



AGENDA
CITY OF CITRUS HEIGHTS
PLANNING COMMISSION
City Hall Council Chambers
6360 Fountain Square Drive, Citrus Heights, CA
Wednesday, February 8, 2023 6:00 pm

PLEASE NOTE:

The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. The Commission established a procedure for addressing the Commission. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Commission during the meeting please complete a Speaker Identification Form and give it to the Commission Secretary. Those addressing the Commission are limited to three (3) minutes. The Chair may also reduce the allowed time if there is a lengthy Agenda or a large number of people wanting to address the Commission.

You may also submit your comment via email to planning@citrusheights.net. Each written comment will be read aloud by the Secretary.

February 8, 2023 Planning Commission Meeting Agenda PDF



Documents:

[2-8-2023 PC AGENDA.PDF](#)

CALL REGULAR MEETING TO ORDER

1. FLAG SALUTE

2. ROLL CALL

Price, Remick, Scheeler, Sememeko, Shishko, Vice Chair Van Duker,

Chair Flowers

3. CONSENT CALENDAR

Approval of minutes for December 14, 2022

Documents:

[M12-14-22 DRAFT MINUTES.PDF](#)

4. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the audience may address the Commission on any item within the jurisdiction of the Commission or on any agenda item. Those wishing to speak on non-agenda items will be called upon at the beginning of the meeting. Those wishing to speak for or against an agenda item will be called upon after the presentation by the City Planning Division and the Applicant for that agenda item.

5. PUBLIC HEARING

Zoning Code Update: Staff proposes to modify various section of the Zoning Code to reflect changes in state law as well as make necessary refinements, including changes to Affordable Housing Incentives, Parking Requirements, Accessory Dwelling Unit (ADU) regulations, and Temporary Uses. The proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines in that adoption of the proposed Ordinance will not result in any impacts on the physical environment. **Project Planner: Eric Singer**

Documents:

[ZC UPDATE PC SR 02 08 2023.PDF](#)
[ATTACHMENT 1 SB 743 MAP OF VERY LOW VMT AREAS.PDF](#)
[EXHIBIT A REDLINE OF ZONING CODE TEXT.PDF](#)

6. REGULAR CALENDAR

- a. Presentation On Newly Adopted Housing Laws Alison Bermudez
- b. Election Of Chair And Vice Chair

7. ADJOURNMENT

The agenda for this meeting of the Planning Commission for the City of Citrus Heights was posted at the sites listed below on or before the close of business at 5:00 p.m. on the Friday preceding the meeting.

City of Citrus Heights 6360 Fountain Square Drive, Citrus Heights, CA

Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA

Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Blvd., Citrus Heights, CA

Any writings or documents provided to a majority of the City of Citrus Heights Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located 6360 Fountain Square Drive, Citrus Heights, CA.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Stacy Hildebrand at (916) 727-4707. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. TTY/TDD users with questions or comments can call the California Relay Service by dialing 7-1-1.

Pursuant to Sections 65009 (b) (2), of the State Government Code "If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the city Planning Commission at, or prior to, this public hearing".

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PLANNING COMMISSION MEETING
City Hall Council Chambers
6360 Fountain Square Drive
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**PLANNING COMMISSION MEETING
6:00 PM**

February 8, 2023 Planning Commission Meeting Agenda pdf

CALL REGULAR MEETING TO ORDER

1. **FLAG SALUTE**
2. **ROLL CALL** Price, Remick, Scheeler, Sememeko, Shishko, Vice Chair Van Duker, Chair Flowers
3. **CONSENT CALENDAR**
Approval of minutes for December 14, 2022
4. **PUBLIC COMMENT**
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5. **PUBLIC HEARING**
 - a. **Zoning Code Update:** Staff proposes to modify various section of the Zoning Code to reflect changes in state law as well as make necessary refinements, including changes to Affordable Housing Incentives, Parking Requirements, Accessory Dwelling Unit (ADU) regulations, and Temporary Uses. The proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section

15061(b)(3) of the Guidelines in that adoption of the proposed Ordinance will not result in any impacts on the physical environment.

Project Planner: Eric Singer

6. **REGULAR CALENDAR**

- a. Presentation on Newly Adopted Housing Laws **Alison Bermudez**
- b. Election of Chair and Vice Chair

7. **GENERAL CORRESPONDENCE, PRESENTATIONS AND REPORTS FROM CITY STAFF**

- a. Planning Commissioners Academy

8. **ADJOURNMENT**

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Citrus Heights
Planning Commission Meeting Minutes
December 14, 2022
Draft

MEETING CALLED TO ORDER

Chair called meeting to order at 7:00 pm

1. **FLAG SALUTE:** Commissioner Turner-Mike led the flag salute.
2. **ROLL CALL:** Commission Present: Makhnovskiy, Nishimura, Scheeler, Vice Chair Van Duker, Chair Flowers
ABSENT: Ingle
STAFF PRESENT: Bermudez, Flores, Hildebrand, Hodgson, Kehrer, Kempenaar
3. **CONSENT CALENDAR**
Approval of minutes for September 28, 2022
MOTION 1: Approval of minutes for September 28, 2022
M/S: Scheeler/Turner-Mike
AYES: (6) Makhnovskiy, Nishimura, Scheeler, Turner- Mike, Vice Chair Van Duker, Chair Flowers,
NOES: (0)
ABSENT: (1) Ingle
4. **PUBLIC COMMENT**
No public comments.
5. **PUBLIC HEARING**
 - a. **7975 Twin Oaks Parcel Map PLN-22-12:** The applicant requested approval to subdivide the 4.15-acre parcel into three lots, each meeting the one acre minimum lot size. The existing residence and associated buildings would comprise Parcel 3 and the remaining property would become two new parcels (Parcel 1 and Parcel 2). At this time there is no development proposed on the resulting parcels but the tentative map does provide a potential footprint for the construction a new residence on each of the parcels. Any future development will be required to be in compliance with the required zoning standards. **The project is Categorically Exempt from CEQA per Section 15315 (Minor Land Divisions) of the California Environmental Quality Act. Project Planner Alison Bermudez**

Alison Bermudez presented the project to Commission and responded to questions.
The discussion included:

- Drainage discussion

Chair opened the public hearing

Chair closed the public hearing

John Masha MJM Engineering was present

- Commission had no questions.

MOTION 1: Adopt Resolution 22-10 determining the project is Categorically Exempt from CEQA per Section 15315 (Minor Land Divisions) of the California Environmental Quality Act

M/S: Nishimura/Van Duker

AYES: (6) Makhnovskiy, Nishimura, Scheeler, Turner- Mike, Vice Chair Van Duker, Chair Flowers

NOES: (0)

ABSENT: (1) Ingle

MOTION 2: Approve a Tentative Parcel Map to allow the division of an existing 4.15 gross acre parcel into three parcels, 1.0, 1.01 and 1.51 net acres in size, located at 7975 Twin Oaks Ave, subject to the findings and conditions contained in the staff report.

M/S: Makhnovskiy/Turner-Mike

AYES: (6) Makhnovskiy, Nishimura, Scheeler, Turner- Mike, Vice Chair Van Duker, Chair Flowers,

NOES: (0)

ABSENT: (1) Ingle

6. **REGULAR CALENDAR**

None

7. **GENERAL CORRESPONDENCE, PRESENTATIONS AND REPORTS FROM CITYSTAFF**

None

8. **ADJOURNMENT**

7:12 pm

Respectfully Submitted,

Stacy Hildebrand
Planning Commission Secretary

**TENTATIVE PARCEL MAP
CONDITIONS OF APPROVAL
7975 Twin Oaks Avenue**

GENERAL CONDITIONS

1. The development approved by this action is approval of a tentative map to create three (3) residential lots from a single lot as described in the staff report. The project applicant shall submit for final map within three (3) years from the date of the approval. Extensions in time shall be subject to 106.64.070 of the Zoning Code and in compliance with the Subdivision Map Act. [Planning]
2. The project does not include the approval of any construction. A separate permit is required to construct any new structures on the property. [Planning]
3. Any future construction shall not alter or impact the existing drainage ditch without approval from the City. This includes the importing/exporting of any fill. Drainage design for the project shall address these items to assure site properly drains. [Engineering]

PRIOR TO RECORDATION OF THE FINAL MAP

4. The existing shed on Parcel 2 shall be removed. [Planning]
5. The Parcel Map shall have the following note:

IMPROVEMENT REQUIREMENTS

The following improvements shall be constructed in accordance with the City of Citrus Heights Standards within a reasonable time following approval of the Parcel Map and prior to issuance of any permit or other grant of approval for the development hereon created parcels.

STREET: Class A Required

CURB/GUTTER: Type 2 Required

SEWERS: Required

DRAINAGE: Required

STREET LIGHTS: Required

WATER/HYDRANTS: As Required by Water and/or Fire Districts

6. The applicant must submit proof of payment of any applicable Quimby Act fees, please contact the Sunrise Recreation and Parks District for information on Quimby fees. [Engineering]
7. The legal description of the newly created parcels must include dedication of a private sewer easement. A note must be placed upon the plans stating, "A private sewer easement for the installation and or maintenance of a private sanitary sewer line across any of the parcels to serve another parcel shall be dedicated upon the close of escrow." [SASD]
8. Dedicate approximately 10 feet Right-of-Way (ROW) along Twin Oaks Avenue. Actual width of ROW dedication shall align with existing ROW on the east and west sides of the parcel. [Engineering]
9. Dedicate a minimum 12.5-ft wide Public Utilities Easement (PUE) along Twin Oaks Avenue. PUE will be located north of new ROW limits. [Engineering & SMUD]
10. Prior to (or concurrent with) the recordation of the said parcel map, the applicant shall record, at the owner's expense, an agreement between the owner of the real property and the City. The agreement shall be in a form acceptable to the City and shall require that deed restrictions be placed on Parcels 1, 2, and 3 upon recordation of said parcel map. The agreement and the deed restrictions shall:
 - a. Acknowledge the requirement that full street improvements (Class A street) along Twin Oaks Avenue on Parcels 1 and 2 be completed before approval of the Certificate(s) of Occupancy for any of Parcels 1, 2, or 3.
 - b. Acknowledge that the entire cost of the required street frontage improvements shall be borne by the owner(s) of Parcels 1, 2, and 3. If separate owners hold the lots at the time construction is required, such costs shall be divided equally between all three parcels (Parcels 1, 2, and 3).
 - c. Provide that the City, in the event of a default by the owner(s), is authorized but not obligated to cause construction of the street improvements to occur and to charge the entire cost and expense to the owner(s), including interest from the date of notice of the cost and expense until paid. If the parcels are under separate ownership at the time, the owners shall be jointly and severally liable for the City's costs and expenses.

PRIOR TO THE APPROVAL OF IMPROVEMENT PLANS

11. Site shall meet the pre and post Best Management Practices (BMP's) for Stormwater Mitigation per State of California requirements. The City is a member of the Sacramento Stormwater Quality Partnership and uses their guidelines and requirements. The following is their link: <http://www.sactostormwater.org/SSQP/development.asp>

12. The project shall adhere to the State of California's General Construction Permit requirements. Provide documentation of compliance with applicable requirements.
13. Any new roof drains shall not directly connect into the storm drain system. Downspouts shall flow to rain garden, landscaped areas, bio-swale, and/or other approved filtering methods before entering the City's storm drain system.
14. The project shall place an approximately 6-foot wide x 1-foot deep bioswale adjacent to the existing ditch. This proposed bioswale design has been found to accommodate run-off if the property is developed in the future as described herein. A Drainage Study will be required if the property is developed beyond the scope of this application.
15. The existing building is currently connected to public sewer. Any required construction and/or modification to the public sewer system must be to the satisfaction of SASD prior to the approval of improvement plans. SASD Design Standards and Specifications apply to any onsite and offsite public sewer construction. [SASD]
16. Sacramento Area Sewer District (SASD) requires each building on each lot with a sewage source to have a separate connection to SASD's sewer system. If there is more than one building in any single parcel and the parcel is not proposed for split, then each building on that parcel must have a separate connection to a private onsite sewer line or a separate connection to the SASD public sewer line. These improvements must be shown on the plans.
17. All onsite sewer plans and offsite sewer plans must be submitted separately to SASD for review and approval. [SASD]
18. Provide a Fire Access Roadway Maintenance agreement between all parcels connected to and served by the fire access roadway. The Fire Access Roadway Maintenance Agreement shall be recorded with the Public Records Office having jurisdiction. [SMF]
19. The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD. [SMUD]
20. The Applicant shall dedicate any private drive, ingress and egress easement, (and 10-feet adjacent thereto) as a public utility easement for (overhead and) underground facilities and appurtenances. All access roads shall meet minimum SMUD requirements for access roads. [SMUD]
21. The Applicant shall dedicate and provide all-weather vehicular access for service vehicles that are up to 26,000 pounds. At a minimum: (a) the drivable surface shall be 20-feet wide; and (b) all SMUD underground equipment and appurtenances shall be within 15-feet from the drivable surface. [SMUD]

22. Each individual parcel will require its own dedicated metered water service once water service is requested by the property owner(s). Since there is an existing service which would remain on parcel containing the existing structure, the two newly created parcels would require a new service for each. [CHWD]
23. Any water lines that cross between the two new resultant parcels must be severed and capped so each parcel's water system is isolated within said parcel. [CHWD]
24. Civil improvement plans shall be submitted for review and approval to the Sacramento Metropolitan Fire District for acceptance of the access road, fire apparatus turn around and fire hydrant locations. [SMF]
25. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.). [SMUD]
26. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). Information regarding SMUD siting requirements can be found at: <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>.
27. SMUD has existing overhead 12kV facilities along Twin Oaks Avenue as well as secondary facilities on Parcel 2 that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation.
28. Structural setbacks less than 14-feet shall require the Applicant to conduct a pre-engineering meeting with all utilities to ensure property clearances are maintained. [SMUD]
29. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property. [SMUD]
30. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal. [SMUD]
31. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.

[SMUD]

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

32. The two oak trees identified in the Arborist Report dated December 6, 2022 shall be preserved. An updated report shall be required if at the time of development the health of the trees change and/or development is to occur under/near the dripline of the oak trees.
[Planning]
33. Upon development, the following street frontage improvements along Twin Oaks Avenue are required and shall be constructed with the first Building Permit:
- Widening of street
 - paving Type 2 curb &
 - gutter Type A
 - driveways
 - Two (2)
 - streetlights
 - Storm drain
 - system
 - Striping for Class II Bike Lane [Engineering]
34. All development impact fees [Multi-Modal (Roadway/Transit/Admin) and Drainage] shall be paid prior to issuance of each building permit. [Engineering]
35. The owner must contact Permit Services Unit at PermitServices@sacsewer.com or by phone at (916) 876-6100 to determine if sewer impact fees are due. Fees are to be paid prior to the issuance of building permits. . [SASD]
36. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Tentative Parcel Map challenging the validity of the Tentative Parcel Map or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Tentative Parcel Map. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]



STAFF REPORT

Community Development Department
Planning Division
6360 Fountain Square Dr.
Citrus Heights, CA 95621
www.citrusheights.net
(916) 727-4740

Hearing Date: February 8, 2023

File Number: PLN-23-01

Application Type: Zoning Ordinance Update

Assessor's Parcel Number(s): Citywide

Prepared by: Eric Singer, Assistant Planner
esinger@citrusheights.net

Project Name: Zoning Code Update – Various Chapters

Project Address: N/A

Gross Acreage: N/A

Net Acreage: N/A

Net Density: N/A

Current Zoning: N/A

Proposed Zoning: N/A

Surrounding Zoning:

Surrounding Land Use Designation

Actual Use:

On-site:

North:

South:

West:

East:

Not Applicable
Citywide

Environmental Status:

☒ Exempt Section 15061(b)(3)

☐ Negative Declaration

☐ Mitigated Negative Declaration

☐ Previous Negative Declaration

☐ Environmental Impact Report

☐ Previous Environmental Impact Report

Planning Department Recommendations:

☒ Recommend approval and forward to the City Council for final action

☐ Approve with conditions

☐ Denial

Applicant:

City of Citrus Heights
Planning Division

Property Owner:

Citywide Ordinance

REQUEST

The Planning Division requests the Planning Commission review the attached proposed Zoning Code Amendments. The proposed amendments include changes to various chapters of the Zoning Code including Affordable Housing Incentives, Parking Requirements, Accessory Dwelling Unit (ADU) regulations, and Temporary Uses to remain in compliance with current state law. The Planning Commission's decision will be forwarded to the City Council for final action.

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

Motion 1: Recommend the City Council adopt a Resolution to find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the Guidelines in that adoption of the proposed Ordinance will not result in any impacts on the physical environment; and

Motion 2: Recommend the City Council adopt an Ordinance amending sections of Chapter 106 of the City of Citrus Heights Municipal Code (Zoning Code Section) as shown in Exhibit A.

BACKGROUND

The City's land use and zoning regulations are contained in Title 106 (Zoning) of the City's Municipal Code (hereinafter referred to as the Zoning Code). The Zoning Code carries out the policies of the General Plan by providing standards and guidelines for the continuing orderly development of the City.

On occasion, refinements to the Zoning Code are necessary to clarify existing standards, implement new ones, reflect changes in law, and address changing business types and their activities. Staff proposes to modify various section of the Zoning Code to reflect changes in state law as well as make necessary refinements, including changes to Affordable Housing Incentives, Parking Requirements, Accessory Dwelling Unit (ADU) regulations, and Temporary Uses. The approval of these amendments does not approve any development project. Rather, they amend and clarify the certain sections of the Zoning Code for consistency with state law.

PROJECT DESCRIPTION

This staff report includes a table of the proposed changes. The table lists the code section number, the topic and a brief discussion of the change. Exhibit A includes a complete list of the zoning amendments in underline/strikeout text format.

While many of the proposed changes are minor, special attention should be given to the key areas discussed below where the changes are more significant.

- **Affordable Housing Incentives (Density Bonus)** Due to changes in state law, the Zoning Code has to now include language that defines the maximum allowed density in any particular zone as "Base Density." Additionally, two new density bonuses must now be allowed for any project classified as a "Very Low Vehicle Travel Area." These bonuses include unlimited density and a 33 foot height increase for any 100% low income residential project pursuant to Assembly Bill 2334.
- **Parking Requirements** Per Assembly Bill 2097 that updates Government Code 65863.2, the City cannot require parking for any "residential, commercial or other development project" within ½ mile of public transit. Areas within one-half mile of a high-quality transit corridor are identified in the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) map, provided by SACOG (see Figure 1). A high-quality transit corridor has fixed route bus service with service

intervals of 15 minutes or less during peak commute hours. These rules do not apply to requirements for ADA parking spaces, EV charging spaces, or existing grandfathered contracts with a City to provide public parking.

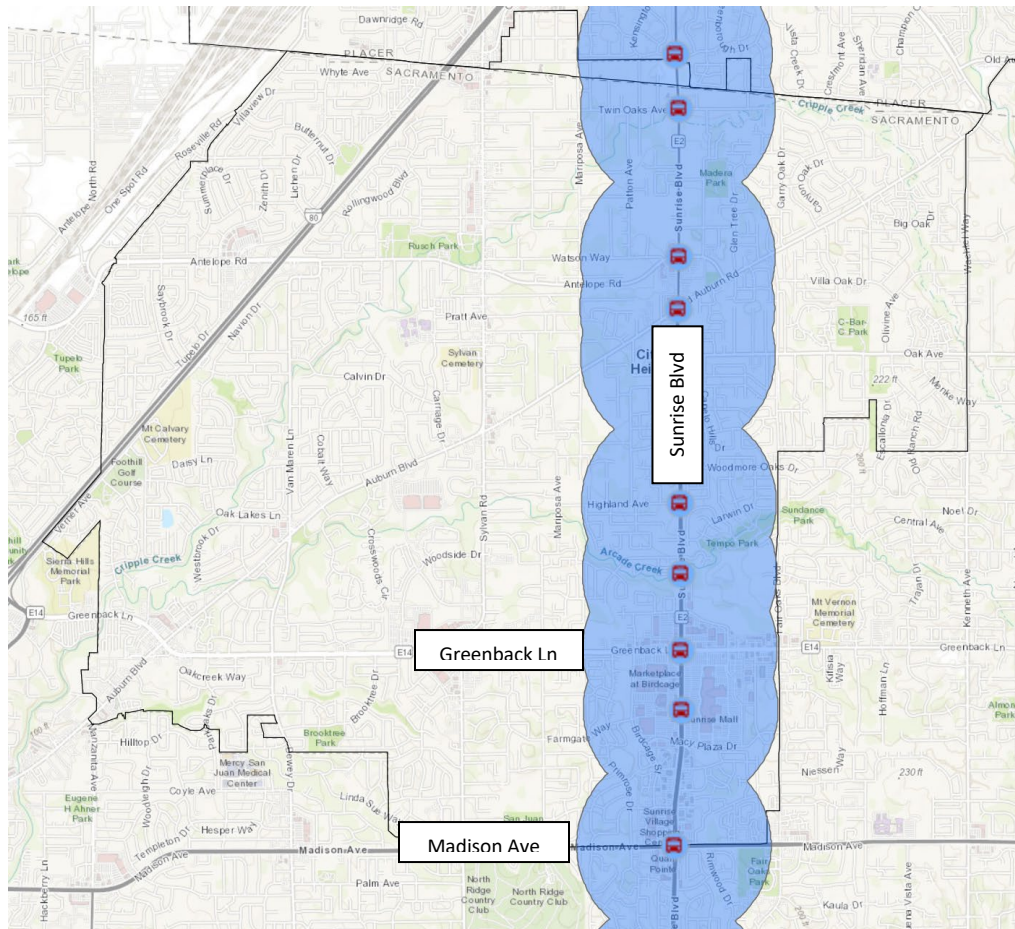


Figure 1: SACOG MTP/SCS Major Transit Stop Map

- **Accessory Dwelling Units** Changes have been made to ADU and JADU laws which clarify and expand on previous legislation. The two major changes that apply to the Zoning Code include:
 - Clarification that front yard setbacks cannot be applied to an attached or detached ADU if it would prohibit the construction of an ADU that is at least 800 square feet with 4-foot side and rear yard setbacks.
 - An increase in allowed height limits from 16 to 18 feet (plus an additional two feet to accommodate roof pitch to align with roof pitch of primary dwelling unit for a total of 20 feet) for detached ADUs. Attached ADUs are currently permitted at the height of the primary unit.
- **Temporary Vending Time Limits** Per Senate Bill 946, the City may not impose any time restrictions on temporary vending operations (food trucks, carts, mobile merchandise stands, etc.) within the public right-of-way. The City currently has a 180 day per calendar year limit on temporary vending, with longer time allowed through Minor Use Permit approval. The language in this section has been revised to clarify that the time limit for temporary vending on private property does not apply to vending in the right-of-way.

SUMMARY OF ALL CHANGES

The table below includes all the changes proposed for the Zoning Code Update.

Article 2 – Zoning Code Districts and Allowable Land Uses		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.26.030	Allowed Land Uses for Commercial Zoning Districts	Now allow for a school (elementary, middle, or high school) in the BP (Business Professional) zoning district with approval of a Use Permit.
Article 3 – Site Planning and Project Design Standards		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.30.040(E)	Creekside Development Standards	Cleans up language in various sections for clarification purposes
106.32.030	Allowed Density Bonuses	Includes definition of “base density” and clarifies that if there are any conflicts between the maximum allowed density outlined within the Zoning Code and General Plan or any Specific Plan, the greater density shall apply.
106.32.030(A)(1)(b)	Eligibility for Increased Bonuses	Adds additional density bonuses for any developments within a Very Low VMT Area per definition outlined in Government Code 65915 (See Attachment 1 for map).
106.36.030(E)	General Parking Regulations	Adds language regarding additional state-mandated parking exemptions per Govt. Code 65863.2, where no parking is required for any development within ½ mile of public transit.
Article 4 – Standards for Specific Land Uses		
<i>Code Section</i>	<i>Topic</i>	<i>Change</i>
106.42.010(D)(2)	Accessory Dwelling Unit Height Limits	Increases the height limit allowed for accessory dwelling units from 16 to 18 feet, plus an additional two feet to accommodate roof pitch to align with roof pitch of primary dwelling unit.
106.42.020(D)(8)	ADU Setbacks	Clarification that front yard setbacks cannot be applied to an attached or detached ADU if it would prohibit the construction of an ADU that is at least 800 square feet with 4-foot side and rear yard setbacks. Also cleans up language regarding height limits for ADUs to align with new standards.
106.42.200(D)(2)	Accessory Structure Height Limits	Cleans up language that clarifies allowance for an accessory structure over 16 feet in height with increased side and rear setbacks.
106.42.225	Small Lot Housing Product Projects	Clarifies that small lot housing projects may be either single-family or duplex units
106.42.250(C)(14)	Temporary Vending	Removes 180 day limit per calendar year on temporary vending per Senate Bill 946. Also clarifies mobile toilet and handwashing facilities for use by temporary vendors are subject to review and approval from the Community Development Director.

Article 8 – Glossary		
Code Section	Topic	Change
106.80.020	Definitions of Specialized Terms and Phrases	Added definitions for the following terms: ➤ Public Transit Expanded definitions for the following terms: ➤ Emergency shelter

CONCLUSION

The proposed Zoning Code amendment is consistent with the General Plan and will not be detrimental to the public interest, health, safety, convenience, or welfare of the city. The proposed modifications are intended to update the Zoning Code based on changing trends, new legal requirements or best practices; therefore, staff recommends approval of the amendments.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the California Environmental Quality Act (CEQA Guidelines Section 15061(b)(3)) in that adoption of the proposed Ordinance will not result in any impacts on the physical environment; and under the general rule that the proposed amendments to the Municipal Code do not have the potential to have a significant effect on the environment.

RECOMMENDATION

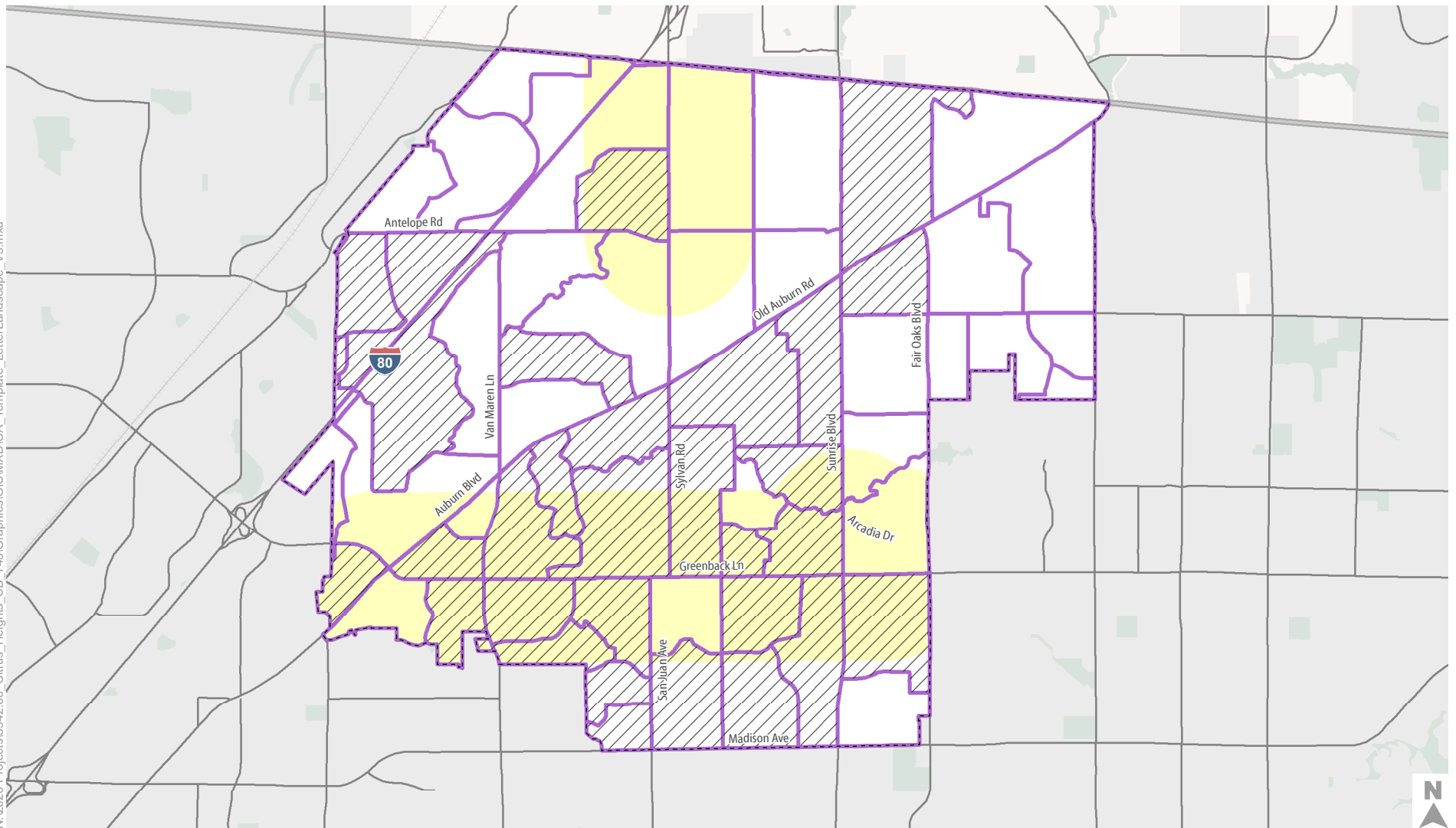
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
Motion 1: Recommend the City Council adopt a Resolution to find the proposed amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines; and

Motion 2: Recommend the City Council adopt an Ordinance amending sections of Chapter 106 of the City of Citrus Heights Municipal Code (Zoning Code Section) as shown in Exhibit A.

Exhibit A: Redline of Zoning Code Text

Attachment 1: SB 743 Map of “Very Low VMT” Areas



-  Census Block Groups
-  Residential HBx VMT per device per day is 85% or less of SACOG average 20.1
-  High Quality Transit Corridor (1/2 mile buffer)
-  Citrus Heights City Limits

1. This figure serves as a screening map, which should be used with appropriate professional engineering judgment. Refer to report text for details.
2. Data (provided by Streetlight Data, Inc.) represents averaged travel conditions for all Tuesdays, Wednesdays, and Thursdays for the entirety of 2019.



Figure 3

Screening Map - Average Daily Home Based VMT per Resident

	S	Permit requirement set by Specific Use Regulations						
	—	Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BP	LC	SC	GC	AC	CR	MP	

INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING

Artisan/Craft Product manufacturing	MUP	MUP	P	P	MUP	—	P	
Contract construction service - Indoor	—	—	—	P	—	—	P	
Contract construction service - Outdoor storage	—	—	—	MUP	—	—	MUP	
Contract construction service - Outdoor work area	—	—	—	UP	—	—	UP	
Manufacturing/processing - Light	—	—	—	UP	—	—	P	
Manufacturing/processing - Medium intensity	—	—	—	—	—	—	—	
Manufacturing/processing - Heavy	—	—	—	—	—	—	—	
Medical marijuana cultivation	S	S	S	S	S	S	S	50-702
Non-medical marijuana cultivation	S	S	S	S	S	S	S	50-802
Recycling - Small collection facility	—	MUP	MUP	MUP	—	—	MUP	106.42.190
Storage - Outdoor	—	—	—	UP	—	—	UP	106.42.170
Storage - Personal storage facility (mini-storage)	—	UP	—	UP	—	—	MUP	
Storage - RVs, boats	—	—	—	UP	—	UP	—	
Storage - Warehouse, indoor storage	—	—	—	P	—	—	P	
Wholesaling and distribution	—	—	—	P	—	—	P	

RECREATION, EDUCATION & PUBLIC ASSEMBLY USES

Adult entertainment business	—	S	—	S	—	—	S	106.40
Bingo parlor	—	—	—	UP	—	—	—	10.81 - 10.100
Card room	—	—	UP	UP	—	—	—	10.26 - 10.54
Commercial recreation facility - Indoor, Minor	—	P	P	P	—	P	P	
Commercial recreation facility - Indoor, Major	—	UP	UP	UP	—	MUP	UP	
Commercial recreation facility - Outdoor	UP	—	—	UP	—	MUP	UP	
Conference/convention facility	UP	—	UP	UP	—	UP	—	
Fitness/health facility	UP	P	P	P	—	P	UP	
Golf Course	—	—	—	UP	—	MUP	UP	
Library, museum	P	P	P	P	—	—	—	
Meeting facility, public or private	UP	UP	UP	UP	—	—	UP	
Park, playground	P	P	P	P	—	P	UP	
School - College, university	UP	UP	UP	UP	—	—	—	
School - Elementary, middle, secondary	UP	UP	UP	UP	—	—	—	
School - Specialized education/training - Minor	P	P	P	P	—	—	P	
School - Specialized education/training -Major	UP	UP	UP	UP	—	—	UP	
Sports and entertainment assembly facility	—	—	UP	MUP	—	MUP	MUP	
Studio - Art, dance, martial arts, music, etc.	S	P	P	P	—	—	S	106.26.030.C
Theater	—	—	MUP	MUP	—	MUP	—	

Key to Zone Symbols

BP	Business and Professional Office	AC	Auto Commercial
LC	Limited Commercial	CR	Commercial Recreation
SC	Shopping Center	MP	Industrial/Office Park
GC	General Commercial	Notes: (1) See Article 8 for land use definitions.	

106.30.040 - Creekside Development and Flood Hazard Mitigation

A. Purpose. The requirements of this Section shall apply to all proposed development within designated creekside properties and shall comply with all requirements of Chapter 42 of the City's Municipal Code (Floods). This Section provides standards that are intended to:

1. Protect the natural, scenic, and recreational value of waterway and riparian resources within the City, including the provision of adequate buffer areas between creeks and adjacent development;
2. Ensure that development either avoids areas subject to inundation by a 100-year flood or more frequent flooding event, or is located and/or designed and protected so that it will not be damaged by flooding, or increase the hazard of flooding on other properties;
3. Protect new development from erosion caused by the meandering nature of the creek system; and
4. Protect the water quality of the creeks.

B. Applicability. The requirements of this Section apply to:

1. **Creekside properties.** Proposed development, other than public works or infrastructure, on any site adjacent to or crossed by a watercourse that is shown on the map in Figure 3-1; and

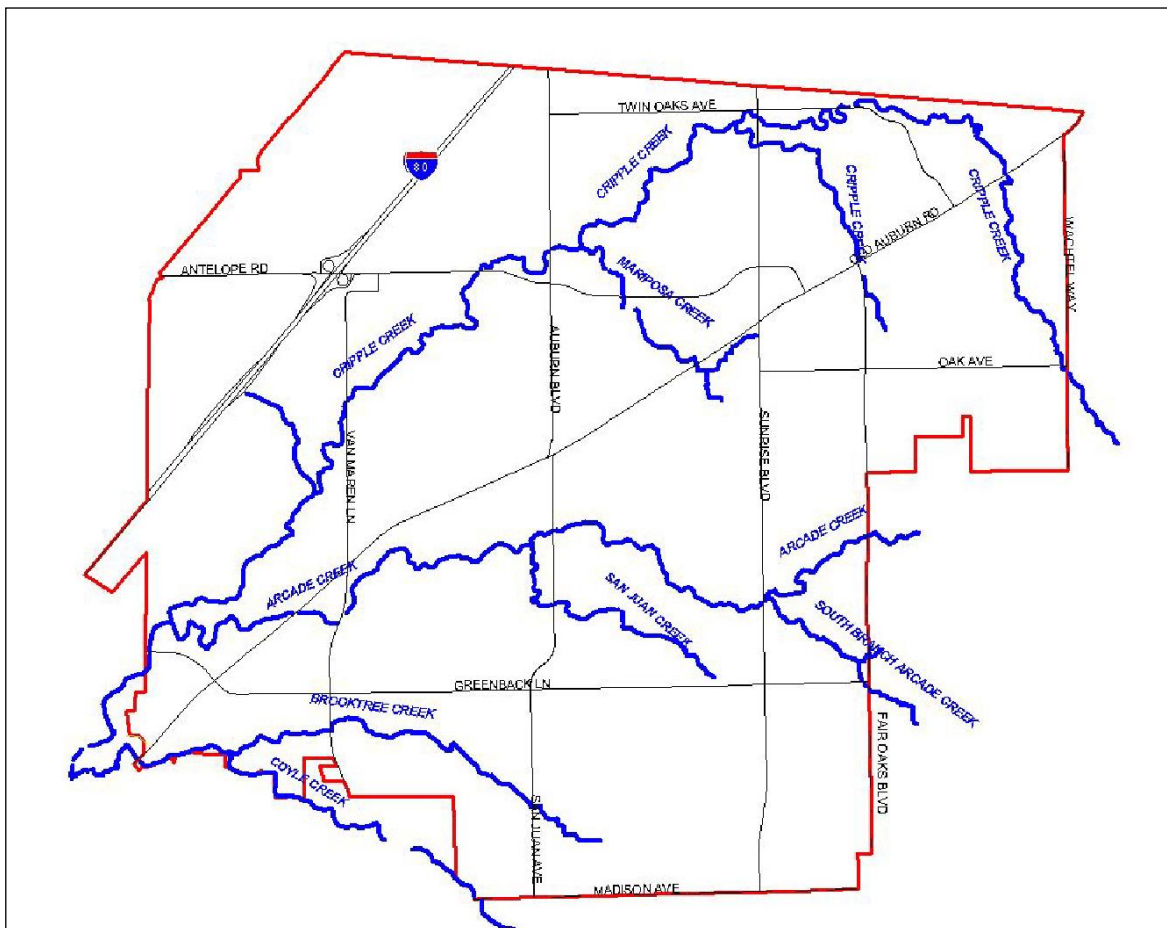


Figure 3-1 - Creeks Where Section 106.30.040 Applies

- 2. Properties within areas subject to flooding.** All properties shown on the Flood Insurance Rate Maps (FIRM) prepared by the Federal Emergency Management Agency (FEMA) as being partly or entirely located in an area subject to flooding by a 100-year flood or more frequent flooding event, and other areas known to the City to be subject to flooding. These areas shall be referred to in this Section as "flood hazard areas."
- C. Streambed analysis required.** A planning permit application for a project subject to this Section shall include a site-specific streambed analysis prepared by a hydrologist, civil engineer, or other qualified professional approved by the City to identify the precise boundary/top of bank of the waterway. The Director may waive this requirement if it is determined that the project, because of its size, location, or design will not have a significant impact on the waterway, or that sufficient information already exists and further analysis is not necessary. A required streambed analysis shall include all information and materials required by the Department and/or the City Engineer.
- D. Subdivision requirements.** Each new parcel proposed adjacent to a designated tributary shall be designed to provide the lot area shown in the following table for the applicable zone, located outside the 100-year floodplain of the tributary.

Zoning District	Minimum Net Lot Area
RD-1	0.50 acres
RD-2	0.25 acres
RD-3, RD-4	7,500 sf
RD-5, RD-7	Entire lot or 5,000 sf, whichever is less
RD-10 and above	Entire area except for common open space and landscape areas
Commercial and Industrial zones	Entire area except for landscaping

E. Development standards.

- 1. Location of proposed development.** Proposed structures and other development shall comply with the more restrictive of the following requirements.
- a. Creek setback for resource preservation.** Each proposed structure shall be set back a distance of 2.5 times the height of the stream bank plus 30 feet, as measured from the top of the stream bank outward.
- (1) The City may require additional setbacks to preserve existing vegetation or other significant environmental resources along any waterway.
 - (2) The City may require erosion protection to be placed at creek bends, drainage outfalls, and other locations that are subject to erosion, or where bank steepness indicates that severe erosion is taking, or may take place.
 - (3) A setback required by the applicable zoning district adjacent to a creekside path or open space area shall be measured from the boundary of the path or open space on the side away from the creek.
 - (4) A path or trail may be located within a creekside setback; however, no structure, road, parking access, parking space, paved area, or swimming pool shall be constructed within a creek or creekside setback area.

- 3-8

- b. Authorized for flood control purposes by the proper permits issued by the California State Department of Fish and Game, and all other applicable State and Federal agencies having authority over the creek.
- 4. **Use of permeable surfaces.** Proposed development should incorporate permeable surfaces (for example, wood decks, sand-joined bricks, and stone walkways) where feasible, to minimize off-site flows and facilitate the absorption of water into the ground.
- 5. **Creek bank stabilization.** Development or land use changes that increase impervious surfaces or sedimentation may result in channel erosion. This may require measures to stabilize creek banks.
 - a. Creek rehabilitation is the preferred method of stabilization, with the objective of maintaining the natural character of the creek and riparian area. Rehabilitation may include enlarging the channel at points of obstruction, clearing obstructions at points of constriction, limiting uses in areas of excessive erosion, and restoring riparian vegetation.
 - b. Concrete channels ~~are not allowed~~, and Other other mechanical stabilization measures shall not be allowed unless no other alternative exists.
 - c. If bank stabilization requires other than rehabilitation or vegetative methods, hand-placed stone or rock rip-rap are the preferred methods.
- 6. **Physical and visual access.**
 - a. Public access and visibility to creeks should be provided, if feasible, through the use of single-loaded frontage roads adjacent to creeks, but outside of the creek setback. Structures or lots that back-up to creeks or creek frontage roads are discouraged.
 - b. The provision of multipurpose creekside trails and public open space is encouraged. Open space areas should include planting for riparian enhancement with native shrubs and trees, paths and trails, lighting, benches, play and exercise equipment, and trash receptacles outside of the riparian habitat area, where appropriate.
 - c. Where streets are not used, frequent access to creekside trails and public open space should be provided at least every 300 feet, and may occur at the end of cul-de-sacs.
- 7. **Best management practices (BMPs) for storm water quality.** Development along creekside areas shall be designed to minimize impacts to storm water quality.
 - a. Drainage swales and runoff should be filtered through grassy swales or other BMPs acceptable to the City Engineer to remove street oils, sediments and other site specific storm water environmental hazards.
 - b. Fertilizer or pesticide usage is discouraged. Plants and trees for landscape areas should be selected that can survive without fertilizers or pesticides. Long-term ponding of water from landscape irrigation shall be avoided.
 - c. Retention/detention basins will require mosquito abatement.
- F. **Warning – Liability denied.** The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazards or uses permitted within the areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City or by any officer or employee for any flood damages that result from reliance on this Section or any administrative decision lawfully made under this Section.

CHAPTER 106.32 - AFFORDABLE HOUSING INCENTIVES

Sections:

- 106.32.010 - Purpose
- 106.32.020 - Eligibility for Bonus, Incentives, or Concessions
- 106.32.030 - Allowed Density Bonuses
- 106.32.040 - Allowed Incentives or Concessions
- 106.32.050 - Parking Requirements in Density Bonus Projects
- 106.32.060 - Bonus and Incentives for Housing with Child Care Facilities
- 106.32.070 - Continued Availability
- 106.32.080 - Location and Type of Designated Units
- 106.32.090 - Processing of Bonus Requests
- 106.32.100 - Density Bonus Agreement
- 106.32.110 - Control of Resale
- 106.32.120 - Judicial Relief, Waiver of Standards

106.32.010 - Purpose

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 106.32.020 (Eligibility for Bonus, Incentives, or Concessions). This Chapter is intended to implement the requirements of Government Code Section 65915, et seq., and the Housing Element of the General Plan. If conflicts occur between requirements of this Chapter of the Zoning Code and Government Code Section 65915 through 65918, the requirements of Government Code Section 65915 through 65918 shall apply.

106.32.020 - Eligibility for Bonus, Incentives, or Concessions

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements, and satisfy all other applicable provisions of this Zoning Code, except as provided by Section 106.32.040 (Allowed Incentives or Concessions).

A. Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

1. 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;
2. Five percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;
3. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or
4. 10 percent of the total dwelling units are for persons and families of moderate income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase.
5. 10 percent of the total units of a housing development are for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541 of the Government Code,

or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sect. 11301 et seq.) are for very low income households, as defined in Health and Safety Code Section 50105.

6. 20 percent of the total units for low income college students in housing dedicated for full-time students at accredited colleges meeting the requirements of Government Code 65915.
 7. The project donates at least one acre of land to the city for very low income units, and the land has appropriate general plan designation, zoning, permits and approvals, and access to public facilities needed for such housing per Government Code Section 65915.
- B. Applicant selection of basis for bonus.** For purposes of calculating the amount of the density bonus in compliance with Section 106.32.030 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections A.1., 2., 3., 4., 5., 6., or 7. above.
- C. Bonus units shall not qualify a project.** A density bonus granted in compliance with Section 106.32.030 (Allowed Density Bonuses), below, including "total units," "total dwelling units," or "total rental beds" shall not be included when determining the number of housing units that is equal to the percentages required by Subsection A.
- D. Minimum project size to qualify for density bonus.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.
- E. Condominium conversion projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5.

106.32.030 - Allowed Density Bonuses

The amount of a density bonus allowed in a housing development shall be determined by the Council in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density ("base density") under the applicable zoning district and designation of the Land Use Element of the General Plan as of the date of application by the applicant to the City. If the base density under the zoning designation is inconsistent with the General Plan or any Specific Plan, the greater density shall apply. If a range of densities are permitted, the maximum numbers of units will be allowed.

- A. Density bonus.** A housing project that complies with the eligibility requirements in Subparagraphs 106.32.020.A.1 shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.
- 1. Bonus for units for low, very low, and moderate income households, land donations, senior citizen developments, transitional foster youth housing, disabled veterans housing, homeless persons housing, or student housings.** A housing development that is eligible for a bonus in compliance with one of the criteria listed in Section 106.32.020.A shall be entitled to a density bonus calculated as follows:

Affordable Unit Percentage**	Very Low Income Density Bonus	Low Income Density Bonus	Moderate Income Density Bonus***	Land Donation Density Bonus	Senior****	Foster Youth/Disabled Vets/Homeless	College Students
5%	20%	--	--	--	20%	--	--
6%	22.5%*	--	--	--	20%	--	--
7%	25%	--	--	--	20%	--	--
8%	27.5%	--	--	--	20%	--	--
9%	30%	--	--	--	20%	--	--
10%	32.5%	20%	5%	15%	20%	20%	--
11%	35%	21.5%	6%	16%	20%	20%	--
12%	38.75%	23%	7%	17%	20%	20%	--
13%	42.5%	24.5%	8%	18%	20%	20%	--
14%	46.25%	26%	9%	19%	20%	20%	--
15%	50%	27.5%	10%	20%	20%	20%	--
16%	50%	29%	11%	21%	20%	20%	--
17%	50%	30.5%	12%	22%	20%	20%	--
18%	50%	32%	13%	23%	20%	20%	--
19%	50%	33.5%	14%	24%	20%	20%	--
20%	50%	35%	15%	25%	20%	20%	35%
21%	50%	38.75%	16%	26%	20%	20%	35%
22%	50%	42.5%	17%	27%	20%	20%	35%
23%	50%	46.25%	18%	28%	20%	20%	35%
24%	50%	50%	19%	29%	20%	20%	35%
25%	50%	50%	20%	30%	20%	20%	35%
26%	50%	50%	21%	31%	20%	20%	35%
27%	50%	50%	22%	32%	20%	20%	35%
28%	50%	50%	23%	33%	20%	20%	35%
29%	50%	50%	24%	34%	20%	20%	35%
30%	50%	50%	25%	35%	20%	20%	35%
31%	50%	50%	26%	35%	20%	20%	35%
32%	50%	50%	27%	35%	20%	20%	35%
33%	50%	50%	28%	35%	20%	20%	35%
34%	50%	50%	29%	35%	20%	20%	35%
35%	50%	50%	30%	35%	20%	20%	35%
36%	50%	50%	31%	35%	20%	20%	35%
37%	50%	50%	32%	35%	20%	20%	35%
38%	50%	50%	33%	35%	20%	20%	35%
39%	50%	50%	34%	35%	20%	20%	35%
40%	50%	50%	35%	35%	20%	20%	35%
41%	50%	50%	38.75%	35%	20%	20%	35%
42%	50%	50%	42.5%	35%	20%	20%	35%
43%	50%	50%	46.25%	35%	20%	20%	35%
44%	50%	50%	50%	35%	20%	20%	35%
100%*****	80%	80%	80%	35%	20%	20%	35%

*All density bonus calculations resulting in fractions are rounded up to the next whole number

Affordable unit percentage is calculated excluding units added by a density bonus *Moderate income density bonus applies to for sale units, not to rental units

****No affordable units are required for senior units

*****Applies when 100% of the total units (other than manager's units) are restricted to very low, lower, and moderate income (maximum 20% moderate)

- a. **Increased bonus.** The increase in the table above shall be in addition to any increase in density required by Subsections A.1, up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with a land donation, as well as the bonuses provided by any other qualifying category as described in Subsection A.1.
- b. **Eligibility for increased bonus.** An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met.
 - (1) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (2) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
 - (3) The transferred land is at least one acre, or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.
 - (4) No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City before the time of transfer.
 - (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 106.32.070 (Continued Availability), below, which shall be recorded on the property at the time of dedication.
 - (6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.
 - (7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.
 - (8) The proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - (9) Any development in an area designated as a Very Low Vehicle Miles Traveled Area as defined in Government Code 65915 are eligible for the following benefits:
 - 1. A height increase of three stories or 33 feet for projects that are 100% lower income units in addition to the four incentives/concessions already allowed. Manager's unit(s) are allowed and up to 20% may be for moderate income households.
 - 4-2. Unlimited density.

- B. **Greater or lesser bonuses.** The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section, or grant a proportionately lower density bonus than required by this Section for a development that does not comply with the requirements of this Section.

CHAPTER 106.36 - PARKING AND LOADING

Sections:

- 106.36.010 - Purpose
- 106.36.020 - Applicability
- 106.36.030 - General Parking Regulations
- 106.36.040 - Number of Parking Spaces Required
- 106.36.050 - Disabled/Handicapped Parking Requirements
- 106.36.060 - Bicycle Parking
- 106.36.070 - Motorcycle Parking
- 106.36.080 - Reduction of Parking Requirements
- 106.36.090 - Parking Design and Development Standards
- 106.36.100 - Loading Space Requirements
- 106.36.110 - Trip Reduction

106.36.010 - Purpose

The requirements of this Chapter are intended to ensure that sufficient but not excessive off-street parking facilities are provided for all uses, and that parking facilities are properly designed, attractive, and located to be unobtrusive while meeting the needs of the specific use. The City discourages providing parking in excess of that required by this Chapter.

106.36.020 - Applicability

Each land use and structure shall provide off-street parking and loading areas in compliance with this Chapter. This Chapter shall also apply to changes to, or expansion of a land use or structure. A land use shall not be commenced and a structure shall not be occupied until the improvements required by this Chapter are completed and approved by the Director.

106.36.030 - General Parking Regulations

- A. **Timing of installation.** A new or altered structure shall not be occupied, and a new land use not requiring a structure shall not be established, until all off-street parking and loading facilities required by this Chapter are in place and approved by the City.
- B. **Permanent facilities required.** Each required parking and loading space shall be permanently available, marked, and maintained for parking or loading purposes for the use it is intended to serve. The approval of a Temporary Use Permit (Section 106.62.030) may allow the temporary use of a parking or loading space for other purposes.
- C. **Unrestricted facilities required.** An owner, lessee, tenant, or other person who controls the operation of a site with required parking or loading spaces shall not prevent, prohibit, or restrict authorized persons from using the spaces without the prior approval of the Director.
- ~~D. D.~~ **Truck or Trailer Parking.** The parking of a motor vehicle used for commercial or industrial purposes and rated more than one (1) ton capacity and trailers used for commercial or industrial purposes shall not be parked or stored in any residential zone except when loading, unloading, or rendering service.

B.E. State-mandated exemptions. Per Government Code 65863.2, parking is not required for any residential, commercial, or other development project within ½ mile of public transit (see Section 106.80.020 for definition of "public transit"). These rules do not apply to requirements for ADA parking spaces, EV charging spaces, or existing grandfathered contracts with the city to provide public parking.

106.42.010 - Purpose and Applicability

- A. Purpose.** This Chapter provides site planning, development, and/or operating standards for certain land uses that are allowed by Article 2 (Zoning Districts and Allowable Land Uses) within individual or multiple zoning districts, and for activities that require special standards to mitigate their potential adverse impacts.
- B. Applicability.** The land uses and activities covered by this Chapter shall comply with the provisions of the Sections applicable to the specific use, in addition to all other applicable provisions of this Zoning Code.
- 1. Where allowed.** The uses that are subject to the standards in this Chapter shall be located only where allowed by Article 2 (Zoning Districts and Allowable Land Uses).
 - 2. Planning permit requirements.** The uses that are subject to the standards in this Chapter shall be authorized by the planning permit required by Article 2 (Zoning Districts and Allowable Land Uses), except where a planning permit requirement is established by this Chapter for a specific use.
 - 3. Development standards.** The standards for specific uses in this Chapter supplement and are required in addition to those in Articles 2 (Zoning Districts and Allowable Land Uses) and 3 (Site Planning and Project Design Standards).
 - a. The applicability of the standards in this Chapter to the specific land uses listed is determined by Article 2 (Zoning Districts and Allowable Land Uses).
 - b. In the event of any conflict between the requirements of this Chapter and those of Articles 2 (Zoning Districts and Allowable Land Uses) or 3 (Site Planning and Project Design Standards), the requirements of this Chapter shall control.

106.42.015 – Accessory Dwelling Units

This Section establishes standards for accessory dwelling units and junior accessory dwelling units. An accessory dwelling unit may be created by conversion of floor area in a pre-existing primary dwelling unit, by an addition thereto, or created within a new or existing residential accessory structure. Except as otherwise specified by this Chapter, all accessory dwelling units shall comply with all provisions applicable to a primary dwelling unit. Nothing in this Chapter shall provide an exception to the requirements of the Building Code.

- A. Allowed Location.** An accessory dwelling unit is allowed on any property developed with residential living unit(s).
- B. Limitation on number of units.** No more than one accessory dwelling unit shall be located on a parcel developed with a single dwelling except the parcel may also have one junior accessory dwelling unit provided the junior accessory dwelling unit complies with Section 106.42.105.D.8. Accessory dwelling units are not included when calculating the density of a parcel.
- C. Relationship to primary use.**
- 1. Design, style.** An accessory dwelling unit shall be incidental to the primary single-family residential use of the site in terms of location and appearance and shall not alter the character of the primary structure. The architectural style, exterior materials, and colors of the accessory dwelling unit shall be compatible with the primary dwelling unit.
 - 2. Timing of construction.** An accessory dwelling unit may be constructed simultaneously with or after the primary dwelling. In addition, an existing dwelling that complies with the development standards for accessory

dwellings in Subsection D below, may be considered an accessory dwelling unit, and a new primary unit may be constructed which would then be considered the primary dwelling unit.

3. **Term of Rentals.** Accessory dwelling units or junior accessory dwelling units shall not be rented for periods of less than thirty one (31) days. This provision shall not apply to accessory dwelling units lawfully constructed prior to January 1, 2020.
- D. **Development standards.** The following standards apply to all newly constructed accessory dwelling units unless an exception is provided in Section 106.42.015.D.9.
1. **Setback requirements.** An accessory dwelling unit shall comply with the setback requirements of the applicable zoning district except that the side and rear yard setbacks may be four feet.
 2. **Height limit.** An attached accessory dwelling unit shall comply with the height limits of the applicable zoning district except that a detached accessory dwelling unit shall not exceed a maximum height of ~~16-18 feet, plus an additional two feet to accommodate roof pitch to align with roof pitch of the primary dwelling unit, except when~~Where the accessory dwelling unit is above a detached residential accessory structure, ~~in which case it~~ shall not exceed 25 feet in height.
 3. **Allowed floor area.**
 - a. The floorspace of an attached accessory dwelling unit shall not exceed 60 percent of the floorspace of the primary dwelling or 1,200 square feet, whichever is less. Regardless of the size of the primary dwelling, an attached accessory dwelling unit shall be allowed the minimum size as follows:
 - (1) 850 square feet for an accessory dwelling with zero to one bedrooms; or
 - (2) 1,000 square feet for an accessory dwelling with two or more bedrooms.
 - b. The floorspace of a detached accessory dwelling unit shall not exceed 1,200 square feet, regardless of the size of the primary dwelling.
 - c. For purposes of computing the floorspace of an accessory dwelling unit, all enclosed areas accessed from within the accessory dwelling unit shall be included. For purposes of computing the floorspace of the primary dwelling, all living area shall be included when calculating the floorspace of the primary dwelling.
 4. **Off-street parking requirements.** Additional off-street parking is not required for an accessory dwelling unit.
 5. **Separate entrance required.** An attached accessory dwelling unit shall have an entrance separate from the entrance to the primary dwelling.
 6. **Window placement.** An accessory dwelling unit that is 15 feet or less from a residential unit on an adjacent parcel shall not have windows that directly face windows in the other unit. A detached accessory dwelling unit located closer than 10 feet to a side lot line or 20 feet from a rear lot line shall have no second floor windows facing the side or rear except obscured glass or clerestory windows, unless the review authority determines that other types of windows will not significantly interfere with the privacy of residents on adjacent parcels.

- 7. Junior Accessory Dwelling Unit:** As an alternative to the standard accessory dwelling units, a parcel with a single dwelling may have one junior accessory dwelling in addition to a standard accessory dwelling unit.
- a. A unit is considered a junior accessory dwelling unit provided each of the following standards are met:
 - (1) The unit is created within the walls of the proposed or existing single-family residence, including attached garages.
 - (2) The unit does not exceed 500 square feet in size.
 - (3) The unit has at least an efficiency kitchen. The efficiency kitchen shall be removed if the junior accessory unit ceases.
 - (4) The unit has bathroom facilities that are either separate from or shared with the residence in which the unit is contained.
 - (5) The unit has exterior access separate from the entrance to the dwelling in which it is contained.
 - b. Either the junior accessory dwelling unit or the residence in which the junior dwelling unit is contained must be occupied by the owner. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
 - c. Prior to the issuance of the building permit, the owner shall show proof of a recorded deed restriction. The deed restriction, which shall run with the land including the transfer of ownership, will prohibit the following:
 - (1) The junior accessory dwelling unit shall not be sold separately from the single dwelling.
 - (2) The junior accessory dwelling unit shall be restricted in size and attributes as describe in Government Code 65852.22.
- 8. Exceptions.** An accessory dwelling unit shall be allowed as follows, regardless of whether the development standards contained in this section can be met.
- a. For lots with single-family dwelling, one of the following:
 - (1) One interior accessory dwelling unit or one junior accessory dwelling unit per lot constructed within an existing or proposed single-family or accessory structure, including the construction of up to a one hundred fifty (150) square foot expansion beyond the same physical dimensions as the existing accessory dwelling structure to accommodate ingress and egress. The accessory dwelling unit or junior accessory dwelling unit must have exterior access and side and rear setbacks sufficient for fire safety. If the unit is a junior accessory dwelling unit, it must also comply with the requirements of section 106.042.015.5.; or
 - (2) One new, detached accessory dwelling unit with a minimum four-foot side and rear setbacks, up to eight hundred (800) square feet and ~~no more than sixteen (16) feet high~~that meets the height requirements of Section 106.42.010(D)(2) on a lot with an existing or proposed single family dwelling. A junior accessory dwelling unit may also be built within the existing or proposed dwelling of such residence in connection with the accessory dwelling unit.
 - (2)(3) Front yard setbacks shall not be applied to an attached or detached ADU if it would prohibit the construction of an ADU that is at least 800 square feet with 4-foot side and rear yard setbacks.

- b. For lots with an existing multi-family dwelling:
- (1) Accessory dwelling units may be constructed in areas that are not used as livable space within an existing multi-family dwelling structure (i.e., storage rooms, boiler rooms, passageways, attics, basements, or garages), provided the spaces meet state building standards for dwellings. The number of interior accessory dwelling units permitted on the lot shall not exceed twenty-five percent (25%) of the current number of units of the multi-family complex on the lot and at least one such unit shall be allowed. Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area; and
 - (2) Up to two (2) detached accessory dwelling units may be constructed, provided they meet the height requirements of Section 106.42.010(D)(2)~~are no taller than sixteen (16) feet, and they have at least four (4) feet of side and rear yard setbacks.~~ Units constructed pursuant to this subsection shall not exceed eight hundred (800) square feet in floor area. For the purpose of this subsection, a structure with two or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwelling on the same lot are not considered multi-family.

E. **Zoning Clearance.** The Director shall issue the Zoning Clearance in compliance with Section 106.62.020.

7. Parking requirements.

- a. No additional parking space shall be required for customers of a small collection facility located in the established parking lot of the primary use.
- b. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use unless a parking study, determined to be acceptable by the Director, shows that existing capacity is not fully utilized during the time the recycling facility would be on the site.

106.42.200 - Residential Accessory Uses and Structures

This Section provides standards for residential accessory uses and structures, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These requirements do not apply to accessory dwelling units, which are instead regulated by Section 106.42.015 (Accessory Dwelling Units).

- A. Relationship to primary use.** An accessory use and/or structure shall be incidental to the primary residential use of the site, and shall not alter the character of the primary use.
- B. Timing of installation.** An accessory structure shall only be constructed concurrent with or after the construction of the primary structure on the same site, unless construction in advance of a primary structure is authorized through Minor Use Permit approval.
- C. Attached structures.** An accessory structure attached to the primary structure shall comply with all zoning district requirements applicable to the primary structure, including height limits and site coverage; and shall also comply with any applicable requirements of Subsection E below, for the specific type of structure.
- D. Detached structures.** An accessory structure that is detached from the primary structure shall comply with the following standards, except where Subsection E below, establishes a different requirement for a specific type of accessory structure. A residential accessory structure may be located between the primary dwelling and a street only with Design Review approval.

1. Setback requirements.

- a. **Front setback.** An accessory structure shall not be located within a required front setback except as may otherwise be provided by Subsection E below.
- b. **Side and rear setbacks.** An accessory structure ~~not exceeding 16 feet in height~~ shall maintain interior side and rear setbacks of at least five feet; except that the Director may authorize a minimum side and/or rear setback of three feet. ~~An accessory structure with a height greater than 16 feet shall increase the setback one foot for each foot above 16 feet. (i.e., an 18-foot high structure shall be set back seven feet.)~~
- c. **Separation between structures.** An accessory structure shall maintain at least a five-foot separation from other accessory structures and the primary dwelling unit.
- d. **Double-frontage lot.** An accessory structure shall not occupy the front half of a parcel, or either front quarter of a double-frontage lot, unless it is setback at least 75 feet from any street lot line.
- e. **Reverse corner lot.** On a reverse corner lot that abuts a key lot, no accessory structure shall be located less than 12.5 feet from the street property line. See Figure 4-3.
- f. **Garages accessible from an alley.** Where an accessory garage is accessible to vehicles from an alley, it shall be located not less than 25 feet from the opposite side of the alley.

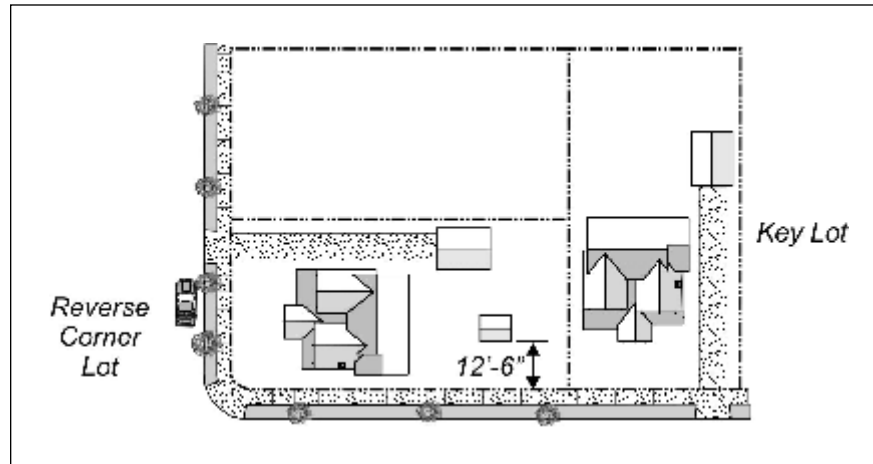


Figure 4-3 - Accessory Structure on Reverse Corner Lot

2. **Height limit.** An accessory structure shall not exceed a maximum height of 16 feet. ~~An accessory structure with a height greater than 16 feet shall increase the required five foot setback one foot for each foot above 16 feet (i.e., an 18-foot high structure shall be set back seven feet.) An accessory structure that is unable to meet the setback requirement previously described may have a height greater than 16 feet authorized by Minor Use Permit approval, except where an accessory dwelling unit is located above a detached garage or other accessory structure, or a height greater than 16 feet is authorized through Minor Use Permit approval.~~
 3. **Lot coverage.** Residential accessory structures shall be included when calculating lot coverage requirements of Section 106.24.060 (Residential District Site Planning and Building Standards).
 - a. The combined square footage of all accessory structures shall not exceed 2,400 square feet unless authorized through Minor Use Permit approval.
- E. Standards for specific accessory uses and structures.** The following requirements apply to the specific types of accessory structures listed, in addition to the requirements of Subsection D above, as applicable.
1. **Patio covers.** A patio cover that is attached to or detached from the primary dwelling, and open on at least three sides, may be located within the required rear setback subject to the following:
 - a. The five-foot separation from the primary dwelling unit required by Subparagraph D.1.c (Separation between structures), above does not apply;
 - b. The structure shall comply with the coverage and size limitations of Subparagraph D.3 (Coverage and size limitations), above; and
 - c. No part of a detached patio cover shall be closer than five feet to a rear property line, five feet to interior side, and 12.5 feet to street side property line.
 2. **Carports.** The five-foot separation from the primary dwelling unit required by Subparagraph D.1.c (Separation between structures), above does not apply to a carport. Design review is required for a carport located between the front property line and the residence.
 3. **Swimming pools.** A non-commercial swimming pool is an allowed accessory use in any zoning district, provided that no swimming pool shall be located within a required front or side setback, closer than three feet to any property line, or within three feet of a dwelling unit as measured to the surface of the water. No swimming pool shall be located within a utility easement.

3. The exterior roofing surface shall be shingle, shake or tile types of roofing either in natural form or simulated from such materials as metal, plastic or concrete. Specifically excluded are built-up, roll roofs and corrugated, sheet or skin metal or plastic panels.
- B. Facade width.** No dwelling shall have a smallest projected facade width of less than 20 feet, not including a garage. For the purposes of this Section "smallest facade width" means the smallest dimension attained by the parallel projection of the outside, insulated, enclosing walls of the building when projected from every direction.
- C. Kitchens.** No single dwelling shall have more than one full kitchen.

106.42.225 – Small Lot Housing Product Projects

This Section provides standards for the design of single family detached units or duplexes on individual lots when located within the RD-10 through RD-30, BP, GC, SC, and LC zoning districts. The intent of these standards is to allow smaller lots for housing than would otherwise be allowed or allow the development of detached homes on multi-family lots. Development standards for Multi-unit housing (apartments) are provided in Section 106.42.150.

- A. Minimum Lot Area and Minimum Lot Width.** The minimum lot area and/or minimum lot width may be determined by the review authority, provided the overall development site complies with the minimum parcel size and that the total number of dwellings is in compliance with the maximum density for the applicable zone.
- B. Building separation.** Buildings proposed on the site shall be separated by a minimum of 8 feet. Separation for pedestrian oriented stoops, entry features and front porches less than 15 feet in height may be reduced to 5 feet.
- C. Architectural standards.** Each dwelling shall comply with the following architectural requirements:
1. Exterior siding material shall be high quality wood, stucco, stone or masonry, including wood/stone/masonry veneers. Siding shall extend below the top of the foundation or to the finished ground, whichever is applicable. Low grade wood siding shall be prohibited.
 2. Blank walls are discouraged. All sides of each detached dwelling unit shall provide windows to allow natural lighting into each dwelling. Window placement should consider privacy of adjacent units and private outdoor space.
- D. Semi-Private Outdoor Areas.** Each unit shall provide a minimum of 250 square feet of semi-private outdoor area for each unit. The outdoor area shall provide a minimum usable dimension of 10 feet. The review authority may reduce these requirements where necessary to accommodate the minimum density identified for the site by the Housing Element, provided that project design has first incorporated smaller unit sizes.
- E. Access drive and parking space location.**
1. Each access drive shall be located at least 10 feet from any habitable space and 4 feet from any portion of a garage or porch, measured in any direction from the edge of the drive (including vertical angle measurement), and no closer than three feet from a fence, patio, trellis, etc.
 2. Parking spaces shall be located at least 6 feet from any structure measured in any direction from the edge of parking space (including vertical angle measurement).
 3. Garage doors shall either be a minimum of 6 feet from the edge of the access drive or more than 20 feet from the access drive. If the driveway to the garage is 20 or more feet in depth, the driveway may be counted as a parking space.

14. Vending. Vending may be authorized in commercial zones with the approval of a Temporary Use Permit subject to the following standards:

- a. **Appearance and storage.** The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. Unless authorized through the Temporary Use Permit, the vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day.
- b. **Location on particular roadways.** Vending ~~may be~~ restricted or prohibited along specific roadways, or portions thereof, which, as a result of limited parking, limited line-of-sight, traffic control impacts, high traffic flow, or other reasons specified, are determined to be unsafe for vending. This may include restrictions against operating during peak traffic hours, as determined by the City.
- c. **Obstructions, hazards.** No vendor shall obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards. No vending activity shall occur within the traffic safety visibility area described in Section 106.30.060.E (Height Limit at Street Corners).
- d. **Proximity to other items.** No vending shall occur within 10 feet of a fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required, under the permit, in order to preserve line-of-sight, or for other safety reasons. The vending shall not damage landscaped areas.
- e. **Residential zoning districts.** With the exception of food products, vending shall not be permitted in a residential zone.
- f. **Rights-of-way.** Vending shall not be permitted in a roadway median, or within any other public right-of-way unless authorized by the City.
- g. **Permit display.** Each vendor shall maintain a copy of the Temporary Use Permit and Business License at the location of vending.
- h. **Signs.** Portable signage shall be removed daily. At no time are signs allowed to be placed within the public right-of-way, on a sidewalk, or in a location that would impede vehicular or pedestrian traffic.
- i. **Tables.** Tables for use by customers are prohibited unless authorized through the Temporary Use Permit. The vendor must be able to demonstrate that areas proposed for the use of tables, i.e. a plaza, open space area, or similar area has adequate room to not interfere with on-site travel movements. Sites using tables must demonstrate that adequate restroom facilities are available for use by customers.
- j. **Time Limits.** Stationary vending is intended to be a temporary activity and may not occur in a single location more than 180 days within a twelve month period. ~~—unless authorized through Minor Use Permit approval. This time limit shall not apply to any stationary vending occurring in the public right-of-way per Government Code 51038.~~
- k. **Toilet and handwashing facilities.** Vendors that remain in place more than one hour must be situated within two hundred feet travel distance of a legally approved and permitted toilet and handwashing facility for use by the vendor. Temporary toilet and handwashing facilities are subject to review and approval by the Community Development Director. Criteria for review include duration, location, appearance and visibility from the public right-of-way. Vendors that remain in place more than four hours must demonstrate that adequate restroom facilities are available for use by customers.

Drug Store, Pharmacy. A retail store that sells prescription drugs, over-the-counter medications, and other related products.

Duplex. A structure containing two dwelling units, including a structure where both units are under single ownership, and a structure where each unit is separately owned (a "half-plex").

Dwelling, Dwelling Unit, or Housing Unit. A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

E. Definitions, "E."

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Efficiency Kitchen. A kitchen which contains a sink with a drain and cooking facilities with appliances. Food preparation counter and storage cabinets are of reasonable size in relation to the size of the unit.

Emergency Shelter. A facility for the temporary overnight shelter of indigents operated by a public or non-profit agency. This includes but is not limited to other interim interventions such as a navigation center, bridge housing, and respite or recuperative care. Does not include charitable food distribution, which is not regulated by this Zoning Code.

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA).

Equestrian Facility. A commercial facility for horses, donkeys, and/or mules, examples of which include horse ranches, boarding stables, riding schools and academies, horse exhibition facilities (for shows or other competitive events), and barns, stables, corrals and paddocks accessory and incidental to these uses. Does not include the simple pasturing of horses, donkeys, and/or mules, which is instead included in "Animal Keeping" as regulated by Section 106.42.030.

Equipment Rental. A service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Does not include construction equipment rental, which is separately defined.

F. Definitions, "F."

Fence. A constructed, un-roofed barrier of wood, metal, masonry, or other material as allowed by this Zoning Code, that is intended to enclose, separate, define, secure, protect, and/or screen one or more areas of a site. Includes masonry walls.

1. **Open Wire Fence.** A fence through which fenced areas remain visible because of the wire mesh used for the fence. Includes chain link fencing, deer fencing, etc.
2. **Safety Fence.** A fence constructed to prevent access to a hazard or hazardous area.
3. **Razor or Concertina Wire.** Sharp fencing materials that are designed to lacerate animals or unauthorized persons attempting to climb or cross the fence through other than a gate.

Farm Supply and Feed Store. A retail business selling supplies for use in soil preparation and maintenance, the planting and harvesting of crops, the keeping and raising of farm animals, and other operations and processes pertaining to farming and ranching. Does not include the sale, rental, or repair of farm machinery and equipment, which is instead included in the definition of "Construction and Heavy Equipment Sales and Rental."

typesetting, engraving, photoengraving and electrotyping. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices. "Quick printing" services are included in the definition of "Business Support Services."

Private Residential Recreation Facility. A privately-owned, non-commercial outdoor recreation facility provided for residential project or neighborhood residents, including swimming pools, swim and tennis clubs, park and sport court facilities. Does not include golf courses, which are separately defined. This is not considered a separate land use requiring Minor Use Permit approval in compliance with Article 2 (Zoning Districts and Allowable Land Uses) if approved at the same time as the overall project of which it is part.

Produce Stand. A temporary business established and operated for a specific time, selling raw, unprocessed fruits, vegetables, nuts, and other produce in its raw or natural state, and that is accessory to an on-site or adjacent agricultural operation.

Project Arborist. An arborist providing consulting services for tree permit(s) as a condition of construction, development, or redevelopment project

Property Line. See "Lot Line".

Proposed Project. A proposed new structure, new addition to an existing structure, or area of other new site development; these do not include the alteration of any portion of an existing structure other than an addition.

Protected Zone of a Tree. The radius of the protected zone is a circle equal to the trunk diameter in inches converted to feet. (For example, the radius of the protected zone of a tree with a trunk diameter of six inches is six feet.) Trunk diameter is measured at 54 inches above the ground.

Public Auction, Flea Market. The sale of used and/or new merchandise by individual vendors in a temporary or permanent facility. An indoor swap meet or flea market occupies a building typically designed for retail sales with tables, booths, or other spaces for the individual vendors.

Public Safety Facility. A facility operated by a public agency including fire stations, other fire prevention and fire fighting facilities, police and sheriff substations and headquarters, including interim incarceration facilities. May include ambulance dispatch facilities on the same site.

Public Transit. A major transit stop, i.e., an existing rail or bus rapid transit station; a ferry terminal serviced by bus or rail service; or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during morning and afternoon peak commute periods, including major transit stops included in an applicable regional transportation plan.

Q. Definitions, "Q."

Qualifying Resident. For the purposes of Chapter 106.32 (Affordable Housing Incentives), a senior citizen or other person eligible to reside in senior citizen housing.