

## **PART II – BASE DISTRICT REGULATIONS**

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### **2-500 Specific Purposes**

In addition to the general purposes listed in Article 1, the specific purposes of residential districts are to:

- A. Provide appropriately located areas for residential development that are consistent with the General Plan and with standards of public health and safety established by the Municipal Code.
- B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.
- C. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards.
- D. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to new development.
- E. Achieve a high standard of site and building design and design compatibility with surrounding neighborhoods.
- F. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households.

- G. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment.
- H. Ensure the provision of public services and facilities needed to accommodate planned population densities.

The additional purposes of each R Residential District are:

RO Residential Outer District. To provide opportunities for additional single- and two-family dwellings on larger lots, subject to appropriate standards and to permit horticulture, animal husbandry, and small-scale truck gardening within limitations consistent with the basic residential character of the district.

RS Residential Single-Family District. To provide opportunities for single-family residential land use in neighborhoods, subject to appropriate standards. There are two sub-districts of the RS district. One, indicated by a "-40" designation, is intended for areas where the minimum front yard setback is forty (40) feet. The other, indicated by a –VP, is intended for “view preservation”, where the maximum height limit is eighteen (18) feet and all new homes and additions are subject to discretionary review to prevent unreasonable blockage of views.

RD Residential Duplex District. To provide opportunities for two-family housing at appropriate locations.

RM Residential Multi-Family District. To provide opportunities for multiple residential uses, including town houses, condominiums, multi-dwelling structures, or cluster housing with landscaped open space for residents' use, and apartments. Single-family and duplex dwellings are permitted uses in these districts. Four types of multi-family districts are established:

**RM-3000 District**, where the density is 14.5 dwellings per gross acre.

**RM-2500 District**, where the density is 17.5 dwellings per gross acre.

**RM-2000 District**, where the density is 22 dwellings per gross acre.

**RM-1800 District**, where the density is 24 dwellings per gross acre.

## **2-502 Reserved**

### **Use Regulations**

#### **2-504 RO District – Use Regulations**

A. RO District – Permitted Uses.

The following uses are allowed in the RO District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Animal Husbandry. (Subject to the regulations of Section 2-522: RO District - Animal Husbandry)
3. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Home.)
4. Day Care, Limited.
5. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
6. Horticulture, Limited.
7. Park and Recreation Facilities, Public.
8. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
9. Residential Congregate Care Facilities, Limited.
10. Single-Family Residential.
11. Additional Residential Dwelling Units. (Subject to the regulations of Section 2-554: RO District – Additional Dwelling Units.)
12. Utilities, Minor.

B. RO District – Conditionally Permitted Uses.

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
8. Utilities, Major.

C. RO District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

## **2-506 RS District – Use Regulations**

### **A. RS District – Permitted Uses.**

The following uses are allowed in the RS District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential, Pre-Existing. (These pre-existing two-family residential uses shall be allowed to remain and shall not be considered non-conforming, but no new uses shall be established.)
10. Utilities, Minor.

### **B. RS District – Conditionally Permitted Uses.**

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Secondary Dwelling Units. (Subject to the regulations of Section 2-576: Secondary Dwelling Units.)
8. Swim and Tennis Clubs.

9. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
10. Utilities, Major.

C. RS District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

**2-508 RD District – Use Regulations**

A. RD District – Permitted Uses.

The following uses are allowed in the RD District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Park and Recreation Facilities, Public.
6. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
7. Residential Congregate Care Facilities, Limited.
8. Single-Family Residential.
9. Two-Family Residential.
10. Utilities, Minor.

B. RD District – Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Day Care, General.

4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. Schools, Public or Private.
7. Swim and Tennis Clubs.
8. Telecommunications Antennae and/or Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
9. Utilities, Major.

C. RD District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

**2-510 RM District – Use Regulations**

A. RM District – Permitted Uses.

The following uses are allowed in the RM District, and a conditional use permit is not required. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a permitted use.
2. Day Care, Large Family. (Subject to the regulations of Section 2-516: Large Family Day Care Homes.)
3. Day Care, Limited.
4. Garage and Yard Sales. (Limited to two (2) times per year on the premises of the property owner or a residential property in the immediate vicinity.)
5. Multi-Family Residential.
6. Park and Recreation Facilities, Public.
7. Residential Congregate Care Facilities. (Subject to the regulations of Section 2-518: Residential Congregate Care Facilities.)
8. Residential Congregate Care Facilities, Limited.
9. Single-Family Residential.
10. Two-Family Residential.
11. Utilities, Minor.

B. RM District – Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. Assembly Uses.
3. Bed and Breakfast Inns.
4. Day Care, General.
5. Group Housing.
6. Manufactured Home Parks.
7. Park and Recreation Facilities, Private Noncommercial.
8. Public Safety Facilities.
9. Schools, Public or Private.
10. Swim and Tennis Clubs.
11. Telecommunications Alternative Tower Structures [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].
12. Utilities, Major.

C. RM District – Uses Requiring Administrative Review.

The following uses are allowed in the RM District, subject to the approval of a Zoning Permit by the Zoning Enforcement Official, as per the requirements of Article 21.

1. Telecommunications Antennae [see Section 4-1686: Wireless Telecommunication Facilities {as per Ordinance No. 98-009}].

D. RM District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. Assembly Uses, Temporary.
2. Commercial Filming, Limited.
3. Street and Neighborhood Fairs.

**2-512 Additional Use Restrictions: RO, RS, RD, and RM Districts**

All uses not listed as permitted, conditionally permitted, subject to administrative review, or subject to site development review are prohibited, unless a determination is made by the Zoning Enforcement Official pursuant to Section 5-2106: Uses Not Listed.

In addition to the uses listed above, the following regulations shall apply:

- A. Home Occupations are subject to the regulations of Section 2-514: Home Occupation in R Districts.
- B. Nonconforming Uses are subject to the regulations of Article 20: Nonconforming Uses and Structures.

### **2-514 Home Occupation in R Districts**

- A. Permit Required. A home occupation in a residential use shall require a home occupation permit, obtained by filing a completed application form with the Zoning Enforcement Official. The Zoning Enforcement Official shall issue the permit upon determining that the proposed home occupation complies with the requirements of this Section.
- B. Contents of Application. An application for a home occupation permit shall contain:
  - 1. The name, address, and telephone number of the applicant;
  - 2. A complete description of the proposed home occupation, including, but not limited to the number and occupation of persons employed or persons retained as independent contractors, or otherwise engaged or participating in the business, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles or equipment used.
- C. Required Conditions. Home occupations shall comply with the following regulations:
  - 1. No one other than a resident of the dwelling shall be employed on site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
  - 2. There shall be no interior or exterior activity related to the home occupation inconsistent with or interfering with residential use of the property or detrimental to property in the vicinity.
  - 3. A home occupation shall be conducted entirely within a building and shall occupy no more than the lesser of five hundred (500) square feet or twenty-five percent (25%) of the floor area. No outdoor storage of materials or supplies shall be permitted in conjunction with the home occupation.
  - 4. The existence of a home occupation shall not be apparent beyond the boundaries of the site, and no home occupation shall involve the use of a sign.

5. A home occupation shall comply with the performance standards prescribed by Section 4-1670, provided that no noise shall be perceptible at or beyond the property line.
6. A home occupation shall not create pedestrian, automobile, or truck traffic detrimental to property in the vicinity. All deliveries of materials related to a home occupation shall be by the U.S. Postal Service or similar carrier, or by means of vehicles customarily kept on the site by the permit holder or family members.
7. A home occupation shall not result in a reduction or elimination of any required parking space.
8. Any vehicle or vehicles used by the applicant in conjunction with the home occupation or with any related business activity shall be parked in a manner so as not to be visible from a public street. This limitation shall not apply to standard passenger vehicles or trucks and vans of 3/4-ton or less in size, so long as no advertising of the home occupation or any related business activity (except that required by law) is displayed in or upon such vehicles.
9. No advertising of the home occupation (including business cards) shall include the applicant's address.

The permit for a home occupation that is not operated in compliance with these regulations shall be revoked by the Zoning Enforcement Official after thirty (30) days written notice unless the home occupation is altered to comply.

- D. Business License and Renewal. A home occupation permit shall remain effective with the issuance and annual renewal of the required business license.
- E. Appeals. In accord with Article 22, "Use Permits, Variances, and Parking Exceptions," decisions of the Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments by the applicant or by any interested party.

## **2-516 Large Family Day Care Homes**

Large Family Day Care Homes are subject to the following regulations:

- A. Permitted Location. A large family day care home shall be permitted only in a detached single-family dwelling on a lot zoned for residential use.

- B. Required Permits. A lot zoned for a single-family dwelling may only be used for a large family day care home when the Zoning Enforcement Official has granted a Large Family Day Care Home Permit for such use.
- C. Large Family Day Care Home Permit; Compliance With Standards. The Zoning Enforcement Official shall grant a permit for the use of a lot zoned for a single-family dwelling for a large family day care home only if after review of the application for such permit, inspection of the premises and any other necessary information, he determines that the application complies with the following standards:
1. Spacing. No Large Family Day Care home shall be located within three hundred (300) feet of any other Large Family Day Care Home, as measured from the exterior lot lines.
  2. On-Street Parking. No Large Family Day Care home shall be located upon a lot having less than thirty-two (32) feet of legally permitted parking along the frontage of the lot.
  3. Street Width. No Large Family Day Care home shall be located upon a lot fronting upon a street with a curb-to-curb width of less than thirty (30) feet.
  4. High Traffic Volume Streets. No Large Family Day Care home shall be located upon a lot fronting upon a street with four or more traffic lanes or upon a street with an average daily traffic of five thousand (5,000) or more vehicles, as calculated by the City Engineer.
  5. Employee Parking and Circulation Plan. The driveway of a Large Family Day Care home may be used to provide off-street parking required by Article 17 if such use will not obstruct any required drop-off and pick-up area and will not obstruct a sidewalk or other public right-of-way.  
  
The Applicant shall provide the Zoning Enforcement Official with a written plan for the administration of parking and traffic operations related to the proposed Large Family Day Care home. This plan shall include controls for vehicle circulation, drop-off and pick-up of children and parking for employees so that parking, loading, unloading and turning movements related to the drop-off and pick-up of children is compatible with the residential environment in which the Large Family Day Care home will be located.
  6. Noise Control. The level of noise in connection with the operation of a large family day care home shall not be persistently maintained at a level of fifty-five (55) decibels or greater, as measured from any point along or beyond the property line of the subject premises.

7. Fire Inspection. The premises have been inspected by the Alameda County Fire Department and the results reported to the licensing agency and the Zoning Enforcement Official.
  8. Required State Permits or Licenses. No permit issued pursuant to this Section shall become operative until all necessary state permits or licenses have been obtained by the applicant and copies thereof have been filed with the Zoning Enforcement Official.
  9. Permit Considered Zoning Approval. Any permit issued pursuant to this Section shall be considered a zoning approval.
  10. Non-Transferable. A permit issued pursuant to this Section shall be non-transferable and shall not run with the land.
  11. Permit Term. A permit issued pursuant to this Section shall be effective for the period of two (2) years, commencing from the date issued, and may be renewed by the Zoning Enforcement Official for additional two (2) year terms upon a determination after a re-inspection of the premises, that the permittee remains in compliance with the term and conditions of this Section.
- D. Use Permit Provision. A use permit is required if an applicant cannot meet one or more of the provisions of Section 2-516, C.1 through 5.

## **2-518 Residential Congregate Care Facilities**

- A. Purpose and Intent. The City Council finds that elderly persons, persons suffering from chronic illnesses, and persons with mental or physical disabilities, including persons recovering from drug and/or alcohol addiction, often benefit from living in a non-institutional residential environment, which is frequently cost-effective and more humane and therapeutic. The Council also finds that, under the federal Fair Housing Act, 42 U.S.C. 3601 et seq., the City has an obligation to provide reasonable accommodation for the disabled, including changing, waiving, and making exceptions to zoning rules that would otherwise have the effect of limiting the ability of such individuals to live in the residence of their choice in the community. The Council further finds that the preservation and protection of the character of residential neighborhoods is in the best interest of the public health, safety, and welfare, and that over-concentration of residential facilities for the individuals listed above can impair the character of residential neighborhoods, thereby defeating the very reason for providing residential accommodations for such individuals. Thus, the Council concludes that a set of land use laws that flexibly limits the concentration of residential facilities for the individuals listed above can balance the City's complementary interests in reasonably accommodating disabled

individuals seeking a residential living environment and in preserving the character of residential neighborhoods. The purpose of this Section is to enact such a law. In enacting this law, the Council has attempted to achieve the goals described above by removing any special requirements for facilities for the disabled that would limit such individuals' choice of places to live; to the extent that such residences are subject to requirements different from those applicable to similar uses of land, the Council has concluded that no less discriminatory alternatives exist that would as effectively promote its interests in reasonable accommodation and the preservation of residential neighborhoods.

- B. Residential Congregate Care Facilities as a Residential Use. Residential Congregate Care Facilities, as defined in Section 1-304, are considered a residential use of property, and may be permitted in all Residential Districts, and all other Zoning Districts in which residential uses are either permitted, conditionally permitted, or subject to administrative review, and subject to the limitations prescribed in this Section.
- C. Applicability of Regulations. Residential Congregate Care Facilities shall be subject to the zoning requirements of this Section, and any subdivision, housing, and building regulations and codes expressly applicable to such Facilities, including building and fire safety requirements. Nothing in those regulations and codes shall be construed to prohibit such Facilities from locating where a residential use would otherwise be permitted or conditionally permitted. No privately created covenant, equitable servitude, or other contract or agreement shall be used as the basis of denial of permission to operate a Residential Congregate Care Facilities that has met all other applicable requirements.
- D. Over-Concentration and Minimum Spacing. To prevent an over-concentration of Residential Congregate Care Facilities in the City, all new Facilities for which the contemplated number of residents is more than six (6) (not including live-in staff), and existing Facilities that wish to increase the number of residents to more than six (6), must be a minimum distance of one thousand (1,000) feet from another such Facility. Nothing in this Subsection shall prevent more than one (1) Facility from locating in an individual apartment/condominium complex, providing the spacing requirements of this Subsection are met. An adjustment to the required minimum spacing may be granted pursuant to Subsection G below.
- E. Small Facilities Exempt from Required Minimum Spacing. Residential Congregate Care Facilities with six (6) or less residents (not including live-in staff) are exempt from the spacing requirements of Subsection D above. Such Facilities, defined as “Residential Congregate Care Facilities, Limited” in Section 1-304, are permitted in all Residential Districts, and shall be permitted in all other Zoning Districts pursuant to the same regulations as would apply to any other residential use in such Districts.

- F. Facilities with Total Occupancy of More than Ten (10) Adults. Residential Congregate Care Facilities with more than ten (10) residents (including staff) who are eighteen (18) years of age, or older, are subject to the requirements of Section 2-520: Maximum Dwelling Unit Occupancy.
- G. Adjustments to Required Minimum Spacing Requirement. Approval to locate a Residential Congregate Care Facilities with more than six (6) residents (not including live in staff) closer than one thousand (1,000) feet from another such Facility is subject to approval of an Adjustment to the Minimum Spacing Requirement, as outlined below:
1. Application and Noticing. The Board of Zoning Adjustments shall hold a public hearing on all applications for an Adjustment to the Minimum Spacing Requirement pursuant to this Section. Public notices shall provide notice as set forth in Section 5-2208.
  2. Findings Requiring Denial of Request. All applications for Adjustment to the Minimum Spacing Requirement pursuant to this Section shall be granted unless the Board of Zoning Adjustments finds all of the following:
    - a. That the proposed Residential Congregate Care Facility, at the location being requested, would impose an undue administrative or financial burden on the City;
    - b. That the proposed Residential Congregate Care Facility, at the location being requested, would effect a fundamental change in the nature of the neighborhood in which it proposes to locate; and
    - c. That the proposed Residential Congregate Care Facility, at the location being requested, would significantly compromise the City's interest in maintaining either the residential character of the surrounding neighborhood or reasonable accommodation to disabled persons seeking a residential living environment.
  3. Adjustment Review Process Does Not Limit Number of Facilities. The Board of Zoning Adjustments shall neither interpret nor enforce this Subsection in a manner, which creates a ceiling quota on the number of Residential Congregate Care Facilities that may locate in the City, or impose limitations, beyond those prescribed by Code, as to the number of persons who may live in such Facilities.
  4. Ability to Impose Conditions. The Board of Zoning Adjustments may impose conditions on an Adjustment to Spacing Limitations, in the same manner and subject to the same limitations as provided for the

approval of a Use Permit or Variance, as prescribed in Section 5-2214.

5. Appeals. A Decision by Board of Zoning Adjustments may be appealed to the City Council pursuant to the requirements of Article 28.

### **2-520 Maximum Dwelling Unit Occupancy**

To ensure consistency with the density policies of the General Plan and with the rights of individuals living as a household, occupancy by persons living as a single household (whether or not related by blood or marriage) in a dwelling unit shall comply with the California Uniform Housing Code.

- A. A zoning permit shall be required for occupancy of a dwelling unit by more than ten (10) persons eighteen (18) years or older.

### **2-522 RO District - Animal Husbandry**

The maintenance of horses, cows, goats, cats, dogs, rabbits, chinchillas, guinea pigs, poultry, pigeons, and other similar animals is permitted on a lot with one (1) dwelling unit, subject to the following regulations:

- A. The slaughter of small animals, such as poultry and rabbits is permitted only where intended for consumption by the resident family.
- B. The keeping, feeding, and maintenance of horses, cows or goats is permitted for non-profit purposes only. The keeping, feeding and maintenance of dogs, cats, rabbits, chinchillas, guinea pigs, poultry, pigeons, and other similar animals is permitted for the purpose of profit only where the sale of animals or animal products on the site is clearly subordinate and incidental to the residential use of the property.
- C. No animal other than household pets shall be kept within a dwelling, or within twenty (20) feet of a dwelling or of a required front yard, or within sixty (60) feet of the front lot line.
- D. The maximum space devoted to the keeping of such animals shall be five thousand (5,000) square feet or twenty percent (20%) of the lot, whichever is less.
- E. Housing or caging of animals shall be adequate and sanitary. All animal food except hay and straw shall be stored in rodent-proof containers.
- F. The number of animals other than household pets shall be limited by the following requirements of open space:

1. For each horse or cow - 4,000 square feet
2. For each sheep or goat - 2,000 square feet
3. For each dog not a household pet - 1,000 square feet
4. For each cat not a household pet - 500 square feet
5. For each large animal, other than above - 2,000 square feet
6. For each small animal, such as rabbit or fowl - 250 square feet

Calculation of the total open space requirement shall be cumulative, except that one-half (½) of the total requirement for large animals may be put toward the required space for small animals. Un-weaned young of animals and young of small animals and fowl under the age of six (6) months can be excluded when determining the open space requirements, if the number of such animals is not twice the number of permitted animals at any one time.

- G. If any part of an RO District is recorded to be in a district in which animal husbandry is not a permitted accessory use, such use shall cease within six (6) months from the effective date of the zoning.

## **2-524 Reserved**

### **Development Regulations**

#### **2-526 Property Development Regulations: RO, RS, RD, and RM Districts**

The following Sections set forth the property development regulations of the RO, RS, RD and RM Districts.

#### **2-528 Base Density; Minimum Site Area per Unit:**

	<u>Minimum Site Area (square feet)</u>	<u>Minimum Site Area for Corner Lot (square feet)</u>
RO	8,000	8,000
RS	5,000	6,000
RS-40	5,000	6,000
RS-VP	5,000	6,000
RD	2,500	3,000
RM-3000	3,000	3,000
RM-2500	2,500	2,500
RM-2000	2,000	2,000
RM-1800	1,800	1,800

Where a corner lot has a property line radius of twenty (20) feet or less, the area bounded by the extended property lines and the corner radius shall be considered part of the lot area.

**2-530 Minimum Lot Area**

	<u>Minimum Lot Area (square feet)</u>	<u>Minimum Lot Area for Corner Lot (square feet)</u>
RO	8,000	8,000
RS	5,000	6,000
RS-40	5,000	6,000
RS-VP	5,000	6,000
RD	5,000	6,000
RM-3000	6,000	7,000
RM-2500	7,500	8,500
RM-2000	10,000	12,000
RM-1800	10,000	12,000

The Minimum Lot Area shall be subject to the regulations of Sections 4-1650: Development on Lots Not Meeting Minimum Area or Width, and 4-1652: Development on Lots Divided by District Boundaries. Where a corner lot has a property line radius of twenty (20) feet or less, the area bounded by the extended property lines and the corner radius line shall be considered part of the lot area.

**2-531 Minimum Lot Width**

	<u>Minimum Lot Width (feet)</u>	<u>Minimum Lot Width for Corner Lot (feet)</u>
RO	60	60
RS	50	60
RS-40	50	60
RS-VP	50	60
RD	50	60
RM-3000	60	70
RM-2500	75	85
RM-2000	100	120
RM-1800	100	120

The Minimum Lot Width shall be subject to the regulations of 4-1650: Development on Lots Not Meeting Minimum Area or Width. Where a corner lot has a property line radius of twenty (20) feet or less, the area bounded by the extended property lines and the corner radius line shall be considered part of the lot area.

**2-534 Minimum Yards**

- A. Minimum Building Setback. The minimum yard setback for building placement is as prescribed below. Additional building setback requirements may also apply as specified in Subsections B and C.

	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Corner Side (feet)</u>	<u>Rear (feet)</u>
RO	20	6-12	10	10-25
RS	20	5	10	15
RS-40	40	5	10	15
RS-VP	20	5	10	15
RD	20	5	10	15
RM-3000	20	Min.6; Avg.10	20	15
RM-2500	15	Min.6; Avg.10	15	15
RM-2000	15	Min.6; Avg.10	15	15
RM-1800	15	Min.6; Avg.10	15	15

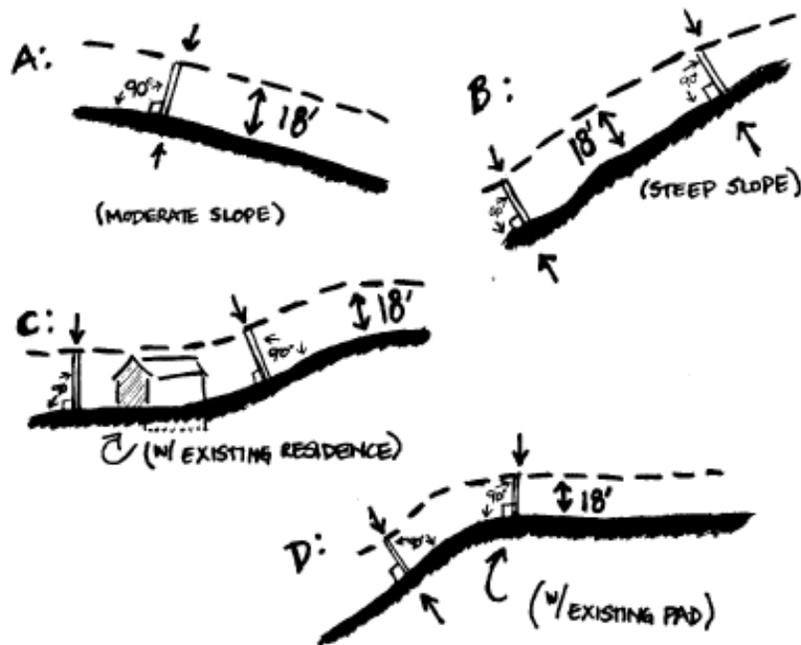
- B. Minimum required yard setbacks shall be subject to the regulations of Section 2-542: R Districts – Adjustments to Minimum Yard Requirements; and in the RO District, the regulations of Section 2-550: RO District – Additional Setbacks and Lot Coverage Requirements.
- C. Determination of Front and Corner Side Yards. For corner lots, the owner may select either street frontage line as the front lot line, subject to approval of the Zoning Enforcement Official.

**2-536 Maximum Height of Structures**

	<u>Height (feet)</u>
RO	30 <sup>(B)</sup>
RS	30
RS-40	30
RS-VP	18 <sup>(C)</sup>
RD	30
RM-3000	40
RM-2500	45
RM-2000	50
RM-1800	50

- A. General Exceptions to Height Limits. The maximum height of a structure, other than in the RS-VP District, shall be subject to the regulations of Section 4-1658: Exceptions to Height Limits.

- B. Additional Height Restriction in RO District. Any portion of a dwelling located within twenty (20) feet of the rear lot line shall not exceed fifteen (15) feet in height.
- C. Additional Height Restrictions in RS-VP Sub-District.
  - 1. Alternate Definition to Measure Maximum Height of Structure in RS-VP Sub-District. Notwithstanding the definition of “Height” in Section 1-304, the height of a structure in the RS-VP sub-district shall not exceed a height of eighteen (18) feet, as defined below:
    - a. Establishing Maximum Building Height. The eighteen (18) foot height limit is established by an assumed plane eighteen (18) feet above existing grade, as measured perpendicularly from the existing grade. Except for chimneys, vents, and non-commercial reception antennas, no portion of the structure, including any part of the roof, may exceed this eighteen (18) feet height limit (see illustration, “Examples of 18 Foot Height Limit,” below).



**EXAMPLES OF 18 FOOT HEIGHT LIMIT  
IN RS-VP SUB-DISTRICT**  
(The diagram is illustrative)

- b. Documenting Compliance with Maximum Building Height. As part of any application for View Preservation/Site Plan Review (which is required for any development in the RS-VP sub-district, as per

Section 2-582), applicants shall illustrate the proposal's height by providing no less than two (2) sectional views, drawn through the proposed structure and perpendicular to existing contours, one of which shall illustrate the tallest point of the structure (i.e., where the structure would be at its maximum height above "existing grade"), and the other being drawn at approximately the center of the structure.

2. Definition of "Existing Grade." For the purposes of this Subsection, "existing grade" is defined as the surface of the exterior ground as it exists (i.e., without alteration) prior to application for a project regulated by this Code (see illustration, "Examples of 18 Foot Height Limit").
3. Maximum of One (1) Story. A maximum of one (1) story is permitted in the RS-VP sub-district, except that the improvement of a basement or space below an existing habitable story (i.e., construction of a new habitable story within the building envelope of a pre-existing structure) is exempt from this one (1) story limitation.
4. Exceptions. Exceptions may be granted to the eighteen (18) feet and/or one (1) story height limit pursuant to Section 2-582: RS-VP Sub-District – Residential Site Plan Review and Exceptions to Height Restrictions.
5. Pre-Existing Structures. Notwithstanding the restrictions specified in Section 4-2004.B.3 on allowed improvements to non-conforming structures, single-family residences in the RS-VP sub-district permitted prior to August 15, 2001, and are nonconforming only because they exceed the height limitation of this Subsection, may be improved by enlargements or alterations of any value. If damaged or destroyed, such structures may be reconstructed as specified by Section 4-2008.B.1.

## **2-537 Daylight Planes in R Districts**

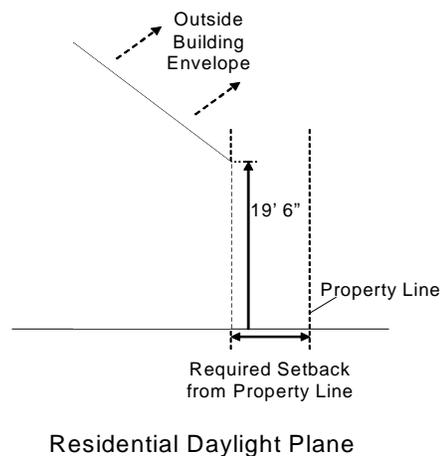
Daylight Planes are intended to provide for light and air, and to limit the impacts of bulk and mass on adjacent properties. "Daylight Plane" means a height limitation that, when combined with the maximum height limit, defines the building envelope within which all new structures or additions must be contained. The daylight plane may further limit the height or horizontal extent of the building at any specific point where the daylight plane is more restrictive than the height limit applicable at such point on the site. The daylight plane shall be measured separately for each building on a lot, and separately for each side of each building.

- A. Applicability. Daylight planes are established for lots zoned RS, RS-40, RS-VP, RO, RD.

- B. Daylight Plane. A daylight plane shall begin at a horizontal line 19 feet, 6 inches above the grade of each side setback line of each lot and shall slope inwards at a 45 degree angle. (Please refer to Residential Daylight Plane illustration).

No portion of the structure shall intrude beyond the daylight plane except as provided for in Section 4-1654 Building Projections into Yards and Courts.

- C. Exceptions. Exceptions may be granted with administrative approval by the Zoning Enforcement Official (per Section 5-574, as amended).



### 2-538 Maximum Lot Coverage

<u>District</u>	<u>Coverage (percent)</u>
RO	33-1/3
RS	50
RS-40	50
RS-VP	50
RD	50
RM-3000	50
RM-2500	60
RM-2000	60
RM-1800	70

**2-539 Maximum Floor Area Ratio (FAR)**

Zoning Districts	Lots less than 5,000 sf	Lots less than 8,000 sf	Lots 5,001-8,000 sf	Lots more than 8,000 sf
RS, RS-40, RS-VP, RD	50% + 450 sf for garage; Maximum livable area = 2,500 sf		50% + 500 sf for garage; Maximum livable area = 4,000 sf	50% for first 5,000 sf, then 30% for area > 5,000 – 10,000 sf, then 10% for area >10,000 sf; Plus 500 sf for 2-car garage or 750 sf for 3-car garage; Livable area >4,000 sf for any single structure would require Major Site Plan Review approval by the Board of Zoning Adjustments
RO		50% + 500 sf for garage; Maximum livable area = 4,000 sf		50% for first 5,000 sf, then 30% for area > 5,000-10,000 sf, then 10% for area >10,000 sf; Plus 500 sf/unit for garage; Livable area >6,000 sf cumulatively for the entire site would require Major Site Plan Review approval by the Board of Zoning Adjustments

- A. Floor Area shall be measured as defined per Section 2-578 Residential Site Plan Review – Measure of Floor Area and General Requirements.
- B. Exceptions to the Maximum FAR may apply for Major Site Plan Review (Section 2-580).

**2-540 Additional Property Development Regulations: RO, RS, RD, and RM Districts**

In addition to the development regulations listed above, the following regulations shall apply:

- A. Courts shall be subject to the regulations of Section 2-556: RM District - Multi-Family Dwellings, Requirements for Courts Opposite Windows.
- B. Outdoor Living Area shall be subject to the regulations of Section 2-558: RM District - Multi-Family Dwellings, Requirements for Open Space.
- C. Minimum Site Landscaping shall be subject to the regulations of Section 2-560: RM District - Multi-Family Dwellings, Requirements for Planting Areas.
- D. Fences and Walls shall be subject to the regulations of Section 4-1682: Fences, Walls, and Hedges.
- E. Off-Street Parking and Loading shall be subject to the regulations of Article 17: Off-Street Parking and Loading Regulations.

- F. Signs shall be subject to the regulations of Article 18: Signs.
- G. Outdoor Facilities shall be subject to the regulations of Section 4-1662: Outdoor Facilities and Storage/Loading Facilities.
- H. Screening of Mechanical Equipment shall be subject to the regulations of Section 4-1664: Screening of Mechanical Equipment.
- I. Refuse Storage Areas shall be subject to the regulations of Section 4-1666: Refuse Storage Areas.
- J. Underground Utilities shall be subject to the regulations of Section 4-1668: Underground Utilities.
- K. Performance Standards shall be subject to the regulations of Section 4-1670: Performance Standards.
- L. Nonconforming Structures shall be subject to the regulations of Article 20: Nonconforming Uses and Structures.
- M. Multi-family Storage shall be subject to the regulations of Section 2-562 RM District - Multi-Family Dwellings, Requirements for Storage Space.

## **2-542 R Districts – Adjustments to Minimum Yard Requirements**

- A. RS Districts - Abutting Nonconforming Front Yard Setbacks. Where two (2) or more lots on the same side of a street between intersecting streets, or between an intersecting street and cul-de-sac, have front yards less than what is required for the district, the following shall apply: The front yard for a dwelling hereafter erected or altered shall not be required to be greater than the average of the two (2) abutting lots sharing a common side lot line. When an abutting lot is vacant, the required front yard setback shall be used in calculating the average. Where only one other lot has a common side lot line with the building site, the front yard may be reduced to match this adjoining lot. However, in no case shall a front yard setback be reduced to less than ten (10) feet.
- B. R Districts - Religious Assembly Yard Requirements. Yards, height and bulk, and buffering requirements shall be as specified by a use permit, provided that, where adjacent to a building site in an R district, the minimum interior side yard shall be fifteen (15) feet and the minimum rear yard shall be twenty (20) feet. Yards adjoining street property lines shall not be less than required for a permitted use.
- C. R Districts – Additional Setback Requirement Adjacent to Building Wall Exceeding Twenty-Five (25) Feet. Except as provided below, the width of a

required interior side or rear yard adjoining a building wall exceeding twenty-five (25) feet in height, excluding any portion of a roof, shall be increased five (5) feet over the basic requirement.

1. Exceptions. If the lot width is less than sixty (60) feet, no increase in the side yard is required.
- D. R Districts - Alley Setback. The width of a required interior side or rear yard adjoining an alley may be reduced to five (5) feet.
- E. RS Districts - Rear Yard Requirement Exception. The required depth of the rear yard is fifteen (15) feet. However, if there is an open space on the site, exclusive of the required front yard, containing four hundred (400) square feet and a minimum dimension of fifteen (15) feet, the depth of the rear yard may be reduced to ten (10) feet. At the discretion of the Zoning Enforcement Official, such reductions may also require an exception to the Daylight Plane requirements as outlined in Sections 2-537 and 2-574.
- F. RM District - Single-Family and Two-Family Development. The side and rear yard of a single-family home in a RM District shall be the same as those setbacks required in the RS District. The side and rear yard of a two-family home in a RM District shall be the same as those setbacks required in the RD District.
- G. RM District - Variable Yards in. The average yard should be ten (10) feet and the minimum width, six (6) feet, unless a zero-side yard development is approved.
- H. Zero-Side Yard Development.
1. Existing. Structures constructed in conformance with the standards for zero-side yard development in effect immediately prior to the time this code was adopted shall not be considered nonconforming structures, subject to Article 20, provided that any addition or enlargement shall require a use permit issued by the Zoning Enforcement Official, and no addition or enlargement shall increase the existing floor area by more than ten percent (10%) nor increase the lot coverage to more than fifty percent (50%).
  2. New. In the RD and RM-3000 districts, the Site Development Sub-Commission may recommend and the Board of Zoning Adjustment may approve a use permit for projects with attached single-family housing subject to the following standards:
    - Minimum Lot Area (square feet) - 4,000
    - Minimum Lot Width (feet) - 50 feet
    - Minimum Front Yard - 20 feet

Minimum Side Yard - One yard shall be twelve (12) feet and no  
opposite yard is required

Minimum Corner Side Yard - 10 feet

Minimum Rear Yard - 15 feet

## **2-544 Swimming Pools, Hot Tubs and Related Equipment**

An unenclosed swimming pool, hot tub and related equipment may occupy a required rear yard or side yard but shall not be within five (5) feet of an interior property line or within ten (10) feet of a street property line.

## **2-546 Accessory Structures in RS, RD and RM Districts**

- A. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. Location. Except as provided in this Subsection, accessory structures shall not occupy a required front or corner side yard or court or project beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site. Accessory structures must maintain a six (6) foot separation from other structures on the lot.
- C. Maximum Coverage. The coverage of accessory structures on the lot shall be part of the fifty percent (50%) total lot coverage allowed in the RS, RD, and RM-3000 Districts. Accessory structures in the RM-2500 and RM-2000 Districts shall meet the total lot coverage requirement of sixty percent (60%) and accessory structures in the RM-1800 District shall meet the total lot coverage requirement of seventy percent (70%). No single such structure shall occupy more than five hundred (500) square feet. Structures one hundred twenty (120) square feet or less which are not over eight (8) feet in height shall be exempt from the lot coverage requirement. In determining coverage, one-half ( $\frac{1}{2}$ ) of the roofed area of a building open on at least two (2) sides shall be excluded. Exceptions to these provisions are subject to Administrative Review or a Conditional Use Permit, as determined by the Zoning Enforcement Official.
- D. Maximum Height.
  - 1. Maximum Permitted Height. The maximum height of an accessory structure one hundred twenty (120) square feet or less shall be eight (8) feet when located within five (5) feet of the side and rear property lines. The maximum height of all other accessory structures; as defined in Section 1-304, shall be twelve (12) feet, and the ridge of the roof shall not exceed fifteen (15) feet.

2. Administrative Exception. The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, to allow exception to these height limitations, up to a height not to exceed the maximum height allowed in the subject R District.

E. Minimum Setbacks and Relation to Property Lines.

1. Accessory Structures Located Entirely Within the Rear Twenty Five (25) Feet of the Lot. An accessory structure one hundred twenty (120) square feet or less, may be located on the rear and side property lines. An accessory structure more than one hundred twenty (120) square feet, shall not be located closer than three (3) feet from the rear and side property lines.
2. Accessory Structures Not Located Entirely Within the Rear Twenty Five (25) Feet of the Lot. Accessory structures not located entirely within the rear twenty five (25) feet of the lot shall not be located closer than five (5) feet from the rear and side property lines.
3. Administrative Exception. The Zoning Enforcement Official may approve an Administrative Exception, per Section 2-574, to allow exception to these provisions.

F. Residential Garages as Accessory Structures. The following standards apply only to garage doors for single-family homes, duplexes, and small apartment and condominium complexes giving access to not more than three (3) parking spaces either side-by-side or in tandem:

1. The vehicle access opening shall not have a height in excess of seven and one-half (7½) feet;
2. The entire opening shall be covered by a solid or sectional overhead door constructed of wood, metal, or fiberglass;
3. The door shall be painted, stained, or treated to match the exterior of the residential structure.

Any door that does not comply with the above standards shall be approved by the Zoning Enforcement Official prior to installation. In reviewing the proposed door, the Zoning Enforcement Official shall find that the door has an appearance that is consistent with the home on which it is installed and with other homes in the vicinity and does not detract from the residential appearance of the neighborhood.

## **2-548 RO District - Applicability of Prior Zoning Code**

In matters where a difference between this Zoning Code and the latest version of the 1961 Zoning Code occurs in interpreting property development issues in the RO District, the latest version of the 1961 Zoning Code shall apply.

## **2-550 RO District - Additional Setbacks and Lot Coverage Requirements**

For lots exceeding sixty (60) feet in width, the following additional setback and lot coverage requirements apply:

- A. Side yards shall be ten percent (10%) of lot width up to a maximum of twelve (12) feet.
- B. Rear yards shall be ten (10) feet or ten percent (10%) of lot depth, whichever is greater, up to a maximum of twenty five (25) feet.
- C. On the rear one-quarter of a lot where the rear yard abuts the front yard of another, the side yard shall be not less than twenty (20) feet wide.
- D. The total lot coverage, calculated as explained in the definition of lot coverage, shall not exceed one third (of the area of the lot). Where animals are housed in tiers, three-fourths ( $\frac{3}{4}$ ) of the area of each tier above the first shall be counted as additional lot coverage.

## **2-552 RO District - Accessory Structures**

Accessory buildings may be placed on any part of the lot except within sixty (60) feet of the front lot line, but shall not be located within fifteen (15) feet of a dwelling or within ten (10) feet of another accessory building. In the case of a corner lot, where the rear yard abuts the front yard of another lot, no accessory building shall project beyond the front setback required on such other lot. Accessory buildings may not exceed fifteen (15) feet in height. Accessory structures shall not occupy more than forty percent (40%) of the required rear or side yard area in the aggregate, and no single structure may occupy more than thirty percent (30%) of the required yard areas. In determining coverage, one-half ( $\frac{1}{2}$ ) of the roofed area of a building open on at least two (2) sides shall be excluded.

## **2-554 RO District – Additional Dwelling Units**

- A. Minimum Lot Size and Minimum Area for Each Unit.
  1. One (1) additional single-family dwelling may occupy a lot having an area not less than twelve thousand (12,000) square feet; or
  2. One (1) additional two-family dwelling may occupy a lot having an area not less than fourteen thousand (14,000) square feet; and

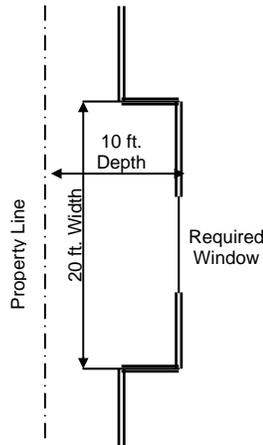
3. On lots larger than fourteen thousand (14,000) square feet, the number of additional dwellings permitted shall be based upon a requirement of eight thousand (8,000) square feet for the first single dwelling, five thousand (5,000) square feet additional for each additional single-family dwelling, and seven thousand (7,000) square feet additional for each additional two-family dwelling.

B. Minimum Setback and Separation Requirements:

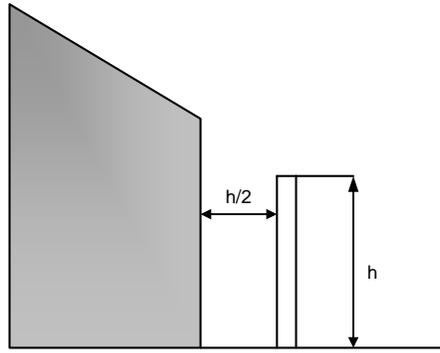
1. No additional dwelling shall be less than twenty (20) feet from any other dwelling, nor from a side lot line toward which it faces, nor less than ten (10) feet from any other side lot line.
2. No additional dwelling shall be less than sixty (60) feet from the front lot line nor less than twenty-five (25) feet from the rear lot line.

**2-556 RM Districts – Multi-Family Dwellings, Requirements for Courts Opposite Windows**

- A. Courts Opposite Walls on the Same Site: The minimum depth shall be one-half ( $\frac{1}{2}$ ) the height of the opposite wall but not less than eighteen (18) feet opposite a living room and twelve (12) feet opposite a required window for any habitable room.
- B. Courts Opposite Interior Property Line: The minimum depth of a court for a required window of a habitable room shall be ten (10) feet measured from the property line.
- C. Court Dimensions: Courts shall be twenty (20) feet wide – ten (10) feet on either side of the centerline of the required window and shall be open to the sky, provided that eaves may project two (2) feet into a court.

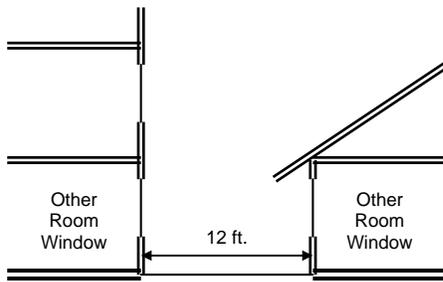
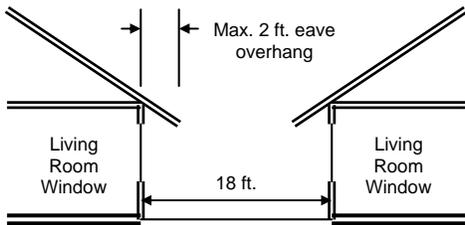


**COURTS OPPOSITE PROPERTY LINE**



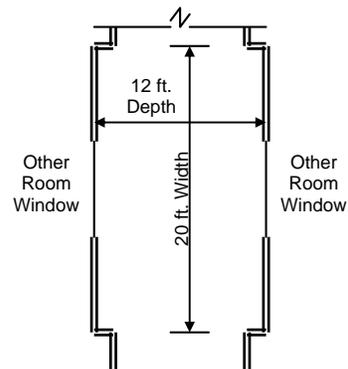
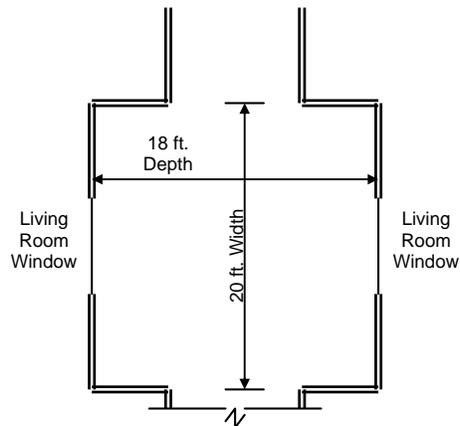
Opposite Wall Height- Section

**COURTS OPPOSITE WALLS**



Opposite Habitable Room Windows - Section

**COURTS OPPOSITE WINDOWS**



**PLAN OF COURT DIMENSIONS  
 OPPOSITE WINDOWS**

**REQUIRED COURTS OPPOSITE WINDOWS**

(The diagram is illustrative)

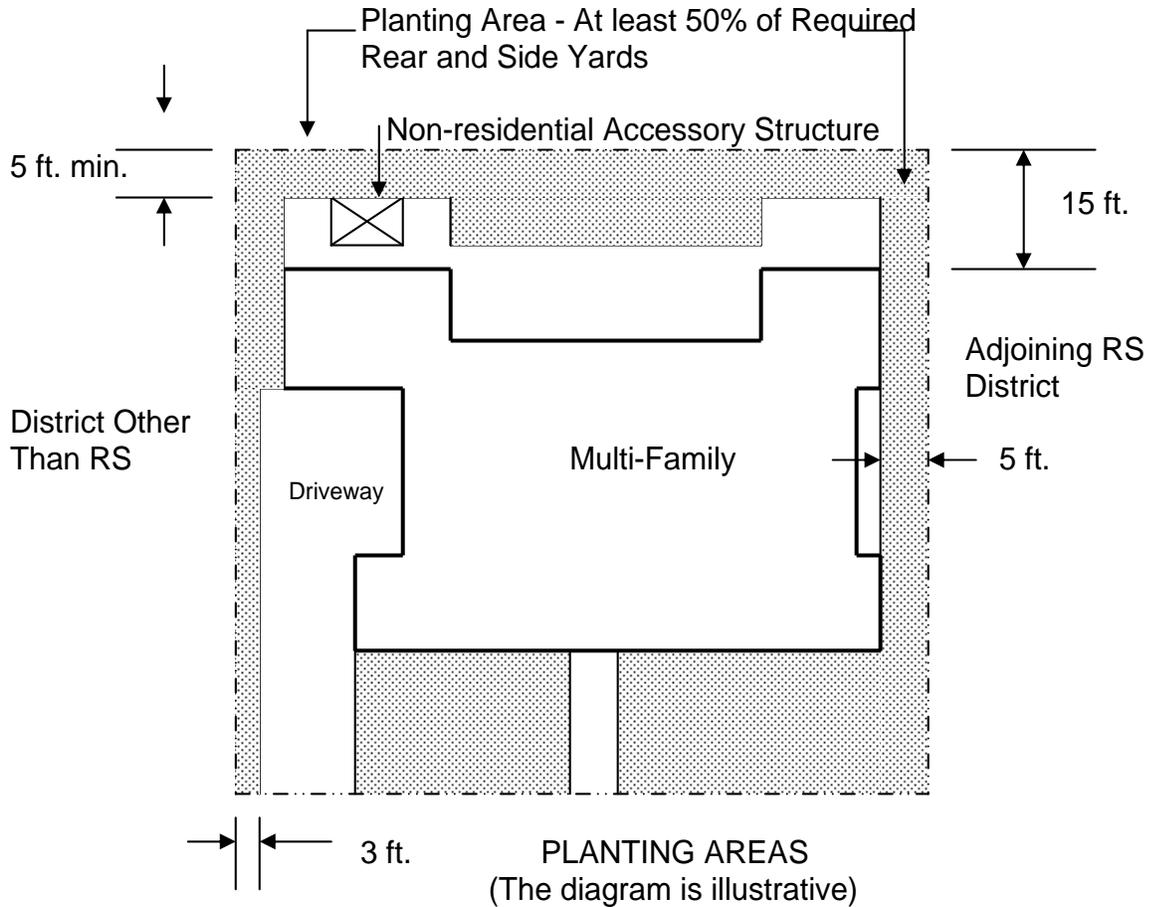
## 2-558 RM Districts – Multi-Family Dwellings, Requirements for Open Space

- A. Basic Requirement. Total open space on a site having three (3) or more dwelling units shall be at least two hundred (200) square feet per dwelling unit.
- B. Private Open Space. Private open space meeting a portion of the requirement shall be on patios or balconies within which a horizontal rectangle has no dimension less than six (6) feet and a minimum area of sixty (60) square feet for balconies above the first story and one hundred twenty (120) square feet for patio or decks at grade level.
- C. Common Open Space. Common open space, provided by non-street side yards, courts, patios, terraces, and rooftops shall be designed so that a horizontal rectangle inscribed within it has no dimension less than ten (10) feet and a minimum area of three hundred (300) square feet, shall be open to the sky, and shall not include driveways, pedestrian access to units, or parking areas, or area required for front or street side yards. Common open space provided on roof tops shall be surrounded by a parapet, wall, or other enclosure that is at least four (4) feet high, and shall be subject to approval by the Zoning Enforcement Official. The Board of Zoning Adjustments may allow a percentage, not to exceed thirty percent (30%), of the total roof top open space provided to be used to satisfy the open space requirement of Section 2-576 of this code. To approve roof top open space, the Board of Zoning Adjustments must make the following findings:
1. The roof top open space is readily accessible to all residents of the complex;
  2. The roof top open space includes areas for active recreation or has significant aesthetic value, or a combination thereof; and
  3. The roof top open space is an amenity of the development which adds value to the project overall.

## 2-560 RM Districts – Multi-Family Dwellings, Requirements for Planting Areas

- A. Yards Adjoining Streets. All visible portions of a required yard adjoining a street shall be driveways, walks or parking areas, or planting area or landscape that may include areas covered by ornamental gravel, crushed rock or similar materials.
- B. Interior Yards. At least fifty percent (50%) of each required interior side yard and rear yard shall be planting area having a minimum width of five (5) feet adjoining a side or rear property line, provided that the width of a required planting area may be reduced to three (3) feet in one side or rear yard

adjoining a driveway or patio, and a nonresidential accessory structure may occupy a portion of the planting area in a rear yard.



- C. A continuous planting area having a minimum width of five (5) feet shall adjoin an RS district.

**2-562 RM Districts – Multi-Family Dwellings, Requirements for Storage Space**

Storage Space shall be required for multi-family dwellings in RM districts. For each dwelling unit there shall be a separate enclosed, lockable storage space area reserved for the occupants of each dwelling unit. Such storage space may be located in the garage space allocated to such unit or elsewhere within the development, but shall not be directly accessible from the dwelling unit. Such storage space shall be at least two hundred fifty (250) cubic feet in size and shall have minimum dimensions of four (4) feet by eight (8) feet.

**2-564 RM Districts – Multi-Family Dwellings, Requirements for Exterior Materials**

In all RM districts, exterior materials are subject to review and approval of the Site Plan Approval decision-maker, as per the requirement of Article 25.

## 2-566 Reserved

## 2-568 Manufactured Homes in R Districts

- A. Purpose. It is the intent of the City to provide opportunities for the placement of manufactured homes in R districts, consistent with state law, and to ensure that such manufactured homes are designed and located so as to be harmonious within the context of the surrounding houses and neighborhood.
- B. General Requirements. Manufactured homes may be used for residential purposes if such manufactured homes have been granted a Certificate of Compatibility and are located in an R district.
- C. Requirements for Certificates of Compatibility. Manufactured homes may be located in any R district where a single-family detached dwelling is permitted, subject to the same restrictions on density and to the same property development regulations, provided that such manufactured home receives a Certificate of Compatibility. The Zoning Enforcement Official shall issue a certificate of compatibility if the manufactured home complies with all development regulations of the zoning district and if the Zoning Enforcement Official determines that the manufactured home is compatible with surrounding development. In considering compatibility, the Zoning Enforcement Official shall consider only roof overhang, roofing material, siding material and roof design.
- D. Cancellation of State Registration. Whenever a manufactured home is installed on a permanent foundation, any registration of said manufactured home with the State of California shall be canceled, pursuant to state laws and regulations. Before any occupancy certificate may be issued for use of such a manufactured home, the owner shall provide to the Building Official satisfactory evidence showing: that the state registration of the manufactured home has been or will, with certainty, be canceled; if the manufactured home is new and has never been registered with the state, the owner shall provide the Building Official with a statement to that effect from the dealer selling the home.



- G. Landscaping. At least thirty-five percent (35%) of the site area shall be landscaped, and a landscape plan shall be prepared consistent with Section 4-1660.
- H. Recreation Area Required. At least one hundred (100) square feet of recreation area shall be provided for each home. Such recreation area shall include:
1. Outdoor Recreation Space: Areas for games and activities such as shuffleboard, horseshoes, putting greens and swimming pools.
  2. Clubhouse Space: Areas for indoor activities such as reading and games, rest rooms, show facilities, and cooking facilities.

No recreation area shall be permitted within one hundred (100) feet of the perimeter property line.

- I. Outdoor Facilities. Central trash collection and storage areas shall be provided.
- J. Storage Area. Common storage areas shall be provided, within an area enclosed by a wall or screen fence, for the residents of the manufactured home park for the storage of recreational vehicles, trailers, travel trailers, and other licensed or unlicensed vehicles. This area shall total not less than fifty (50) square feet for each manufactured home lot.
- K. Internal Circulation. Internal street widths shall be:

Twenty-Five (25) feet if no parking is permitted;  
Thirty-Three (33) feet if parallel parking on one side is permitted;  
Forty (40) feet if parallel parking on two sides is permitted.

Each park shall have a main access point with a minimum traveled way width of forty (40) feet, and at least one (1) secondary or emergency access approved by the Police Chief and Fire Chief if only one (1) main access is provided. The main access shall be located on a collector or higher rated roadway as identified in the Master Plan of City Streets and shall conform to City standards for allowable access parking.

- L. Modification of Standards. Modification to the standards of this section may be granted by the Board of Zoning Adjustments following a public hearing when the applicant can clearly show that the proposed manufactured home park will provide for, and be permanently maintained for, low- and moderate-income housing.

- M. Application to Existing Manufactured Home Parks. Manufactured home parks existing on the effective date of the ordinance adopting this section shall be exempt from the requirements of this section.

## 2-572 Reserved

### Discretionary Permits

#### 2-574 Administrative Exceptions

- A. Standards for Which an Administrative Exception May be Approved.

The Zoning Enforcement Official may approve an Administrative Exception for the following:

1. An extension of the existing building line of a single-family residence, which legally projects into a required yard area of the applicable R District.
  2. Exceptions to the maximum allowable height for Accessory Structures, up to a height not to exceed the maximum height allowed in the applicable R District.
  3. Exceptions to the setback and relation to property line requirements for Accessory Structures, as prescribed for the applicable R District.
  4. Exceptions to the Daylight Plane.
- B. Application Requirements. Application for such approval shall be made to the Zoning Enforcement Official on a form prescribed by Planning staff, and shall be accompanied by a plot plan showing location and height of all structures on the premises subject to the application and on all abutting premises, and showing location, height and area of the proposed extension. Reduced copies of these plans shall also be provided. The Zoning Enforcement Official may require further information as is deemed appropriate to the application.
- C. Neighborhood Notification. The City shall notify abutting property owners in writing of the proposed extension. A copy of the reduced plan shall be included.
- D. Administrative Review:
1. Findings Necessary for Approval. The Zoning Enforcement Official may approve an Administrative Exception upon a determination that such extension would not be detrimental to public health, safety or welfare and would not cause undue damage, hardship, nuisance or

other detriment to persons or property in the vicinity. The Zoning Enforcement Official shall deny, approve or conditionally approve the application.

2. Notice of Decision. The Zoning Enforcement Official shall notify by mail the applicant and all abutting property owners. Said notice shall contain a statement that the action taken will become final within fifteen (15) days from the date thereof unless appealed in writing to the Board of Zoning Adjustments. The action of the Zoning Enforcement Official shall be final unless an appeal is so filed.

- E. Appeals. Any person aggrieved with the action of the Zoning Enforcement Official may appeal such action to the Board of Zoning Adjustments, pursuant to the requirements of Article 28.

## **2-576 Secondary Dwelling Units**

This section is intended to implement the General Plan housing policy on second dwelling units, adopted in part in response to Government Code Section 65852.1 et seq., by allowing Secondary Dwelling Units through ministerial review in any residential district, subject to meeting the criteria defined below.

- A. Where Permitted. In any residential district, a Secondary Dwelling Unit may be permitted on a lot with a single-family dwelling, subject to meeting the regulations of this section. Additional Dwelling Units in the RO District only are subject to the regulations of Section 2-554.
- B. Ministerial Review and Approval Required. A secondary dwelling unit in a residential district will be approved if it fully conforms to the following criteria.
  1. Application Requirements.

Applicants for second dwelling units shall submit an application to the Department of Community Development, Planning Services Division, which, at a minimum, shall include:

- A. Plot plan (drawn to scale): Dimensions of the perimeter of parcel on which the second dwelling will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50 feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included. Provide average slope calculations for the project site.
- B. Floor Plans: Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be

identified. The size and location of all windows and doors shall be clearly depicted.

- C. Elevations: north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed second dwelling unit.
- D. Cross Section: Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
- E. Deed restriction completed as required, signed and ready for recordation.

2. Findings Necessary for Approval. The Zoning Enforcement Official shall approve a secondary dwelling unit upon finding the following:

- A. The dwelling conforms to the design and development standards for secondary dwelling units established in Subsection C of this section;
- B. The secondary unit maintains the scale of, and is visually compatible with, adjoining residences and the residences in the immediate vicinity; Building materials, forms (e.g., roof pitch), colors and exterior finishes are substantially the same as those on the existing dwelling;
- C. Public and utility services including emergency access are adequate to serve both dwellings;
- D. The secondary unit is not located on, or adjacent to, real property that is listed in the California Register of Historic Places;
- E. The secondary unit will not exceed the allowable density for the property upon which it is located;
- F. The secondary dwelling unit is consistent with the General Plan and the zoning for the property.
- G. For Secondary Units located in a RO, RS, or RS-VP District, the main dwelling or secondary dwelling will be owner-occupied and eligible for a homeowner's exemption for state tax purposes.

C. Design and Development Standards.

1. Unit size. A secondary dwelling constructed within or attached to an existing dwelling or garage shall contain at least three hundred 300 square feet but not more than thirty (30%) percent of the heated floor area of the existing dwelling or four hundred fifty (450) square feet, whichever is lesser.
2. Prohibition - Garage Conversions. No secondary dwelling unit may be constructed, installed or created from the conversion of an existing garage unless a garage replacing the converted garage is provided on the lot.
3. Required Setbacks. Attached secondary dwelling units shall not be permitted in a required yard. Detached units are required to meet setback requirements established by Section 2-546 related to Accessory Structures, while detached units in the RO District shall comply with all setback requirements defined for RO District.
4. Height and Building Coverage. The basic requirements of Article 5 shall apply unless modified by an overlay district.
5. Parking. A minimum of one (1) independently accessible off-street parking space in addition to any parking spaces required for the residential dwelling shall be required for a lot containing a secondary dwelling, unless a finding is made that additional parking requirements are directly related to the use of the second unit and consistent with applicable neighborhood standards applicable to the existing dwelling. Parking for a secondary dwelling unit may be provided in a tandem arrangement if located in the driveway and outside the front yard setback.
6. Subordinate to Existing Dwelling. The secondary unit shall be visually subordinate to the existing dwelling, with an exterior entry that is clearly made to appear secondary to the entry for the existing dwelling.
7. Attached and Detached Units Allowed. Both attached and detached secondary dwelling units are allowed, however, detached units must be sited on parcels containing at least 10,000 square feet.

A detached secondary dwelling unit that is sited on a property less than 10,000 square feet may be considered through a Site Plan Review process through the Zoning Enforcement Official. Detached units on smaller parcels shall be considered as long as all other requirements relating to parking, lot coverage, building height and setbacks are met.

8. Residential Site Plan Review. For Secondary Units located in a RO, RS, or RS-40 District that meets the standards for Residential Site Plan Review as defined in Section 2-580(D), the Secondary Unit shall comply with the Residential Site Plan Review Standards contained in Section 2-580(H).
  9. View Preservation/Site Plan Review. For Secondary Units located in a RS-VP District that meet the standards for View Preservation/Site Plan Review as defined in Section 2-582(D)(1), the Secondary Unit shall comply with the View Preservation/Site Plan Review Standards contained in Section 2-582(D)(6).
- D. Conditions Recorded. The City shall file a Notice of Occupancy Restriction (pursuant to subsection (B)(2)(g)), above with the Alameda County Recorder within thirty (30) days from the date the approval of the secondary dwelling unit .
- E. Prohibition - Subdivision - Separate Tax Assessment. Approval of a secondary dwelling unit shall not be deemed to be a division of land for purposes of Government Code Section 66410 et seq. or Title VII of the Municipal Code, nor shall the ministerial approval in accord with this Article entitle the applicant to:
- (1) such a division of land; or
  - (2) to have each of the two (2) dwelling units on the parcel separately assessed for property tax purposes.”

## **2-578 Residential Site Plan Review – Measure of Floor Area and General Requirements**

- A. Intent. This section defines the measure of “floor area” for single-family homes in the RO, RS, RS-40, and RS-VP Districts, and imposes a requirement for Residential Site Plan Approval on certain new, and newly enlarged, single-family homes in the RO, RS, and RS-VP Districts, in order to prevent such homes from appearing out-of-scale relative to homes and structures in the vicinity.
- B. Applicability. The requirements of this section apply to a proposal for an individual new and/or enlarged single-family home, on an existing parcel. Requirements for Residential Site Plan Review in the RO, RS, and RS-40 District are as prescribed in Section 2-580.B, and requirements for View Preservation/Site Plan Review in the RS-VP District are as prescribed in Section 2-582.D.1.

- C. Exemption for Planned Developments Approved After July 15, 2001. A new home may be permitted without Residential Site Plan Approval, if plans and/or design standards for such homes are approved by the City Council as an integral component of a residential Planned Development Overlay District.
- D. Calculation of Floor Area. The floor area of a single-family dwelling shall be calculated as follows:
1. The floor area shall include the total horizontal area of each floor within the exterior walls of the building(s) that comprise the primary residence, include any enclosed space with a seven (7) foot or greater ceiling height, and as measured at the exterior face of the enclosing walls. The calculated floor area shall be doubled for that portion of interior space with an interior ceiling height of fifteen (15) feet or greater.
  2. The floor area shall exclude:
    - a. Garages, carports and accessory buildings;
    - b. Attics and lofts, or those portions of attics and lofts which have less than a seven (7) foot ceiling height;
    - c. Basements, where the finished floor level directly above is less than four (4) feet above finished grade on all sides; and
    - d. A balcony, porch, deck or other structure where at least one of the longest dimensions is completely unenclosed.
- E. Deed Restriction for Use of Large Homes. The City may require that the owners of a home with a residential floor area of four thousand (4,000) square feet, or larger, record a deed restriction limiting the structure to a single-family residential use.

## **2-580 RO, RS and RS-40 Districts - Residential Site Plan Review**

- A. Intent. The purpose of this section is to provide a process of Residential Site Plan Review, assuring that certain new homes and major additions are evaluated through a publicly noticed discretionary procedure, so that potential adverse impacts to neighbors are minimized and such single-family residences are visually compatible with their surroundings.
- B. Applicability: Certain Single-Family Construction Projects. The requirements of this Section apply to the following single-family construction projects in RO, RS, and RS-40 Districts. (Single-family construction in the RS-VP District is regulated by Section 2-582.D, View Preservation/Site

Plan Review and single-family construction in the RD, RM, C, and I Districts is regulated by Article 25: Site Plan Review.)

1. Requirement for MAJOR Residential Site Plan Review. MAJOR Residential Site Plan Approval is required prior to issuance of a building permit for either a new and/or enlarged single-family home, on an existing parcel, which would either:
  - a. result in a home with floor area greater than four thousand (4,000) square feet, (also applicable to multiple units on a single parcel in the RO district, with a cumulative floor area greater than six thousand (6,000) square feet) or;
  - b. result in an addition that exceeds one hundred percent (100%) of the existing home's floor area (i.e. more than doubles the floor area of the existing home), and/or exceeds the maximum floor area ratio (FAR) established for the parcel, or;
  - c. result in a three-story home, or enlarge a third story.

Floor area for single-family homes shall be calculated as per the requirements of Section 2-578.D: Calculation of Residential Floor Area.

2. Exemption from MAJOR Residential Site Plan Review for Small Additions to Existing Homes. Notwithstanding the above, additions of less than one hundred fifty (150) square feet may be permitted without MAJOR Residential Site Plan Approval, provided that there are no other active building permits for the creation of new and/or additional floor area on the property at the time the permit for the small addition is requested, and provided the addition does not involve a third story.
  3. Requirement for MINOR Residential Site Plan Review. For single-family construction projects NOT subject to MAJOR Residential Site Plan Review as required in Subsection 1 above, MINOR Residential Site Plan Approval is required prior to issuance of a building permit for the construction of:
    - a. a new two-story home or;
    - b. an addition that creates a new second-story, or;
    - c. an addition to any existing second-story.
- C. Applicability: Certain Two-Family Construction Projects. Additions to existing two-family dwellings as listed in Subsection 5-2502.B, if within the

RS and RS-40 Districts, require MAJOR Residential Plan Review pursuant to this Section.

D. Exemptions. Non-structural alterations that do not require building permits are exempt from this Article.

E. Review and Approval Authority.

1. Residential Site Plan Review for Projects that Require Discretionary Zoning Permits and for New Large Homes. For single-family construction projects requiring Conditional Use Permit or Variance Approval, the Board of Zoning Adjustments shall review and either approve, conditionally approve or deny a Residential Site Plan in conjunction with its review of the Use Permit or Variance.

For New Large Homes, the Board of Zoning Adjustments shall review and either approve, conditionally approve or deny a Residential Site Plan, whether in conjunction with other discretionary zoning permits or not.

2. Residential Site Plan Review for Projects that Do Not Require Discretionary Zoning Permits, Except for New Large Homes. The Zoning Enforcement Official shall be the decision-maker, unless the Zoning Enforcement Official defers action to the Site Development Sub-Commission. The Zoning Enforcement Official or Site Development Sub-Commission shall approve, conditionally approve or deny the Residential Site Plan.

F. Noticing, Review and Hearing Requirements. Prior to a decision-makers' action on a application as outline in Subsection E above, public notice shall be given as specified below:

1. Notice of Public Hearing for Residential Site Plan Review of Construction Project that Requires Discretionary Zoning Permits shall be concurrent with that required for the requested use permit or variance, as specified by Section 5-2208.

2. Notice of Hearing for MAJOR Residential Site Review of Construction Project that Does NOT Require Discretionary Zoning Permits. A Public hearing is required for single-family construction projects that require MAJOR Residential Site Plan Review pursuant to Subsections B.1. and C. Written notification of the time, place and purpose of the hearing by either the Zoning Enforcement Official or Site Development Sub-Commission shall be mailed to the applicant, property owner, and property owners adjoining and across the street from the subject site, not less than ten (10) days prior to the public hearing.

3. Notice of Application and Review Period for MINOR Residential Site Review. Notice of an application for single-family construction projects that require MINOR Residential Site Plan Review pursuant to Subsection B.3 shall be mailed to property owners adjoining and across the street from the subject site, not less than ten (10) days prior to action on the application by the Zoning Enforcement Official. Upon review of the application and any correspondence received from those sent notice of the application, the Zoning Enforcement Official may take action on the application without holding a public hearing. The applicant, and those who submitted written comments regarding the application, shall be given written notification of the Zoning Enforcement Official's action so that an appeal (per Subsection G, below) can be filed within fifteen (15) days from when such notification is sent.

G. Appeals.

1. A Decision by Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
2. A Decision by Site Development Sub-Commission may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
3. A Decision by Board of Zoning Adjustments may be appealed to the City Council pursuant to the requirements of Article 28.

H. Residential Site Plan Review Standards. To approve or conditionally approve a Residential Site Plan, the decision-maker or the decision making body shall find that the proposed project is in substantial compliance with all of the following standards:

1. The residence's architecture is appropriate and consistently applied: The structure has adequate articulation, with appropriate window placement, architectural detailing, roof forms and/or changes in wall planes to provide visual interest. Additions shall not have a "tacked on" appearance, and either the addition should be consistent with the existing residence in terms of design and use of materials, or the existing residence should be remodeled concurrently with construction of the proposed addition in order to achieve the desired consistency.
2. The visual mass of the home is de-emphasized: The home appears in scale with the surrounding homes. The building's surfaces should be articulated in a manner that reduces the appearance of blocky or

massive features, and architectural features, detailing and/or landscaping should subdue, rather than accentuate the prominence of larger homes.

3. The neighborhood's existing visual character is valued: The proposal “fits in” to the neighborhood’s existing architectural and landscape context, utilizing a compatible architectural vocabulary and retaining existing trees to the degree feasible and where conducive to achieving the purposes of this Article. The landscaping to be retained and/or provided around the new and/or remodeled residence should include an appropriate balance of trees, shrubs and living ground covers, and should be designed to blend the project into its larger setting.
  4. The physical impacts to neighbors are minimized: The proposed home or addition does not substantially impair the privacy and access to light and air of adjacent residences, while balancing the applicant’s ability to improve the subject property in accordance with all applicable restrictions.
- I. Conditions of Approval. In approving a MAJOR or MINOR Residential Site Plan, reasonable conditions may be imposed as necessary to achieve consistency with the intent of the applicable R District’s development standards and the standards of this Article. Such conditions may include, but are not limited to, a requirement that the size of the proposed home and/or addition be reduced.
- J. Conditions Effective Date; Lapse and Renewal; Alterations
1. Effective Date. Site Plan approval shall become effective on the fifteenth (15<sup>th</sup>) day after the date the decision-maker or the decision making body approves the site plan, unless appealed, as provided in Article 28.
  2. Lapse of Approvals, and Renewals. Site Plan approval shall lapse after one (1) year or at an alternate time specified as a condition of approval after its date of approval unless:
    - a. A grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or
    - b. An occupancy permit has been issued; or
    - c. The approval is renewed, as provided for in Section 5-2218.E.

3. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project by the decision making body as required by Subsection D.

## **2-582 RS-VP Sub-District – Residential Site Plan Review and Exceptions to Height Restrictions**

- A. Intent of RS-VP (View Preservation) Sub-District. The regulations and review requirements of the RS-VP Sub-District are intended to restrict new construction that would impair residents' enjoyment of distant views of scenic features. New single-family construction projects are regulated so that neighbors' views are not unreasonably blocked by the new construction. Pursuant to Section 2-536, the maximum height of structures in the RS-VP Sub-district is not to exceed eighteen (18) feet or one (1) story. In addition, all new homes and additions are evaluated through a publicly noticed discretionary procedure to prevent unreasonable blockage of views, minimize potential adverse impacts to neighbors and to assure single-family residences are visually compatible with their surroundings ("View Preservation/Site Plan Review.")
- B. Height Restrictions in the RS-VP Sub-district.
  1. Maximum Height of Structure Shall Not Exceed Eighteen (18) feet. Notwithstanding the definition of "height" in Section 1-304, the maximum height of a structure in the RS-VP Sub-District shall not exceed eighteen (18) feet, pursuant to Section 2-536.C: "Additional Height Restrictions in RS-VP Sub-District."
  2. Maximum of One Story. A maximum of one (1) story is permitted in the RS-VP Sub-district, except that the improvement of a basement or space below an existing habitable story (i.e., construction of a new habitable story within the building envelope of a pre-existing structure) is exempt from this one (1) story limitation.
- C. Exceptions to Height Restrictions of the RS-VP Sub-district.
  1. Exceptions Authorized. The Board of Zoning Adjustments is authorized to grant Exceptions to the height limits of the RS-VP Sub-District, up to a height not to exceed the thirty (30) feet height limit of the base RS District. Construction in excess of the base RS District's limit of thirty (30) feet is subject to approval of both an Exception, as authorized by this Section, and a Variance pursuant to the requirements of Article 22.

2. Required Finding for Granting of an Exception. To approve an Exception to the height limit of the RS-VP Sub-District, the decision-making body shall make the following finding:
  - a. Mandatory Finding: The views currently enjoyed by neighbors are retained. The proposed construction that is in excess of the height limit of the RS-VP Sub-District does not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, to any greater degree than would a proposal for construction that conformed to the height limits of the RS-VP Sub-District.
  - b. Mandatory Denial. Failure to make the required finding under (a) shall require denial of the application for an Exception made under this Section.
3. Notice, Review and Appeal Process. Requests for granting of an Exception shall be made concurrently with, and have the same noticing requirements as, an application for MAJOR View Preservation/Site Plan Review as specified in Subsection D, below.

D. View Preservation/Site Plan Review.

1. Applicability. The requirements of this Section apply to the following single-family construction projects in the RS-VP Sub-district:
  - a. Requirement for MAJOR View Preservation/Site Plan Review. MAJOR View Preservation/Site Plan approval is required prior to issuance of a building permit for either:
    - i. a new single-family home; or
    - ii. any addition, including accessory structures or garages, containing two hundred fifty (250) square feet, or more; or
    - iii. any addition for which a Variance or an Exception (per Subsection C, above) is requested.
  - b. Requirement for MINOR View Preservation/Site Plan Review. MINOR View Preservation/Site Plan Approval is required prior to issuance of a building permit for either:
    - i. construction for any addition requiring a building permit, including accessory structures and garages, less than two hundred fifty (250) square feet (other than those additions requiring approval of a Variance or Exception, for which MAJOR review is required).

- ii. Structures with one hundred twenty (120) square feet, or less, and for which a building permit is not required, are exempt from the requirements of this Subsection. (Floor area for the primary residential structure shall be calculated as specified in Section 2-578.D: Calculation of Residential Floor Area.)
        - iii. For outdoor features such as gazebos, trellises, and other architectural/landscape elements that are more than 120 square feet in size, and/or 10 feet or more in height, Minor View Preservation/Site Plan Review shall be required prior to issuance of building permit (or commencement of construction if no building permit is required).
2. Exemptions. Non-structural alterations that do not require building permits are exempt from this Section.
3. Review and Approval Authority.
  - a. View Preservation/Site Plan Review for Projects that Require Discretionary Zoning Permits. For single-family construction projects requiring Conditional Use Permit, Variance or Exception Approval (as per Subsection 1.a.iii, above), the Board of Zoning Adjustments shall review and either approve, conditionally approve or deny a MAJOR View Preservation/Site Plan in conjunction with its review of the Use Permit, Variance, or Exception.
  - b. MAJOR and MINOR View Preservation/Site Plan Review for Projects that Do Not Require Discretionary Zoning Permits. The Zoning Enforcement Official shall be the decision-maker unless the Zoning Enforcement Official defers action to the Site Development Sub-Commission. The Zoning Enforcement Official or Site Development Sub-Commission shall approve, conditionally approve, or deny the View Preservation/Site Plan.
4. Noticing, Review and Hearing Requirements. Prior to a decision-makers' action on an application as outlined in Subsection 3, above, public notice shall be given as specified below:
  - a. Notice of Public Hearing for MAJOR View Preservation/Site Plan Review of Construction Project that Requires Discretionary Zoning Permits shall be concurrent with that required for the requested use permit, Variance, or Exception. Notwithstanding Section 5-2208, notices for any project requiring MAJOR View Preservation/Site Plan Review shall be mailed to the applicant,

property owner, and property owners within a five hundred (500) foot radius from the subject site.

- b. Notice of Hearing for MAJOR View Preservation/Site Review of Construction Project that Does NOT Require Discretionary Zoning Permits. A Public hearing is required for single-family construction projects that require MAJOR View Preservation/Site Plan Review pursuant to Subsection 1.a, above. Written notification of the time, place and purpose of the hearing by either the Zoning Enforcement Official or Site Development Sub-Commission shall be mailed to the applicant, property owner, and property owners within a five hundred (500) foot radius from the subject site, not less than ten (10) days prior to the public hearing.
- c. Notice of Application and Review Period for MINOR View Preservation/Site Plan Review. Notice of an application for single-family construction projects that require MINOR View Preservation/Site Plan Review pursuant to Subsection 1.b (above), shall be mailed to property owners adjoining and across the street from the subject site, not less than ten (10) days prior to action on the application by the Zoning Enforcement Official. Upon review of the application and any correspondence received from those sent notice of the application, the Zoning Enforcement Official may take action on the application without holding a public hearing. The applicant, and those who submitted written comments regarding the application, shall be given written notification of the Zoning Enforcement Official's action so that an appeal (per Subsection 5, below) can be filed within fifteen (15) days from when such notification is sent.
- d. Simulation of Proposed Construction Required.
  - i. Methods of Simulation to be Used. The Applicant for MAJOR or MINOR View Preservation/Site Plan Review shall erect "story poles" to simulate height and mass of the proposed construction project. Poles shall be placed at all exterior corners of the proposed structure, and to illustrate the height of the tallest proposed roof ridge. Additional visual aids, including but not limited to photo montages or computer simulations, may be required by the Zoning Enforcement Official or Board of Zoning Adjustments if it is found that such additional documentation as necessary to determine the impacts the proposed construction will have on neighbors' existing views. The Zoning Enforcement Official may also waive the requirement for a simulation if he determines that the project has a low probability of impacting existing views.

- ii. Simulations Must be Installed Prior to Action on Applications. Applicants must install the required story poles not less than ten (10) days before a scheduled public hearing for MAJOR View Preservation/Site Plan Review, or ten (10) days before an action by the Zoning Enforcement Official to approve or deny an application for MINOR View Preservation/Site Plan Review.
  - iii. Simulations to be Retained During Appeals. Applicants shall not remove the story poles until the fifteen (15) day appeal period has passed. If an appeal is filed, the poles are not to be removed until action is taken on the appeal, and any subsequent administrative appeal period has passed.
5. Appeals.
- a. A Decision by Zoning Enforcement Official may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
  - b. A Decision by Site Development Sub-Commission may be appealed to the Board of Zoning Adjustments pursuant to the requirements of Article 28.
  - c. A Decision by Board of Zoning Adjustments may be appealed to the City Council pursuant to the requirements of Article 28.
6. View Preservation/Site Plan Review Standards. To approve or conditionally approve a View Preservation Site Plan, the decision-maker or the decision-making body shall find that the proposed project is in substantial compliance with all of the following standards:
- a. The views currently enjoyed by neighbors are respected: The proposed construction does not unreasonably block or diminish neighbors' views of distant and scenic features, such as the San Francisco Bay and surrounding open spaces and skylines, while balancing the applicant's ability to improve the subject property in accordance with the applicable restrictions.
  - b. The residence's architecture is appropriate and consistently applied: The structure has adequate articulation, with appropriate window placement, architectural detailing, roof forms and/or changes in wall planes to provide visual interest. Additions shall not have a "tacked on" appearance, and either the addition should be consistent with the existing residence in terms of design and use of materials, or the existing residence should be remodeled concurrently with construction of the proposed addition in order to achieve the desired consistency.

- c. The visual mass of the home is de-emphasized: The home appears in scale with the surrounding homes. The building's surfaces should be articulated in a manner that reduces the appearance of blocky or massive features, and architectural features, detailing and/or landscaping should subdue, rather than accentuate the prominence of larger homes.
  - d. The neighborhood's existing visual character is valued: The proposal "fits in" to the neighborhood's existing architectural and landscape context, utilizing a compatible architectural vocabulary and retaining existing trees to the degree feasible and where conducive to achieving the purposes of this Article. The landscaping to be retained and/or provided around the new and/or remodeled residence should include an appropriate balance of trees, shrubs and living ground covers, and should be designed to blend the project into its larger setting.
  - e. The physical impacts to neighbors are minimized: The proposed home or addition does not substantially impair the privacy and access to light and air of adjacent residences, while balancing the applicant's ability to improve the subject property in accordance with all applicable restrictions.
7. Conditions of Approval. In approving a View Preservation/Site Plan, reasonable conditions may be imposed as necessary to achieve consistency with the intent of the RS-VP Sub-District's development standards and the standards of this Article. Such conditions may include, but are not limited to, a requirement that the size of the proposed home and/or addition be reduced.
8. Conditions Effective Date; Lapse and Renewal; Alterations
- a. Effective Date. View Preservation/Site Plan approval shall become effective on the 15th day after the date the decision-maker or the decision-making body approves the site plan, unless appealed, as provided in Article 28.
  - b. Lapse of Approvals, and Renewals. View Preservation/Site Plan approval shall lapse after one year or at an alternate time specified as a condition of approval after its date of approval unless:
    - i. A grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or
    - ii. An occupancy permit has been issued; or

- iii. The approval is renewed, as provided for in Section 5-2218.E.
- c. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications, to be reviewed as a new project by the decision making body as required by Subsection 4.

## 2-584 RO and RS Districts – Overview of Residential Site Plan Review Requirements

TYPE OF SINGLE-FAMILY CONSTRUCTION	DISTRICT & TYPE OF REVIEW REQUIRED	
	RO, RS, & RS-40 [REFER TO SECTION 2-580]	RS-VP [REFER TO SECTIONS 2-536, 2-582]
<b>I. SINGLE-STORY CONSTRUCTION</b>		
<p>“MINOR ADDITIONS”</p> <p>☐ Additions less than 250 square feet, including additions of accessory buildings or garages, and gazebos, trellises and other architectural and landscape features that are more than 120 square feet and/or 10 feet in height or taller.</p>	<p>None required</p>	<p><b>MINOR</b> <u>View Preservation/</u> <u>Site Plan Review</u></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ no hearing required, action by ZEO</li> </ul>
<p>“ADDITIONS and NEW HOMES”</p> <p>☐ Additions of 250 square feet or larger, and new homes, but not “major additions and new large homes” as outlined below.</p>	<p>None required</p>	<p><b>MAJOR</b> <u>View Preservation/</u> <u>Site Plan Review</u></p> <ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by ZEO or SDSC at public hearing</li> </ul>
<p>“MAJOR ADDITIONS”</p> <p>☐ An addition that exceeds 100% of the existing residence’s floor area and/or exceeds the maximum established FAR.</p>	<p><b>MAJOR</b> <u>Residential Site Plan</u> <u>Review</u></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ action by ZEO or SDSC at public hearing</li> </ul>	<ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by ZEO or SDSC at public hearing</li> </ul>
<p>“NEW LARGE HOMES”</p> <p>☐ New homes or additions to existing homes that would result in a residence exceeding 4,000 square feet of livable area. (For multiple units in the RO on a single parcel, applies if cumulative square footage for all units exceeds 6,000 square feet of livable area.)</p>	<p><b>MAJOR</b> <u>Residential Site Plan</u> <u>Review</u></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ action by BZA at public hearing</li> </ul>	<p><b>MAJOR</b> <u>View Preservation/Site Plan</u> <u>Review</u></p> <ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by BZA at public hearing</li> </ul>

See following page for two- and three-story requirements

<b>II. TWO-STORY CONSTRUCTION</b>		
<p style="text-align: center;">“MINOR ADDITIONS,”                      “ADDITIONS and NEW HOMES”</p> <p>□ All additions and new homes, other than “major additions” and “new large homes” as outlined below.</p>	<p style="text-align: center;"><b>MINOR                      Residential Site Plan                      Review</b></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ no hearing required, action by ZEO</li> </ul>	<p style="text-align: center;"><b>MAJOR                      View Preservation/                      Site Plan Review                      &amp;                      Exception                      (TO EXCEED                      SINGLE STORY/ 18-FOOT                      HEIGHT LIMIT)</b></p> <ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by BZA at public hearing</li> </ul>
<p style="text-align: center;">“MAJOR ADDITIONS”</p> <p>□ An addition that exceeds 100% of the existing residence’s floor area and/or exceeds the maximum established FAR.</p>	<p style="text-align: center;"><b>MAJOR                      Residential Site Plan                      Review</b></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ action by ZEO or SDSC at public hearing</li> </ul>	<ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by BZA at public hearing</li> </ul>
<p style="text-align: center;">“NEW LARGE HOMES”</p> <p>□ New homes or additions to existing homes that would result in a residence exceeding 4,000 square feet of livable area. (For multiple units in the RO on a single parcel, applies if cumulative square footage for all units exceeds 6,000 square feet of livable area.)</p>	<p style="text-align: center;"><b>MAJOR                      Residential Site Plan                      Review</b></p> <ul style="list-style-type: none"> <li>▪ notice to adjacent properties</li> <li>▪ action by BZA at public hearing</li> </ul>	<p style="text-align: center;"><b>MAJOR                      View Preservation/Site Plan                      Review</b></p> <ul style="list-style-type: none"> <li>▪ notice to properties within 500’ radius</li> <li>▪ action by BZA at public hearing</li> </ul>
<b>III. THREE-STORY CONSTRUCTION</b>		
<p style="text-align: center;"><b>(ALL ADDITIONS and NEW HOMES)</b></p>	<p style="text-align: center;"><b>MAJOR                      Residential Site Plan                      Review</b></p> <p style="text-align: center;">SAME AS ABOVE</p>	<p style="text-align: center;"><b>MAJOR                      View Preservation/Site Plan                      Review &amp; Exception</b></p> <p style="text-align: center;">SAME AS ABOVE</p>