on the lot that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health, and fire codes.
1. Junior accessory dwelling units shall not be required to provide fire sprinklers except when fire sprinklers are required for the main dwelling, as determined by the building official consistent with Chapter 15.10.

17.43.070 - Prohibition on sale and limitation on rental.

- A. Accessory dwelling units and junior accessory dwelling units shall not be sold separately from the main dwelling(s).

- B. If an accessory dwelling unit or junior accessory dwelling unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.

17.43.080 – Delay of enforcement of building standards.

- A. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before January 1, 2020, may submit an application to the building official requesting that correction of any violation of building standards be delayed for five years. For the purposes of this section, “building standards” refer to those standards enforced by local agencies under the authority of Section 17960 and following of the California Health and Safety Code.
- B. The building official shall grant any application submitted under subsection A of this Section if the building official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the building official shall consult with the fire marshal.
- C. No applications submitted pursuant to this section shall be approved on or after January 1, 2030; provided, however, any delay to correct a violation that was approved by the building official before January 1, 2030, shall be valid for the full term of the delay that the building official approved at the time the building official approved the application.
- D. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an accessory dwelling unit built before January 1, 2020 shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.
- E. This section shall remain in effect until January 1, 2035, and as of that date is repealed.

17.43.090 - Appeals.

Any decision or determination by the director of community development or building official pursuant to this chapter may be appealed in accordance with the procedure set forth in Chapter 17.52 of this title.

SECTION 33: Where a use permit, design permit or variance approval has been issued through final action by the City prior to the effective date of this Ordinance, or where such planning permit approval is not required and a complete building permit application has been submitted prior to the effective date of this Ordinance, the holder of such use permit, design permit or variance approval or complete building permit application may proceed to construct the improvements or establish the use authorized by such permit or approval and the same shall be exempted from any conflicting regulations that may be contained in this Ordinance.

SECTION 34: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 35: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

* * *

The above and foregoing Ordinance was regularly introduced and after the waiting time required by law, was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

Michael Paul

City Clerk

Legal Counsel

ATTACHMENT B

REDLINE COPY

Proposed Zoning Text Amendments: RZ-1-20 ADU and FAR Parking Exception

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13.04.453 - Disclosure and sewer lateral certificate; when required.

- A. A person must possess or obtain a sewer lateral certificate issued under Section 13.04.452 before the city will issue a final building permit when the person has undertaken work that:
1. Triggers the requirements of ~~Chapter 15.10 Section 15.08.140~~ of this code; or.
 2. Is associated with a change in water service (e.g., change in meter size or the addition of a meter).
- B. Beginning April 20, 2015, any person intending to sell or transfer a fee interest in real property must disclose the requirements of this section to each of the following, except as provided in subsection C:
1. The person's real estate broker or agent, if any;
 2. The person to whom the real property is intended to be sold or transferred;
 3. The real estate broker or agent, if any, of the person to whom the real property is intended to be sold or transferred;
 4. The escrow company or holder involved in the real property sale or transfer, if any.
- C. Subsection B does not apply to:
1. Sales or transfers of individual units within a condominium as defined in Section 17.02.150 of this code;
 2. Sales or transfers of less than a fee interest, e.g., a leasehold;
 3. Sales or transfers to a fiduciary in the course of the administration of a decedent's estate, a guardianship or a conservatorship;
 4. Transfers from one co-owner to one or more other co-owners;
 5. Transfers to a revocable trust if the trust is for the benefit of the grantor(s);
 6. Transfers made by a trustor to an intervivos trust;
 7. Transfers between spouses or between registered domestic partners;
 8. Transfers to a financial institution, trust deed holder, or trustee of a deed of trust, as part of foreclosure or similar process.
- D. The director shall prepare a handout or other written material, to be made available to the public, describing the requirements of this section. A person may satisfy the disclosure requirements of subsection B by providing a then current copy of the handout or other written material to those parties identified in subsection B.

15.08.130 - Additions, alterations or repairs—Compliance with construction codes.

Any addition, alteration, or repair to, or change of use of, or occupancy in a building or structure shall comply with the provisions for new buildings and structures set out in the construction codes, except as may otherwise be provided in Chapter 15.10, Sections ~~15.08.140~~15.08.180 through 15.08.210, and in Section 502 of the Uniform Building Code, latest adopted edition.

15.44.080 - Section 903 amended—Automatic sprinkler systems.

Section 903 of the fire code is amended in its entirety to read as follows:

903 Automatic fire extinguishing systems.

- (a) Notwithstanding any other provisions of this Code or any other code or ordinance of the City of Brisbane, automatic fire sprinkler systems, approved by the Fire Marshal, shall be installed in the following buildings and structures that are classified as new construction:
1. For all occupancies except R-3 occupancies: Any new building or structure, regardless of size, except stand alone, uninhabitable buildings, garages and sheds having a floor area of less than 400 square feet.
 2. For all R-3 occupancies: Any new single-family or duplex structure, excluding any detached accessory structure that does not constitute habitable space having a floor area of less than 400 square feet.
- (b) When additions or alterations made to an existing building fall within the requirements under Brisbane Municipal Code Chapter 15.10, Section 15.08.140, an automatic fire sprinkler system shall be provided for the entire building.
- (c) Other Areas. An automatic fire sprinkler system shall be installed in all garbage compartments, rubbish and linen chutes, linen rooms, incinerator compartments, dumb waiter shafts, and storage rooms when located in all occupancies except Group R, Division 3. An accessible indicating shut off valve shall also be installed.
- (d) Condominium Conversions. An automatic fire sprinkler system shall be installed for all condominium conversions.
- (e) Where automatic fire sprinkler systems are required to be installed, the following additional requirements shall also be satisfied, as applicable:
1. A minimum of three (3) copies of plans and specifications for automatic sprinkler installations, plus water supply calculations, shall be provided to the Fire Department for review and approval prior to commencement of the installation work.
 2. All required automatic sprinkler systems shall be approved by the Fire Department.
 3. All acceptance tests and such periodic tests as required by the Fire Marshall or pursuant to NFPA Pamphlets No. 13, 13D, 13R and/or Subchapter 5, Title 19, California Code of Regulations, shall be conducted and, where applicable, witnessed by a representative of the Fire Department.

An approved exterior visual fire alarm device may be required for buildings that have numerous fire department connections (FDC's). Type and locations will be determined by the Fire Department. Such visual alarm devices are not to replace the exterior audible device, but to assist fire suppression personnel as to location(s) of systems which require pumping operations.

~~15.08.140—Additions or alterations in excess of fifty percent of floor area.~~

- ~~A.—When alterations to a lawfully constructed building or structure made within any five (5) year period exceed fifty percent (50%) of the floor area of the pre-existing building or structure, as determined by the building official, then except as otherwise provided in subsection C of this section, the pre-existing building or structure to be brought into conformity with the such of standards for new construction as that the building official may determine to be necessary or appropriate to eliminate existing health or safety hazards including, but not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate fire sprinkler, sanitary sewer or storm drainage facilities, and substandard street access to the property.~~
- ~~B.—For the purposes of making the determinations required by subsection A of this Section 15.08.140, the following definitions, rules of interpretation, and procedures shall be applied:~~
- ~~1.—For the purposes of this Section 15.08.140, the "floor area" of a building or structure shall mean the sum of the gross horizontal areas of a floors of all building or structure measured from the interior face of the exterior walls, but excluding each of the following:~~
 - ~~a.—Any area where the floor to ceiling height is less than six (6) feet; or~~
 - ~~b.—Any detached garage or other detached accessory structure which does not constitute habitable space; or~~
 - ~~c.—Any attached carport or covered deck.~~
 - ~~2.—The "standards for new construction" shall mean: (a) the requirements of the California Buildings Code adopted by this Title 15; and (b) the storm water management and discharge requirements established by Chapter 13.06 of the Brisbane Municipal Code ; and (c) the standard specifications and street standards adopted by Section 12.24.010 of the Brisbane Municipal Code.~~
 - ~~3.—Calculation of the changes to the structure are to be determined by the building official, who may require documentation of applicants regarding effected areas and/or impose conditions of approval upon issuance of a building permit. The building official shall have the authority to determine whether combinations of additions or alterations, or combinations thereof are subject to subsection A of this Section 15.08.140 or if they qualify under the exceptions.~~
- ~~C.—Exceptions to subsection A of Section 15.08.140:~~
- ~~1.—Additions or alterations performed at different periods of time shall be considered to have been made within a five (5) years period if any building permits are issued or any work is commenced within five (5) years following the date of completion of any earlier work on the same building or structure. The date of completion shall normally be established as the date on which final inspection approval of the earlier work is granted by the city.~~
 - ~~2.—The area of any additions and/or alterations not exceeding a cumulative total of four hundred (400) square feet, permitted to be made under the provisions of~~

~~Section 17.34.110 of the Brisbane Municipal Code, shall not be subject to the provisions of subsection A of this Section 15.08.140.~~

- ~~3. Work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck shall not be considered alterations subject to the provisions of this chapter.~~
 - ~~4. Alterations, renovations or repairs which do not essentially change the original size, configuration, and habitable floor area of the building or structure or basic uses of the rooms within the building or structure, shall not be considered as additions or alterations subject to the provisions of this; provided, however:

 - ~~a. This exception includes conversion of existing room(s) in an existing single-family dwelling to an accessory dwelling unit, as provided by Chapter 17.43 of the Brisbane Municipal Code, as long as the use of those rooms remains the same (e.g. bedroom for bedroom, etc.).~~
 - ~~b. Conversion or recognition of previously undocumented rooms to be permitted as habitable may be included in the calculation of alteration of space, at the discretion of the building official.~~
 - ~~c. This exception may not be applied where the building official has determined that the alteration or repair constitutes a "major rebuild", where seventy five percent (75%) or more of the combined surface area of the interior walls and ceilings of the habitable rooms are to be removed to expose support members.~~~~
- ~~B. Where an existing building or structure is required by this Section 15.08.140 to be brought into conformity with the standards for new construction, the building official shall have authority in individual cases to grant modifications of any such requirements, if the building official is able to find and determine that:~~
- ~~1. Compliance with the requirement will cause practical difficulties or unreasonable hardship; and~~
 - ~~2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; and~~
 - ~~3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.~~
- ~~E. This Section 15.08.140 is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the codes adopted by this and include also any policy adopted in the Brisbane General Plan.~~

~~Where the requirements of subsection A of this Section 15.08.140 are not applicable because the additions or alterations do not exceed fifty percent (50%) of the floor area of the pre-existing building or structure, the proposed development shall nevertheless comply with the requirements of Section 17.01.060 of the Brisbane Municipal Code unless: (1) the pre-existing building or structure is located upon a lot of record, as such term is defined in Chapter~~

~~17.02 of the Brisbane Municipal Code, and (2) a public street abutting such lot of record provides the principal means of access to that lot.~~

Chapter 15.10 - Additions, alterations, and major rebuilds to existing buildings.**15.10.010 - Authority.**

The building official or the building official's designee shall have the authority to enforce the provisions of this Chapter.

15.10.020 - Coordination with other Chapters.

This Chapter is intended to establish requirements which are in addition to, and not in replacement of, any other ordinance, rule, regulation, or policy of the city which may be applicable to the proposed development project, including any of the codes adopted by this Title 15 and the requirements of Section 17.01.060 of this title.

15.10.030 - Applicability.

This Chapter shall apply to additions, alterations, or major rebuilds, as defined in Section 15.10.040 of this Chapter, to a lawfully constructed building completed within any five (5) year period. The date of completion shall normally be established as the date on which the City grants final inspection approval of the work.

15.10.040 - Definitions.

For the purposes of this Chapter 15.10 the following definitions apply:

- A. "Addition and Alteration" shall mean new floor area added to an existing lawfully constructed building and/or changes to the existing floor area of a lawfully constructed building, which calculated together or apart constitute fifty (50) percent of the pre-existing floor area of the building. The conversion or recognition of non-habitable rooms to habitable space may be included in the calculation of alteration of space, at the discretion of the building official.
- B. "Major rebuild" shall mean removal of seventy-five percent (75%) or more of the combined surface area of the interior walls and ceilings of the habitable rooms of a building or structure to expose support members.
- C. "Floor Area" shall mean the sum of the gross horizontal areas of all floors of all buildings or structures measured from the interior face of the exterior walls, but excluding each of the following:
 - 1. Any area where the floor to ceiling height is less than six (6) feet.
 - 2. Any detached garage or other detached accessory structure which does not constitute habitable space.
 - 3. Any attached carport or covered deck.
 - 4. Any attached or detached accessory dwelling unit eight hundred (800) square feet or less in gross horizontal area that, if detached, does not exceed sixteen (16) feet in height, where authorized pursuant to Chapter 17.43 of Title 17 of this Code.
- D. "Standards for new construction" shall mean:

1. The requirements of the California Buildings Code adopted by this Title 15; and
2. The storm water management and discharge requirements established by Chapter 13.06 of Title 13; and
3. The standard specifications and street standards adopted by Section 12.24.010 of Title 12.

E. "Hardship" means some verifiable level of difficulty or adversity, beyond the control of the applicant, by which the applicant cannot reasonably comply with the requirements of this Chapter.

15.10.050 - Compliance Standards.

For applicable projects, the entire building shall be brought into conformity with the standards for new construction that the building official determines to be necessary or appropriate to eliminate existing health or safety hazards, including, but is not limited to, defects in structural integrity, defective or inadequate electrical installations, defective or inadequate fire sprinklers, sanitary sewer or storm drainage facilities, and substandard street access to the property.

15.10.060 - Exceptions.

A. Standard Exceptions. The following standard exceptions to Section 15.10.050 shall apply:

1. The area of any additions and/or alterations not exceeding a cumulative total of four hundred (400) square feet within any five (5) year period.
2. The conversion of existing floor area in an existing single-family or multiple-family dwelling to an accessory dwelling unit where authorized pursuant to Chapter 17.43 of Title 17.
3. The area of any addition and/or alteration for the creation or expansion of an attached or detached accessory dwelling unit eight hundred (800) square feet or less in floor area where authorized pursuant to Chapter 17.43 of Title 17. If detached, the accessory dwelling unit may not exceed sixteen (16) feet in height.
4. Work involving exterior surfaces, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck.
5. Alterations, renovations or repairs which do not essentially change the uses of the rooms within the building.

B. Other Exceptions. Where the above listed exceptions do not apply, the building official shall have authority on a case-by-case basis to grant modifications of any such requirements for the standards of new construction if the building official is able to find and determine that:

1. Compliance with the requirement will cause unreasonable hardship; or
2. The modification does not reduce any requirements for fire protection or any requirements relating to structural support and integrity; or

3. The modification does not create any new or increased hazard to the health or safety of the occupants of the existing building or structure.

17.01.060 - Requirement for lot of record and infrastructure improvements.

- A. Except as permitted under subsections B and C of this section or as may be permitted under other provisions of this title, no permit or approval shall be granted for the construction or expansion of any new or existing main or accessory structure of any size upon any land, nor shall any permit or approval be granted for the establishment or expansion of any use upon any land, unless both of the following requirements are satisfied:
1. The land constitutes a lot of record, as such term is defined in Chapter 17.02 of this title, or the granting of the permit or approval is conditioned upon such land being established as a lot of record through the recording of a parcel map approved by the city; and
 2. All infrastructure improvements necessary for providing service to the existing or proposed structure or use have been constructed or installed in accordance with applicable city standards as determined by the city engineer, or the granting of the permit or approval is conditioned upon such improvements being constructed or installed pursuant to the terms and within such period of time as set forth in an improvement agreement between the city and the applicant, which agreement shall be recorded in the office of the county recorder and shall constitute a covenant running with the land. The improvement agreement may require the applicant to provide security for performance of the work, in such form and amount as determined by the approving authority, and may provide for the applicant to either construct the improvements or to participate in an arrangement for such construction by others, or any combination thereof.
- B. In the case of a lot of record which does not abut a public street providing the principal means of access to that lot, the following improvements may be constructed without compliance with the infrastructure requirements set forth in subsection (A)(2) of this section; provided, however no such improvements shall be allowed unless the approving authority determines that adequate infrastructure to service the proposed improvement is available at the site or will be constructed as part of the project:
1. Unenclosed hot tubs, decks, stairways and landings located on the same lot as a lawfully constructed dwelling;
 2. Retaining walls;
 3. Parking garages and carports, no portion of which is used or usable for human occupancy;
 4. An addition, not exceeding a floor area of one hundred (100) square feet, to a lawfully constructed building or structure. Only one such addition shall be allowed under this exemption;
 5. Repairs or remodels which do not change the original size or significantly alter the configuration and/or habitable floor area of a lawfully constructed building or structure, as determined by the planning director.
 6. The conversion of existing floor area of the main dwelling or the conversion of existing floor area of an accessory structure to an accessory dwelling unit or a junior accessory dwelling unit as permitted under Chapter 17.43 of this title. Such

conversion may include the addition of floor area as provided in paragraph 4 of this subsection B. Only one such conversion shall be allowed under this exemption.

C. Additions or alterations may be made to a lawfully constructed building or structure which is located on a lot of record, without compliance with the infrastructure requirements set forth in subsection (A)(2) of this section, where both of the following conditions are satisfied:

1. The additions or alterations ~~do not exceed fifty percent (50%) of the market value or fifty percent (50%) of the floor area of the existing building or structure, determined in accordance with~~ are exempt from the provisions of ~~Section Chapter 15.10.060-15.08.140;~~ and
2. ~~A~~ public street abutting the lot on which the building or structure is located provides the principal means of access to that lot.

17.02.235 - Dwelling.

"Dwelling" means a place that is used as the personal residence of the occupants thereof, including transitional housing as defined in California Health and Safety Code Section 50675.2(h) and supportive housing as defined in California Health and Safety Code Sections 50675.14(b)(2) and (3). The term includes factory-built or manufactured housing, such as mobilehomes, but excludes trailers, campers, tents, recreational vehicles, hotels, motels, boarding houses and temporary structures.

- A. "Dwelling group" means a group of two (2) or more detached buildings located upon the same site, each of which contains one or more dwelling units.
- B. "Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, designed, occupied, or intended for occupancy by one family on a permanent basis. Permanent residency shall mean continuous occupancy of the dwelling unit for a period of thirty (30) days or more.
- C. "Multiple-family dwelling" means a building or site containing three (3) or more dwelling units (also see "duplex"). The term includes single-room-occupancy dwelling units, typically comprised of one or two (2) rooms (which may include a kitchen and/or a bathroom, in addition to a bed), that are restricted to occupancy by no more than two (2) persons.
- D. "Accessory dwelling unit" means a separate dwelling unit created upon a site that contains a single-family dwelling, duplex, or multiple-family dwelling ~~and for which an accessory dwelling unit permit has been granted pursuant to Chapter 17.43 of this title~~. Subject to the restrictions of this title, the accessory dwelling unit may be within, attached to, or detached from the single-family dwelling, duplex, or multiple-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. The term "secondary dwelling unit" shall have the same meaning throughout this title.
- E. "Junior accessory dwelling unit" means a dwelling unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the single-family dwelling. Junior accessory dwelling units are distinguished from accessory dwelling units in that they: (1) must include the conversion of existing, legally permitted floor area within an existing single-family dwelling; (2) must be owner occupied, or the main dwelling be owner occupied; and (3) are subject to unique standards that are not applicable to accessory dwelling units, as specified in Chapter 17.43 of this Title.
- F. "Single-family dwelling" means a dwelling unit constituting the only principal structure upon a single site (excluding any lawfully established accessory dwelling unit that may be located within the same structure on upon the same site). The term includes employee housing for six (6) or fewer persons, residential care facilities, licensed by the state to provide twenty-four (24) hour nonmedical care, serving six (6) or fewer persons (not including the operator, the operator's family or persons employed as staff) in need of supervision, personal services, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Also see "Group care home" for seven (7) or more persons.

17.06.020 - Permitted uses. (R-1)

The following permitted uses shall be allowed in the R-1 district:

- A. Single-family dwellings.
- B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- D. Small family day care homes.
- E. ~~Secondary Accessory~~ dwelling units and junior accessory dwelling units, ~~when authorized by a permit granted pursuant to in accordance with~~ Chapter 17.43 of this title.

17.06.040 - Development regulations.

The following development regulations shall apply to any lot in the R-1 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. Not more than one single-family dwelling ~~unit~~ shall be located on each lot in the R-1 district, ~~except for a secondary dwelling unit authorized pursuant to Chapter 17.43 of this title.~~
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.
 - b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except

where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be forty percent (40%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72. Where the size of the lot is three thousand seven hundred (3,700) square feet or less, one no more than two covered parking spaces designed to accommodate ~~a~~ full-size automobiles shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two four hundred ~~(200)(400)~~ square feet.
- G. Height of Structures.
1. Except as otherwise provided in paragraph 2 subsection (G)(2) of this subsection G and in Section 17.32.060, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.
- H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.

- b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
 3. Rear outside wall: Thirty percent (30%) articulation.
 4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.
- I. Landscaping Requirements.
 1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
 2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
 3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.
- J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.
- K. Recycling Area Requirements. For new subdivisions containing an area where solid waste is collected and loaded in a location which serves five (5) or more living units, adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided to serve the needs of the living units which utilize the area. This requirement shall also apply to all institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

17.08.020 - Permitted uses. (R-2)

The following permitted uses shall be allowed in the R-2 district:

- A. Single-family dwellings ~~and accessory dwelling units associated with an existing or proposed single-family dwelling in compliance with Chapter 17.43.~~
- B. Duplexes.
- C. Multiple family dwellings containing not more than six (6) dwelling units.
- D. Dwelling groups.
- E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- G. Small family day care homes.
- H. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

17.08.040 - Development regulations.

The following development regulations shall apply to any lot in the R-2 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this Section 17.08.040 ~~(B)~~.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

- b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:
1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, ~~one no more than two~~ covered parking spaces designed to accommodate ~~a~~ full-size automobiles shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of ~~two four~~ hundred ~~(200)(400)~~ square feet.
 2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.
- G. Height of Structures.
1. Except as otherwise provided in ~~paragraph 2-subsection (G)(2)~~ of this ~~subsection, G and in Section 17.32.060,~~ the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when

permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

K. Recycling Area Requirements:

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff

from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

17.10.020 - Permitted uses. (R-3)

The following permitted uses shall be allowed in the R-3 district:

- A. Multiple-family dwellings;
- B. Single-family dwellings ~~and accessory dwelling units associated with an existing or proposed single family dwelling in compliance with Chapter 17.43.~~
- C. Duplexes.
- D. Dwelling groups.
- E. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- F. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- G. Small family day care homes.
- H. Accessory dwelling units and junior accessory dwelling units, in accordance with Chapter 17.43 of this title.

17.10.040 - Development regulations.

The following development regulations shall apply to any lot in the R-3 district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this section.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
- B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
50 feet	100 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

- b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 2. Side setback: five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.
 3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).
- F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be 0.72, subject to the following exclusions:
 1. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, ~~one no more than two~~ covered parking spaces designed to accommodate ~~a~~ full-size automobiles shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of ~~two~~ four hundred ~~(200)(400)~~ square feet.
 2. In the case of duplexes and multiple-family dwellings, the area of all covered parking spaces required to be provided for the site shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.
- G. Height of Structures.
 1. Except as otherwise provided in paragraph 2 subsection (G)(2) of this subsection G and in Section 17.32.060, the maximum height of any structure shall be as follows:
 - a. Twenty-eight (28) feet, for lots having a slope of less than twenty percent (20%); or
 - b. Thirty (30) feet, for lots having a slope of twenty percent (20%) or more.
 2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when

permitted by Section 17.32.070 of this title. A garage or carport in compliance with this subsection may exceed a height of thirty (30) feet, but the height of any permitted living area underneath shall not exceed thirty (30) feet from finish grade.

H. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:

1. Front outside wall: Thirty percent (30%) articulation.
2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.
3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.
2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.
3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of Chapters 17.38 and 17.34 of this title.

K. Recycling Area Requirements:

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

17.12.020 - Permitted uses. (R-BA)

The following permitted uses shall be allowed in the R-BA district:

- A. Single-family dwellings.
- B. Accessory structures and uses incidental to a permitted use, including personal cultivation of cannabis in compliance with Title 8, Chapter 8.12.
- C. Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of this title.
- D. Small family day care homes.
- E. ~~Secondary Accessory~~ dwelling units and junior accessory dwelling units, when authorized by a permit ~~undergranted pursuant to~~ Chapter 17.43 of this title.

17.12.040 - Development regulations.

The following development regulations shall apply to any lot in the R-BA district:

- A. Lot Area.
 - 1. The minimum area of any lot shall be twenty thousand (20,000) square feet, except as otherwise provided in Section 17.12.050, Density transfer, and Section 17.12.055, Clustered development, of this chapter.
 - 2. A single-family dwelling may be constructed on a lot of record with an area of less than twenty thousand (20,000) square feet, subject to the provisions of this chapter and the limitations set forth in ~~Section 17.32.100~~ Section 17.01.060 of Chapter 17.01 of this Title.
- B. Density of Development. Not more than one ~~dwelling units~~ single-family dwelling shall be located on each lot in the R-BA District, ~~except for a secondary unit authorized by a permit granted pursuant to Chapter 17.43 of this title.~~
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

Width	Depth
110 feet	140 feet

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback: Ten (10) feet.
 - 2. Side setback: Ten percent (10%) of the lot width, but in no event more than fifteen (15) feet or less than five (5) feet. Notwithstanding the foregoing, the minimum side setback for garages or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be twenty-five percent (25%).
- F. Floor Area Ratio. The maximum floor area ratio of all buildings on a lot shall be 0.72; provided, however, that in no event shall the floor area of all buildings on a lot exceed five thousand five hundred (5,500) square feet.
- G. Height of Structures.
1. Except as otherwise provided in paragraph 2 subsection (G)(2) of this subsection G and in Section 17.32.060, the maximum height of any structure shall be thirty-five (35) feet.
 2. For a distance of twenty (20) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however:
 - a. Residential structures on sites sloping down from the adjacent street may be constructed to a height of twenty (20) feet above the elevation of the center of the street, so long; and
 - b. Garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street and may exceed a height of thirty-five (35) feet, but the height of any permitted living area underneath shall not exceed thirty-five (35) feet from finish grade.
- H. Wildland Interface. The development shall incorporate such measures as the fire chief may deem necessary to protect against the spread of fire between the site and the adjacent wildland.
- I. HCP Compliance. All development within the R-BA District, except as provided in Section 17.01.060, shall comply with the requirements of the San Bruno Mountain Area Habitat Conservation Plan (HCP), including site activity review, environmental assessments, and operating programs for planned management units, consistent with the objectives and obligations set forth in the HCP.
- J. Articulation Requirements. Unless exempted, outside walls that are greater in size than twenty (20) feet in width and twenty (20) feet in height shall have a cumulative area of articulation as follows:
1. Front outside wall: Thirty percent (30%) articulation.
 2. Side outside walls:
 - a. Interior side outside wall: No articulation requirement.
 - b. Exterior side outside wall: Where the structure is located on a lot having an average width of forty (40) feet or greater, the articulation requirement for the exterior side outside wall shall be twenty percent (20%). No articulation shall be required for the exterior side outside wall of structures located on lots having an average width of less than forty (40) feet.

3. Rear outside wall: Thirty percent (30%) articulation.
4. Exemptions: Single story two (2) car garages and accessory structures not exceeding a floor area of one hundred twenty (120) square feet shall be exempted from all articulation requirements.

K. Landscaping Requirements.

1. Landscape Plan. All development proposals and re-landscaping projects subject to the water conservation in landscaping ordinance (Chapter 15.70), except as permitted in Section 17.01.060 of Chapter 17.01 of this title, shall include a landscape plan to be approved by the planning director in consultation with the HCP plan operator. The plan shall show all proposed landscaping and the location of all protected trees and rare plants. The landscape plan shall be consistent with all of the following objectives:
 - a. Preservation of protected trees and rare plants to the greatest extent possible;
 - b. Use of plants that are compatible with the natural flora and fauna, and are not invasive to the HCP area;
 - c. Use of water conserving plants;
 - d. Use of plants that will effectively screen structures and blend with the natural landscape; and
 - e. Use of landscaping that is fire resistant.
2. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

L. Ridgeline. Development on any site through which a ridgeline runs as identified in Figure 17.02.695, Ridgelines, shall be subject to design permit approval, except for accessory dwelling units and junior accessory dwelling units and except as provided in Section 17.01.060.

1. In addition to the required contents of application for design permit set forth in Section 17.42.020(A), story poles certified by a licensed architect, surveyor, civil engineer or contractor to represent the height of the proposed building shall be erected at the locations of its outer corners and roof peaks according to a plan pre-approved by the community development director. The upper one-foot length of each pole shall be painted OSHA yellow so as to be clearly visible from a distance.
2. In addition to the findings required for issuance of design permits set forth in Section 17.42.040, the planning commission shall find that the building's placement, height, bulk and landscaping will preserve those public views of the San Bruno Mountain State and County Park as seen from the Community Park and from the Bay Trail along the Brisbane Lagoon and Sierra Point shorelines that are found to be of community-wide value. Methods to accomplish this may include varying the building's roofline to reflect the ridgeline's topography,

orienting the building to minimize the impact of its profile upon public views, locating the building on the lower elevations of the site, and reducing the building's height below the maximum permitted in the district.

3. An existing structure may be repaired or replaced in accordance with Section 17.38.090 without design permit approval, but any alteration or expansion which raises any portion of the roofline or increases the building's lot coverage shall be subject to design permit approval under this section.
- M. Canyon Watercourses and Wetlands. Development of the site, including any temporary disturbance, shall be set back thirty (30) feet in each direction from the center line of any watercourse, and twenty (20) feet from the boundary of any wetlands. The specific location of watercourse center lines and wetland boundaries shall be determined by qualified personnel under the city's direction.
- N. Trails. The development shall incorporate public access trails to the extent feasible given the environmental sensitivities of the site.
- O. Nonconforming Residential Structures and Uses. Nonconforming residential structures and nonconforming residential uses, as defined in Section 17.02.560, may be repaired, restored, reconstructed, enlarged or expanded in accordance with the provisions of paragraph 3 of subsection L of Section 17.12.040~~(L(3))~~ and Chapters 17.34 and 17.38~~,and 17.34~~, of this title.
- P. Recycling Area Requirements. For new subdivisions containing an area where solid waste is collected and loaded in a location which serves five (5) or more living units, adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided to serve the needs of the living units which utilize the area. This requirement shall also apply to all institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

17.14.020 - Permitted uses. (NCRO-1 & NCRO-2)

The following uses are permitted uses in the NCRO-1 and NCRO-2 districts, if conducted in accordance with the performance standards set forth in 17.14.070 of this chapter:

- A. Financial institutions.
- B. Medical facilities.
- C. Offices.
- D. Personal services.
- E. Restaurants.
- F. Retail sales and rental.
- G. Home occupations, in the NCRO-2 District only.

G-H. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this title, in the NCRO-2 District only.

17.14.060 - Development regulations for the NCRO-2 district.

Development regulations for the NCRO-2 district are as follows:

- A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet.
- B. Lot Dimensions. The minimum dimensions of any lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

- C. Density of Residential Use. Dwelling unit density in a mixed use shall be established by the use permit.
- D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:
 1. Front setback: No requirement (0).
 2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where ~~when the site is~~ abutting any residential district.
 3. Rear Setback: Ten (10) feet.
- E. Lot Coverage. The maximum coverage by all structures on any lot in the ~~NCRO-1~~ NCRO-2 district shall be ninety percent (90%).

- F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by a design permit granted pursuant to Chapter 17.42 of this title and provided the approving authority is able to make the findings set forth in Section 17.14.110 of this chapter.
- G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.
- H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this titlechapter, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:
1. The minimum floor area for a storefront use is six hundred (600) square feet. The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.
 2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.
 3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.
 4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.
- I. Passive Open Space. Usable passive open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such passive open space may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable passive open space for the other residential use. If an existing residential use has passive open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of passive open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable passive open space for the other residential uses, including the loss of non-forming passive open space.
- J. Recycling Area Requirements.
1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from

adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

17.16.020 - Permitted uses. (SCRO-1)

- A. The following are permitted uses in the SCRO-1 district:
 - 1. Emergency shelters in compliance with Section 17.16.040.
 - 2. Accessory dwelling units and junior accessory dwelling units associated with an existing or proposed single-family dwelling, duplex, or multiple-family dwelling in compliance with the provisions of Chapter 17.43 of this ~~Title~~title.

17.16.040 - Development regulations.

Development regulations in the Southwest Bayshore district are as follows:

- A. Lot Area. The minimum area of any lot shall be seven thousand five hundred (7,500) feet.
- B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:
 - 1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
 - 2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
 - 3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
 - 4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.
- C. Lot Dimensions. The minimum dimensions of any lot shall be as follows:

- ~~1. Width: Fifty (50) feet;~~
- ~~2.1. _____ Depth: No requirement.~~

<u>Width</u>	<u>Depth</u>
<u>50 feet</u>	<u>No requirement</u>

- D. Setbacks. The minimum required setbacks for any lot, except as provided in Section 17.32.070, shall be as follows:
 - 1. Front setback;
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;
 - c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - 2. Side setback:

- a. Residential/Mixed Use: Five (5) feet;
- b. Commercial Uses: Fifteen (15) feet;
- c. Exception: The planning commission may approve exceptions to the side setback regulations through the granting of a use permit.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%).

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-five (35) feet.

G. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
2. Plant materials shall be drought resistant and non-invasive as required by the planning director.
3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:
 - a. Use of plants that are not invasive;
 - b. Use of water conserving plants; and
 - c. Use of plants and other landscape features that are appropriate to the context.
4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to ~~the provisions of~~ the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

H. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.
2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections (H)(1) and (H)(2) of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.
- I. Recycling Area Requirements.
 1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.
 - J. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:
 1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
 2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.

3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with ~~BMC~~ Section 17.16.050(E).
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in ~~BMC~~ Chapter 17.34.
12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in ~~BMC~~ Section 17.16.070.
13. The facility may provide the following:
 - a. Kitchen facilities;
 - b. Dining area;
 - c. Recreation room;
 - d. Training and counseling support services;
 - e. Child care facilities;
 - f. Other facilities or services that are accessory to an emergency shelter.
14. Prior to commencing operation, the emergency shelter provider must have a written management plan, which shall be provided to the planning director. The management plan must include provisions for staff training, resident identification process, neighborhood outreach, policies regarding pets, the timing and placement of outdoor activities, provisions for residents' meals (including special dietary needs), medical care, mental health care, dental care, temporary storage of residents' personal belongings, safety and security, provisions in case of area-wide emergencies, screening of residents to ensure compatibility with services provided at the facility, plans to help secure other provisions for those who may not be part of the shelter's target population,

computer access for residents, and training, counseling and social service programs for residents, as applicable.

K. Mobile Home Parks.

1. Mobile home parks in the SCRO-1 district shall be subject to the development and parking standards established in Chapter 17.11 of this Title.
2. Conversion, closure, or cessation of a mobile home park in the SCRO-1 district shall be subject to the procedures established in Section 17.11.090 of this Title.

17.27.020 - Permitted uses. (PAOZ-1 & PAOZ-2)

The following are permitted uses in the PAOZ-1 and PAOZ-2 districts:

PAOZ-1	PAOZ-2	Permitted Uses
X	Not permitted	Single-family dwellings
X	X	Multiple-family dwellings
X	X	Dwelling groups
X	X	Accessory structures
X	X	Home occupations, conducted in accordance with the regulations prescribed in Chapter 17.44 of the BMG
X	X	Small family day care homes
<u>X</u>	<u>X</u>	<u>Accessory dwelling units, in compliance with Chapter 17.43 of this title.</u>
<u>X</u>	<u>Not permitted</u>	<u>Junior accessory dwelling units, in compliance with Chapter 17.43 of this title.</u>

17.27.040 - Development regulations for the PAOZ-1 district.

Development regulations for the PAOZ-1 district are as follows:

- A. Lot Area. There is no minimum lot area.
- B. Density of Development. The minimum development density for any site shall be twenty (20) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.

- C. Lot Dimensions. There are no minimum lot dimensions.
- D. Setbacks. The minimum required setbacks for any building shall be as follows:
1. Front: Five (5) feet minimum, fifteen (15) feet maximum.
 2. Side: Five (5) feet minimum, ten (10) feet maximum.
 3. Street Side: Ten (10) feet minimum and maximum.
 4. Rear: Fifteen (15) feet minimum.
 5. Any architectural projection (including lobbies, porches, stoops, canopies, and other entry-related architectural features) may extend up to two (2) feet into the required front setback area.
- E. Lot Coverage. There is no maximum lot coverage.
- F. Floor Area Ratio. There is no maximum floor area ratio.
- G. Height.
1. Buildings and Architectural Features. The maximum building height shall be thirty-eight (38) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.
 2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from maximum fence and wall heights shall require approval by the planning commission as provided in Section 17.32.050(B)(5) of this title.
- H. Landscaping Requirements. Not less than thirty percent (30%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to ~~the provisions of~~ the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest State provisions, whichever is more effective in conserving water. Landscaping shall conform to the development standards established in Section 3.5 of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
- I. Open Area Requirements. At least four hundred (400) square feet of open area shall be provided for the dedicated use of each ~~residential dwelling~~ unit. The open area requirement shall not be met by shared or communal open areas. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.
- J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do

not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.

- K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- L. Parking. Required on-site parking for single-family dwellings shall be two (2) spaces per dwelling, both of which shall be in an enclosed garage. For multiple-family dwellings, accessory dwelling units, and junior accessory dwelling units, required on-site parking and additional guest parking shall be provided as set forth in Section 17.34.020 of this title.
1. Design Requirements. Off-street parking facilities shall comply with the design standards as set forth in Table 1, which appears immediately following this section.

M. Recycling Area Requirements.

1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. These requirements shall apply to all new residential buildings having five (5) or more dwelling units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the City) where solid waste is collected and loaded. These requirements shall also apply to an existing development project for which building permit applications are submitted within a twelve-month period that collectively add thirty percent (30%) or more to the existing floor area of the development project.

17.27.050 - Development regulations for the PAOZ-2 district.

Development regulations for the PAOZ-2 district are as follows:

- A. Lot Area. There is no minimum lot area.
- B. Density of Development. The minimum development density for any site shall be twenty-four (24) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.
- C. Lot Dimensions. There are no minimum lot dimensions.
- D. Setbacks. The minimum required setbacks for any building shall be as follows:

1. Front: Five (5) feet minimum, twenty (20) feet maximum.
Any architectural projection (including lobbies, porches, stoops, canopies, and other entry-related architectural features) may extend up to two (2) feet into the required front setback area.
 2. Side: Five (5) feet minimum.
Upper floor second and third-story balconies may extend up to two (2) feet into the required side setback area.
 3. Street Side: Ten (10) feet minimum and maximum.
 4. Rear: Fifteen (15) feet minimum.
- E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%).
- F. Floor Area Ratio. There is no maximum floor area ratio.
- G. Height.
1. Buildings and Architectural Features. The maximum building height shall be forty (40) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.
 2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from the fence and wall heights shall require approval by the planning commission as set forth in Section 17.32.050(B)(5) of this title.
- H. Landscaping Requirements. Not less than twenty percent (20%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest State provisions, whichever is more effective in conserving water. Landscaping shall conform to the development standards established in Section 3.5 of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.
- I. Open Area Requirements. At least one hundred (100) square feet of open area per dwelling unit shall be provided. The open area may be met through a combination of common or private open areas provided on-site. Open areas shall be usable and shall support residents' passive and/or active use. The computation of open areas may include amenities and structures designed to enhance usability, such as swimming pools, rooftop gardens or decks, fountains, planters, benches, and usable landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open

areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.

- J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060(B), in addition to any other discretionary review required by the specific deviations.
- L. Parking. Required on-site parking and additional guest parking shall be as established in Section 17.34.020 of this title for multiple-family developments and accessory dwelling units.
1. Design Requirements. Off-street parking facilities shall comply with the design standards as set forth in Table 1, which appears immediately following this section.
 2. Short-term and long-term parking for bicycles in the PAOZ-2 district shall be provided as follows: Long-Term: 1/10 units; Short-Term: 1/20 units.

Bicycle parking design shall conform to the standards established in Section 3.4 of the Parkside Precise Plan.
- M. Recycling Area Requirements.
1. Adequate, accessible and convenient areas for depositing, collecting and loading recyclable materials in receptacles shall be provided. The area shall be located and fully enclosed so as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
 2. These requirements shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. These requirements shall also apply to existing development project for which building permit applications are submitted within a twelve-month period that collectively add thirty percent (30%) or more to the existing floor area of the development project.

17.28.120 - Amendment or modification of PD permit.

- A. Amendments or modifications to a PD permit shall require approval by the city council, except as follows:
1. The planning commission and the zoning administrator shall have authority to approve any items which, under the terms of the PD permit, have been specifically delegated to either of them for approval, either as a condition for issuance of the permit or at any time thereafter.
 2. Minor changes during the course of construction which do not materially affect the use, nature, appearance, quality or character of the project may be approved by the zoning administrator.
 - ~~3.~~ The relocation of a use or activity authorized by the PD permit to another location regulated by the same permit where no significant adverse impacts are created as a result of such relocation may be approved by the zoning administrator.
 - ~~3.4.~~ The construction of an accessory dwelling unit or junior accessory dwelling unit in compliance with Chapter 17.43 of this title shall be approved ministerially by the zoning administrator.
- B. The application requirements, public hearing procedures and findings required for amendments or modifications to a PD permit shall be as prescribed in Sections 17.28.040, 17.28.050 and 17.28.080 of this chapter.

Chapter 17.32.070 - Exceptions – Setback requirements.

A. Notwithstanding any other provision of this title, certain structures or portions thereof may extend into a front, rear or side setback area to the extent permitted by the following chart:

1. Projections from a Building.

- a. Overhanging Architectural Features (Such as Eaves, Cornices Canopies, Rain Gutters and Downspouts).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend three (3) feet from the building into the side setback area, but no closer than two and one-half (2½) feet from the side lot line. Rain gutters and downspouts may extend no closer than two (2) feet from the side lot line. In the R-1 district, a noncombustible awning over the main entrance to a residence located at the side of the structure may extend four (4) feet from the building into any portion of the side setback area, but shall not extend over or drain onto the abutting property.

- b. Cantilevered Windows No Greater Than Ten (10) Feet in Length That Do Not Include Any Floor Area (Such ~~As~~ Bay, Box, Bow, and Greenhouse Windows).

Front setback area:	May extend three (3) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line.
Rear setback area:	May extend three (3) feet from the building into the rear setback area, but no closer than seven (7) feet from the rear lot line.
Side setback area:	May extend two (2) feet into the side setback area, but no closer than three (3) feet from the side lot line.

- c. Supported Decks, Cantilevered Decks and Balconies.

Front setback area:	May extend five (5) feet from the building into the front setback area, but no closer than five (5) feet from the front lot line. Decks may be located atop a garage or carport approved under Section 17.32.070(A)(3)(a) and may extend to the front of the garage, but the railings of such deck may not exceed fifteen (15) feet in height above the elevation of the center of the adjacent street
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	or four (4) feet from the surface of the deck, whichever is less, while at the same time maintaining the minimum railing height required by the building code.
Rear setback area:	May extend five (5) feet from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. This exception shall not apply to the NCRO district.
Side setback area:	No exception permitted.

Modifications. The planning commission may approve a modification to the foregoing exceptions if there are not more than two (2) units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

d. Deck Railings within Setback Areas.

Front setback area:	May not be higher than four (4) feet from the surface of the deck.
Rear setback area:	May not be higher than four (4) feet from the surface of the deck.
Side setback area:	No exception permitted.

e. Stairs, Ramps and Landings (That Are Open and Uncovered and Serve Buildings with No More Than Two Units).

Front setback area:	No more than one set of stairs per dwelling unit may extend from the building into the front setback area. Each set of stairs must lead to the front entrance of the unit. The height of the stairway within the front setback area shall not exceed twenty (20) feet. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the front setback area.
Rear setback area:	No more than one set of stairs per dwelling unit may extend from the building into the rear setback area, but no closer than five (5) feet from the rear lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the rear setback area.

Side setback area:	No more than one set of stairs per dwelling unit may extend from the building into the side setback area, but no closer than three (3) feet from the side lot line. Stairs on grade, sidewalks, and other flatwork constructed of noncombustible materials may be located anywhere within the side setback area.
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Modifications. The planning commission may approve a modification to the foregoing exceptions for stairs, ramps and landings if there are not more than two units on the site and the planning commission is able to make all of the following findings:

- i. The modification is necessary in order to gain access to the property or to the dwelling unit on the property.
- ii. The modification is necessary because of unusual or special circumstances relating to the configuration of the property.
- iii. The visual impacts of the modification have been minimized.

The planning commission may also approve a modification to the foregoing exceptions as part of a design permit being granted for three (3) or more units on the site, if the commission is able to make all of the findings listed above.

- f. Accessibility Improvements (Such as Ramps, Elevators, and Lifts).

All Setback Areas. Accessibility improvements, such as ramps, elevators and lifts, may be allowed within any front, rear or side area setback upon the granting of an accessibility improvement permit by the zoning administrator, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties. The zoning administrator may issue the accessibility improvement permit if he or she finds and determines that:

- i. The exception is necessary to meet special needs for accessibility of a person having a physical handicap which impairs his or her ability to access the property and cannot be addressed through the standard exceptions to the setback area requirements under this Section 17.32.070.
- ii. Visual impacts of the accessibility improvements located within a setback area have been minimized.
- iii. The accessibility improvements will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.
- iv. The accessibility improvements will be constructed in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.

2. Small Free-Standing Structures.

- a. Small Accessory Buildings and Roofed Structures (Such as Gazebos, Greenhouses, Garden and Utility Sheds).

Front setback area:	No exception permitted.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line or three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet.
Side setback area:	May be placed at any location within the interior side setback area which is not less than three (3) feet from the interior side lot line, provided the building or structure, or portion thereof, within the interior side setback area does not exceed eight (8) feet in height and does not have a floor area in excess of one hundred twenty (120) square feet. No exception is permitted for an exterior side setback area.

Modifications. The zoning administrator may approve a modification to the foregoing exceptions for small accessory buildings and roofed structures, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

A building permit shall be required to construct or install any accessory structure for which a modification has been granted under this subsection.

- b. Unroofed and Openwork Roofed Garden Structures (Such as Arbors, Porticos, Trellises and Lath Houses).

Front setback area:	May not exceed eight (8) feet in height or cover more than fifteen percent (15%) of the front setback area.
Rear setback area:	May be placed at any location within the rear setback area which is not less than five (5) feet from the rear lot line, provided the structure, or portion thereof, within the rear setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the rear setback area.

Side setback area:	May be placed at any location within the side setback area which is not less than three (3) feet from the side lot line, provided the structure, or portion thereof, within the side setback area does not exceed eight (8) feet in height and does not cover more than fifteen percent (15%) of the side setback area.
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Modifications. The zoning administrator may approve a modification to the foregoing exceptions for unroofed and openwork roofed garden structures, following the conduct of a hearing with ten (10) days' notice thereof being given to the owners of all adjacent properties, if the zoning administrator is able to make all of the following findings:

- i. The modification will not result in overbuilding the site or result in the removal of significant greenscape.
- ii. The modification will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise, or glare.
- iii. The accessory structure is designed to be compatible with the primary dwelling(s) on the site.

3. Miscellaneous Improvements.

- a. Garages and Carports and Parking Decks on Slopes of Fifteen Percent (15%) or Greater.
- b. Decorative Artwork, Ponds, Fountains and Similar Water Features, Not More Than Six (6) Feet in Height.
- c. Existing Permitted Garages or Accessory Buildings Converted into Accessory Dwelling Units.

Front setback area:	May be placed at any location within the front setback area.
Rear setback area:	May be placed at any location within the rear setback area.
Side setback area:	May be placed at any location within the side setback area.

~~d. Accessory Dwelling Units Built Above Existing Permitted Garages.~~

Front setback area:	No exception permitted.
Rear setback area:	May extend into rear setback no closer than five (5) feet from the rear lot line.

~~Side setback area:~~

~~No exception permitted.~~

4. Accessory Dwelling Units

a. Exceptions to the setback requirements for accessory dwelling units shall be as established in Chapter 17.43.

- B. The exceptions set forth in subsection A of this Section 17.32.070~~(A) of this section~~ shall not be construed to include chimney boxes, swimming pools and spas, exposed plumbing, or mechanical equipment such as heating and air conditioning units or pool pumps, and no exceptions to the setback requirements shall be permitted for any of these structures.
- C. Any structure, architectural feature, wall, or other improvement lawfully constructed within a setback area and constituting a nonconforming structure as defined in Section 17.02.560, may be allowed to continue in accordance with ~~the provisions of~~ Chapter 17.38 of this title.

Chapter 17.34.020 – Minimum requirements. (Parking)

- A. ~~the~~ The following minimum parking requirements shall apply to all buildings erected, new uses commenced, and to the area of extended uses commenced after the effective date of this Chapter. For any use not specifically mentioned in this Chapter, the planning commission shall determine the amount of parking required. All required off-street parking facilities shall be on-site unless specified differently in this Chapter or as permitted under Title 12 of this Code. Required off-street parking facilities need not be provided as covered parking unless specified differently in this chapter:

Uses:	Parking Requirements:
Single-family dwellings and group care homes:	
Studio or 1-bedroom dwellings not more than 900 square feet in floor area:	1 off-street space (uncovered or covered).
All other dwellings not exceeding 1,800 square feet in floor area:	1 off-street space plus 1 space which shall be in a garage or carport.
Dwellings exceeding 1,800 square feet in floor area on lots having less than 37.5 feet in frontage:	2 off-street spaces plus 1 space which shall be in a garage or carport.
Dwellings exceeding 1,800 square feet in floor area on lots of 37.5 feet frontage or greater:	2 on-street or off-street spaces plus 2 spaces which shall be in a garage or carport.
	See Section 17.34.020(B)(1) regarding garage and carport exclusions from the floor area calculation.

Uses:	Parking Requirements:
	<p>Additional guest parking spaces shall be provided for all residential subdivisions of 5 or more single-family residences, at the rate of 1 parking space for every 5 units. Such spaces shall be located entirely within the public right-of-way and available for public use. Any accessible parking spaces required per Section 17.34.040(D) shall count as guest parking spaces.</p>
<p>Accessory dwelling units</p>	<p><u>No off-street parking required. In the R-1, R-2, R-3, NCRO-2, SCRO-1, PAOZ-1, or PAOZ-2 Districts: No off-street parking required.</u></p> <p><u>In the R-BA and PD Districts: 1 off-street parking space (uncovered or covered), unless the accessory dwelling unit is located within one-half mile walking distance of public transit, or the accessory dwelling unit is part of the proposed or existing dwelling, as defined in Section 17.02.235, or an accessory structure as defined in subsection B of Section 17.02.755.</u></p>
<p><u>Junior accessory dwelling units</u></p>	<p><u>No off-street parking required.</u></p>

Chapter 17.38 - NONCONFORMING USES AND STRUCTURES**Sections:****17.38.010 - Continuation of nonconforming uses and structures.**

Nonconforming uses and nonconforming structures may be continued only in compliance with, and so long as permitted by, the provisions of this chapter.

17.38.020 - Change or replacement of nonconforming use.

- A. A nonconforming use shall not be changed to or replaced by another nonconforming use.
- B. A nonconforming use which is changed to or replaced by a conforming use shall not be re-established. Where any portion of a nonconforming facility is changed from a nonconforming use to a conforming use, such portion shall thereafter only be used for a conforming use.

17.38.030 - Expansion of nonconforming uses.

- A. Except as otherwise provided in subsection B of this 17.38.030(B) of this section and Section 17.38.110 of this chapter, a nonconforming use may not be enlarged, expanded or intensified. This prohibition shall include any enlargement, expansion or intensification of a nonconforming use which:
 1. Increases the site area or floor area occupied by the nonconforming use; or
 2. Increases the amount, volume, or intensity of nonconforming business use, or the machinery, equipment, trade fixtures or other personal property utilized in the conduct of such use; or
 3. Displaces any conforming use occupying a structure or site.
- B. Nonconforming residential uses located in the R-1, R-2, R-3 or R-BA district may be enlarged or expanded upon the granting of a use permit by the planning commission pursuant to Chapter 17.40 of this title. In addition to the findings required by Chapter 17.40, the planning commission shall also find and determine that:
 1. Parking spaces in accordance with the requirements set forth in Chapter 17.34 of this title will be provided for the nonconforming use and all other uses on the site;
 2. Any expansion of the nonconforming facility will comply with all applicable development standards for the district in which the site is located, including, but not limited to, floor area ratio, setbacks, height, and coverage limitations.
 3. The nonconforming facility will comply with all applicable provisions of the building, health and fire codes.
 4. The nonconforming use will comply with such other conditions and requirements which, in the judgment of the planning commission, are necessary or appropriate to mitigate any potential adverse impacts of the expansion on the neighborhood.

Note. A single-family dwelling on a lot of record in an R-1, R-2, R-3, or R-BA district having less than the minimum lot area prescribed by the applicable district regulations, shall constitute a conforming use and may be enlarged or expanded subject to the development standards of the applicable district and the limitations set forth in Section 17.32.055 of Chapter 17.32 of this title.

17.38.040 - Maintenance and repair of nonconforming facility.

- A. Nonconforming facilities may be continued, maintained and repaired so as to protect the health and safety of the occupants and preserve the useful life of the structure.
- B. Nonconforming facilities may be remodeled and the interior reconfigured so long as there is no enlargement, expansion, or intensification of the nonconforming use, except as otherwise permitted by subsection B of Section 17.38.030(B).

17.38.050 - Abandonment of nonconforming uses.

- A. Whenever a nonconforming nonresidential use has been abandoned, such use shall not be resumed or re-established and all subsequent uses of the site shall conform with the requirements of this title. Discontinuance of a nonconforming nonresidential use for a period of one hundred twenty (120) consecutive days or more shall conclusively be presumed an abandonment of such use; provided, however, discontinuance under any of the following circumstances shall not be considered an abandonment of the use:
 - 1. Any discontinuance of use in connection with a pending sale or other transfer of ownership or management of the nonconforming use to a designated person or persons and the discontinuance of use is solely for the purpose of accomplishing the sale or transfer.
 - 2. Any discontinuance of use during a reasonable period of reconstruction or replacement of the damaged or destroyed nonconforming facility, where such reconstruction or replacement is permitted under the provisions of Section 17.38.060.
 - 3. Any other circumstance found by the planning commission to have been beyond the reasonable control of the person conducting the use, and such person commences the activity necessary for re-establishment of the use and prosecutes the same diligently to completion.
- B. A nonconforming residential use may not be reestablished if the nonconforming facility has been modified to remove the features of residential occupancy.

17.38.060 - Reconstruction or replacement of nonconforming facility.

A nonconforming facility which is damaged or destroyed may be reconstructed or replaced for continued occupancy by the nonconforming use or uses previously conducted therein, subject to the following limitations:

- A. The site area or floor area occupied by the nonconforming use, and the intensity of activity conducted by the nonconforming use, subsequent to reconstruction or replacement of the facility shall not exceed that- existing prior to the damage or destruction of the facility, except as otherwise permitted by subsection B of 17.38.030~~subsection 17.38.030 (B)~~.

- B. The reconstructed or replaced facility shall comply with all of the applicable regulations of this title, other than the use of the structure, and all applicable provisions of the building, health, and fire codes.

17.38.070 - Maintenance and repair of nonconforming structures.

Nonconforming structures may be maintained and repaired so as to protect the health and safety of the occupants and preserve the useful life of the structure.

17.38.080 - Alteration or expansion of nonconforming structures.

- A. A nonconforming structure shall not be altered, enlarged, or expanded so as to increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of this title.
- B. Structural alterations may be permitted when necessary to comply with the requirements of law.
- C. The prohibitions of this section shall not apply to any alteration, enlargement or expansion for which a variance is granted pursuant to Chapter 17.46 or to which a use permit is granted pursuant to Chapter 17.34 and 17.40 of this title.

17.38.090 - Repair and replacement of nonconforming residential structures.

- A. Damage of Less Than Seventy-Five Percent (75%). A nonconforming structure used for residential purposes which is damaged or destroyed by fire, flood, wind, earthquake, or other natural disaster to the extent of less than seventy-five percent (75%) of its floor area may be repaired, restored or reconstructed to its original size and configuration. All new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.
- B. Damage of More Than Seventy-Five Percent (75%). A nonconforming structure used for residential purposes which is damaged or destroyed by fire, flood, wind, earthquake, or other natural disaster to the extent of seventy-five percent (75%) or more of its floor area may be repaired, restored or reconstructed provided that all of the following conditions are satisfied:
 1. The total floor area of the restored structure shall not be greater than the total floor area of the original structure.
 2. The total number of dwelling units in the restored structure shall not be greater than the total number of dwelling units in the original structure.
 3. The front, side and rear setbacks of the restored structure shall not be less than the setbacks of the original structure.
 4. The number of off-street parking places shall not be reduced from the number available prior to the restoration.
 5. The new construction, restoration and replacement shall comply with all applicable provisions of the building, health and fire codes.
- C. Mixed Use Structure. A nonconforming structure containing both residential and nonresidential uses may be restored in accordance with the provisions of this section

where the residential uses constitute more than fifty percent (50%) of the floor area of the entire structure.

17.38.100 - Replacement of nonconforming nonresidential structures.

- A. Nonconforming nonresidential structures which are damaged or destroyed may not be reconstructed or replaced, except as follows:
 - 1. When the entire structure is reconstructed or replaced as a conforming structure.
 - 2. Where the damage or destruction affects only a portion of a nonconforming structure, which portion does not constitute or contribute to the noncompliance, such portion may be reconstructed or replaced to its previous configuration.
 - 3. Where the damage or destruction affects only a portion of a nonconforming structure, which portion constitutes or contributes to the noncompliance and does not exceed fifty percent (50%) of the floor area of the entire structure, such portion may be reconstructed or replaced to its previous configuration.
- B. Except as permitted by this section with regard to restoration of a structure to its previous configuration, all reconstruction and replacement shall comply with the provisions of this title and all applicable provisions of the building, health and fire codes.

17.38.110 - Addition of Accessory Dwelling Units to Nonconforming Uses or Structures.

- A. Nonconforming single-family, duplex, or multiple-family uses may be expanded to accommodate accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.43 of this title.
- B. A nonconforming structure may be rebuilt in the same location and to the same dimensions as the existing structure and converted to an accessory dwelling unit pursuant to Chapter 17.43 of this title.

Chapter 17.43 - Accessory Dwelling Units and Junior Accessory Dwelling Units

17.43.010 - Purposes of chapter.

Accessory dwelling units and junior accessory dwelling units are permitted under ~~the provisions of~~ this chapter to achieve the following purposes:

- A. To provide opportunities to establish accessory dwelling units and junior accessory dwelling units on building sites developed with existing or proposed single-family dwellings, duplexes, or multiple-family dwellings.
- B. To provide affordable housing to meet the needs of Brisbane citizens.
- C. To ensure that the development of accessory dwelling units is compatible with existing development and reflects the diversity of the community.
- D. To implement and promote the goals and policies of the general plan so as to guide and manage residential development in the city in accordance with such plan.

17.43.020 - Definitions.

In addition to the definitions set forth in Chapter 17.02, all of which are applicable to this chapter, the following words and phrases shall have the meanings respectively ascribed to them in this section, unless the context or the provision clearly requires otherwise:

"Impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or any accessory structure.

"Main dwelling" means that dwelling unit on the property that is not an accessory dwelling unit or a junior accessory dwelling unit.

~~"Public transit" means a transit stop served by at least one publicly provided form of transportation.~~

"Efficiency kitchen" means a kitchenette or a small kitchen or part of a room equipped as a kitchen in a junior accessory dwelling unit and shall include all of the following: (1) a cooking facility with appliances, and (2) a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

"Multiple-family dwellings" means a dwelling than contains two (2) or more dwelling units (including a "duplex"), provided, however, that a property containing a single-family dwelling and a lawful accessory dwelling unit (either both attached and detached) and/or a junior accessory dwelling unit shall not be deemed a multiple-family dwelling.

~~17.43.030 - Applicability and requirements.~~

~~A. Newly Constructed Accessory Dwelling Units. A newly constructed accessory dwelling unit shall be established or occupied only by an accessory dwelling unit permit granted by the director of community development pursuant to the provisions of this subsection as a ministerial act, in accordance with Section 65852.2 of the California Government Code. An existing nonconforming dwelling unit may be designated as an accessory dwelling unit subject to compliance with the requirements of this subsection.~~

~~Newly constructed accessory dwelling units shall comply with all of the following development standards:~~

- ~~1. Zoning Districts. Accessory dwelling units may only be established or occupied in the R-1, R-2, R-3, or R-BA Brisbane Acres residential districts, or in the SCRO-1 district, associated with an existing or proposed single-family dwelling, per the applicable district regulations.~~
- ~~2. Lot Size. There is no minimum lot size requirement.~~
- ~~3. One Accessory Dwelling Unit per Site. Only one accessory dwelling unit shall be permitted on any one site; provided, however, where a site already contains two (2) or more dwelling units that exist as legally established nonconforming uses, no additional accessory dwelling units shall be allowed on that site.~~

- ~~4. Attached or Detached. The accessory dwelling unit may be attached to or constructed within the main dwelling or may be detached from the main dwelling on the site.~~
 - ~~5. Unit Size. The accessory dwelling unit shall not exceed one thousand (1,000) square feet in floor area.~~
 - ~~6. Floor Area Ratio. The floor area of the accessory dwelling unit shall be included in calculating the floor area ratio for the site on which the accessory dwelling unit is located.~~
 - ~~7. Parking. Parking spaces for the main dwelling and accessory dwelling units shall be provided in accordance with the requirements set forth in~~
 - ~~8. Access. As required by of the Municipal Code, the site on which the accessory dwelling unit is located shall have a legal means of access that complies with the street standards set forth in:~~
 - ~~9. Utilities. The site is served by adequate water, sewer, and storm drain facilities which comply with city standards. An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the city.~~
 - ~~10. Compliance with Codes. The accessory dwelling unit and all new construction on the site that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health and fire codes, with the following exception:
 - ~~a. Accessory dwelling units shall not be required to provide fire sprinklers if fire sprinklers are not required for the main dwelling, as determined by the building official consistent with BMC.~~~~
- ~~B. Conversion Accessory Dwelling Units: Notwithstanding subsection A of this, an accessory dwelling unit resulting from the conversion of existing building space shall be established by a city issued building permit and shall be exempt from the development standards of(A) if it meets the following requirements, as determined by the community development director:~~
- ~~1. It is contained within the existing space of a single-family dwelling or accessory structure, as defined in;~~
 - ~~2. It has an independent exterior access from the existing residence; and~~
 - ~~3. It has sufficient side and rear setbacks for fire safety.~~

~~17.43.040 – Owner occupancy restrictions.~~

~~Either the main dwelling or the accessory dwelling unit shall be occupied by the record owner of the property as the owner's principal place of residence. In the case of ownership by a corporation, limited liability company, partnership, trust or association, either the main dwelling or the accessory dwelling unit shall be the principal place of residence of an officer, director, shareholder, or member of the company, a partner in the partnership, a trustor or beneficiary of the trust, a member of the association, or an employee of any such organization.~~

~~17.43.050 – Recordation of accessory dwelling unit permit agreement.~~

~~The original accessory dwelling unit permit agreement shall be recorded in the office of the county recorder. All of the conditions applicable to the permit shall be set forth therein, and such agreement shall run with the land and be binding upon successive owners and occupants of the property.~~

~~17.43.060 – Modification or revocation of accessory dwelling unit permit.~~

~~A. The city shall retain continuing jurisdiction over any accessory dwelling unit permit issued under this chapter and may, at any time, modify or revoke the permit, upon the occurrence of any of the following events:~~

- ~~1. The holder of the permit has failed to comply with any of the conditions set forth in the permit; or~~
- ~~2. The holder of the permit has violated the occupancy restriction set forth in Section 17.43.040 of this chapter; or~~
- ~~3. The accessory dwelling unit has been eliminated through alteration of the structure in which such unit was contained.~~

~~B.A. _____ Prior to any modification or revocation of the accessory dwelling unit permit, the director of community development shall conduct a hearing on the proposed action. Written notice of such hearing shall be given to the permittee not less than ten (10) days prior to the date of the hearing.~~

17.43.030 – Permit Requirements.

- A. Except as provided by subsection C of this Section 17.43.0430, building permit applications for junior accessory dwelling units or accessory dwelling units shall be ministerially processed within sixty (60) days of receipt of a complete building permit application and approved if they meet the requirements of this chapter. Incomplete applications will be returned to the applicant with a written explanation of the additional information required for approval.
- B. Notwithstanding subsection A, if the building permit application submitted will also create a new single-family dwelling or multiple-family dwelling on the lot, the application for the junior accessory dwelling unit or accessory dwelling unit(s) shall not be acted upon until the building permit application for the new single-family dwelling or multiple-family dwelling is approved, but thereafter shall be ministerially processed within sixty (60) days of receipt of a complete application and approved if it meets the requirements of this chapter. Occupancy of the junior accessory dwelling unit or accessory dwelling unit(s) shall not be allowed until the City approves occupancy of the main dwelling.
- C. The City shall grant a delay in processing an application for an accessory dwelling unit or junior accessory dwelling unit if requested by the applicant.
- D. All junior accessory dwelling unit and accessory dwelling unit applications shall be subject to building inspection and permit fees as established by resolution of the City Council and water and sewer connection and capacity fees in compliance with Title 13, except that:

1. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than seven hundred fifty (750) square feet.
 2. For accessory dwelling units that have a floor area of seven hundred fifty (750) square feet or more, impact fees shall be charged proportionately in relation to the current impact fees for the square footage of the main dwelling.
- E. Construction of an accessory dwelling unit and/or junior accessory dwelling unit in the R-BA Brisbane Acres Residential District shall require submittal of an application for an accessory dwelling unit permit in addition to an application for a building permit. Accessory dwelling unit permits shall be granted ministerially by the director of community development pursuant to this chapter within sixty (60) days of receipt of a complete permit application in accordance with Section 65852.2 of the California Government Code.

17.43.040 – Development regulations for accessory dwelling units.

Accessory dwelling units shall comply with all of the following development standards:

- A. Zoning Districts. Accessory dwelling units may only be established or occupied in the R-1, R-2, R-3, R-BA, NCRO-2, SCRO-1, PAOZ-1, PAOZ-2 and PD zoning districts with an existing or proposed single-family or multiple-family dwelling.
- B. Density. An accessory dwelling unit that conforms to this Chapter 17.43 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located. The accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot and shall not be considered in the application of any City ordinance, policy, or program to limit residential growth.
- C. Lot Size. There is no minimum lot size requirement.
- D. Number of Units.
 1. No more than one accessory dwelling unit may be constructed on any lot developed with a single-family dwelling.
 2. The number of accessory dwelling units permitted on any lot developed with a multiple-family dwelling shall comply with Section 17.43.050 of this chapter.
- E. Attached or Detached. Accessory dwelling units may be attached to or located within the existing or proposed main dwelling, including garages, storage areas, or accessory structures, or detached from the main dwelling on the same lot.
- F. Unit Size. Accessory dwelling units shall not exceed one thousand (1,000) square feet in floor area, as defined in Section 17.02.315 of Chapter 17.02 of this title.
- G. Setbacks. Accessory dwelling units shall be subject to the following setback requirements:
 1. Front Setback: The minimum front setback shall be as established in the underlying zoning district regulations.

2. Side Setback. Accessory dwelling units on a lot of forty (40) feet or more in width shall have a minimum side setback of four (4) feet. Accessory dwelling units on a lot with a width of less than forty (40) feet shall provide minimum side setbacks in compliance with the underlying zoning district regulations.
 3. Rear Setback. Accessory dwelling units on any lot shall have a rear setback of at least four (4) feet.
 4. No setback shall be required for an existing, legally permitted living area, garage, or accessory structure with nonconforming setbacks that is converted to an accessory dwelling unit or a portion of an accessory dwelling unit or an accessory dwelling unit constructed in the same location and to the same dimensions as an existing, legally permitted living area, garage, or accessory structure with nonconforming setbacks.
- H. Lot Coverage. Accessory dwelling units shall be included in calculating the lot coverage for the lot on which the accessory dwelling unit is located, except for accessory dwelling units eight hundred (800) square feet or less in floor area and no more than sixteen (16) feet in height.
- I. Floor Area Ratio. The floor area of the accessory dwelling unit shall be included in calculating the floor area ratio for the lot on which the accessory dwelling unit is located, except for accessory dwelling units eight hundred (800) square feet or less in floor area and no more than sixteen (16) feet in height.
- J. Height. Accessory dwelling units shall not exceed two stories and shall be subject to the height maximum established in the underlying zoning district.
- K. Required Facilities. An accessory dwelling unit shall include all of the following facilities:
1. A kitchen, including a sink, food preparation counter, storage cabinets, and permanent cooking facilities such as a range or cooktop and oven, that meet Building Code standards; and
 2. A full bathroom, including sink, toilet, and shower and/or bath facilities.
- L. Landscaping. Accessory dwelling units shall be subject to the landscaping requirements of the underlying zoning district.
- M. Parking. Parking spaces for the main dwelling and accessory dwelling units shall be provided in accordance with the requirements set forth in Chapter 17.34, except that when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, any parking spaces that were provided by such garage, carport, or covered parking structure are not required to be replaced.
- N. Unit Access.
1. As required by Section 17.01.060, the lot on which the accessory dwelling unit is located shall have a legal means of access to the public right of way that complies with the street standards set forth in Section 12.24.010.

2. A separate exterior entry from the main entrance to the main dwelling shall be required to serve each attached accessory dwelling unit. Interior entry access between an accessory dwelling unit and the main dwelling is permitted, provided that the interior entry is located off a common living area of the main dwelling, such as a living room, family room, dining room, kitchen, or an interior hallway leading to common living areas.

O. Utilities. The lot is served by adequate water, sewer, and storm drain facilities which comply with city standards as established per Title 13 of this Code. An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the City, pursuant to Title 13 of this Code. As to the main dwelling, a separate water connection, a separate sewer service connection, or a separate power connection for water, sewer, and power service is not required for an accessory dwelling unit.

P. Compliance with Codes. The accessory dwelling unit and all new construction on the lot that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health and fire codes.

1. Accessory dwelling units shall not be required to provide fire sprinklers except when fire sprinklers are required for the main dwelling, as determined by the building official consistent with Chapter 15.10.

17.43.050 - Accessory dwelling units in multiple-family dwellings.

In addition to compliance with the development regulations established in Section 17.43.040 of this chapter, accessory dwelling units on lots with existing multiple-family dwellings shall also comply with all of the following criteria:

A. At least one attached accessory dwelling unit shall be allowed per lot developed with a multiple-family dwelling.

1. The total number of attached accessory dwelling units permitted shall not exceed a maximum of twenty-five percent (25%) of the total number of existing dwelling units within the existing multiple-family dwelling.

2. Attached accessory dwelling units shall be allowed within existing portions of multiple-family dwellings that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided, that each accessory dwelling unit complies with state building standards for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multiple-family dwelling.

B. In addition to attached accessory dwelling units permitted under subsection A, not more than two detached accessory dwelling units may be allowed on a lot developed with a multiple-family dwelling. Detached accessory dwelling units shall be subject to the following standards:

1. Setbacks. The setback requirements of Section 17.43.040 of this Chapter apply.

2. Floor Area. Detached accessory dwelling units may not exceed eight hundred (800) square feet in floor area per unit.
3. Height. Detached accessory dwelling units shall not exceed sixteen (16) feet in height.

17.43.060 - Development regulations for junior accessory dwelling units.

Junior accessory dwelling units shall comply with all of the following development standards:

- A. Zoning Districts. Junior accessory dwelling units may only be established or occupied on lots in the R-1, R-2, R-3, R-BA, NCRO-2, SCRO-1, PAOZ-1, and PD zoning districts with an existing or proposed single-family dwelling.
- B. Density. A junior accessory dwelling unit that conforms to this Chapter 17.43 shall be deemed to be an accessory use and shall not be considered to exceed the allowable density for the lot upon which it is located. The junior accessory dwelling unit shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot and shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- C. Lot Size. There is no minimum lot size requirement.
- D. Number of Units.
 1. No more than one junior accessory dwelling unit may be constructed on any lot developed with an existing or proposed single-family dwelling.
 2. A junior accessory dwelling unit may be permitted on a lot with an accessory dwelling unit, provided the following criteria are met:
 - a. The accessory dwelling unit is fully detached and the junior accessory dwelling unit is within an~~the~~ existing or proposed single-family dwelling; and
 - b. The detached accessory dwelling unit does not exceed a total floor area of more than eight hundred (800) square feet and a height limitation of sixteen (16) feet.
- E. Floor Area Requirements.
 1. Junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area and shall be constructed within the existing walls of the main dwelling. The floor area of the junior accessory dwelling unit shall be included in calculating the floor area ratio for the lot on which the junior accessory dwelling unit is located and subject to the maximum floor area ratio established in the underlying zoning district.
 - a. Exemption: A junior accessory dwelling unit may expand the main dwelling by not more than one hundred fifty (150) square feet beyond the physical dimensions of the main dwelling, provided that the expansion of the main dwelling shall be limited to accommodating ingress and egress for the junior accessory dwelling unit. The setbacks of the expansion shall comply with the setback standards of the

underlying zoning districts and shall be compliant with building, health, and fire codes.

F. Unit Access.

1. As required by Section 17.01.060, the lot on which the junior accessory dwelling unit is located shall have a legal means of access to the public right of way that complies with the street standards set forth in Section 12.24.010.
2. A separate exterior entry from the main entrance to the main dwelling shall be provided to serve the junior accessory dwelling unit only. Interior entry access between the junior accessory dwelling unit and the main dwelling is permitted, provided that the interior entry is located off a common living area of the main dwelling, such as a living room, family room, dining room, kitchen, or an interior hallway leading to these common living areas.

G. Required Facilities. A junior accessory dwelling unit shall include all of the following facilities:

1. At a minimum, an efficiency kitchen.
2. Sanitation facilities, but such facilities may be separated from or shared with the main dwelling.

H. Owner Occupancy. Either the main dwelling or the junior accessory dwelling unit shall be occupied by the record owner of the property as the owner's principal place of residence. In the case of ownership by a corporation, limited liability company, partnership, trust or association, either the main dwelling or the junior accessory dwelling unit shall be the principal place of residence of an officer, director, shareholder, or member of the company, a partner in the partnership, a trustor or beneficiary of the trust, a member of the association, or an employee of any such organization. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

I. Recordation of Declaration of Restrictions.

1. A Declaration of Restrictions shall be recorded to run with the land that indicates the following:
 - a. Only one unit may be occupied solely by persons other than the owner or owners of record;
 - b. If a junior accessory dwelling unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days;
 - c. Sale of the junior accessory dwelling unit separately from the main dwelling is prohibited; and
 - d. The approved size and attributes of the junior accessory dwelling unit.
2. A copy of this Declaration of Restrictions must be given to each prospective purchaser or occupant.

J. Parking. Parking spaces for the main dwelling and junior accessory dwelling unit shall be provided in accordance with the requirements set forth in Chapter 17.34 of this title.

K. Utilities. The lot shall be served by adequate water, sewer, and storm drain facilities which comply with city standards as established per Title 13 of this Code. A junior accessory dwelling unit shall not be considered a new residential use for the purposes of calculating connection fees or capacity charges for water and sewer service provided by the City.

L. Compliance with Codes. The junior accessory dwelling unit and all new construction on the lot that will be performed in connection therewith shall comply with all applicable provisions of this title and all applicable building, health, and fire codes.

1. Junior accessory dwelling units shall not be required to provide fire sprinklers except when fire sprinklers are required for the main dwelling, as determined by the building official consistent with Chapter 15.10.

17.43.070 - Prohibition on sale and limitation on rental.

A. Accessory dwelling units and junior accessory dwelling units shall not be sold separately from the main dwelling(s).

B. If an accessory dwelling unit or junior accessory dwelling unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days.

17.43.080 – Delay of enforcement of building standards.

A. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before January 1, 2020, may submit an application to the building official requesting that correction of any violation of building standards be delayed for five years. For the purposes of this section, “building standards” refer to those standards enforced by local agencies under the authority of Section 17960 and following of the California Health and Safety Code.

B. The building official shall grant any application submitted under subsection A of this Section if the building official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the building official shall consult with the fire marshal.

C. No applications submitted pursuant to this section shall be approved on or after January 1, 2030; provided, however, any delay to correct a violation that was approved by the building official before January 1, 2030, shall be valid for the full term of the delay that the building official approved at the time the building official approved the application.

D. Until January 1, 2030, any notice to correct a violation of building standard that is issued to the owner of an accessory dwelling unit built before January 1, 2020 shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.

E. This section shall remain in effect until January 1, 2035, and as of that date is repealed.

17.43.070-17.43.090 - Appeals.

Any decision or determination by the director of community development or building official pursuant to this chapter may be appealed ~~to the city council~~ in accordance with the procedure set forth in Chapter 17.52 of this title.

ATTACHMENT C
ADU MEMO FROM HCD

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties

Zachary Olmstead

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 653, Statutes of 2019 (Senate Bill 13)
Chapter 655, Statutes of 2019 (Assembly Bill 68)
Chapter 657, Statutes of 2019 (Assembly Bill 587)
Chapter 178, Statutes of 2019 (Assembly Bill 670)
Chapter 658, Statutes of 2019 (Assembly Bill 671)
Chapter 659, Statutes of 2019 (Assembly Bill 881)

This memorandum is to inform you of the amendments to California law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs. (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881).

This recent legislation, among other changes, addresses the following:

- Development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) & (e)(1)) until January 1, 2025.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement offstreet parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).

- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Section (a)(3) and (b)).
- Clarifies “public transit” to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code Section 65852.22).
- Allows upon application and approval, an owner of a substandard ADU 5 years to correct the violation, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n)).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Gov. Code Section 65852.26).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code Section 65583 and Health and Safety Code Section 50504.5) (Attachment D).

For assistance, please see the amended statutes in Attachments A, B, C and D. HCD continues to be available to provide preliminary reviews of draft ADU ordinances to assist local agencies in meeting statutory requirements. In addition, pursuant to Gov. Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact HCD’s ADU team at adu@hcd.ca.gov.

ATTACHMENT D

HYPELINKS TO GOVERNMENT CODE REGARDING ADUs

SECTIONS [65852.2](#) AND [6585.22](#)

ATTACHMENT E
SUMMARY OF NEW STATE LEGISLATION

AB 68 (Ting) & AB 881 (Bloom) – Allows ADUs in any zone that permits dwelling units; no conformance rezoning as condition of approval.

Requires local agencies to approve or deny an ADU project on existing SF/MF units within 60 days.

Prohibits local agencies from adopting ADU ordinances that: impose minimum lot size requirements for ADUs; impose lot coverage standards; require replacement off-street parking when a “garage, carport or covered parking structure” is demolished or converted to construct the ADU.

Allows for an ADU as well as a "junior" ADUs in SF units.

Junior ADU must be within existing structure, must be owner occupied or primary unit must be owner occupied, and cannot exceed 500 sq ft; may share sanitary facilities and must have efficiency kitchen.

ADU max size is 1200 sq ft; minimum allowed 800 sq ft/16’ height/ 4’ rear & side setback; must have permanent cooking and sanitary facilities.

Allows ADUs in multifamily buildings including ministerial approval of ADUs in existing non-livable areas such as storage rooms, boiler rooms, etc.

No impact fees for ADUs less than 750 sq ft; no connection/capacity fees for ADUs unless in conjunction with a new SF residence.

Rental of ADUs must be for a term longer than 30 days.

SB 13 (Wieckowski) – until January 1, 2025, prohibit a local agency from imposing an owner-occupant requirement as a condition of issuing a permit.

Authorize the owner of an accessory dwelling unit built before January 1, 2020, or built on or after January 1, 2020, under specified circumstances, that receives a notice to correct violations or abate nuisances to request that the enforcement of the violation be delayed for 5 years if correcting the violation is not necessary to protect health and safety, as determined by the enforcement agency, subject to specified requirements.

AB 587 (Friedman) – local agencies **may** now allow ADUs to be sold or conveyed separately from a primary residence if certain conditions are met.

AB 670 (Friedman) – prevents homeowners' associations from barring ADUs; makes void and unenforceable any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use.

AB 671 (Friedman) – requires local governments to include a plan to incentivize and promote the creation of ADUs that can be offered at affordable rent for, “very low, low, **or** moderate-income households” in their General Plan Housing Element.

Require the Department of Housing and Community Development to develop and post on its website, by Dec. 31, 2020, a list of state grants and financial incentives for ADU development.

ATTACHMENT F
HISTORY OF FAR COVERED PARKING EXCEPTION

- ORD #463** (2002): Introduced FAR limit of .72 with a 400 sq ft exception for covered parking. The intent was to limit overbuilding – homes too large or too tall on too small of lots – pursuant to policies in the 1994 General Plan. The parking exception was to encourage the construction of garages in Central Brisbane.
- ORD #485** (2004): Added a 3,700 sq ft lot size limit to the application of the parking exception for covered parking and reduced it from 400 sq ft to 200 sq ft for single family homes. (400 sq ft remained the exception for multifamily dwellings.) City Council concerned 400 sq ft exception still permitted homes that were inconsistent with the character of the community and 1994 General Plan policies. Since smaller lots only required one covered parking space the exception was reduced to 200 sq ft, or the area of one parking space.
- ORD #562** (2011): Removed 200 sq ft covered parking exception in R-BA district. Remained in R-1/R-2/R-3 zoning districts. There were no lots that would meet the 3700 sq ft lot size limitation in Brisbane Acres.
- ORD #576** (2016): Added text under Chapter 17.34 - Off-Street Parking of the BMC related to the covered parking exception. “The floor area of garages and carports shall not be included in measuring floor area to calculate the parking requirements, except for any floor area exceeding four hundred (400) square feet within a garage or carport exclusively for the use of a single residential unit.” No change was made to the application or limitations of the exception.
- ORD #615** (2017): Slight modification to the wording of the text under Section 17.34.020.B of the BMC. No change was made to the application or limitations of the exception.