



CITY COUNCIL AGENDA REPORT

Meeting Date: April 3, 2025

From: John Swiecki, Community Development Director

Subject: Zoning Text Amendment Application 2024-RZ-2 – zoning text amendment 2024-RZ-2 amending regulations within Title 17 of the Brisbane Municipal Code including the development standards for multifamily and mixed-use zoning districts and the exceptions to the lot size standards, consistent with California Senate Bill SB 478 (2021) and the 2023-2031 Housing Element; and to amend the reasonable accommodations exceptions consistent with the Housing Element; and finding that this amendment is exempt from environmental review under CEQA Guidelines Sections 15061(b)(3) and Section 15183; City of Brisbane, applicant.

SUPPLEMENTAL REPORT

BACKGROUND

This matter was continued from the City Council meeting of October 17, 2024. At that meeting, Council raised concerns about the broad proposed ordinance scope and content, especially those provisions related to permitting procedural changes, and continued the item. The ordinance now under consideration has been greatly reduced in scope from the October 2024 version. Specifically, the proposed amendment is limited to those revisions required to comply with the City's Housing Element and bring the City's ordinance into compliance with CA Senate Bill SB 478 (2021), "Housing Opportunity Act", as described further below and in Attachment A. All other proposed revisions from the October 2024 draft ordinance not driven by state law or housing element compliance have been removed from the proposed ordinance.

RECOMMENDATION

Introduce the ordinance amending the zoning text to modify the development provisions within the multifamily districts to comply with SB 478 and Housing Element Program 2.A.12 and the permitting provisions for reasonable accommodation for people with disabilities, as provided in Attachment A.

DISCUSSION

As indicated above, this item was continued from City's Council's October 17, 2024 meeting. The October 2024 draft ordinance was intended to address numerous issues falling into 3 basic categories, as follows:

- a. Bringing the City's zoning ordinance into compliance with SB 478, codified as Government Code Section 65913.11, which requires cities to allow minimum floor area ratios (FARs) for housing development projects in the range of 3 to 10 units. This would

be accomplished by amending the development standards in the zoning districts that permit multifamily residential uses, including mixed use.

- b. Implementing two provisions of the City's adopted Housing Element. The first is raising the building height maximums to 36 feet to more readily allow for 3 story buildings in the districts that permit multifamily development (Program 2.A.12). The affected districts are the R-2 and R-3 Residential Districts and the SCRO-1 and NCRO-2 mixed use districts. The PAOZ-1 and PAOZ-2 residential overlay districts are not affected since the height maximums already exceed 36 ft. The second Housing Element-related amendment addresses reasonable accommodations for those with disabilities in the height and setback exceptions to the district regulations, consistent with certain Housing Element goals, and a policy and program, as further described at the end of this report.
- c. Incorporating procedural and organizational revisions to BMC Title 17 for consistency, efficiency and clarity. These included organizational updates, amendments to the procedures for setback and height exceptions, along with some specific updates to the exceptions, zoning administrator procedures and appeals.

As noted previously, the updated ordinance focuses on housing Element and state law compliance, and does not include items discussed above in section c. The draft ordinance is provided (Attachment A) and a redlined version, as compared to the current Brisbane Municipal Code (BMC), is also provided (Attachment B). The October 2024 ordinance and City Council report are also attached for reference (Attachment C), which includes those items discussed above in section c.

SB 478 Compliance: State Senate Bill SB 478 was adopted in 2021 and became effective statewide on January 1, 2022. Its focus is to provide greater opportunities for development of small apartment buildings in the range of 3 to 10 housing units in districts already zoned for multi-family development, by establishing minimum building floor area to lot size ratios, known as floor area ratios (FARs).

SB 478 is codified as Government Code Section 65913.11 and requires an FAR of 1.0 for projects between 3 and 7 units and an FAR of 1.25 for projects between 8 and 10 units. It also includes provisions that prohibits cities from imposing lot coverage limits that would prevent the multifamily development from achieving those FARs. State law further precludes denial of a development on a legal lot of record solely on the basis that the lot does not comply with the district's current lot size minimum.

The R-2 and R-3 residential zoning districts accommodate multifamily developments. Both districts have an FAR of 0.72 and therefore need to be amended to comply with state-mandated FARs. Other districts that are zoned for multifamily residential or mixed use development (NCRO-2, SCRO-1, PAOZ-1 and PAOZ-2) do not have FAR limits and so the FARs do

not need to be amended, although cross references to state law have been added where necessary to ensure that lot coverage standards do not have the unintended consequence of restricting FAR to less than what is allowed by state law. Note that the provisions of SB 478 do not apply to the R-1 and R-BA Residential districts, since these are single family districts, nor do they apply to the Northeast Ridge as a PD planned development district.

In general, FAR as a development standard influences total permitted building area on a lot which has implications on overall bulk and mass. Theoretically a larger FAR will allow more building area on a given lot. For example, here are generalized development scenarios for a 10,000 square foot lot under various FARs:

FAR	0.50	1.0	1.5
Building Area	5,000 sq ft	10,000 sq ft	15,000 sq ft

FAR by itself does not control building size, or bulk and mass. Setbacks, height limits, lot coverage limits, and parking all influence a development's bulk and mass.

SB 478 regulates FAR based on the number of units within a project, which is a substantial departure from the City's approach, which applies development standards uniformly within a given zoning district, irrespective of the size of the project.

More specifically to the R-2 and R-3 zoning districts, staff has provided tables below showing theoretical buildout examples comparing:

- 1) Current zoning (noncompliant with SB 478)
- 2) SB 478 provisions
- 3) SB 478 compliance ordinance as recommended by the Planning Commission.

Note that these theoretical examples are worst-case and do not reflect the other development standards that may impact total building size.

There are 2 main differences between SB 478 and the Planning Commission recommended version of the draft ordinance. While the current R-2 and R-3 FAR is 0.72, the existing ordinance also includes a covered parking exemption for required parking up to 400 square feet per unit. For one- and two-bedroom units, as used in the examples, the covered parking requirement is 1 space per unit (200 square feet). This exemption effectively increases the FAR maximum to a range of 0.88 to 0.96 for the two districts for the current BMC examples. The Planning Commission recommended ordinance eliminates the covered parking exemption which offsets to some extent the implications of increasing FAR as required.

The Planning Commission also recommended a uniform FAR of 1.25 within the R-2 and R-3 zones for all multifamily developments of 3 or more units. This would be consistent with the City's regulatory approach as discussed above, which applies development standards uniformly within a given zoning district, not based on project size.

R-2 Residential District
Examples of Buildout Potential,
Number of Units and Total Floor Areas

Lot Size (sq ft)	Current BMC (FAR of 0.72, including covered parking exceptions)**		SB 478 Compliant (FAR of 1.0 for 3 to 7 units & 1.25 for 8 to 10 units; no change to existing parking exceptions)**		SB 478 Compliant - PC Recommended (FAR of 1.25 for 3 units or more; eliminating multifamily parking exceptions)***	
	Units	Floor Area (sq ft)	Units	Floor Area (sq ft)	Units	Floor Area (sq ft)
2,500	1	2,000	3*	3,100	3*	3,125
5,000	2	4,000	3*	5,600	3*	6,250
7,500	3	6,000	3	8,100	3	9,375
10,000	4	8,000	4	10,800	4	12,500
20,000	8	16,000	8	26,600	8	25,000

Notes:

*The R-2 Residential district density standard of 1 housing unit per 2,500 sq ft of land area, except that for SB 478 compliant examples any lot size on an established legal lot the City shall allow at least 3 units.

**For the purposes of calculation of the required parking area, 1 to 2 bedrooms are assumed (1 covered space per unit).

***SB 478 compliant examples do not include an exception for garage space, as is included in the Current BMC for residential development.

R-3 Residential District
Examples of Buildout Potential,
Number of Units and Total Floor Areas

Lot Size (sq ft)	Current BMC (FAR of 0.72, plus covered parking exceptions)**		SB 478 Compliant (FAR of 1.0 for 3 to 7 units & 1.25 for 8 to 10 units; no change to existing parking exceptions)**		SB 478 Compliant - PC Recommended (FAR of 1.25 for 3 units or more; eliminating multifamily parking exceptions)***	
	Units	Floor Area (sq ft)	Units	Floor Area (sq ft)	Units	Floor Area (sq ft)
2,500	1	2,000	3*	3,100	3*	3,125
5,000	3	4,200	3	5,600	3	6,250
7,500	5	6,400	5	8,500	5	9,375
10,000	6	8,400	6	11,200	6	12,500
12,000	8	10,240	8	16,600	8	15,000

Notes:

*The R-3 Residential district density standard is 1 housing unit per 1,500 sq ft of land area, except that for SB 478 compliant examples any lot size on an established legal lot the City shall allow at least 3 units.

**For the purposes of calculation of the required parking area, 1 to 2 bedrooms are assumed (1 covered space per unit).

***SB 478 compliant PC recommended examples do not include an exception for garage space, as is included in the Current BMC for residential development.

As indicated above, SB 478 also includes a provision which prohibits a city from denying a housing development project of at least 3 units on a legally established lot that does not meet the City's current standards for lot area. The current standard for lot area in both the R-2 and R-3 districts is 5,000 sq ft (50 ft by 100 feet); however, through the City's original 1906 subdivision map there were many lots that were established as small as 2,500 sq ft and are recognized as legal lots. While the City has recognized these existing smaller lots as conforming for a single-family dwelling, by state law they must now be permitted to be developed with at least 3 units. In effect, while the density of development does not change on larger lots, by state law it does change for small lots that would not normally meet the size minimum for 3 units.

Housing Element Programs: The amendment to the permitted height to 36 feet in the R-2, R-3, NCRO-2 and SCRO-1 would specifically address Program 2.A.12. The PAOZ-1 and PAOZ-2 limits already exceed 36 feet and so those height limits would not be amended. The Planning Commission originally recommended the 36-foot height limit be extended to the R-BA and R-1 zones as well, for consistency and equity reasons. However, this is not required for Housing Element compliance and the height amendment to the R-BA and R-1 has been deleted from the ordinance now proposed for consideration.

Also, the Planning Commission's recommendation for amendment to the reasonable accommodation provisions is aimed at accommodating people with existing disabilities and allowing for aging in place, consistent with the following Housing Element goals, policy and program.

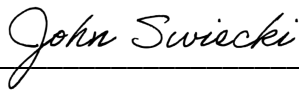
- Goal 4: Protect residents from displacement.
- Goal 7: Avoid unreasonable government constraints to the provision of housing.
 - Policy 7.A: Improve the development review and approval process.
 - Program 7.A.3: Continue to allow ministerial approval by the Community Development Director, subject to a minimal fee, of exceptions to the Zoning Ordinance for reasonable accommodation for housing for persons with disabilities per Government Code Section 65583(c)(3).

The program indicates that the City will continue to allow ministerial approval of reasonable accommodation applications. However, Brisbane's process requires a Zoning Administrator public hearing, as a discretionary act. Also, the Government Code section cited in the program specifically calls for removing governmental constraints to the provision of housing for those with disabilities.

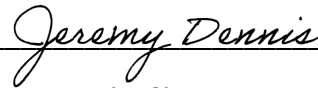
The amendment would allow for ministerial approval of reasonable accommodation features, via building permit, where reasonable accommodation could not otherwise be met through the development regulations or other exceptions. These may include, but is not limited to, such things as a wheelchair ramp in the setback or an elevator over the district's height limit. Also, these features may be permitted and then installed prospectively, before the accessibility

feature is needed for a specific person, with the aim of allowing for people to age in place or for easing the burden and process for those who may already have an accessibility need. Currently, reasonable accommodation permits are specific to a particular person's existing need and subject to zoning administrator approval following a public hearing.

Lot Size Exceptions: Finally, Brisbane Municipal Code Section 17.32.055 contains exceptions to lot size requirements. The section is proposed to be updated for consistency with SB 478 provisions regarding lot sizes contained in Government Code Section 65913.11. Also, at the City Council's meeting in October, questions were raised about the meaning of existing provisions regarding lots of less than 5,000 sq ft, which pertains to the R-1, R-2 and R-3 Residential districts, and that has been edited for clarity. A cross reference to urban lot split provisions in the recently adopted BMC Chapter 17.05 has also been added.



John Swiecki, Community Development Director



Jeremy Dennis, City Manager

Attachments:

- A. Draft Ordinance 2024-RZ-2
- B. Redlined Draft Ordinance 2024-RZ-2
- C. October 17, 2024 agenda report (weblink): [MEET-Packet-0f01a523d0d74ef893c17a083daadd3e.pdf](#) and
- D. October 17, 2024 minutes (weblink): [43171](#)

ATTACHMENT A
Draft Ordinance
(Zoning Text Amendment 2024-RZ-2)

DRAFT ORDINANCE NO. ____
AN ORDINANCE OF THE CITY OF BRISBANE
AMENDING BRISBANE MUNICIPAL CODE TITLE 17 – TO AMEND THE DEVELOPMENT STANDARDS FOR
MULTIFAMILY AND MIXED USE ZONING DISTRICTS AND TO AMEND THE EXCEPTIONS TO LOT
STANDARDS, CONSISTENT WITH CALIFORNIA SENATE BILL SB 478 (“HOUSING OPPORTUNITY ACT”),
AND THE 2023-2031 HOUSING ELEMENT; AND TO AMEND THE REASONABLE ACCOMMODATION
EXCEPTIONS CONSISTENT WITH THE HOUSING ELEMENT.

SECTION 1: Section 17.08.040. - Development Regulations, of Chapter 17.08 - R-2 Residential District, is amended to read as follows:

17.08.040 - Development regulations.

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

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B. of this Section 17.08.040.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
3. Notwithstanding the minimum lot area in paragraph 1 of this subsection A, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area in paragraph 1.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units, and further provided that pursuant to State law, a housing development project of three (3) units proposed on an existing legal lot of record shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area for each dwelling unit.

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

Width	Depth
50 feet	100 feet

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

1. Front setback: Fifteen (15) feet, with the following exceptions:

a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%); except that, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units, if exceeding the maximum coverage is required to allow for development up to the floor area ratio maximum, as that ratio is determined by the building official; in such instance, no variance shall be required in order for the lot to exceed the maximum coverage.

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be as follows:

1. Single family dwellings, duplexes and two-unit dwelling groups shall have a maximum floor area ratio of 0.72, with the following exceptions:

a. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

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

2. Multiple-family development of three (3) or more units shall have a maximum floor area ratio of 1.25.

G. Height of Structures.

1. Except as otherwise provided in paragraph 2 of this subsection G. and in Section 17.32.060, the maximum height of any structure shall be thirty-six (36) feet.
2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. On a downslope lot, a garage or carport in compliance with this subsection may exceed a height of thirty-six (36) feet, and the height of any permitted living area underneath the garage or carport shall not exceed thirty-six (36) feet from finish grade.

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

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

I. Landscaping Requirements.

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

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

K. Recycling Area Requirements:

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

SECTION 2: Section 17.10.040 - Development Regulations, of Chapter 17.10 - R-3 Residential District, is amended to read as follows:

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

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B of this section.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
3. Notwithstanding the minimum lot area in paragraph 1 of this subsection A, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area in paragraph 1.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units, and further provided that pursuant to State law, a housing development project of three (3) units proposed on an existing legal lot of record shall not be denied solely on the basis that the lot area of that existing lot does not meet the minimum lot area for each dwelling unit.

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

Width	Depth
50 feet	100 feet

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

1. Front setback: Fifteen (15) feet, with the following exceptions:

a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.

4. Garage setback: Eighteen (18) feet, with the following exceptions:

a. If paragraph 1.a or 1.b of this subsection D applies, then the garage shall be setback three (3) feet behind the front wall of the main structure.

b. If the garage setback exemptions set forth in Section 17.32.070.A.3.a of this Title apply, the regulations of that section shall prevail.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%); except that, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units, if exceeding the maximum coverage is required to allow for development up to the maximum floor area ratio, as that ratio is determined by the building official; in such instance, no variance shall be required.

F. Floor Area Ratio. The maximum floor area ratio for all buildings on a lot shall be as follows:

1. Single family dwellings, duplexes and two-unit dwelling groups shall have a maximum floor area ratio of 0.72, with the following exceptions:

a. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate

a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

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

2. Multiple-family development of three (3) or more units shall have a maximum floor area ratio of 1.25.

G. Height of Structures.

1. Except as otherwise provided in paragraph 2 of this subsection G and in Section 17.32.060, the maximum height of any structure shall be thirty-six (36) feet.

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. On a downslope lot, a garage or carport in compliance with this subsection may exceed a height of thirty-six (36) feet, but the height of any permitted living area underneath the garage or carport shall not exceed thirty-six (36) feet from finish grade.

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

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

2. Side outside walls:

a. Interior side outside wall: No articulation requirement.

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

3. Rear outside wall: Thirty percent (30%) articulation.

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

I. Landscaping Requirements.

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

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

K. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six (6) feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at all enclosures for nighttime security and use. Lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.
2. This requirement shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to such existing developments for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project.

SECTION 3: Section 17.14.060 - Development Regulations for the NCRO-2 District, of Chapter 17.14 - NCRO Neighborhood Commercial District NCRO-1 Brisbane Village NCRO-2 Downtown Brisbane, is amended to read as follows:

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

A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet; provided however, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area.

B. Lot Dimensions. The minimum dimensions of any newly established lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

C. Density of Residential Use. Dwelling unit density in a mixed use shall be established by the use permit.

D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:

1. Front setback: No requirement (0).
2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where abutting any residential district.
3. Rear Setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-2 district shall be ninety percent (90%) except that, pursuant to State law, the maximum lot coverage maximum shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-six (36) feet.

G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.

H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this title, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:

1. The minimum floor area for a storefront use is six hundred (600) square feet. The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.

2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.

3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.

4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.

I. Passive Open Space. Usable passive open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such passive open space may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable passive open space for the other residential use. If an existing residential use has passive open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of passive open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable passive open space for the other residential uses, including the loss of non-forming passive open space.

J. Recycling Area Requirements.

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

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

SECTION 4: Section 17.16.040 - Development Regulations, of Chapter 17.16 - SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

Development regulations in the Southwest Bayshore district are as follows:

A. Lot Area.

The minimum area of any lot shall be seven thousand five hundred (7,500) feet; provided however, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area.

B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:

1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.
5. Notwithstanding the minimum lot areas per dwelling unit in paragraphs 3 and 4 of this subsection B, pursuant to State law, a housing development project of three units on an existing legal lot of record shall not be denied solely on the basis that the lot area of that existing lot does not meet the minimum lot area per dwelling unit in paragraphs 3 and 4.

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

Width	Depth
50 feet	No requirement

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

1. Front setback:
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;

c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.

2. Side setback:

a. Residential/Mixed Use: Five (5) feet;

b. Commercial Uses: Fifteen (15) feet;

c. Exception: The planning commission may approve exceptions to the side setback regulations for commercial uses through the granting of a use permit.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%); provided, however, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be thirty-six (36) feet.

G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential district shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential district.

H. Open Space. Usable open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such open space shall not be less than five (5) feet in any dimension and may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof.

Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable open space for the other residential use. If an existing residential use has open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable open space for the other residential uses, including the loss of non-conforming open space.

I. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached

or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.

2. Plant materials shall be drought resistant and non-invasive as required by the planning director.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:

- a. Use of plants that are not invasive;
- b. Use of water conserving plants; and
- c. Use of plants and other landscape features that are appropriate to the context.

4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.

2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections H.1. and H.2. of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

K. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six (6) feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates should be detailed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. Lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

L. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with Section 17.16.050.E.
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.

11. Parking shall be as specified in Chapter 17.34.

12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in Section 17.16.070.

13. The facility may provide the following:

- a. Kitchen facilities;
- b. Dining area;
- c. Recreation room;
- d. Training and counseling support services;
- e. Child care facilities;
- f. Other facilities or services that are accessory to an emergency shelter.

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

M. Mobile Home Parks.

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

SECTION 5: Section 17.27.050 - Development Regulations for the POAZ-2 District, of Chapter 17.27 - POAZ Parkside Overlay District, is amended to read as follows:

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

A. Lot Area. There is no minimum lot area.

B. Density of Development. The minimum development density for any site shall be twenty-four (24) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.

C. Lot Dimensions. There are no minimum lot dimensions.

D. Setbacks. The minimum required setbacks for any building shall be as follows:

1. Front: Five (5) feet minimum, twenty (20) feet maximum.

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

2. Side: Five (5) feet minimum.

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

3. Street Side: Ten (10) feet minimum and maximum.

4. Rear: Fifteen (15) feet minimum.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%); provided, however, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.

F. Floor Area Ratio. There is no maximum floor area ratio.

G. Height.

1. Buildings and Architectural Features. The maximum building height shall be forty (40) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.

2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from the fence and wall heights shall require approval by the planning commission as set forth in Section 17.32.050.B.5. of this title.

H. Landscaping Requirements. Not less than twenty percent (20%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. Landscaping shall conform to the development standards established in Section 3.5

of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.

I. Open Area Requirements. At least one hundred (100) square feet of open area per dwelling unit shall be provided. The open area may be met through a combination of common or private open areas provided on-site. Open areas shall be usable and shall support residents' passive and/or active use. The computation of open areas may include amenities and structures designed to enhance usability, such as swimming pools, rooftop gardens or decks, fountains, planters, benches, and usable landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.

J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060B., in addition to any other discretionary review required by the specific deviations.

K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060.B., in addition to any other discretionary review required by the specific deviations.

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

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

2. Short-term and long-term parking for bicycles in the PAOZ-2 district shall be provided as follows: Long-Term: 1/10 units; Short-Term: 1/20 units. Bicycle parking design shall conform to the standards established in Section 3.4 of the Parkside Precise Plan.

M. Recycling Area Requirements.

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

2. These requirements shall apply to all new residential buildings having five (5) or more living units, institutional buildings and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. These

requirements shall also apply to existing development project for which building permit applications are submitted within a twelve-month period that collectively add thirty percent (30%) or more to the existing floor area of the development project.

SECTION 6: Section 17.32.055 - Exceptions—Lot area, lot dimensions and lot lines, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

A. Limitations on Substandard Lots.

1. R-1, R-2 and R-3 Districts:

- a. A substandard lot of record, less than five thousand (5,000) square feet in area, shall be considered conforming for a single-family dwelling, if the lot was not owned in common with contiguous property in the same district on October 27, 1969.
- b. A property in the R-1 Residential District consisting of four (4) contiguous lots of record totaling at least nine thousand six hundred fifty (9,650) square feet that were owned in common on October 27, 1969, may be developed as two (2) sites, each consisting of one pair of contiguous lots.
- c. Contiguous substandard lots owned in common may be subject to merger in compliance with this section and Chapter 16.12.

2. Districts where multifamily or mixed-use development is permitted: A legal lot of record that does not meet the District minimum lot size may be developed as a housing development project as provided in the applicable District regulations and Government Code Section 65913.11.

3. All Districts:

- a. In any District, a substandard lot may be developed under the exceptions provided in the applicable District regulations.
- b. Any substandard lot created through a parcel map, resubdivision or lot line adjustment approved by the city after October 27, 1969, shall be recognized as a standard lot.

B. Urban Lot Split. A lot may be created and developed in the R-1 and R-BA districts that does not conform to the District lot area and dimension requirements, subject to the requirements of the Two-unit Development Residential Overlay District, as set forth in Chapter 17.05.

C. Modification in Conjunction with Application for Tentative Map. The planning commission may approve an application for a modification to the lot dimension regulations set forth in Title 17, Zoning, for real property located in any subdivision proposed in compliance with Title 16, Subdivisions, subject to the following findings:

1. The property is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations;
2. Each lot or parcel subject to the modification will be capable of being developed in accordance with the other applicable provisions of the zoning ordinance; and
3. The modification conforms with the spirit and purpose of this title.

C. Lot Line Adjustment. In compliance with the procedures set forth in Chapter 16.32 of Title 16, Subdivisions, the planning director may approve a lot line adjustment that will not increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of the Zoning Ordinance, even though the resulting parcels may not fully comply with the development regulations of the applicable zoning district.

D. Elimination of Interior Lot Lines. A property owner may eliminate an interior lot line between record lots in common ownership through recordation of a declaration of merger signed by the property owner and acknowledged by the community development director.

SECTION 7: Section 17.32.060 - Exceptions – Height Limit, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

(Subsections A, B and C, no change.)

D. Exceptions to the height limit to accommodate accessibility improvements (such as elevators) may be permitted pursuant to Section 17.32.080 of this Chapter.

SECTION 8: Section 17.32.070 - Exceptions – Setback requirements, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

(Subsections A.1.a, A.1.b, A.1.c, A.1.d and A.1.e, no change.)

A.1.f. Accessibility Improvements (such as ramps). Exceptions to the setbacks to accommodate accessibility Improvements may be permitted pursuant to Section 17.32.080 of this Chapter.

(Subsections A.2, A.3 and A.4, no change.)

(Subsections B and C, no change.)

SECTION 9: Section 17.32.080 - Requests for reasonable accommodations, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

Modifications or exceptions to the regulations set forth in Title 17 that are not otherwise addressed may be granted as reasonable accommodations for residential and non-residential improvements, or for new development, when designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Such requests shall be granted by the planning director through a building permit, if the building permit application demonstrated that:

- A. The exception is necessary for current or future accessibility to the property or building by persons with disabilities and such accessibility cannot be addressed within either the applicable zoning district height limits or setbacks, or through other exceptions provided in this Title.
- B. The accessibility improvement(s) will be constructed in compliance with all applicable provisions of the state and local building and fire codes concerning accessibility for persons with disabilities.

SECTION 10: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

SECTION 11: This Ordinance shall be in full force and effect thirty days after its passage and adoption.

Cliff Lentz, Mayor

* * *

The above and foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Brisbane held on the _____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

ATTACHMENT B
Redlined Draft Ordinance
(Zoning Text Amendment 2024-RZ-2)

SECTION 1: Section 17.08.040. - Development Regulations, of Chapter 17.08 - R-2 Residential District, is amended to read as follows:

17.08.040 - Development regulations.

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

A. Lot Area.

1. The minimum area of any lot shall be five thousand (5,000) square feet, except as otherwise provided in subsection B. of this Section 17.08.040.
2. A single-family dwelling may be constructed on a lot of record with an area of less than five thousand (5,000) square feet, subject to the provisions of this chapter and the limitations set forth in Section 17.32.100.
3. Notwithstanding the minimum lot area in paragraph 1 of this subsection A, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area in paragraph 1.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be two thousand five hundred (2,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of two (2) units, and further provided that pursuant to State law, a housing development project of three units proposed on an existing legal lot of record shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area for each dwelling unit.

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

Width	Depth
50 feet	100 feet

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

1. Front setback: Fifteen (15) feet, with the following exceptions:
 - a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be fifty percent (50%); ~~except that, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units, if exceeding the maximum coverage is required to allow for development up to the floor area ratio maximum, as that ratio is determined by the building official; in such instance, no variance shall be required in order for the lot to exceed the maximum coverage.~~

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

1. ~~Single family dwellings, duplexes and two-unit dwelling groups shall have a maximum floor area ratio of 0.72, with the following exceptions:~~

a. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

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

~~2. Multiple-family development of three (3) or more units shall have a maximum floor area ratio of 1.25.~~

G. Height of Structures.

1. Except as otherwise provided in paragraph 2 of this subsection G. and in Section 17.32.060, the maximum height of any structure shall be ~~as follows: thirty-six (36) feet.~~

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

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

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. ~~On a downslope lot, a A-~~garage or carport in compliance with this subsection may exceed a height of thirty-six (30-36) feet, ~~but and~~ the height of any permitted living area underneath ~~the garage or carport~~ shall not exceed thirty-six (30-36) feet from finish grade.

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

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

I. Landscaping Requirements.

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

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

K. Recycling Area Requirements:

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

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

SECTION 2: Section 17.10.040 - Development Regulations, of Chapter 17.10 - R-3 Residential District, is amended to read as follows:

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

A. Lot Area.

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

3. Notwithstanding the minimum lot area in paragraph 1 of this subsection A, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area in paragraph 1.

B. Density of Development. The minimum lot area for each dwelling unit on the site shall be one thousand five hundred (1,500) square feet; provided, however, a lot having an area of four thousand nine hundred fifty (4,950) square feet or greater shall be considered conforming for a development density of three (3) units, and further provided that pursuant to State law a housing development project of three (3) units proposed on an existing legal lot of record shall not be denied solely on the basis that the lot area of that existing lot does not meet the minimum lot area for each dwelling unit.

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

Width	Depth
50 feet	100 feet

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

1. Front setback: Fifteen (15) feet, with the following exceptions:

a. Where the lot has a slope of fifteen percent (15%) or greater, the minimum front setback may be reduced to ten (10) feet.

b. Where fifty percent (50%) or more of the lots of record in a block have been improved with single-family dwellings, the minimum front setback may be the average distance of the front outside wall of the single-family structures from the front lot line, if less than fifteen (15) feet. Notwithstanding the foregoing, the minimum front setback for garages or carports shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

2. Side setback: Five (5) feet, with the exception that a lot having a width of less than fifty (50) feet may have a side setback reduced to ten percent (10%) of the lot width, but in no event less than three (3) feet or the minimum setback required by the Uniform Building Code, whichever is greater. Notwithstanding the foregoing, the minimum side setback for garages, or carports accessed from a street or alley along that side of the lot shall be ten (10) feet, except where a lesser distance is determined by the city engineer to be safe in terms of pedestrian and vehicular traffic.

3. Rear setback: Ten (10) feet.

4. Garage setback: Eighteen (18) feet, with the following exceptions:

a. If paragraph 1.a or 1.b of this subsection D applies, then the garage shall be setback three (3) feet behind the front wall of the main structure.

b. If the garage setback exemptions set forth in Section 17.32.070.A.3.a of this Title apply, the regulations of that section shall prevail.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%); ~~except that, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units, if exceeding the maximum coverage is required to allow for development up to the maximum floor area ratio, as that ratio is determined by the building official; in such instance, no variance shall be required.~~

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

1. Single family dwellings, duplexes and two-unit dwelling groups shall have a maximum floor area ratio of 0.72, with the following exceptions:

a. In the case of single-family dwellings, where the size of the lot is three thousand seven hundred (3,700) square feet or less, one covered parking space designed to accommodate a full-size automobile shall be excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of two hundred (200) square feet.

b. In the case of duplexes ~~and two-unit dwelling groups and multiple-family dwellings~~, the area of all covered parking spaces required to be provided for the site shall be

excluded from the calculation of floor area ratio; provided, however, such exclusion shall not exceed a total area of four hundred (400) square feet per unit.

2. Multiple-family development of three (3) or more units shall have a maximum floor area ratio of 1.25.

G. Height of Structures.

1. Except as otherwise provided in paragraph 2 of this subsection G and in Section 17.32.060, the maximum height of any structure shall be ~~as follows: thirty-six (36) feet.~~

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

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

2. For a distance of fifteen (15) feet from the front lot line, the height of any structure shall not exceed twenty (20) feet as measured from finish grade; provided, however, garages and carports may be constructed to a height of fifteen (15) feet above the elevation of the center of the adjacent street when permitted by Section 17.32.070 of this title. ~~On a downslope lot, a garage or carport in compliance with this subsection may exceed a height of thirty-six (30-36) feet, but the height of any permitted living area underneath the garage or carport shall not exceed thirty-six (30-36) feet from finish grade.~~

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

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

2. Side outside walls:

a. Interior side outside wall: No articulation requirement.

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

3. Rear outside wall: Thirty percent (30%) articulation.

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

I. Landscaping Requirements.

1. Front Setback. A minimum of fifteen percent (15%) of the front setback area shall be landscaped where the lot has a front lot line of thirty (30) feet or greater.

2. Downslope Lots. The rear of any newly constructed main structure on a downslope lot shall be screened with trees and shrubs in accordance with a landscape plan approved by the planning director.

3. Sites with Three (3) or More Units. Not less than ten percent (10%) of the lot area shall be improved with landscaping where three (3) or more dwelling units are located on the same site.

4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

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

K. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six (6) feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates shall be designed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at all enclosures for nighttime security and use. Lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

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

SECTION 3: Section 17.14.060 - Development Regulations for the NCRO-2 District, of Chapter 17.14 - NCRO Neighborhood Commercial District NCRO-1 Brisbane Village NCRO-2 Downtown Brisbane, is amended to read as follows:

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

A. Lot Area. The minimum area of any lot in the NCRO-2 district shall be two thousand five hundred (2,500) square feet; **provided however, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area.**

B. Lot Dimensions. The minimum dimensions of any **newly established** lot in the NCRO-2 district shall be as follows:

Width	Depth
25 feet	No requirement

C. Density of Residential Use. Dwelling unit density in a mixed use shall be established by the use permit.

D. Setbacks. The minimum required setbacks for any lot in the NCRO-2 district, except as provided in Section 17.32.070, shall be as follows:

1. Front setback: No requirement (0).
2. Side Setback: No requirement (0), except a ten (10) foot setback shall be required on the side setback where abutting any residential district.
3. Rear Setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot in the NCRO-2 district shall be ninety percent (90%) **except that, pursuant to State law, the maximum lot coverage maximum shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.**

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be **thirty-six (36) feet ~~twenty-eight (28) feet, except that the height may extend to thirty-five (35) feet when authorized by a design permit granted pursuant to Chapter 17.42 of this title and provided the approving authority is able to make the findings set forth in Section 17.14.110 of this chapter.~~**

G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential property shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential property.

H. Storefronts. All uses at street level facing Visitacion and/or San Bruno Avenues shall be storefronts, as defined in Section 17.02.746 of this title, except for entrances to uses above or behind the storefronts. Such uses shall comply with the following additional requirements:

1. The minimum floor area for a storefront use is six hundred (600) square feet. The approving authority may approve a lesser floor area if the approving authority finds that such lesser area is as large as possible for the intended storefront use, given the size, configuration, and physical constraints of the structure and the site.

2. No off-street parking shall be located on any portion of the site between the curb line and the storefront.

3. New construction shall incorporate the necessary vents and chases into the building design so as to allow future changes in occupancy of the storefront area.

4. Single-family dwellings in which mixed uses are conducted shall have a storefront character as viewed from the street.

I. Passive Open Space. Usable passive open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such passive open space may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof. Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable passive open space for the other residential use. If an existing residential use has passive open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of passive open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable passive open space for the other residential uses, including the loss of non-forming passive open space.

J. Recycling Area Requirements.

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

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures, and outdoor recreation areas owned by the city) where solid waste is collected and loaded. This requirement shall also apply to any existing development for which building permit applications are submitted within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of the development project. For existing developments occupied by multiple tenants, this requirement shall apply to building permit applications submitted by any tenant within a twelve-month period collectively adding thirty percent (30%) or more to the existing floor area of that portion of the development which said tenant leases. Such recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project which said tenant leases.

SECTION 4: Section 17.16.040 - Development Regulations, of Chapter 17.16 - SCRO-1 Southwest Bayshore Commercial District, is amended to read as follows:

Development regulations in the Southwest Bayshore district are as follows:

A. Lot Area.

1. The minimum area of any lot shall be seven thousand five hundred (7,500) feet; **provided however, pursuant to State law, a housing development project of three (3) units, proposed on an existing legal lot of record, shall not be denied solely on the basis that the lot area of that lot does not meet the minimum lot area.**

B. Density of Development. The minimum lot area for each dwelling unit on a site shall be as follows:

1. Single-family dwellings: Seven thousand five hundred (7,500) square feet;
2. Duplex dwellings: Three thousand seven hundred fifty (3,750) square feet;
3. Multiple-family dwellings and dwelling groups: One thousand five hundred (1,500) square feet;
4. Mixed use or live/work development: Dwelling unit density shall be determined by the use permit.
5. **Notwithstanding the minimum lot areas per dwelling unit in paragraphs 3 and 4 of this subsection B, pursuant to State law, a housing development project of three units on an existing legal lot of record shall not be denied solely on the basis that the lot area of that existing lot does not meet the minimum lot area per dwelling unit in paragraphs 3 and 4.**

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

Width	Depth
50 feet	No requirement

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

1. Front setback:
 - a. Residential/Mixed Use: Ten (10) feet;
 - b. Commercial Uses: Twenty-five (25) feet for commercial uses;

c. Exception: The setbacks may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.

2. Side setback:

a. Residential/Mixed Use: Five (5) feet;

b. Commercial Uses: Fifteen (15) feet;

c. Exception: The planning commission may approve exceptions to the side setback regulations for commercial uses through the granting of a use permit.

3. Rear setback: Ten (10) feet.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be seventy percent (70%); **provided, however, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.**

F. Height of Structures. The maximum height of any structure, except as provided in Section 17.32.060, shall be ~~thirty-five (35)~~ **thirty-six (36)** feet.

G. Fencing Requirements. If the site is next to a residential district, a wood fence of not less than eight (8) feet in height that adequately screens the site from the adjacent residential district shall be installed along the property line abutting the residential district. The planning director may approve deviations from the material and height requirements set forth in the preceding sentence, based upon a finding that the modified fence is more appropriate for the site and the adjacent residential district.

H. Open Space. Usable open space shall be provided for residential uses of at least sixty (60) square feet per unit. Such open space shall not be less than five (5) feet in any dimension and may be provided as individual patios or decks, or as common patio or garden area, or any combination thereof.

Notwithstanding that an attached or detached accessory dwelling unit greater than eight hundred (800) square feet is added to an existing residential use, there shall be no reduction in the amount of required usable open space for the other residential use. If an existing residential use has open space that does not conform to the sixty (60) square feet per unit requirement, the addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet to that use shall not further reduce the amount of open space. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) feet or less may result in a loss of the required usable open space for the other residential uses, including the loss of non-conforming open space.

I. Landscaping Requirements.

1. Not less than ten percent (10%) of the lot area shall be improved with landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscape area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.

2. Plant materials shall be drought resistant and non-invasive as required by the planning director.

3. Landscaping required under this section, including replacement landscaping, shall be installed according to detailed plans approved by the planning director. The landscape plans shall be consistent with the following objectives:

a. Use of plants that are not invasive;

b. Use of water conserving plants; and

c. Use of plants and other landscape features that are appropriate to the context.

4. Irrigated Landscapes. New and rehabilitated, irrigated landscapes are subject to the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water.

J. Screening Requirements.

1. Outside storage of pallets or containers used for transportation and delivery of items related to the uses conducted on the site shall not be located in any required setback from a street and shall be screened from off-site view to the extent it is reasonable to do so.

2. The off-site visibility of exterior equipment such as heating and ventilation units, above-ground storage tanks, compactors and compressors, shall be mitigated through such measures as may be reasonable under the circumstances, including, but not limited to, the installation of screening, fencing, painting, or landscaping, or any combination of the foregoing.

3. The screening requirements set forth in subsections H.1. and H.2. of this section are not intended to be exclusive and the approving authority may require, as a condition of the use permit, such other and additional screening measures as it deems necessary or appropriate to mitigate any potential adverse visual and audible impacts created by the intended use.

K. Refuse and Recycling Area Requirements.

1. So as to adequately protect neighboring uses from adverse impacts such as noise, odor, vectors, wind-blown litter or glare, areas for depositing, collecting and loading refuse and recyclable materials shall be provided and fully enclosed within an enclosure a minimum of six (6) feet tall. All receptacles for collection and recycling shall be completely screened from view at street level. All enclosures and gates should be detailed to withstand heavy use. Wheel stops or curbs shall be provided to prevent dumpsters from banging into walls of enclosure. The area shall be designed to prevent storm water run-on to the area and runoff from the area, and roofs shall be designed to drain away from neighboring properties. Lighting shall be provided at enclosures for nighttime security and use. Lights shall be full cutoff luminaires, as certified by the manufacturer, with the light source directed downward and away from adjacent residences. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the area.

2. This requirement shall apply to all new commercial or institutional buildings, residential buildings having five (5) or more living units, and city facilities (including buildings, structures,

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

L. Emergency Shelters. Development standards for emergency shelters shall be the same as for residential development in the district, except density of development regulations, and emergency shelters that meet the following requirements are exempt from the requirement of a design permit and use permit:

1. No emergency shelter shall be allowed to be located within three hundred (300) feet of another emergency shelter.
2. The required setbacks for new development shall be:
 - a. Front setback: Ten (10) feet; except that the front setback may be reduced to zero (0) where development includes dedication to public right-of-way for a frontage access road and sidewalk, to the satisfaction of the city engineer and fire department.
 - b. Side setback: Five (5) feet; except that the planning commission may approve exceptions to the side setback regulations through the granting of a use permit.
 - c. Rear setback: Ten (10) feet.
3. A maximum of twelve (12) persons (twelve (12) beds) to be served nightly.
4. Each resident shall be provided personal living space.
5. Bathrooms and bathing facilities shall be provided, adequate for the number of residents.
6. Laundry facilities or services shall be provided on site, adequate for the number of residents.
7. The length of stay for individual clients shall not exceed six (6) months, or as allowed by state law.
8. Staff and services shall be provided to assist residents to obtain permanent shelter and income.
9. For security, the facility shall provide outdoor lighting of common areas, entries, parking areas, pathways, in compliance with Section 17.16.050.E.
10. For security, the shelter shall be adequately staffed twenty-four (24) hours a day, seven (7) days a week.
11. Parking shall be as specified in Chapter 17.34.

12. Outdoor activities, such as recreation, eating, and staging for drop-off, intake, and pick-up, may be conducted at the facility, between the hours of five (5:00) a.m. and ten (10:00) p.m. A night operations use permit is required for outdoor activities between the hours of ten (10:00) p.m. and five (5:00) a.m., as provided for in Section 17.16.070.

13. The facility may provide the following:

- a. Kitchen facilities;
- b. Dining area;
- c. Recreation room;
- d. Training and counseling support services;
- e. Child care facilities;
- f. Other facilities or services that are accessory to an emergency shelter.

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

M. Mobile Home Parks.

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

SECTION 5: Section 17.27.050 - Development Regulations for the POAZ-2 District, of Chapter 17.27 - POAZ Parkside Overlay District, is amended to read as follows:

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

- A. Lot Area. There is no minimum lot area.

B. Density of Development. The minimum development density for any site shall be twenty-four (24) dwelling units per acre and the maximum development density shall be twenty-eight (28) dwelling units per acre.

C. Lot Dimensions. There are no minimum lot dimensions.

D. Setbacks. The minimum required setbacks for any building shall be as follows:

1. Front: Five (5) feet minimum, twenty (20) feet maximum.

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

2. Side: Five (5) feet minimum.

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

3. Street Side: Ten (10) feet minimum and maximum.

4. Rear: Fifteen (15) feet minimum.

E. Lot Coverage. The maximum coverage by all structures on any lot shall be sixty percent (60%); provided, however, pursuant to State law, the maximum lot coverage shall not preclude a housing development project of at least three (3) units but not more than ten (10) units that otherwise meets the requirements of this Chapter and Government Code Section 65913.11, as such requirements are determined by the building official; in such instance, no variance shall be required.

F. Floor Area Ratio. There is no maximum floor area ratio.

G. Height.

1. Buildings and Architectural Features. The maximum building height shall be forty (40) feet and three (3) stories. Architectural features, including chimneys, elevators, towers, turrets, eaves, skylights or roof windows, utilities, utility penthouses, and solar panels, are allowed to project up to a maximum of ten (10) feet above the maximum building height.

2. Fences and Walls. Fences and walls in front yards shall be no more than three (3) feet in height from the adjacent sidewalk. Fences and walls in side yards shall not exceed six (6) feet in height. Deviations from the fence and wall heights shall require approval by the planning commission as set forth in Section 17.32.050.B.5. of this title.

H. Landscaping Requirements. Not less than twenty percent (20%) of the lot area shall be landscaped. New and rehabilitated, irrigated landscapes are subject to the provisions of the water conservation in landscaping ordinance (refer to Chapter 15.70) or the latest state provisions, whichever is more effective in conserving water. Landscaping shall conform to the

development standards established in Section 3.5 of the Parkside Precise Plan. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required landscaping area. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required landscape area.

I. Open Area Requirements. At least one hundred (100) square feet of open area per dwelling unit shall be provided. The open area may be met through a combination of common or private open areas provided on-site. Open areas shall be usable and shall support residents' passive and/or active use. The computation of open areas may include amenities and structures designed to enhance usability, such as swimming pools, rooftop gardens or decks, fountains, planters, benches, and usable landscaping. The addition of an attached or detached accessory dwelling unit greater than eight hundred (800) square feet shall not result in a loss of the required open areas. The addition of an attached or detached accessory dwelling unit that is eight hundred (800) square feet or less may result in a loss of the required open area.

J. Building Design. All buildings shall substantially comply with the building design standards established in Section 3.3 of the Parkside Precise Plan. Projects that do not comply with those building design standards shall be subject to design review as set forth in Section 17.27.060B., in addition to any other discretionary review required by the specific deviations.

K. Site Design. All projects shall substantially comply with the site design standards established in Section 3.4 of the Parkside Precise Plan. Projects that do not comply with those site design standards shall be subject to design review as set forth in Section 17.27.060.B., in addition to any other discretionary review required by the specific deviations.

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

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

2. Short-term and long-term parking for bicycles in the PAOZ-2 district shall be provided as follows: Long-Term: 1/10 units; Short-Term: 1/20 units. Bicycle parking design shall conform to the standards established in Section 3.4 of the Parkside Precise Plan.

M. Recycling Area Requirements.

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

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

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

SECTION 6: Section 17.32.055 - Exceptions—Lot area, lot dimensions and lot lines, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

A. Limitations on Substandard Lots.

~~1. No substandard lot shall be independently developed if it is less than five thousand (5,000) square feet in area and if it was owned in common with contiguous property in the same district on October 27, 1969. A substandard lot at least five thousand (5,000) square feet in area may be developed as a standard site under the applicable district regulations.~~

1. R-1, R-2 and R-3 Districts:

- a. ~~In any R-district, single-family dwellings only may be erected on any~~ A substandard lot of record, less than five thousand (5,000) square feet in area, ~~shall be considered conforming for a single-family dwelling~~, if the lot was not owned in common with contiguous property in the same district on October 27, 1969.

1.

- b. ~~3. As an exception to subsection (A)(1), a~~ A property in the R-1 Residential District consisting of four (4) contiguous lots of record totaling at least nine thousand six hundred fifty (9,650) square feet that were owned in common on October 27, 1969, may be developed as two (2) sites, each consisting of one pair of contiguous lots.
- c. . Contiguous substandard lots owned in common may be subject to merger in compliance with this section and ~~Municipal Code~~ Chapter 16.12.

- 1. Districts where multifamily or mixed-use development is permitted: A legal lot of record that does not meet the District minimum lot size may be developed as a housing development project as provided in the applicable District regulations and Government Code Section 65913.11.

2. All Districts:

- a. In any District, a substandard lot may be developed under the exceptions provided in the applicable District regulations.
- b. Any substandard lot created through a parcel map, resubdivision or lot line adjustment approved by the city after October 27, 1969, shall be recognized as a standard ~~site~~-lot.

B. Urban Lot Split. A lot may be created and developed in the R-1 and R-BA districts that does not conform to the District lot area and dimension requirements, subject to the requirements of the Two-unit Development Residential Overlay District, as set forth in Chapter 17.05.

C. Modification in Conjunction with Application for Tentative Map. The planning commission may approve an application for a modification to the lot dimension regulations set forth in Title 17, Zoning, for real property located in any subdivision proposed in compliance with Title 16, Subdivisions, subject to the following findings:

1. The property is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider to fully conform to the regulations;
2. Each lot or parcel subject to the modification will be capable of being developed in accordance with the other applicable provisions of the zoning ordinance; and
3. The modification conforms with the spirit and purpose of this title.

C. Lot Line Adjustment. In compliance with the procedures set forth in Chapter 16.32 of Title 16, Subdivisions, the planning director may approve a lot line adjustment that will not increase the degree of noncompliance or otherwise increase the discrepancy between existing conditions and the requirements of the Zoning Ordinance, even though the resulting parcels may not fully comply with the development regulations of the applicable zoning district.

D. Elimination of Interior Lot Lines. A property owner may eliminate an interior lot line between record lots in common ownership through recordation of a declaration of merger signed by the property owner and acknowledged by the community development director.

SECTION 7: Section 17.32.060 - Exceptions – Height Limit, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

(Subsections A, B and C, no change.)

~~D. Exceptions to the height limit to accommodate accessibility improvements (such as elevators and wheelchair van garage spaces) may be allowed upon the granting of an accessibility improvement permit by the zoning administrator, following the conduct of a hearing with ten (10) days' notice thereof being given to property owners and occupants on both sides of, to the rear of and directly across the street from~~

~~the site. The zoning administrator may issue the accessibility improvement permit if he or she finds and determines that:~~

- ~~1. The exception is necessary to meet special needs for accessibility of a person having a disability which impairs his or her ability to access the property.~~
- ~~2. Visual impacts of the accessibility improvements exceeding the height limit will be minimized.~~
- ~~3. The accessibility improvements will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.~~
- ~~4. The accessibility improvements will be constructed in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.~~

D. Exceptions to the height limit to accommodate accessibility improvements (such as elevators) may be permitted pursuant to Section 17.32.080 of this Chapter.

SECTION 8: Section 17.32.070 - Exceptions – Setback requirements, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

(Subsections A.1.a, A.1.b, A.1.c, A.1.d and A.1.e, no change.)

~~A.1.f. Accessibility Improvements (Such as Ramps, Elevators, and Lifts).~~

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

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

A.1.f. Accessibility Improvements (such as ramps). Exceptions to the setbacks to accommodate accessibility Improvements may be permitted pursuant to Section 17.32.080 of this Chapter.

(Subsections A.2, A.3 and A.4, no change.)

(Subsections B and C, no change.)

SECTION 9: Section 17.32.080 - Requests for reasonable accommodations, of Chapter 17.32 - General Use Regulations, is amended to read as follows:

~~Modifications or exceptions to the regulations set forth in Title 17 may be requested as reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities, if the accommodation would not impose an undue financial or administrative burden upon the city and would not require a fundamental alteration in the nature of the applicable regulation. Such requests may be granted by the zoning administrator through application for an accessibility improvement permit, following the conduct of a hearing with ten (10) days' notice thereof being given to property owners and occupants on both sides of, to the rear of and directly across the street from the site. The zoning administrator may issue the accessibility improvement permit if he or she finds and determines that:~~

~~A. The accommodation is necessary to meet special needs for a person having a disability and cannot be addressed through the exceptions under Sections 17.32.060 and 17.32.070.~~

~~B. Any visual impacts of the accommodation will be minimized.~~

~~C. The accommodation will not create any significant adverse impacts upon adjacent properties in terms of loss of privacy, noise or glare.~~

~~D. Any construction resulting from the accommodation will be done in a sound and workmanlike manner, in compliance with all applicable provisions of the building and fire codes.~~

~~Modifications or exceptions to the regulations set forth in Title 17 that are not otherwise addressed in Sections 17.32.060.B and C of this Chapter may be granted as reasonable accommodations for residential and non-residential improvements, or for new development, when designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Such requests shall be granted by the planning director through a building permit, if the building permit application demonstrated that:~~

~~A. The exception is necessary for current or future accessibility to the property or building by persons with disabilities and such accessibility cannot be addressed within either the applicable zoning district height limits or setbacks, or through other exceptions provided in this Title.~~

~~B. The accessibility improvement(s) will be constructed in compliance with all applicable provisions of the state and local building and fire codes concerning accessibility for persons with disabilities.~~
