

PLANNING COMMISSION
Albert Enault, Chair
Kristina Elder, Vice Chair
Herbert Dardon, Commissioner
Vinay Tewari, Commissioner
Terrence West, Commissioner



PLANNING COMMISSION MEETING

A G E N D A
REGULAR MEETING OF THE SUISUN CITY
PLANNING COMMISSION
TUESDAY, JUNE 11, 2024
6:30 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

*PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON
PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM*

ZOOM MEETING INFORMATION:

WEBSITE: <https://zoom.us/join>

*MEETING ID: **861 4858 8335***

CALL IN PHONE NUMBER: (707) 438-1720

*REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING BY EMAILING
CLERK@SUISUN.COM (PRIOR TO 5 PM), VIA WEBSITE OR ZOOM CALL IN PHONE NUMBER: (707) 438-1720.*

*(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)*

(Next Resolution No. PC 24-04)

ROLL CALL

Planning Commissioners
Pledge of Allegiance
Invocation

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Commissioners should be identified at this time.)

REPORTS: (Informational items only.)

1. City Staff.

PUBLIC COMMENTS

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

2. Planning Commission Approval of the Minutes of the Regular Meeting of the Suisun City Planning Commission held on April 9, 2024 - (Vasquez: bvasquez@suisun.com).

PUBLIC HEARING

3. Planning Commission Adoption of Resolution No. PC-24-___: A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Approval of the Proposed Zoning Text Amendment Amending Various Sections of Title 18 (Zoning) of the Suisun City Code - (Bermudez: jbermudez@suisun.com).

GENERAL BUSINESS - NONE

REPORTS: (Informational items only.)

4.
 - a. Commission Members
 - b. Commission Chairperson

ADJOURNMENT

Public Access To Agenda Documents

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The city may charge photocopying charges for requested copies of such documents. To the extent feasible, the agenda packet is available for online public viewing on the City's website: <https://www.suisun.com/Government/City-Council/Agendas>

The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

Accommodations

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or clerk@suisun.com. The City's reasonable accommodation policy is available for review on the City's website at www.suisun.com/government/city-council/, you may request an electronic copy or have a copy mailed to you. Please note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

Decorum

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

Ordinances

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Certification Of Posting

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Bianca Vasquez, Administrative Assistant for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

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PLANNING COMMISSION
Albert Enault, Chair
Kristina Elder, Vice Chair
Herbert Dardon, Commissioner
Vinay Tewari, Commissioner
Terrence West, Commissioner



PLANNING COMMISSION MEETING

MINUTES
REGULAR MEETING OF THE SUISUN CITY
PLANNING COMMISSION
TUESDAY, APRIL 9, 2024
6:30 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

*PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON
PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM*

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WEBSITE: <https://zoom.us/join>

*MEETING ID: **879 0178 5190***

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(Next Resolution No. PC 24-04)

ROLL CALL

Chairperson Enault called the meeting to order at 6:30 pm with the following Planning Commissioners present:

PRESENT: Commissioners: Dardon, West, Tewari, Elder, Enault

ABSENT: Commissioners: None

(Commissioner Tewari arrived at dais at 6:36 pm after roll call)

Pledge of Allegiance led by Commissioner Dardon

Invocation led by Principal Planner Kearns

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Commissioners should be identified at this time.)

REPORTS: (Informational items only.)

1. Interim City Manager/Staff.

Development Services Director Bermudez informed Commissioners of the upcoming arrival of the new City Manager Bret Prebula on April 15, 2024.

Chairperson Enault asked clarifying question on the reappointment of Chairperson and Vice Chair for Planning Commissioners.

PUBLIC COMMENTS

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

None.

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

2. Planning Commission Approval of the Minutes of the Special Joint Meeting of the Suisun City Council and Planning Commission held on December 11, 2023 - (Skinner: clerk@suisun.com).

Commissioner Elder motioned and seconded by Commissioner West for approval of the minutes. Motion passed by the following vote:

AYES: Commissioners: Elder, West, Dardon, Enault
ABSTAIN: Commissioners: None
ABSENT: Commissioners: Tewari (arrived at dais at 6:36 pm)

3. Planning Commission Approval of the Minutes of the Regular Meeting of the Suisun City Planning Commission held on December 12, 2023, and February 27, 2024 - (Vasquez: bvasquez@suisun.com).

Commissioner West motioned and seconded by Commissioner Dardon for approval of the minutes. Motion passed by the following vote:

AYES: Commissioners: West, Dardon, Elder
ABSTAIN: Commissioners: Enault
ABSENT: Commissioners: Tewari (arrived at dais at 6:36 pm)

PUBLIC HEARING NONE

GENERAL BUSINESS

4. **Zoning Code Update:** Planning Commission Workshop to Discuss the Comprehensive Zoning Ordinance Update -Part III - (Kearns: jkearns@suisun.com).

Principal Planner Kearns presented Zoning Code Update Workshop Part 3.

Commissioners asked clarifying questions regarding:

- 18.48 – Adult Business
- 18.66.060 – Planning Commission Action
- 18.70.050 – Preliminary Review
- 18.78.050 – Design Review Committee
- Commercial Service (CSF) Zoning District
- 18.48.060 – Section O Re: 20 foot-candles

- 18.48.090 – Section B.5 Re: Director title
- 18.51 – Transportation Management
- 18.60.020 – License Application Procedure
- 18.72.140 – Section F Re: Limitations and Restrictions
- Feedback from local businesses
- 18.68 – Nonconforming Uses
- 18.60.030 – Section C Re: Retailer limitations (Retail tobacco licensing)
- Development Service Director title replaced with Director
- 18.70 – Development Agreements
- 18.84.030 – Section A - Course of Appeals
- 18.82.020 – Amendments – Initiation
- 18.73.030 – Use Permits Procedures - Section D Re: Expiration of use permit
- Planning Commission Approval vs. Staff Approval

No member of the public spoke regarding this Workshop.

REPORTS: (Informational items only.)

5.
 - a. Commission Members
Vice Chair Elder announced the upcoming BrewBash event at the Sheldon Plaza.
 - b. Commission Chairperson
None.

ADJOURNMENT

There being no further business the meeting was adjourned at 8:11 p.m.

Bianca Vasquez
Administrative Assistant II

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DATE: June 11, 2024

TO: PLANNING COMMISSION

FROM: John Kearns, Principal Planner

RE: A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Approval of the Proposed Zoning Text Amendment Amending Various Sections of Title 18 (Zoning) of the Suisun City Code.

Files:

SUMMARY

The City is considering making various amendments to Title 18 (Zoning) of the Suisun City Code in order to comply state law and provide consistency with the 2023-2031 Housing Element which was adopted in 2023. These amendments are not discretionary and apply to jurisdictions throughout the state. The Planning Commission is requested to make a recommendation regarding amendments to Chapters 18.04 “Definitions”, 18.06 “Districts and Map”, 18.08 “Residential Districts”, 18.20 “Commercial Districts”, 18.28 “Civic, Park, and Other Zones”, 18.30 “Specific Use Standards”, 18.31 “Standards for Residential Districts”, 18.46 “Reasonable Accommodations”, and 18.47 “Residential Density Bonus and Density Incentives”.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

1. Conduct a Public Hearing, and
2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3); and
3. Adopt Resolution PC 24-___: Recommending City Council Approval of the Proposed Zoning Text Amendment Amending Various Sections of Title 18 (Zoning) of the Suisun City Code.

BACKGROUND/DISCUSSION

On May 21, 2023, the Suisun City Council adopted the 2023-2031 Housing Element Update. This allowed the City to remain in compliance with California Government Code Sections 65580-65589.8 which requires local jurisdictions to update the Housing Element of their General Plans every eight years (deadline for 6th cycle was May 31, 2023), subject to the review and approval of the State Department of Housing and Community Development (HCD). The Housing Element is a comprehensive statement by the community of its current and future housing needs and proposed action to facilitate the provision of additional housing to meet those needs at all income levels. The policies contained in the Housing Element are an expression of the statewide housing goal of meeting the housing needs in our region, as well a reflection of the unique concerns of the community. Housing Elements are required to:

1. Assess and address constraints to housing development;
2. Provide an assessment of population housing needs;
3. Analyze progress toward implementing the previous Housing Element;

4. Guide housing development policy;
5. Identify opportunities to meet the City’s housing needs and identified Regional Housing Needs Allocation (RHNA);
 - a. Identify resources that support housing for all income groups;
 - b. Complete an inventory of existing and new sites for housing development in support of meeting the City’s RHNA.

As a part of the adopted housing element, there are programs that require different actions from the City including amendments to Title 18 (Zoning) of the Suisun City Code. These amendments are the basis of the Planning Commission’s discussion/recommendation. There are several other programs which the City is committed to; however, these items will be addressed/discussed at a later time. The Housing Element process includes close coordination with HCD regarding the planning for the units the City is responsible to plan for as well as the completeness of the City programs in addressing the current legislation. A compliance letter which once a jurisdiction adopts their Element officially provides commitment to the programs. Many of the programs are carried over from cycle to cycle; however, HCD has begun expanding the required programs with clear deliverables. Further, it should be noted that HCD is created an enforcement division to assure jurisdictions adequately comply with adopted programs.

ANALYSIS

Staff has provided below the applicable programs of the housing element which directly tie to the proposed text amendments contained in the draft ordinance. Additionally, staff will be providing this information via a PowerPoint presentation at the June 11, 2024, public hearing. The amendments contained in the ordinance are reflected as ~~strike-through~~ for removed language and **bold double-underlined** for new language. It is important to emphasize that these amendments are not discretionary and apply to jurisdictions throughout the state. Each of the below programs is supported by enacted state legislation which has been codified and applies to all jurisdictions. Examples of this are the California Government Code and Health and Safety Code.

Suisun City 2023-2031 Housing Element

Housing Element – Program 1.H: Accessory Dwelling Units (ADUs)

The City will encourage the construction of ADUs throughout the city through the following actions, which are aimed at providing an increased supply of affordable units and therefore to help reduce displacement risk for low-income households resulting from overpayment:

Staff Action

- a. Amend the municipal code to be consistent with the latest state legislation related uses and ensuring that ADUs are permitted in all zones that permit single-family or multifamily uses and permit the construction of a junior accessory dwelling unit (JADU) on each lot in addition to an ADU, in accordance with California Government Code Section 65852.2.

Conclusion: The current code includes a provision that states an ADU cannot exceed the allowable density in which the lot is located. The change would remove the barrier of density when considering a proposed ADU.

Housing Element – Program 4.A: Amend Development Standards to Remove Constraints.

The City will amend the Zoning Ordinance to review and revise standards to comply with State law.

Staff Action

- a. Emergency Shelters: Allow sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, in compliance with Government Code Section 65583(a)(4)(A)(ii).

Conclusion: The current code applied parking requirements for both the number of staff as well as for every 10 temporary residents. The revision now provides an either-or scenario.

Staff Action

- b. Residential Care Facilities: Allow residential care facilities, regardless of size, in all zones that permit residential uses of the same type, in accordance with the City’s definition of family.

Conclusion: The current code treated a facility differently depending on capacity (permitted or conditionally permitted). The revision now requires they all be treated the same as a residential use.

Staff Action

- c. Family Definition: Define “family” in the Zoning Ordinance to comply with state law.

Staff Action

- d. Transitional and Supportive Housing: Consistent with State law, amend the municipal code to ensure that transitional and supportive housing types permitted as a residential use and are only subject to those restrictions that apply to other residential dwellings of the same type in the same zone per Government Code Section 65583(a)(5), and allow supportive housing as a permitted use without discretionary review in zones where multifamily and mixed-use developments are permitted, including nonresidential zones permitting multifamily uses (Government Code Section 65583(c)(3)).

Conclusion: The current code referenced outdated Health and Safety Code sections. The revision assures that these uses are treated in the same way a residential use would be.

Staff Action

- e. Mobile and Manufactured Homes: Allow and permit mobile and manufactured housing in the same manner and in the same zone as conventional or stick-built structures are permitted (Government Code Section 65852.3).

Staff Action

- f. Employee Housing: Treat employee/farmworker housing that serves six or fewer persons as a single-family structure and permit it in the same manner as other single-family structures of the same type within the same zone across all zones that allow single-family residential uses. Treat employee/farmworker housing consisting of no more than 12 units or 36 beds as an agricultural use and permit it in the same manner as other agricultural uses in the same zone, in compliance with the California Employee Housing Act, and allow for a streamlined, ministerial approval

process for projects located on land designated as agricultural or land that allows agricultural uses (Health and Safety Code Sections 17021.5 and 17021.6).

Conclusion: The current code treated agricultural housing as a Conditional Use Permit in Civic/Park/and other zones. The revision allows for the use to be considered permitted.

Staff Action

g. Low-Barrier Navigation Centers: Allow low-barrier navigation centers for the homeless by right in zones that allow for mixed-use and nonresidential zones permitting multifamily uses, per Government Code Section 65662.

Housing Element – Program 4.B: Reasonable Accommodations

Staff Action

The City will implement state requirements (Sections 4450 to 4460 of the California Government Code and Title 24 of the California Code of Regulations) to include accessibility in housing and public facilities for persons with disabilities. The City will also review and revise findings for approving reasonable accommodation requests, to ensure they do not pose any barriers to housing for persons with disabilities.

Conclusion: The current code speaks to “reasonable and necessary” when allowing the city to prepare conditions of approval. The revision removes this discretion and makes the process more ministerial.

Housing Element – Program 4.C: Density Bonus

Staff Action

The City will comply with California Government Code Section 65915, as revised, amend the Zoning Code to be consistent with State density bonus law.

CONCLUSION

Consideration and ultimate adoption of the proposed amendments to Title 18 (Zoning) of the Suisun City Code is supported by legislation that has been enacted in recent years. These amendments came to light with the preparation of the 2023-2031 Housing Element. The preparation and ultimate adoption of this ordinance is an initial step in beginning to implement the programs of the Housing Element; however, there are several other implementation items which will be coming forward in the near future.

ENVIRONMENTAL ANALYSIS

This ordinance amendment is categorically exempt from environmental review under Section 15061 (b)(3) of the State CEQA Guidelines. The proposed text amendments are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

ATTACHMENTS

1. Resolution PC 24-___: Recommending Approval of the Proposed Zoning Text Amendment Amending Various Sections of Title 18 (Zoning) of the Suisun Code.

2. Draft Ordinance.

1 amendments are covered by the general rule that CEQA applies only to projects which have the
2 potential for causing a significant effect on the environment. Where it can be seen with certainty
3 that there is no possibility that the activity in question may have a significant effect on the
4 environment, the activity is not subject to CEQA.

5 **SECTION 4.** The Planning Commission hereby recommends that approval of the
6 proposed changes to the text of the Suisun City Municipal Code amending Chapters 18.04
7 “Definitions”, 18.06 “Districts and Map”, 18.08 “Residential Districts”, 18.20 “Commercial
8 Districts”, 18.28 “Civic, Park, and Other Zones”, 18.30 “Specific Use Standards”, 18.31
9 “Standards for Residential Districts”, 18.46 “Reasonable Accommodations”, and 18.47
10 “Residential Density Bonus and Density Incentives” which are shown by strike-through, or
11 bold double underscore amended (new) text (Attachment 2 to the staff report).

12
13 **PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Planning Commission
14 City Council of the City of Suisun City, California, on this ____ day of _____ 2024.

- 15 **AYES:** Commissioners:
16 **NOES:** Commissioners:
17 **ABSENT:** Commissioners:
18 **ABSTAIN:** Commissioners:

19 **WITNESS** my hand and the seal of said City this ____ day of _____ 2024.

20
21
22 _____
23 Donna Pock, Deputy City Clerk
24
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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING VARIOUS SECTIONS OF TITLE 18 (ZONING) OF THE SUISUN CODE

WHEREAS, Section 1.01.050 of the Suisun City Municipal Code provides for amendments to the Suisun City Municipal Code by the City Council; and

WHEREAS, Title 18, Chapter 18.82 – Amendments of the Suisun City Municipal Code provides for the amendment of the Title by changing the text whenever the public necessity, convenience, or general welfare requires such amendment; and

WHEREAS, this proposed Zoning Ordinance amendment was considered by the Planning Commission of the City of Suisun City at its regular meeting of June 11, 2024; and

WHEREAS, a public notice describing the proposed amendments to the Suisun City Zoning Ordinance relative to Title 18 was published in the Daily Republic, a newspaper of general circulation, in accordance with 6061 or the California Government Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby recommends that approval of the proposed changes to the text of the Suisun City Municipal Code amending Chapters 18.04 “Definitions”, 18.06 “Districts and Map”, 18.08 “Residential Districts”, 18.20 “Commercial Districts”, 18.28 “Civic, Park, and Other Zones”, 18.30 “Specific Use Standards”, 18.31 “Standards for Residential Districts”, 18.46 “Reasonable Accommodations”, and 18.47 “Residential Density Bonus and Density Incentives”. These changes are shown by strike-through, or bold double underscore amended (new) text and hereby to read as follows:

[18.04.010] [Definitions.]

"Dwelling." Includes a room or group of rooms that include cooking, eating, sleeping, and sanitation facilities and designed as an independent unit. Types of dwellings include, but are not

limited to, single-family, two-family, multi-family dwellings, manufactured homes, mobilehomes, condominiums, and townhomes.

"Emergency shelter." Per California Health and Safety Code (section 50801[e]), "emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelters also include other interim interventions, including but not limited to, navigation centers, bridge housing, and respite or recuperative care.

“Family” One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit.

"Farm worker/Employee housing for six or fewer." Farm worker/Employee housing for six or fewer persons is treated as a single-family structure and residential use as described in California Health and Safety Code Sections 17021.5 and employee housing as defined in California Health and Safety Code Section 17008, including farm worker housing means any attached or detached dwelling unit used to house farm/agricultural workers and their family members, including temporary mobile homes:

“Farm worker/Employee housing, group quarters.” Farm worker/Employee housing consisting of no more than 36 beds in group quarters (or 12 units or less) designed for use by a single family or household to be treated as an agricultural use as described in 17021.6, and employee housing as defined in California Health and Safety Code Section 17008, including farm worker housing.

“Low Barrier Navigation Centers” means a low barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. (Cal. Gov. Code § 65662a).

“Residential Care Facility. ” A Licensed Residential Care Facilities and Unlicensed Residential Care Facilities shall be considered a residential use of property. Residential Care Facilities, Licensed, and Unlicensed Residential Care Facilities are permitted uses in all zones permitting residential uses, subject to compliance with the restrictions and development standards for other residential dwellings of the same type (e.g., single-family or multifamily) in the same zone.

[18.08.070 - Allowable Uses in Residential Zones.]

Table 18.08.02 identifies the residential and nonresidential land uses allowed in residential zoning districts in the city. Uses not listed here, but consistent with the character and density and intensity of zoning districts, defined in Sections 18.08.010 through 18.08.040, may be permitted through the administrative review process.

Table 18.08.02 Allowable Uses in Residential Zones

Residential Use Types	RL	RM	RH1	RH2	RMU	Refer to Special Use Section
Residential						
Accessory buildings	P	P	P	P	P	
Community care facility, small	P	P	P	P	P	
Community care facility, large	CUP	CUP	CUP	CUP	CUP	
Dwelling, single-family	P	P	P	P	P	
Dwelling, two-family (duplex)	P	P	P	P	P	
Dwelling, multi-family	—	CUP	P	P	P	18.30.120
Dwelling, second or accessory	P	P	P	P	P	18.30.170
Emergency shelters	—	P	P	P	P	
Family day care, small	P	P	P	P	P	
Family day care, large	CUP	CUP	CUP	CUP	CUP	
Farm Worker/ <u>Employee</u> Housing, <u>for 6 or fewer</u>	P	P	P	P	P	
Home occupations	P	P	P	P	P	18.50
Live-work units ¹	—	P	P	P	P	18.52
<u>Low-Barrier Navigation Center</u>					<u>P</u>	
Mobile home, single	P	P	P	P	P	18.54
Mobile home, park	CUP	CUP	CUP	CUP	CUP	18.54

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(Supp. No. 19)

Table 18.08.02 Allowable Uses in Residential Zones

Residential Use Types	RL	RM	RH1	RH2	RMU	Refer to Special Use Section
<u>Residential Care Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Rooming and boarding house	—	—	P	P	P	
Single-room occupancy units	—	—	P	P	P	
Transitional and Supportive housing	P	P	P	P	P	18.30.190
Office, accessory	A	A	A	A	A	
Public/Quasi-Public						
Cemetery, crematory, mausoleum, columbarium	—		—	—	—	
Community center	A	A	P	P	P	
Community facility	CUP	A	A	A	A	
Community garden	A	A	A	A	A	
Educational facility	CUP	A	A	A	A	
Lodges, fraternal groups, and clubs	CUP	A	A	A	P	
Public safety and fire substations	A	A	A	A	A	
Roadway and utility easements	P	P	P	P	P	
Power generating facilities, on-site power use primary	P	P	P	P	P	
Power generating facilities, off-site power use primary	CUP	CUP	CUP	CUP	CUP	

Table 18.08.02 Allowable Uses in Residential Zones

Residential Use Types	RL	RM	RH1	RH2	RMU	Refer to Special Use Section
Religious facility	CUP	A	A	A	A	
Telecommunications facilities	A	A	A	A	A	
Commercial						
Professional office	—	CUP	CUP	CUP	P	
Bed and Breakfast	A	A	A	A	A	18.30.040
Café, coffee shop, restaurant	CUP	CUP	CUP	A	P	
Convenience store	—	—	—	—	A	
Medical, hospital	—	CUP	CUP	CUP	CUP	
Key: P Permitted A Administrative Review CUP Conditional Use Permit — Not Permitted						
1 Live-work units shall be subject to the special use regulations in Section 18.30.100.						

[18.20.070 Allowable Uses in Commercial Zones]

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Residential Use Types					

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Accessory buildings	P	P	P	P	
Community care facility, small	—	—	P	—	
Community care facility, large	—	—	P	—	
Dwelling, single-family	—	—	—	—	
Dwelling, duplex	—	—	—	—	
Dwelling, multi-family	—	—	P	—	18.30.120
Dwelling, second or accessory	—	—	P	—	18.30.170
Emergency shelters	CUP	P	CUP	CUP	
Family day care, small	—	—	P	P	
Family day care, large	—	—	CUP		
Home occupations	—	—	P	—	18.50
Live-work units	—	A	P	P	18.52
<u>Low-Barrier Navigation Center</u>			<u>P</u>		
Mobile home, single	—	—	—	—	18.54
Mobile home, park	—	—	—	—	18.54
<u>Residential Care Facility</u>			<u>P</u>		
Rooming and boarding house	—	—	A	—	
Single-room occupancy units	—	—	P	—	

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Supportive housing	—	—	P	—	18.30.190
Transitional housing	—	—	P	—	18.30.190
Retail Use Types					
Alcoholic beverage establishment	CUP	CUP	CUP	—	
Auto, motorcycle, RV, sales or rental	P	P	CUP	—	
Auto parts, sales without repair	P	P	P	—	
Auto repair and service	CUP	P	CUP	—	
Building materials, garden supplies, >40,000 sq. ft.	P	P	—	—	
Building materials, garden supplies, <40,000 sq. ft.	P	P	P	—	
Convenience market	CUP	CUP	CUP		
Farm equipment and supplies	P	P	—	—	
Furniture sales	P	P	P	—	
Food sales, specialty	P	A	P	—	
Food sales, full service grocery	P	—	P	—	
Gasoline service station	P	P	—	—	
Nightclub	CUP	CUP	CUP	—	18.30.080
Nursery (plants)	P	P	A	—	

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Restaurant, drive-through	P	A	—	—	18.42.080 (drive-through facilities)
Restaurant, full service	P	P	P	—	
Restaurant, accessory to primary use	P	P	P	P	
Retail store, general merchandise (such as art and crafts, antiques & collectables, books, clothing, florist, pharmacy) <5,000 sq. ft.	P	P	P	—	
Retail store, 5,000—40,000 sq. ft.	P	P	P	—	
Retail store, 40,000—100,000 sq. ft.	CUP	CUP	CUP	—	
Retail store, accessory to primary use	P	P	P	P	
Wholesale, <10,000—40,000	CUP	P	—	—	
Wholesale, 40,000—100,000	—	P	—	—	
Commercial Service Use Types					
Adult business					18.48
Automated teller machine	P	P	P	P	
Bank, teller	P	—	P	P	
Bank, drive-through	P	—	P	P	18.42.080 (drive-through facilities)
Bed and Breakfast	—	—	A	—	
Business support services	P	P	P	P	

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Car wash, full service	P	P	CUP	—	
Car wash, self-service	P	P	A	—	
Catering	P	P	P	P	
Circus, fair, revival	T	T	T	—	18.30.050
Community social service	P	P	P	P	
Drive-in or outdoor theater	—	CUP	—	—	
Educational services, tutoring, art/dance/music schools	P	P	P	P	
Health club, gym spa	P	P	P	A	
Hotel/motel	P	A	P	—	
Kennel, animal boarding	CUP	P	CUP	—	
Landscaping service	—	P	—	—	
Laundry and dry cleaning	P	P	A	A	18.30.030
Medical, clinic/lab	—	P	P	P	
Medical, extended care	—	CUP	P	—	
Medical, office	—	P	P	P	
Medical, health care facility	—	CUP	P	P	
Medical, hospital	—	CUP	CUP	CUP	
Mortuary, funeral home	—	P	P	—	

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Office, professional	—	—	P	P	
Office, accessory	P	P	P	P	
Parking facility	P	P	P	P	
Personal services	P	P	P	P	
Veterinary clinic, animal hospital	—	P	P	CUP	18.30.020
Manufacturing, Processing, and Warehousing					
Contractor's and corporation yard	—	P	—	—	
Food processing, bakery, creamery	—	P	—	—	18.30.030
General services and repair (auto repair, cabinet shop, plumbing, welding)	—	P	—	—	
Junk yard, wrecking yard	—	CUP	—	—	
Manufacturing/processing, light	—	P	—	—	
Mini-storage	—	P	CUP	—	
Recycling collection facility (small)	—	A	A	A	
Recycling collection facility (large)	—	CUP	—	—	
Research and development	—	P	P	A	
Warehousing and distribution	—	P	—	—	
Public/Quasi-Public/Other					

Table 18.20.02 Allowable Uses in Commercial Zones

Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Amusement center	CUP	CUP	CUP	—	18.30.010
Auditorium and meeting halls	—	P	P	—	18.30.180
Childcare facility		CUP	CUP	A	
Community center	A	A	P	P	
Educational facility		P	P	CUP	
Health/fitness club	P	P	P	P	
Indoor amusement/ entertainment center	CUP	P	CUP	—	
Library	—	—	P	P	
Lodges, fraternal groups, and clubs	CUP	P	P	P	
Museum	—	—	P	P	
Outdoor recreation center	—	CUP	—	—	18.30.180 (stadiums)
Park	P	P	P	P	
Public safety and fire substations	P	P	P	P	
Religious facility	CUP	P	CUP	P	
Theater, live entertainment	P	P	P	—	
Theater, motion picture (1—3 screens)	P	—	P	—	
Theater, motion picture (4+ screens)	CUP	—	CUP	—	

Table 18.20.02 Allowable Uses in Commercial Zones					
Commercial Use Types	CR	CSF	CMU	O	Refer to Special Use Section
Communications and Transportation					
Bus station, train station	P	P	P	P	18.30.150
Roadway and utility easements	P	P	P	P	
Power generating facilities, on-site power use primary	P	P	P	P	
Power generating facilities, off-site power use primary	A	A	A	A	
Truck stop	CUP	P	—	—	
Key: P Permitted A Administrative Review CUP Conditional Use Permit T Temporary Use Permit — Not Permitted					

[18.28.070 - Allowable uses]

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones						
Use Types	APS	P	OS	PQP	Refer to Special Use Section	
Agricultural Use Types						
Agricultural accessory structures	P	—	A	—		
Agriculture, crop production	P	—	—	—		

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones

Use Types	APS	P	OS	PQP	Refer to Special Use Section
Agriculture, animal, poultry	P	—	—	—	
Agriculture, animal — grazing	P	—	CUP	—	
Agriculture, animal — dairy	P	—	—	—	
Agriculture, apiary	P	—	CUP	—	
Agricultural housing	CUP	—	—	—	
Agricultural processing, products produced on premises	P	—	—	—	
Agricultural processing, products produced off premises	A	—	—	—	
<u>Farm Worker/Employee Housing, Group Quarters</u>	<u>P</u>	<u>A</u>	<u>P</u>		
Nursery, plants	P	—	A	—	
Stable, arena, riding academy	P	A	—	—	18.30.130
Winery	P	—	—	—	
Residential Use Types					
Dwelling, single-family	P	—	—	—	
Dwelling, two-family	P	—	—	—	
Dwelling, second or accessory	P	—	—	—	
<u>Mobile home, single</u>	<u>P</u>				18.54

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones

Use Types	APS	P	OS	PQP	Refer to Special Use Section
<u>Residential Care Facility</u>	<u>P</u>				
<u>Transitional and Supportive housing</u>	<u>P</u>				18.30.190
Commercial Use Types					
Kennels, dogs or cats	P	—	—	—	
Retail sales of agricultural products, products produced on premises (1,000 sq. ft. or less)	P	—	—	—	
Retail sales of agricultural products, products produced off-site (1,000 sq. ft. or less)	P	—	—	—	
Bed and breakfast inn	A	—	—	—	18.30.040
Café, coffee shop, bakery	P	A	—	P	
Gallery	P	A	—	P	
Farm supply store	P	—	—	—	
Tasting facility	P	—	—	—	
Winery	P	—	—	—	
Recreational Use Types					
Campground	CUP	A	CUP		
Childcare facility	CUP	CUP	—	P	
Circus, fair, revival	T	T	—	T	18.30.050
Drive-in or outdoor theater	CUP	CUP	—	CUP	

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones

Use Types	APS	P	OS	PQP	Refer to Special Use Section
Educational facility	P	CUP	—	P	
Indoor amusement/entertainment center	CUP	P	—	P	
Lodges, swimming, fishing, boating, hunting	—	A	—	—	
Outdoor amusement/recreation center, including stadium	A	A	—	A	
Park	A	P	A	P	
Playground	A	P	—	P	
Open Space Use Types					
Resource protection and restoration	A	A	A	A	
Resource related recreation	P	P	A	P	
Public/Quasi-Public Use Types					
Aquarium	—	A	—	P	
Auditorium	—	P	—	P	18.30.180
Cemetery, crematory, mausoleum	CUP	—	—	CUP	
Community center	A	A	—	P	
Community garden	P	A	—	A	
Hospital	—	—	—	CUP	
Library	—	A	—	P	

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones

Use Types	APS	P	OS	PQP	Refer to Special Use Section
Lodges, fraternal groups, and clubs	A	A	—	A	
Museum	—	A	—	P	
Public safety and fire substations	P	P	—	P	
Religious facility	—	—	—	P	
School, elementary/ secondary	—	—	—	P	
School, university	—	—	—	P	
Transportation, Communications, and Other					
Airport or heliport	CUP	—	—	—	
Junkyard, wrecking yard	CUP	—	—	CUP	
Minerals or natural minerals removal	—	—	P	—	18.30.110
Power generating facility, emergency	P	P	—	P	
Power generating facility, general	CUP	—	—	CUP	
Power generating facility, renewable	A	A	A	A	18.60 — 18.62
Roadway and utility easements	P	P	A	P	
Telecommunications facilities	A	A	A	A	
Key: P Permitted A Administrative Review CUP Conditional Use Permit					

Table 18.28.02 Allowable Uses in Civic/Park/Other Zones					
Use Types	APS	P	OS	PQP	Refer to Special Use Section
T Temporary Use Permit — Not Permitted					

[18.30 Special Use Standards]

18.30.090 Emergency shelter.

In accordance with California Code Section 65583(a)(4), emergency shelters shall be subject to the following provisions:

- A. Distance Separation Requirements. No emergency shelter shall be located within 300 feet of any other emergency shelter.
- B. Occupancy. An emergency shelter shall not exceed 40 residents, excluding staff.
- C. Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.
- D. Zone Specific Development Standards. An emergency shelter shall comply with all development standards of the applicable zoning district in which it is located.
- E. Parking Requirements. Emergency shelters shall provide one parking space for every staff member ~~and~~ or one parking space for every ten temporary residents, or as based on the demonstrated need.
- F. Management. An emergency shelter must adequately comply with the management standards:
 - 1. There shall be space inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights-of-way.
 - 2. Security shall be provided on-site during hours of operation.
 - 3. On-site management shall be provided by at least one emergency shelter staff member at all times while residents are present at the shelter.

18.30.170 Accessory dwelling units.

Purpose. This section is intended to achieve the goals of the city's housing element and of the California Government Code by permitting accessory dwelling units, thereby increasing housing opportunities for the community through use of existing housing resources and infrastructure.

The following regulations shall apply to all accessory dwelling units in a residential zoning district:

-
- A. An accessory dwelling unit may be established on any residentially zoned parcels, in any district where single-family or multi-family dwellings are a permitted use; and on any lot with an existing or proposed single-family or multi-family dwelling.
 - ~~B. Accessory dwelling units shall not exceed the allowable density for the lot upon which the accessory dwelling unit is located.~~
 - BC. Accessory dwelling units are a residential use that shall be consistent with the existing general plan and zoning designation for the lot.
 - CD. There will be only up to one accessory dwelling unit and one junior accessory dwelling unit per lot.
 - ~~DE.~~ The accessory dwelling unit can either be attached to and designed to be located within the living area of the existing dwelling or detached from and no less than five feet from the existing single-family dwelling.
 - EF. The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area up to a maximum of 1,000 square feet.
 - FG. Accessory dwelling units shall be located no closer than four feet from any side or rear property lines, be on the rear 50 percent of the lot and must meet the requirements of Section 18.31 (Standards for Residential Districts), Table 18.31.01 (Development standards in residential zones).
 - H. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.
 - I. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress.
 - J. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
 - K. The accessory dwelling unit shall be architecturally integrated into the existing building design.
 - L. Foundation. An accessory dwelling unit shall be constructed on a permanent foundation.
 - M. The accessory dwelling unit shall not be placed on top of any easements.
 - N. Connection Fees. A local agency is prohibited from requiring a new or separate utility connection for an accessory dwelling unit if contained within the existing space of a single-family residence or accessory structure (in accordance with Government Code Section 65852.2(f)).
 - O. Parking.

-
1. Maximum of one space per unit or one space per bedroom, **whichever is less.** Tandem parking on an existing driveway is allowed, which may be within setback areas.
 2. No additional parking for accessory dwelling units can be required when:
 - a. An accessory dwelling unit is located:
 - i. Within one-half mile walking distance of public transit;
 - ii. Within an architecturally and historically significant historic district;
 - iii. Within an existing primary residence or an existing accessory structure;
 - iv. Within an area where off-street parking is required, but no permit is offered to the occupant of the accessory dwelling unit;
 - v. Within one block of a car share vehicle.
 3. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished parking structure.

P. Rental.

1. An accessory dwelling unit may be rented but shall not be sold or otherwise conveyed separately from the primary dwelling, **unless the requirements of California Government Code Section 65852.26 are met.**
2. The rented unit shall not be leased for any period less than 30 days.

Q. Recordation of Deed Restriction. An executed deed restriction, on a form provided by the city, shall be submitted to the city prior to issuance of a building permit and shall be recorded prior to final occupancy. The deed restriction shall stipulate all of the following:

1. That the rented unit shall not be rented for any period less than 30 days at a time; and
2. That the accessory dwelling shall not be sold separately from the primary dwelling.
3. For junior accessory dwelling units, restrictions on size and attributes in conformance with this section.

R. Ministerial Consideration.

1. New Construction. If the development services department receives an application to construct an accessory dwelling unit (by either adding on to an existing structure, or constructing a new detached structure), and the proposal meets all of the requirements of this Code as determined by Section 18.30.170 (Accessory Dwelling Units), then within 60 days of receipt of a complete application for the accessory dwelling unit, the development services department staff shall ministerially approve the application without a hearing.

2. No Expansion. If the applicant will not be adding floor area, and instead has submitted a complete application for an accessory dwelling unit entirely within the existing space of a single-family residence or accessory structure, then the director shall, without a hearing, ministerially approve a complete application for a building permit to create an accessory dwelling unit if all of the following apply:

- a. The unit is contained entirely within the existing space of a single-family residence or accessory structure (without adding floor area to the existing residence or accessory structure) and doesn't exceed 50 percent of the existing primary dwelling.
- b. The unit is in any district where single-family or multi-family dwellings are a permitted use.
- c. On any lot with an existing or proposed single-family or multi-family dwelling.
- d. The unit has independent exterior access from the existing residence.
- e. Fire sprinklers are provided to the same extent that they are required for the primary residence.

18.30.190 Transitional and supportive housing.

~~Pursuant to Health and Safety Code sections 50675.2 and 50675.14, transitional and supportive housing shall be permitted by right in all residential zones and shall be subject to the same standards as other similar dwellings. See Chapter 18.04, Definitions, for descriptions of transitional and supportive housing.~~

A. Supportive and Transitional Housing, Generally. Pursuant to California Government Code Section 65583(c)(3), transitional and supportive housing constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same zoning district.

B. Supportive Housing, Up to 50 Units. Pursuant to California Government Code Section 65651, supportive housing development with up to 50 supportive housing units shall be permitted by right in all Zoning Districts where multi-family and mixed use residential development are permitted provided the development satisfies all of the following requirements:

1. All supportive housing units within the development are subject to a recorded affordability restriction for 55 years.

2. One hundred percent of the units, excluding managers' units, within the development are dedicated to lower income households and are receiving public funding to ensure affordability of the housing to lower income Californians. For purposes of this paragraph, "lower income households" has the same meaning as defined in Section 50079.5 of the Health and Safety Code.

3. At least 25 percent of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population. If the development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in supportive housing.

4. The developer shall provide the information required by California Government Code Section 65652 to the Planning Division.

5. Nonresidential floor area shall be used for onsite supportive services in the following amounts:

a. For a development with 20 or fewer total units, at least 90 square feet shall be provided for onsite supportive services.

b. For a development with more than 20 units, at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

6. The developer replaces any dwelling units on the site of the supportive housing development in the manner provided in paragraph (3) of subdivision (c) of Section 65915.

7. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

8. Notwithstanding any other provision of this Section to the contrary, the local government shall, at the request of the project owner, reduce the number of residents required to live in supportive housing if the project-based rental assistance or operating subsidy for a supportive housing project is terminated through no fault of the project owner, but only if all of the following conditions have been met:

a. The owner demonstrates that it has made good faith efforts to find other sources of financial support.

b. Any change in the number of supportive service units is restricted to the minimum necessary to maintain project's financial feasibility.

c. Any change to the occupancy of the supportive housing units is made in a manner that minimizes tenant disruption and only upon the vacancy of any supportive housing units.

Chapter 18.31 STANDARDS FOR RESIDENTIAL DISTRICTS

[18.31.005] [Table of Development Standards in Residential Zones.]

Table 18.31.01 Development Standards in Residential Zones					
Develop- ment Standards	RL (Low- Density Resi- dential)	RM (Medium- Density Resi- dential)	RH1 (High- Density Resi- dential 1)	RH2 (High- Density Resi- dential 2)	RMU (Resi- dential Mixed- Use)
Lot Size					
Minimum Lot Area	3,600 sf	1,800 sf	1,200 sf	800 sf	800 sf
Maximum Lot Coverage	40% of the lot ¹	80% of the lot ¹	80% of the lot ¹	80% of the lot ¹	80% of the lot ¹
Minimum Lot Width	40 ft. interior; 45 ft. corner	25 ft.	none	none	None
Minimum Lot Depth	65 ft.	55 ft.	none	none	None
Setbacks (in feet)					
Front	10 min — 20 max ²	10 min — 20 max ²	0 min — 15 max	0 min — 15 max	0 min — 15 max
Side to side, interior	5 min	0 min — 5 max	0 min — 5 max	0 min — 5 max	0 min — 5 max
Side to front, interior Rear	10 min	20 min ⁵	20 min ⁵	20 min ⁵	20 min ⁵

to front, interior					
Side, corner, street side	5 min — 10 max	5 min — 15 max	0 min — 15 max	0 min — 15 max	0 min — 15 max
Rear ³	10 min	5 min ⁶	5 min ⁶	5 min ⁶	5 min ⁶
Maximum Height Limit	35	35	55	55	55
Accessory Dwelling Unit⁷					
New Construction, Conversion and Replacing ^{8, 10}					
Minimum side setback, interior	4	4	4	4	4
Minimum side setback, street	4	4	4	4	4
Minimum rear setback	4	4	4	4	4
Maximum height of stand- alone unit ²	16	16	16	16	16
Maximum floor area ⁹	Attached	1,000 sq. ft.			
	Detached	1,000 sq. ft.			
	Internal	50 percent of the existing primary dwelling			
	Junior	500 sq. ft.			
Front	Must be in the rear 50% of the lot				

Building separation	A minimum 5-foot distance shall be maintained between a detached accessory dwelling unit the primary building on the site. A detached accessory structure shall be set back from other structures on the site as required by the building code.				
Accessory Structure (in feet)					
Minimum Side Setback, interior	5 ft.	5 ft.	0 ft.	0 ft.	0 ft.
Minimum Side Setback, street	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.
Minimum Rear Setback ³	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum Height of stand-alone unit	20 ft. ⁴	20 ft. ⁴	20 ft. ⁴	20 ft. ⁴	20 ft. ⁴
Usable Open Space		See Section 18.31.010	See Section 18.31.020	See Section 18.31.020	See Section 18.31.020
Parking	See Chapter 18.42				
Water-Efficient Landscaping	See Title 20				
Fences and Walls	See Chapter 18.34				

Notes:

¹ Lot coverage includes primary buildings, accessory buildings, covered parking, and covered

patios

² Garage shall not be closer than 15 feet to the front property line

³ Garage setback shall be no closer than three feet to the rear property line

⁴ A secondary dwelling shall not exceed 20 feet in height, except when the unit is attached to the primary unit, the maximum height shall be that established for the primary dwelling in the underlying zoning district.

⁵ For courtyard and green court site plans, and to allow for paseos and other pedestrian pathways, where included in the site design.

⁶ No required maximum to allow for parking lots and courtyards, as relevant to the design of the dwelling units.

⁷ For junior accessory dwelling units and internal ADUs, no setbacks and height required, other than that of the primary dwelling.

⁸ Conversion and replacing applies only to existing, permitted accessory dwelling units.

⁹ The following exceptions apply:

- **A height 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.**
- **A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.**
- **A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.**

⁹⁻¹⁰ The proposed increase in gross floor area of an attached or detached accessory dwelling unit shall not exceed 50 percent of the existing living area.

⁴⁰¹¹ Please refer to section 18.30.170 H., I., J.

- H. An internal ADU may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks;
- I. If an internal ADU is proposed to be constructed within an existing accessory structure, the city shall ministerially permit an expansion of the existing accessory structure by up to 150 square feet for the purpose of accommodating ingress and egress;
- J. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

[Chapter 18.46 - REASONABLE ACCOMMODATION]

18.46.060 - Findings and decision.

A. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual with disabilities protected under the Acts;
2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the Acts;
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;
4. Whether the requested accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to, building, land use, nuisance, and zoning law.

B. ~~In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (A).~~ The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

[Chapter 18.47 RESIDENTIAL DENSITY BONUS AND DENSITY INCENTIVES]

18.47.030 Definitions.

"Affordable housing cost." Refer to the definition set forth in the California Health and Safety Code Section 50052.5.

"Affordable rent." Refer to the definition set forth in the California Health and Safety Code Section 50053.

"Child care facility." A facility other than a family day care home, including but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Common interest development." Refer to the definition set forth in the California Civil Code Section 13.51.

"Concession" or "incentive." Concession or incentive means any of the following:

-
- A. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, as provided in Part 2.5 (the State Building Code commencing with Health and Safety Code Section 18901) of Division 13 of the Health and Safety Code, including but not limited to, a reduction in setback and square footage requirements, and in the ratio of vehicular parking spaces that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions.
 - B. Approval of mixed use zoning in conjunction with a housing project, if commercial, office, industrial or other land uses will reduce the cost of a housing development, and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
 - C. Other regulatory incentives or concessions proposed by the applicant or the city that result in identifiable, financially sufficient and actual cost reductions. This definition does not limit or require the provision of direct financial incentives for a housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements.

"Density bonus." A density increase in over the otherwise maximum allowable residential density under the applicable zoning code provisions and the land use element of the general plan, as of the date of application by the applicant to the city.

"Development standard." The site or construction condition that apply to a residential development pursuant to any ordinance, general plan element, specific plan, or other city condition, law, policy resolution or regulation.

"Housing development." A development project for five or more residential units in single-use, live-work, or mixed use formats as defined in Section 1351 of the Civil Code. Also includes a subdivision or common interest development or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in the number of residential units.

"Lower-income household." Persons and families whose income does not exceed 80 percent of the area median income, adjusted for family size and revised annually, as defined in California Health and Safety Code Section 50079.5.

"Lower income student". A student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

"Maximum allowable residential density." The density allowed under the zoning code or if a range of density is permitted, the maximum allowable density for the specific zoning range applicable to the project. **The maximum number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the maximum number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project.**

"Moderate-income household." Persons and families whose income is between 80 percent — 120 percent of the area median income, adjusted for family size and revised annually, as set forth in the California Health and Safety Code Section 50093(b).

"Very low-income household." Persons and families whose income does not exceed 50 percent of the area median income, adjusted for family size and revised annually, as set forth in the California Health and Safety Code Section 50105.

"Senior citizen housing development." A housing development, where residency is restricted to persons 62 years of age or older, or 55 years of age or older in a Senior Citizen housing development, as defined in Sections 51.3 and 51.12 of the California Civil Code (at the time of adoption of this section, a senior citizen housing development is a residential development that has at least 35 dwelling units and is developed, substantially rehabilitated, or substantially renovated for senior citizens).

“Shared housing building”. A residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. A “shared housing building” may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

“Shared housing unit” One or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.

"Specific, adverse impact." Refer to the definition set forth in the California Government Code Section 65589.5(d)(2).

"Target unit." A dwelling unit within a housing development that is reserved for sale or rent to very low, low-, and moderate-income households, or other qualifying residents.

(Ord. No. 743, § 3, 3-21-2017)

18.47.040 General density bonus provisions.

Density bonuses shall be subject to the provisions in this section, in accordance with California Code Section 65915.

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- A. Application. Any person that desires a density bonus must make an application on a form approved by the director of development Services at the time of submitting an entitlement application for the housing development for which a density bonus is requested. The density bonus provided by this chapter only applies to housing developments consisting of five or more dwelling units.
- B. Incentives and Concessions. When an applicant seeks a density bonus for a housing development or for the donation of land for housing within the city, the city must provide the applicant incentives or concessions for the production of housing units and child care facilities, as provided in this chapter.
- C. Available Density Bonus Options. The planning commission or city council will grant one density bonus, the amount of which will be as specified in Section 18.47.060, and incentives or concessions as described in Section 18.47.050, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this chapter, that will contain at least one of the following:
1. Five percent of the total units of a housing development, **including a shared housing building development, for** very low-income households.
 2. Ten percent of the total units of a housing development, **including a shared housing building development,** for lower income households.
 3. Ten percent of the total units in a common interest development for moderate-income households, provided that all units in the housing development are offered to the public for purchase.
 4. A senior citizen housing development;
 5. Donates land to the city for the construction of very low-income units.
 6. Includes a qualifying childcare facility, as described in Section 18.47.070; in addition, to providing housing as described in subsections (C)(1)—(3).
 7. **Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).**
 8. **Twenty percent of the total units for lower income students in a student housing development that meet the requirements in Government Code Section 65915(b)(1)(F).**
 9. **One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.**
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D. Applicant's Election of Basis for Bonus. For purposes of calculating the amount of the density bonus, pursuant to Section 18.47.060, the applicant who requests a density bonus pursuant to this section must elect whether the bonus will be awarded on the basis of subsections (C)(1)—(6).

E. Continued Affordability.

1. An applicant must agree to the continued affordability of all low and very low income units that qualified the applicant for the award of the density bonus for ~~30~~ 50 years or a longer period of time if required by any applicable construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower income density bonus units must be set at an affordable rent. Owner-occupied units must be available at an affordable housing cost.
2. An applicant must agree that the initial occupant of the moderate income units that are directly related to the receipt of the density bonus in a common interest development are moderate income households and that the units are offered at an affordable housing cost. The city will require an equity-sharing agreement, unless such an agreement would be in conflict with the requirements of another public funding source or law.

(Ord. No. 743, § 3, 3-21-2017; Ord. No. 748, § 4, 5-15-2018)

18.47.045 Requirements for equity-sharing agreement.

The following provisions must be included in any equity-sharing agreement required under this chapter:

- A. Upon resale, the seller of the unit may retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city will recapture any initial subsidy and its proportionate share of appreciation, which amount must then be used within five years for any of the purposes that promote home ownership, as described in California Health and Safety Code section 33334.2(e).
- B. If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to California Government Code Section 65915(c)(A)(ii), the local government may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households within the jurisdiction of the local government.**
- BC.** For purposes of this section, the city's initial subsidy will be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale will be used as the initial market value.
- CD.** For purposes of this section, the city's proportionate share of appreciation will be equal to the ratio of the initial subsidy to the fair market value of the unit at the time of initial sale.

(Ord. No. 743, § 3, 3-21-2017)

18.47.050 Incentives and concessions.

- A. An applicant for a density bonus pursuant to Section 18.47.040 may submit proposal for the specific incentives or concessions that the applicant requests pursuant to this chapter, and may request a meeting with the director of development services.
- B. Subject to subsection (C), the applicant will receive the following number of incentives or concessions:
1. One incentive or concession for projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for moderate income households in a common interest development.
 2. **One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.**
 - ~~23.~~ Two incentive or concession for projects that include at least 20 percent of the total units for lower income households, at least ten percent for very low-income households, or at least 20 percent for moderate income households in a common interest development.
 - ~~34.~~ Three incentive or concession for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low-income households, or at least 30 percent for moderate income households in a common interest development.
 5. **Four incentives or concessions for a project meeting the criteria of Section 18.47.040(C)(9).**
 6. **If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.**
- C. The planning commission or city council must grant the concession or incentive requested by the applicant, unless it make a written finding, based upon substantial evidence, that:
1. The concession or incentive is not required in order to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 18.47.030.
 2. The concession or incentive would have a specific, adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households; or
 3. The concession or improvement would be contrary to state or federal law.

1 **18.47.055 Waiver or reduction of development standards.**

- 2 A. An applicant may submit to the city a proposal for the waiver or reduction of
3 development standards that the applicant believes will have the effect of physically
4 precluding the construction of a housing development that meets the criteria of in this
5 section at the densities or with the concessions or incentives permitted by this chapter,
6 and may request a meeting with the director of development services. Such proposal may
7 not increase the number of incentives of concessions that the applicant is entitled to
8 under Section 18.47.030.
- 9 B. The planning commission or city council must waive or reduce the development standard
10 requested by the applicant, unless it makes a written finding, based upon substantial
11 evidence, that:
- 12 1. The waiver or reduction would have a specific, adverse impact upon public health
13 and safety, or the physical environment, or on any real property listed in the
14 California Register of Historical Resources, and there is no feasible method to
15 satisfactorily mitigate or avoid the specific adverse impact; or
 - 16 2. The waiver or reduction would be contrary to state or federal law.

17 (Ord. No. 743, § 3, 3-21-2017; Ord. No. 748, § 4, 5-15-2018)

18 **18.47.060 Calculation of density bonus.**

- 19 A. The applicant may elect to accept a lesser percentage of density bonus.
- 20 B. The amount of density bonus to which the applicant is entitled will vary according to the
21 amount by which the percentage of affordable housing units exceeds the percentage
22 established in Section 18.47.060.
- 23 C. For housing developments meeting the criteria of Section 18.47.010(C)(1), the density
24 bonus will be calculated as follows:

25 Percentage Very Low 26 Income Units	27 Percentage Density Bonus
28 5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
<u>12</u>	<u>38.75</u>

<u>13</u>	<u>42.5</u>
<u>14</u>	<u>46.25</u>
<u>15</u>	<u>50</u>

D. For housing developments meeting the criteria of Section 18.47.040(C)(2), the density bonus will be calculated as follows:

Percentage Low Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
<u>21</u>	<u>38.75</u>
<u>22</u>	<u>42.5</u>
<u>23</u>	<u>46.25</u>
<u>24</u>	<u>50</u>

E. For housing developments meeting the criteria of Section 18.47.040(C)(4), as senior housing developments, the density bonus will be 20 percent.

F. For housing developments meeting the criteria of Section 18.47.040(C)(3), the density bonus will be calculated as follows:

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Percentage Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
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35	30
36	31
37	32
38	33
39	34
40	35
<u>41</u>	<u>38.75</u>
<u>42</u>	<u>42.5</u>
<u>43</u>	<u>46.25</u>
<u>44</u>	<u>50</u>

G. All density calculations resulting in fractional units will be rounded up to the next whole number. The granting of a density bonus will not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

SECTION 2. This ordinance amendment is categorically exempt from environmental review under Section 15061 (b)(3) of the State CEQA Guidelines. The proposed text amendments are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 4. The City Clerk is hereby authorized and directed to certify as the passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be posted in three public places throughout the City, or published in a county newspaper that is circulated in the City, within 15 days after its passage, there being no newspaper of general circulation printed and published within the City.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on this ____ day of _____ 2023.

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Alma Hernandez,
Mayor

ATTEST:

Anita Skinner,
City Clerk

CERTIFICATION

I, Anita Skinner, City Clerk of the City of Suisun City and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting of the said City Council held on Tuesday, _____, 2024, and regularly passed and adopted at a regular meeting of said City Council held on Tuesday, _____, 2022, by the following vote:

- AYES:** Councilmembers:
- NOES:** Councilmembers:
- ABSENT:** Councilmembers:
- ABSTAIN:** Councilmembers:

WITNESS my hand and the seal of said City this ____ day of _____ 2024.

Anita Skinner,
City Clerk