



TO: ANTIOCH PLANNING COMMISSION

DATE: October 18, 2023

SUBMITTED BY: Meredith Rupp, Partnership for the Bay's Future Fellow

APPROVED BY: Zoe Merideth, Acting Planning Manager

SUBJECT: Innovative Housing (IH) Overlay District and Accessory Dwelling Units(LA2023-0003)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission review and adopt the following Resolutions:

1. Adopt a resolution recommending the City Council adopt text amendments to Title 9 Chapter 5 of the Antioch Municipal Code to implement State legislation regarding Accessory Dwelling Units and to permit multiple Accessory Dwelling Units in the Innovative Housing (IH) Overlay District (LA2023-0003).
2. Adopt a resolution recommending the City Council rezone 33 parcels to include an "Innovative Housing (IH) Overlay District."

BACKGROUND

Partnership for the Bay's Future Policy Grant

The City of Antioch, working in close partnership with two community organizations, Hope Solutions and Multi-Faith ACTION Coalition, was awarded a Partnership for the Bay's Future Policy Grant (also referred to as a Breakthrough Grant) in Summer 2022. The Policy Grant, managed by the San Francisco Foundation, provides jurisdictions a full-time Fellow, technical assistance, and other resources to help local governments create and successfully implement policies to preserve and produce affordable homes. All eleven Policy Grant awardees are made up of a local government and at least one community organization with the intent of creating a more collaborative policy-making process that

brings the voices of renters, low-income residents, and people of color more directly into conversation with government.

The Antioch team is using its Policy Grant to advance two affordable housing production strategies related to infill development of small footprint homes:

1. Enable **affordable housing production on faith-owned land**, including in cottage communities of micro-homes
2. Facilitate **Accessory Dwelling Unit (ADU)** production among low-income homeowners

This staff report focuses on the first objective. More information about the Policy Grant can be found at <https://www.multifaithactioncoalition.org/break/>.

Cottage Communities

The cottage communities envisioned by the Policy Grant team are high-quality, dignified homes. They are *not* tuff sheds or sanctioned encampments. Homes could be built in factories or on site and would be no more than 1,200 square feet. Each home would have its own bathroom and kitchen. Cottage communities would include shared amenities like community gardens or on-site supportive services. Figure 1 shows a rendering of a similar community made up of manufactured homes that Hope Solutions has proposed in Pittsburgh.



Figure 1. Example cottage community rendering

Policy Context

As jurisdictions across California seek affordable housing solutions, faith institutions have emerged as a potential partner. Faith-based organizations (FBOs) like churches often own underutilized land or structures which could be used for affordable housing development. In addition, FBOs are relationship-rich and mission-driven; it may be easier to unlock political and community support for affordable housing when trusted faith leaders are involved. For FBOs, developing affordable housing can be a concrete way to put charitable missions into action and can produce revenue.

Recognizing this potential, the California State Legislature passed Senate Bill (SB) 4, the Affordable Housing on Faith and Higher Education Lands Act of 2023, on September 11 of this year and it was signed into law by Governor Newsom on October 11th. This law allows ministerial approval of 100 percent affordable housing on land owned by faith institutions and nonprofit colleges, even if local zoning prevents housing. The law opens up over 170,000 acres of land statewide for affordable housing that would have otherwise undergone lengthy and expensive processes involving rezoning, environmental analysis, and discretionary approval. SB 4 joins Assembly Bill (AB) 1851 (2020), which eliminated barriers related to parking, in facilitating affordable housing development on faith-owned land.

In addition to these State laws, the City of Antioch has been adopting its own local policies to unlock faith-owned land for residential uses. The 2023-2031 Housing Element identified and rezoned six sites for housing on land currently developed with houses of worship. It also includes Program 2.1.7 *Support Non-Profit Housing Sponsors*, which includes an action to work with local housing organizations on regulatory changes to facilitate housing development on the six sites. Program 2.1.7 includes specific language to “work with the Multi-Faith ACTION Coalition and Hope Solutions (Formerly Contra Costa Interfaith Housing (CCIH)) to rezone sites to allow housing on properties owned by religious institutions.”

Despite these State and local regulatory fixes, barriers to using these new regulations remain in place:

- The Housing Element addresses only six sites when there are over two dozen that the Community Development Department has identified as being suitable for development, and not all of these may meet the requirements to be eligible for housing production under SB 4.
- Hope Solutions, one of the primary organizations that would develop and manage affordable housing on faith-owned land in Antioch and a member of the Policy Grant Team, is interested in building communities of small-footprint cottages, which the City’s regulations do not currently allow but would be a creative solution well-suited to Antioch’s suburban character and the irregular shapes and sizes of unused land that faith institutions own.

- SB 4 requires all rental homes built on faith-owned land to carry a deed restriction to maintain the affordability of homes for at least 55 years, a length of time that is tied to many public funding requirements but that does not consider the unique needs of faith institutions or the funding reality in Antioch.

Community Engagement

Led by Hope Solutions, the Policy Grant Team conducted a listening campaign to determine whether cottage communities on faith-owned land would in fact be a viable and desirable housing solution in Antioch. In particular, the Policy Grant Team presented Hope Solutions' vision of developing cottage communities of permanent supportive housing that would house chronically homeless individuals and families and would include supportive services to help residents heal and thrive. The listening campaign primarily sought to hear from unhoused residents to learn whether they would choose to live in small footprint homes and how they would feel about living on faith-owned land. The Policy Grant Team also spoke with faith leaders, members of faith institutions, and community-based organizations to learn what they would need to see to be supportive of projects. We reached over 400 people with this listening campaign, the vast majority of whom made 30% or less than the Area Median Income (i.e., "extremely low-income households" under State law).

The listening campaign found:

- There is **consistent, overwhelming support for cottage homes** among both well-housed and unhoused residents.
- Faith organizations are well-served to create a sense belonging and support residents, and **faith leaders are eager and ready to build community**.
- The overwhelming majority of people saw benefits to faith institutions' involvement in affordable housing and would feel comfortable living on faith-owned land, although some sought confirmation that **housing would not be tied to religious participation**.
- **Supportive services and professional, on-site property management** were the most frequently cited components needed for a successful cottage community to serve unhoused residents.
- The Antioch community is enthusiastic about how **shared outdoor spaces and on-site services** could positively impact them and their community.

ENVIRONMENTAL REVIEW

The proposed Zoning Text and Zoning Map Amendments are exempt from the California Environmental Quality Act (CEQA) under Section 15282(h), which states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of California ADU Law. The Zoning Map Amendment identifies areas where multiple ADUs are permitted and the Zoning Text Amendments implement State ADU law by updating Antioch's regulations to reflect State legislative updates and to meet the State's

mandate to encourage affordable ADUs. The Zoning Map and Zoning Text Amendments are pursuant to California ADU Law and therefore are statutorily exempt from CEQA.

Moreover, the Zoning Text and Zoning Map Amendments are exempt from CEQA under Section 15061(b)(3), the “Common Sense” Exemption. This exemption can be used when it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The ordinance merely amends the Antioch Municipal Code requirements for the applicability of objective design standards for ADUs. The zoning text amendments do not directly or indirectly authorize or approve any actual changes in the physical environment. When a specific development project occurs that is subject to the ordinance, it will be subject to environmental review pursuant to CEQA, if applicable. Similarly, the development standards provide standards that a housing developer must adhere to but does not authorize or approve any actual changes in the physical environment. Based on the above information, the Zoning Text and Zoning Map Amendments are exempt from CEQA under the “Common Sense” Exemption.

ANALYSIS

The goals of this planning effort include the following:

- Increase Antioch’s affordable housing development capacity by identifying sites currently developed with faith institutions that have vacant lots and/or large parking lots or other underutilized land.
- Expand the types of housing development currently permitted in Antioch in order to ensure a clear entitlement process for housing types with reduced construction costs and for which there is interest in the community.
- Allow for by-right development of affordable housing through a streamlined, ministerial review process using objective development standards.
- Eliminate other regulatory barriers to and provide incentives for affordable housing development on faith-owned land.
- Implement Housing Element Program 2.1.7 *Support Non-Profit Housing Sponsors* and achieve the goals of the Policy Grant.

These goals are consistent with State goals of streamlining housing approval, supporting housing affordability, and accelerating production.

During the policy-making process, there was an additional goal to ensure policies were shaped by those most directly affected by the policy – faith leaders, unhoused and low-income residents who could live in the new homes, and affordable housing developers and service providers who would build and manage the units. This goal is consistent with the Policy Grant goals of cross-sector collaboration and prioritizing community.

The project scope and proposed changes are comprised of two (2) components that establish new policy and development standards on specific sites.

1. **Zoning Text Amendments** to comply with State ADU legislation and to establish new development standards for clusters of ADUs in the Innovative Housing (IH) Overlay District.
2. **Zoning Map Amendments** applying the Innovative Housing (IH) Overlay District to specific parcels in the City.

Zoning Text Amendments

The proposed Zoning Text Amendments would amend the Antioch Municipal Code (AMC), also called the Zoning Code. The Zoning Text Amendments would establish a new Innovative Housing (IH) Overlay District to enable the development of multiple ADUs (or “cottage communities”) on faith-owned land. In addition, the Zoning Text Amendments would bring the City’s ADU regulations into compliance with State ADU law by implementing recent State ADU legislation.

Accessory Dwelling Unit (ADU) Legislative Updates

Since 2017, the State legislature has consistently produced robust legislation to address barriers to ADU and Junior ADU (JADU) construction, including laws that have streamlined the approval process, increased height allowances, decreased setbacks, reduced parking, and reduced or eliminated impact fees depending on ADU size. Given changes in California ADU Law (California Government Code Sections 65852.150, 65852.2, 65852.22, 65852.23, and 65852.26) since the City last amended its ADU Ordinance in March 2020, the following bills with implications on Antioch’s ADU standards have passed:

- **AB 345** (2021). Requires jurisdictions to allow ADUs to be sold or conveyed separately from the primary dwelling through tenancy in common agreements in certain situations.
- **AB 2221 and SB 897** (2022). ADU “cleanup” bills that clarify ADU law to reduce permitting hurdles. The bills prohibit front setbacks from precluding an ADU of at least 800 square feet with 4-foot side and rear setbacks, similar to previous requirements that jurisdictions reduce floor area ratio, lot coverage, minimum lot size, and open space requirements to accommodate an 800-square-foot ADU. The bills also require jurisdictions to “deny or approve” ADUs and JADUs within 60 days of receiving a complete application; prohibit jurisdictions from denying a permit for an unpermitted ADU except in certain circumstances related to health and safety or substandard buildings; and clarify and remove a wide range of technical barriers that some cities have imposed on ADU development, such as regulations related to fire sprinklers, Group R Occupancy Changes, demolition permit review, objective standards, attached garages, and access to shared bathrooms for JADUs. Finally, SB 897 also increases the allowable height of ADUs as follows:
 - Detached ADU within one-half-mile of a major transit stop or high-quality transit corridor on a lot with a single-family or multi-family dwelling: up to

- 18 feet in height. The ADU may be up to two feet taller (maximum of 20 feet) if needed to match the ADU roof pitch to the main house. The previous detached ADU height limit was 16 feet.
- Detached ADU on a lot with an existing or proposed multistory multi-family dwelling: up to 18 feet in height with no transit-adjacency requirements.
- Attached ADU: up to 25 feet high or as high as the primary dwelling may be under the underlying zone, whichever is lower. Jurisdiction may still limit the ADU to two stories.
- **AB 976** (2023). Prohibits local agencies from imposing owner-occupancy requirements on any ADU regardless of when the ADU was permitted.

The proposed amendments would implement these bills and bring the City's regulations into compliance with State law.

In addition, the proposed amendments would go beyond the statutory minimum to be more permissive than State ADU Law, consistent with Government Code Section 65852.2(g). The amendments would expand where ADUs are permitted. ADUs are currently allowed on lots with a proposed or existing primary residence. The proposed Zoning Text Amendments would expand the definition of ADU in AMC Section 9-5.3805 "Accessory Dwelling Units" to allow multiple ADUs in the IH Overlay (explained further below). This is consistent with Government Code Section 65583, which requires jurisdictions to encourage the development of affordable ADUs. ADUs built in the IH Overlay District would be subject to affordability requirements.

Per HCD's guidance, local jurisdictions may adopt ADU regulations that apply to ADUs that do not meet State requirements for ministerial review. ADUs in the IH Overlay would not meet the State's specified requirements and therefore, the City has created a separate review process and associated standards for ADUs in the IH Overlay, as detailed in the following section. Although ADUs in the IH Overlay would be subject to their own ministerial review process using different objective development standards, they would still be subject to State law in procedural matters, such as the calculation of impact fees, the requirement to approve or deny applications within specified time frames, and the prohibition on using an ADU as a short-term rental.

Innovative Housing (IH) Overlay District

The IH Overlay District, as codified into AMC Section 9-5.3850 by the Zoning Text Amendments, would create a new housing typology in Antioch: cottage communities. Cottage communities are clusters of at least three small residential structures. These structures, or cottages, may consist of one-unit dwellings (like a small-footprint single-family home) or two-unit dwellings (like a small-footprint duplex). Each unit within a cottage community would be considered an ADU, would be less than 1,200 sf, and would be required to have a kitchen and bathroom. Consistent with ADU law, cottages could utilize off-site construction methods or could be built on site. Figure 2 illustrates how a cottage community that meets the three-cottage minimum may range from three to six units depending on whether detached or attached ADUs are used.



Figure 2. Cottage Community Configurations

Cottage communities would be permitted on the faith sites identified on the Zoning Map and listed in Table 2 of this report. The City of Antioch has created the cottage community typology to meet a number of objectives:

- Expand affordable housing development opportunities in new places while still being sensitive to the suburban context surrounding most faith institutions.
- Increase housing affordability by allowing creative housing types that may be built more quickly and cost effectively than traditional affordable housing units in apartment buildings.
- Comply with the State mandate (Government Code Section 65583(c)(7)) for jurisdictions to facilitate the development of ADUs that can be offered at an affordable rent.
- Create a streamlined entitlement path for a housing typology that is desired amongst Antioch residents, faith-based organizations, and affordable housing stakeholders.
- Serve as an example for other jurisdictions seeking affordable housing solutions, including those that may be interested in implementing SB 4 or exceeding statutory minimum on facilitating ADU development.
- Implement Housing Element Program 2.1.7 *Support Non-Profit Housing Sponsors*, which commits the City to working with Multi-Faith ACTION Coalition and Hope Solutions to rezone sites to allow housing on properties owned by religious institutions.

Cottage communities are considered their own category of residential facilities, separate from single-family or multiple-family dwellings. Detailed development regulations are proposed for cottage communities, as shown in the summary table below. Flexibility is built into key requirements to facilitate the development of deeply affordable units and to recognize the constrained shapes and small sizes of faith-owned land available for development. It is important to note that if an applicant were to propose a project that does not comply with the by-right development standards, a Conditional Use Permit would be required and would be reviewed and acted on by the Planning Commission.

Development Standard	Regulation
Site Qualification	Sites shown with the IH Overlay District on the Zoning Map are qualified for by-right development of infill housing in the form of ADUs and applicants may submit an application to the Planning Division for ministerial review. For sites outside of the IH Overlay District, a rezone to the IH Overlay District is required through City Council approval.
Uses	Cottage communities of multiple ADUs Accessory uses such as resident amenity areas or supportive services for permanent supportive housing would also be allowed
Existing Uses Preserved	Underlying/base zoning for overlay sites still applies Religious institutions may remain on site
Affordability	100% affordable housing (for households at or below 80% of AMI), except that: <ul style="list-style-type: none"> Up to 20% of units <u>may</u> be moderate-income households (at or below 120% of AMI) and 5% of units <u>may</u> be reserved for staff of the religious institution that owns the property
Density Range	By Right: up to 15 dwelling units per acre (based on site development area and not entire parcel acreage and with one ADU counting as one unit) Conditional Use Permit required for anything greater than 15 units/acre
Height	No more than two (2) stories (up to 18 ft), except that up to 25 ft allowed when the roof is pitched with at least a slope of 6 to 12 and all parts of the roof above 18 feet are pitched.

Development Standard	Regulation
Building Footprint	Single cottages: Maximum 1,200 sq ft Duplex cottages: Maximum 2,400 sq ft
Open Space	Common open space required at a sliding scale ranging from 100-250 sq ft per unit as specified in §9-5.3850(F)(4), with certain exceptions. Developments greater than 10 units would provide at least one community amenity from a menu of six options (e.g., community garden, barbeque area).
Orientation	At least 50% of cottages abut open space. Communities with at least 15% of units affordable to extremely- or very low-income households may decrease this requirement to 40% of units.
Off-Street Parking	One space per unit Consistent with AB 1851, spaces may be shared between the religious institution and the residences for eligible projects, as codified in § 9-5.1704 “Parking Reductions.”
Setbacks	The following setbacks would apply when the development site is adjacent to a property line. <ul style="list-style-type: none"> • Front: 15 ft on arterial and collector streets, 10 ft on local streets • Interior side: 5 ft • Street side (for corner lots): 15 ft on arterial and collector streets, 10 ft on local streets • Rear: 10 ft Setback requirements would not apply when development projects are internal to the parcel.
Architectural Standards	A cohesive architectural theme would be required across all cottages.
Other Site Design Standards	Requirements for pedestrian connectivity, building separation, and waste and recycling also apply.
Impact Fees	Consistent with California ADU Law, cottages under 750 sq ft would be exempt from development impact fees. Cottages that are 750 sq ft or more would be charged a fee proportional to a 1,940-square foot single-family home (i.e., the average home size in Antioch).
Fair Housing	Housing would be subject to State and federal fair housing requirements as applicable, including prohibitions on religion-based discrimination.

Development Standard	Regulation
Review Process	Applications for cottage communities on qualified IH Overlay District sites shall be submitted to the Planning Division for ministerial processing and must include an application packet and design plans. Applications will be processed administratively by staff and reviewed for conformance with the development standards.

Table 1. Site Development Standards for the Innovative Housing (IH) Overlay District

Consistent with State legislation (SB 35, SB 330), the development criteria for cottage communities are written objectively to provide clear and straightforward design expectations and to make the application and approval process knowable and available to development applicants. Projects that comply with objective design standards are not subject to discretionary review.

Community-Driven Policy Development

Community feedback from the listening campaign has been directly incorporated in the development standards for cottage communities. Examples of this include:

- Requiring that projects be below-market-rate, affordable housing and prioritizing deeply affordable homes (i.e., providing more flexibility for projects with deeper affordability).
- Prioritizing the number of homes over other amenities while ensuring shared open spaces are used for building a sense of community (i.e., providing a smaller amount of required open space yet requiring amenities that will create touchpoints with neighbors, most of which were crowd-sourced from listening session attendees).
- Clarifying that homes will not be tied to religious practice (i.e., requiring compliance with Fair Housing laws as applicable).
- Removing barriers to development unique to faith institutions (i.e., allowing affordability covenants to be driven by development teams and their funding sources, allowing a small number of units to be reserved for staff of the religious institution, and allowing shared facilities with the faith institution for trash, parking, and recreation).
- Reducing governmental constraints to housing development (i.e., defining cottages as ADUs to ensure proportionality in impact fees and timely processing).
- Allowing “tiny homes” under 400 sq to allow greater options and a greater chance of more affordable units.

Zoning Map Amendment

As shown in Attachment C, there are thirty-three (33) sites (representing 26 faith organizations) that are proposed to have the Innovative Housing (IH) Overlay designation.

All sites are currently developed with faith institutions and have large parking lots or unused land that could accommodate residential uses in addition to the religious assembly use. Sites were selected based on their ownership status, physical capacity to accommodate real estate development, and proximity to essential services. As shown in Attachment D, most of these sites are near schools, shopping centers, and bus stops, making them good locations for affordable housing.

In total, the 33 sites make up 90 acres of land, of which approximately 80 percent (almost 70 acres) is estimated to be developable. The sites and their gross site acreage are shown in Table 2.

Map #	Faith Institution	Address	Accessor Parcel Number (APN)	Acreage
1	Cornerstone Christian Ctr.	E 18th St	51140034	2.6 acres
	Cornerstone Christian Ctr.	1715 E 18th St	51140008	1.1 acres
2	Grace Bible Fellowship	3415 Oakley Rd	51200065	9.2 acres
3	St. Johns Lutheran Church/ Antioch Christian Center	1360 E Tregallas Rd	52013015	2.4 acres
4	Antioch Seventh-day Adventist Church	2200 Country Hills Dr	55071105	4.7 acres
	Antioch Seventh-day Adventist Church	2200 Country Hills Dr	55071104	7.5 acres
5	Heritage Baptist	5200 Heidorn Ranch Rd	56130014	5.1 acres
6	Templo Santo Church	201 E 18th St	65164023	2.2 acres
7	Most Holy Rosary Catholic Church	1313 A St	65181018	1.6 acres
	Most Holy Rosary Catholic Church	1403 A St	65181014	0.9 acre
8	Jubilee Christian Center/ Pentecostal Holiness Church	11 Texas St	67283019	1 acre
9	Iglesia Ni Cristo	548 Texas St	67291026	1 acre
	Iglesia Ni Cristo	508 Texas St	67291046	0.1 acre
10	Wesleyan Church	2800 Sunset Ln	68161050	2.0 acres
11	Hillside Baptist Church	108 Hillside Rd	68181009	1.1 acres
	Hillside Baptist Church	108 Hillside Rd	68181010	1.2 acres
12	Antioch Family Church	330 Worrell Rd	68221068	1.3 acres
13	Kings Chapel of Antioch	320 Worrell Rd	68221069	2.6 acres
14	First Missionary Baptist Church	620 E Tregallas Rd	68251011	1.6 acres

Map #	Faith Institution	Address	Accessor Parcel Number (APN)	Acreage
15	The Landing Place (Acts Full Gospel East County) (formerly Salvation Army)	620 E Tregallas Rd	68251012	2.5 acres
16	Eastside Church of Christ	1020 E Tregallas Rd	68351003	3.6 acres
17	First Christian Church	2725 Minta Ln	71024013	1.2 acres
18	New Life Free Will Baptist/ Rivertown Community Church	11 Worrell Rd	71071021	0.8 acre
19	Antioch United Methodist Church on the Rock	50 Walton Ln	71080009	2.9 acres
20	First Family Church	3195 Contra Loma Blvd	71130026	4.3 acres
	First Family Church	3195 Contra Loma Blvd	71241001	2.0 acres
	First Family Church	3195 Contra Loma Blvd	71234001	0.7 acre
21	St. Ignatius of Antioch Church	3351 Contra Loma Blvd	71370026	8.0 acres
22	Palabra de Dios	501 Auto Center Dr	74130080	3.3 acres
23	Iglesia Nueva Esperanza/ Antioch Covenant Church	1919 Buchanan Rd	76231007	3.2 acres
24	The Church of Jesus Christ of Latter-day Saints	3015 Rio Grande Dr	76310001	4.3 acres
25	Journey Church	1200 Putnam St	76310003	3 acres
26	Antioch Church Family	55 E 18th St	65183036	1 acre

Table 2. List of Sites Proposed to have IH Overlay Designation

Most of the proposed IH Overlay sites are zoned R-6, which allows for the development of one single-family home on its own lot. The application of the IH Overlay would greatly increase the development potential on these sites.

Six sites (St. Ignatius of Antioch Church, Heritage Baptist, First Family Church, The Landing Place, Grace Bible Fellowship, and Iglesia Nueva Esperanza) are also identified in the Housing Element. These six sites could develop higher-density housing based on their Housing Element rezoning and in compliance with the City's Multi-Family Residential Objective Design Standards, or they could develop cottage communities under the proposed IH Overlay standards. Furthermore, any sites that qualify for streamlining under SB 4 could also use State law to develop traditional multi-family residences through the SB 4 ministerial process.

ATTACHMENTS

- A. Resolution recommending the City Council adopt Zoning Text Amendments
Exhibit A: Zoning Text Amendments
- B. Resolution recommending the City Council adopt Zoning Map Amendments
Exhibit A: Sites for Amended Zoning Map
Exhibit B: Table of Sites
- C. District Sites Map
- D. District Sites with Key Services

ATTACHMENT "A"

PLANNING COMMISSION RESOLUTION # 2023-xx

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO TITLE 9 CHAPTER 5 OF THE MUNICIPAL CODE TO IMPLEMENT STATE LEGISLATION REGARDING ACCESSORY DWELLING UNITS AND TO PERMIT MULTIPLE ACCESSORY DWELLING UNITS IN THE INNOVATIVE HOUSING (IH) OVERLAY DISTRICT (LA2023-0003)

WHEREAS, the California legislature has found that “California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives.” (Gov. Code Section 65589.5.);

WHEREAS, on January 24, 2023 the Antioch City Council adopted the 2023-2031 Housing Element update that accommodates the City of Antioch’s (City) regional housing need allocation of 3,016 housing units, comprised of 792 (26%) very-low income units, 456 (15%) low-income units, 493 (17%) moderate-income units, and 1,275 (42%) above moderate-income units;

WHEREAS, the 2023-2031 Housing Element identifies a program that sets forth a schedule of actions, each with a timeline for implementation, to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing;

WHEREAS, Housing Element Program 2.1.7 *Support Non-Profit Housing Sponsors* includes an action to “work with the Multi-Faith ACTION Coalition and Hope Solutions (Formerly Contra Costa Interfaith Housing (CCIH)) to rezone sites to allow housing on properties owned by religious institutions” consistent with the Housing Element sites inventory;

WHEREAS, State law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") (Gov. Code Section 65852.2);

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852. 2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs;

WHEREAS, Section 9-5.3805 of the Antioch Municipal Code contains the regulations implementing the State ADU Law; and

WHEREAS, State law requires the City to incentivize and promote the creation of ADUs that can be offered at affordable rents (Gov. Code Section 65583);

WHEREAS, the City may adopt less restrictive requirements for the creation of an ADU than the State’s minimum requirements and may apply additional processes to further the creation of ADUs that that would not otherwise be permitted under State law;

WHEREAS, the City was awarded a Partnership for the Bay's Future Policy Grant to develop and implement affordable housing production strategies related to faith-owned land and small footprint homes;

WHEREAS, consistent with the Housing Element, the City seeks to expand affordable housing options by streamlining the approval of affordable housing development in the form of cottage communities of multiple ADUs on religious assembly sites with unused or underutilized land;

WHEREAS, the Antioch Municipal Code (AMC) regulates development within the City of Antioch;

WHEREAS, the proposed ordinance amends the abovementioned Articles to include an Innovative Housing (IH) Overlay District and its respective definitions, development standards, and review procedures;

WHEREAS, the ordinance is not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment;

WHEREAS, the ordinance is statutorily exempt from CEQA per CEQA Guidelines Section 15282(h), which states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of State ADU Law (Gov. Code Sections 65852.1 and 65852.2);

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on October 6, 2023 for the public hearing held on October 18, 2023; and

WHEREAS, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Antioch hereby **RECOMMENDS** that the City Council adopt text amendments to Title 9 Chapter 5 of the Municipal Code to implement State legislation regarding Accessory Dwelling Units and to permit multiple accessory dwelling units in the Innovative Housing (IH) Overlay District attached hereto as Exhibit A.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 18th day of October 2023.

AYES:

NOES:

ABSTAIN:

ABSENT:

Secretary to the Planning Commission

EXHIBIT A
ZONING TEXT AMENDMENTS
(SEPARATE PAGE)

EXHIBIT A

ZONING TEXT AMENDMENTS: ACCESSORY DWELLING UNITS AND INNOVATIVE HOUSING OVERLAY

§ 9-5.203 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING UNIT (ADU). An attached or detached residential dwelling that provides complete independent living facilities for one or more persons and is either 1) located on a lot with a proposed or existing primary residence, or 2) located in the IH Overlay District. An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and

(b) A manufactured home, as defined by California Health and Safety Code Section 18007.

ACCESSORY STRUCTURE. See “building, accessory.”

ACCESSORY USE. See “use, accessory.”

AFFORDABLE HOUSING. Ownership or rental housing that is restricted by recorded document to provide the housing at an affordable housing cost, as defined in Section 50052.5 of the California Health and Safety Code, or an affordable rent, as defined in Section 50053 of the California Health and Safety Code, as applicable.

AREA MEDIAN INCOME or AMI. The midpoint of a region's income distribution, meaning that half of the households in a region earn more than the median and half earn less than the median. As used in this Code, AMI refers to the median income for Contra Costa County, which is part of the Oakland Metropolitan Statistical Area.

ASSEMBLY USE. See “use, assembly.”

ASSUMED HOUSEHOLD SIZE. Generally, a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter. However, the assumed household size is subject to the requirements of different funding sources and may differ accordingly.

...

EFFICIENCY KITCHEN means a kitchen that includes each of the following:

- (a) A cooking facility with appliances.
- (b) A food preparation counter or counters that total at least 15 square feet in area.
- (c) Food storage cabinets that total at least 30 square feet of shelf space.

...

HOUSEHOLD, EXTREMELY LOW INCOME. Persons and households whose income does not exceed 30% of the area median income, adjusted for household size and revised annually.

HOUSEHOLD, LOW INCOME. Persons and ~~families~~ households whose income does not exceed 80% of the area median income, adjusted for ~~family~~ household size and revised annually.

HOUSEHOLD, MODERATE INCOME. Persons and households whose income does not exceed 120% of the area median income, adjusted for household size and revised annually.

HOUSEHOLD, VERY LOW INCOME. Persons and ~~families~~ households whose income does not exceed 50% of the area median income, adjusted for ~~family~~ household size and revised annually.

...

JUNIOR ACCESSORY DWELLING UNIT (JADU). A residential unit that satisfies all of the following:

- (a) Is no more than 500 square feet in size.
- (b) Is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
- (c) Includes its own separate sanitation facilities, or shares sanitation facilities with the existing or proposed single-family structure.
- (d) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- (e) Includes an efficiency kitchen.

...

KITCHEN. Any room or space within a building designed to be used or maintained for the cooking and/or preparation of food. Kitchens shall contain at least 15 square feet of food preparation counter space, 30 square feet of food storage space, a sink, a refrigerator, and either a cooktop and oven or a range.

...

RELIGIOUS INSTITUTION. An organization owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multidenominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 5 (commencing with Section 9110), or as a corporation sole pursuant to Part 6 (commencing with Section 10000), of Division 2 of Title 1 of the California Corporations Code.

...

USE. The purpose for which land or premises, or a building thereon, is designed, arranged, intended, occupied or maintained.

USE, ACCESSORY. A use incidental to the principal use of a lot or of a building located on the same lot.

USE, ASSEMBLY. Land or premises used to facilitate people coming together for a common purpose. Examples of assembly uses include religious assembly (i.e., houses of worship) and public assembly (e.g., entertainment, education).

ARTICLE 3: ESTABLISHMENT OF DISTRICTS

§ 9-5.301 DISTRICTS ESTABLISHED AND DEFINED.

(A) *RE Rural Estate Residential District.*

(1) This district is consistent with the General Plan Designation of Estate Residential, allowing up to one dwelling units per gross developable acre according to divisions (a) through (c), as well as within any Focused Planning Area designated by the General Plan that permits residential development allowing up to one dwelling unit per gross developable acre.

(a) A gross developable acre equals 43,560 square feet, exclusive of public and private rights-of-way existing at the time a development application for the subject property is deemed complete.

(b) New public or private rights-of-way to be created as part of the proposed development are counted as part of the gross developable acreage of the site.

(c) Where a park or school site is to be dedicated as part of a proposed application, the land subject to such dedication may be counted as part of the gross developable acreage of the site, and subsequently yield development density to the proposed project, only if there is no further compensation for the site.

(2) This district establishes areas for single-family homes on lots that average one-half acre or larger on land that is relatively uneven and constrained by geologic formations, a lack of urban services and unique environmental constraints. Where natural features dictate, clustering of units is appropriate.

(B) *RR Rural Residential District.* This district is consistent with the General Plan Designation of Estate Residential allowing up to one dwelling units per gross developable acre, as well as with any Focused Planning Area designated by the General Plan that permits residential development, allowing up to one unit per gross developable acre, allowing large custom-built homes on large lots. Typical lot sizes should conform to a minimum of one unit per half acre lot. Lot size and dimensions will depend on topography and surrounding land uses. The district provides areas in close proximity to urban services which may incorporate many characteristics of residential development on the urban fringe including deep front yards, maintenance of existing grade and vegetation.

(C) *R-4, R-6 Single-Family Residential Districts.* These districts are the standard single-family zones allowing a maximum of four (R-4 District) or six (R-6 District) dwelling units per gross acre respectively. The districts are consistent with the Low Density Residential General Plan Designation, of two to four dwelling units per gross developable acre, and with the Medium-Low Density Residential General Plan Designation of four to six dwelling units per gross developable acre. The R-4 district is also consistent with any Focused Planning Area designated by the General Plan

permitting single family residential development up to four dwelling units per gross developable acre. The R-6 district is also consistent with any Focused Planning Area designated by the General Plan permitting single family residential development up to six dwelling units per gross developable acre.

(D) *R-10 Medium Density Residential District.* This district allows residential densities for attached single-family and multiple-family units. This district is consistent with the Medium Density Residential General Plan Designation which allows six to 10 dwelling units per gross developable acre. Typical development would include attached and/or cluster-type, ownership, oriented units including some with private yards and common recreation areas.

(E) *R-20 Medium Density Residential District.* These districts allow multiple-family densities up to 20 dwelling units per gross developable acre respectively. The districts are consistent with the High Density Residential General Plan Designation of up to 35 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived such as the provision of senior housing or low to moderate income housing units as specified within this chapter and pursuant to applicable requirements of state law.

(F) *R-25 High Density Residential District.* This district allows multiple-family development at a minimum density of 20 and a maximum density of 25 dwelling units per gross acre. This district is consistent with the High Density Residential General Plan Designation of up to 35 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived, such as the provision of senior housing or low or moderate income housing units as specified in this chapter and pursuant to applicable requirements of state law. Typical development would include multiple-family dwellings on sites that create an attractive and high-quality living environment and include amenities such as usable open space.

(G) *R-35 High Density Residential District.* This district allows multiple-family development at a minimum of 25 and maximum of 35 dwelling units per gross acre. This district is consistent with the High Density Residential General Plan Designation of up to 35 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived, such as the provision of senior housing or low to moderate income housing units as specified in this chapter and pursuant to applicable requirements of state law. Typical development would include multiple-family dwellings on sites that create an attractive and high-quality living environment and include amenities such as usable open space.

(H) *C-0 Professional Office District.* This district allows development of business office centers and institutional or professional buildings. This district is consistent with the Office, Neighborhood/Community Commercial, Regional Commercial, and Transit-

Oriented Development General Plan Designations, as well as with Focused Planning Areas permitting professional office uses.

(I) *C-1 Convenience Commercial District.* This district usually occupies one to four acres of area and contains a mix of retail uses that provide goods and services to the immediate residential neighborhood area. These uses typically have a service area of a one mile radius or less.

(J) *C-2 Neighborhood/Community Commercial District.* This district allows limited commercial offices, retail stores and service establishments which are compatible with, and dependent upon residential developments. The neighborhood district may typically occupy four to 10 acres of area and be located at appropriate arterial and/or collector street intersections. The primary purpose of the Neighborhood Commercial District is to provide for the sale of convenience goods, food, drugs, sundries and personal necessities. It meets the daily needs of the neighborhood area of a one to three mile radius. Usually one supermarket is the primary anchor. The Community Commercial District provides for both neighborhood uses and adds a junior department store, large variety store, or discount store as an anchor. This district may occupy 10 acres or more and serves residents within three to five miles. This district is consistent with the Neighborhood/Community Commercial and Transit-Oriented Development General Plan Designations, as well as with Focused Planning Areas permitting commercial land use types.

(K) *C-3 Regional Commercial District.* This district provides for retail and service commercial uses of a regional nature, including those in and adjacent to large centers with one or more full-time department stores with a typical minimum of 75,000 square feet of floor area. Regional commercial uses typically serve a population residing within an eight to 20-mile radius and occupy 30 to 50 acres or more. This district also provides for highway or travel-oriented functions along freeways, major thoroughfares, and major roadways. This district is consistent with the Regional Commercial, and Transit-Oriented Development General Plan Designations, as well as with Somersville Road Corridor Focused Planning Area and other Focused Planning Areas permitting the types of commercial uses intended for this district.

(L) *M-1 Light Industrial District.* This district allows light industrial uses and excludes those heavy industrial uses with potentially hazardous or negative effects. This district is consistent with the Business Park, Light Industrial, and Rail-Served Industrial General Plan Designations, as well as with the Eastern Waterfront, SR-4/SR-160 Business Park, and East Lone Tree Focused Planning Areas. Uses include the fabrication, assembly, processing, treatment, or packaging of finished parts or products from previously prepared materials typically within an enclosed building.

(M) *M-2 Heavy Industrial District.* This district allows heavy industrial uses which may generate adverse impacts on health or safety. This zone applies primarily to existing heavy industrial uses. The district is consistent with the General and Rail-Served Industrial General Plan Designations. Uses include production of and extraction of metals or chemical products from raw materials, steel works and finishing mills,

chemical or fertilizer plants, petroleum and gas refiners, paper mills, lumber mills, asphalt, concrete and hot mix batch plants, power generation plants, glassworks, textile mills, concrete products manufacturing and similar uses.

(N) *PBC Planned Business Center*. This district provides sites in landscaped settings for office centers, research and development facilities, limited industrial activities (including production and assembly, but no raw materials processing or bulk handling), limited warehouse type retail and commercial activities, and small-scale warehousing distribution. Individual business centers would have a common architectural and landscape treatment, while architectural variation is encouraged between centers. The district is consistent with the Business Park and Light Industrial General Plan Designations, as well as with the Somersville Road Corridor, Eastern Waterfront, SR-4/SR-160 Business Park, and East Lone Tree Focused Planning Areas.

(O) *T Manufactured Housing Combining District*. This combining zone provides a district designation which shall be applied to land uses such as manufactured housing or trailer park uses, establish rules and regulations by which the city may regulate standards of lot, yard, and park area, landscaping, walls or enclosures, signs, access, and vehicle parking in relation to mobile home or trailer parks pursuant to the powers granted to the city under the California Health and Safety Code, and name the Commission as its agent for executing the provisions of this section. The provisions of this section shall apply to travel trailer parks, recreational trailer parks, and temporary trailer parks or tent camps, unless specifically exempted by Cal. Health and Safety Code Part 2 of Division 13 or by the provisions of this chapter. This combining zone is consistent with all principal zones to which it is attached.

(P) *P-D Planned Development District*. This district accommodates various types of development, such as neighborhood and district shopping centers, professional and administrative offices multiple housing developments, single-family residential developments, commercial service centers, and industrial parks, or any other use or combination of uses which are appropriately a part of a planned development. This district is intended to enable and encourage flexibility in the design and development of land so as to promote its most appropriate use; to allow diversification in the relationship of various uses, structures, and space; to facilitate the adequate and economical provision of streets and utilities; to preserve the natural and scenic qualities of open space; to offer recreational opportunities convenient to residents to enhance the appearance of neighborhoods through the preservation of natural green spaces; and to counteract the effects of urban congestion and monotony. The minimum area required for the establishment of a residential Planned Development shall be three contiguous acres of land and the minimum area for an exclusively non-residential Planned Development shall be one contiguous acre of land.

(Q) *HPD Hillside Planned Development District*. This district is similar to the Planned Development District. The purpose of this zone is to assure the preservation of the predominant hillsides, ridges, ridgelines, and other natural features and land forms by promoting a more harmonious visual and functional relationship between the existing natural environment and the needs of a growing community.

(R) *OS Open Space/Public Use District.* This district allows undeveloped public open space and areas for public use where shown on the General Plan and in Specific Plans. This zone also can apply to public utility easements for electrical lines, gas lines and canals to prevent encroachment by urban development. This district is consistent with the Public/Institutional and Open Space General Plan Designations, as well as within Focused Planning Areas.

(S) *MCR Mixed Commercial/Residential District.* This district allows retail, office, and residential uses to exist in a compatible manner through the use of special design standards. The intent is to allow uses that do not contribute to the furthering of a commercial strip pattern. This district is compatible with the Transit-Oriented Development, General Plan Designation, as well as with Focused Planning Areas that permit mixed use development.

(T) *DSP Downtown Specific Plan District.* This district applies to the area contained within the Downtown Specific Plan planning area, adopted by the City Council on February 13, 2018, as amended. Properties with this designation are subject to the land use regulations, development standards, and other policies contained within the Downtown Specific Plan. For general matters not specifically addressed in the Downtown Specific Plan, this code shall apply.

(U) *WF Urban Waterfront District.* This district applies specifically to the Rivertown/Urban Waterfront and Eastern Employment Area Focused Planning Areas shown on the General Plan. Uses could include a mix of commercial and industrial uses generally restricted to those which are thematically compatible with a waterfront setting. Water related uses include marinas, and boat sales, and maintenance in conjunction with a marina and compatible public uses. This district is consistent with the Urban Waterfront General Plan Designation. Retail uses could include restaurants commercial, recreation, and other water oriented uses. Public open space, walkways and other elements are also allowed to provide access to the river.

(V) *H Hospital/Medical Center Overlay District.* This overlay district is intended to protect the Delta Memorial Medical Center area of influence from potentially incompatible land uses to and allow for the expansion of medical services. Compatible uses include medical offices, medical supply and retail sales, laboratories and medical related housing (short and long term care). This overlay zone is consistent with the Delta Memorial Medical Center General Plan Overlay Designation.

(W) *MUMF Mixed Use Medical Facility District.* This district accommodates medical office buildings, hospitals/acute care facilities, ancillary medical and other complementary uses including professional office, retail (as support to the medical facilities, such as restaurants, convenience shops, and the like) residential (including congregate or convalescent care), parking structures and helicopter pads. Non-medical uses are not permitted unless they are compatible with medical uses, but are otherwise not required with medical uses. The minimum area required for the establishment of a Mixed Use Medical Facility District shall be one contiguous acre of land.

(X) *SH Senior Housing Overlay District.*

(1) This overlay district provides additional densities beyond the minimum required by state law for senior housing projects that include increased percentages for elderly and/or affordable units.

(2) The Senior Housing Overlay District may be combined with any residential zoning district. The senior housing density bonus applies to housing developments consisting of five or more dwelling units.

(3) The Senior Housing Overlay District applies only to projects zoned with the overlay district prior to the effective date of this section.

(Y) *S Study District.* This district is intended as an interim designation which is utilized until all necessary detailed land use studies are completed for a given area. This district is most appropriately applied to properties at the time that they are rezoned prior to annexation by the city.

(Z) *SP Specific Plan District.* This district is intended to provide a base designation to further implement the goals, objectives, and policies of the General Plan with respect to specific areas and uses which, because of their unique character, require a more comprehensive and intense evaluation and planning effort. This district will apply to individual parcel(s) only after the adoption of a specific plan by the City Council, pursuant to Government Code § 65450 *et seq.* Within the SP zoning district, permitted uses and development standards shall be as specified in the adopted Specific Plan.

(AA) *TOD Transit-Oriented Development District.* This district is intended to provide for a mix of high-density uses that are oriented toward rail or bus transit stations within and adjacent to the city. This district thus accommodates development of an integrated mix of residential, commercial, and employment-generating uses as appropriate in both horizontal mixed-use (different types of uses located in adjacent buildings) and vertical mixed-use (different types of uses within the same building) patterns.

(BB) *RRMP Roddy Ranch Master Plan District.* This zoning designation applies to the Roddy Ranch Focus Area, as described and defined in the General Plan. This district accommodates various types of development, consistent with the General Plan, including residential, neighborhood and district shopping centers, visitor serving commercial uses as well as significant open space and recreational uses. This district is intended to enable and encourage flexibility in the design and development of the land, pursuant to a discretionary non-legislative final development plan prepared according to the regulatory zoning requirements described in this article, so as to promote its most appropriate use in the context of Roddy Ranch's unique natural qualities and existing recreational uses.

(CC) *ES Emergency Shelter Overlay District.* This overlay district provides sites suitable for the development of emergency shelters. It allows emergency shelters by right when they are developed in accordance with a set of standards and requirements.

The allowance for emergency shelters supersedes any land use regulation for shelters of the base zone; otherwise, all regulations of the base zone apply.

(DD) *CB Cannabis Business Overlay District*. This overlay district provides sites suitable for the establishment of a cannabis business when compatible with the underlying zoning designation and upon approval by the City Council.

(EE) *CIH Commercial Infill Housing Overlay District*. This overlay district provides sites suitable for the development of high-quality medium-and high- density residential mixed- use projects on infill sites in commercial areas of the city when compatible with the Commercial Infill Housing description in the Land Use Element of the Antioch General Plan. This overlay district allows residential development at a minimum of 12 dwelling units per gross acre. This overlay district is consistent with the Commercial Infill Housing General Plan description.

(FF) *IH Innovative Housing Overlay District*. This overlay district facilitates affordable housing development on sites currently developed with religious assembly uses.

ARTICLE 6: HEIGHT AND AREA REGULATIONS AND TABLE

§ 9-5.601 HEIGHT AND AREA REGULATIONS.

The following chart and text are adopted as the city's basic height and area regulations. First find the appropriate zoning district on the left hand side of the table. Read across the chart opposite the specific zone in question and the height or area requirement for that zone, or a letter, will appear in the appropriate column. If a letter appears in any cell, it refers to the, requirement listed in the footnotes following the table.

Table 9-5.601 Height, Area & Setback Regulations for Primary Structure

Table 9-5.601 Height, Area & Setback Regulations for Primary Structure

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE											
Zone	Maximum Height Feet ^b	Minimum Building Site Sq. Ft.	Minimum Lot Width in Feet		Maximum Lot Coverage	Minimum Density Allowed (Units per Gross Developable Acre)	Maximum Density Allowed Units Per Gross Developable Acre ^d	Front Yard Minimum ^a	Minimum Side Yard Required in Feet ^c		Minimum Rear Yard Required in Feet
			Corner	Interior					Corner	Interior	
RE	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
RR	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
CIH	IN COMPLIANCE WITH THE COMMERCIAL INFILL HOUSING OVERLAY DISTRICT OBJECTIVE DESIGN STANDARDS DOCUMENT.										
IH	<u>IN COMPLIANCE WITH THE INNOVATIVE HOUSING OVERLAY DISTRICT OBJECTIVE STANDARDS IN §9-5.3850.</u>										
R-4	35	6,000	65	60	40%	NA	4 du/acre	f	f	5 ft.	20 ft.
R-6	35	6,000	65	60	40%	NA	6 du/acre	f	f	5 ft.	20 ft.
R-10	45	6,000	65	60	40%	NA	10 du/acre	f	f	5 ft.	10 ft.
R-20	45	20,000	70	70	40%	NA	20 du/acre	f	f	5 ft.	10 ft.
R-25	45	20,000	70	70	50%	20 du/acre	25 du/acre	f	f	5 ft.	10 ft. ^m
R-35	45	20,000	70	70	50%	25 du/acre	35 du/acre	f	f	5 ft.	10 ft. ^m
PBC	35	20,000	65	60	35%	NA	0	f	f	0 ft.	0 ft.
C-0	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
C-1	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE											
Zone	Maximum Height Feet ^b	Minimum Building Site Sq. Ft.	Minimum Lot Width in Feet		Maximum Lot Coverage ^e	Minimum Density Allowed (Units per Gross Developable Acre)	Maximum Density Allowed Units Per Gross Developable Acre ^d	Front Yard Minimum	Minimum Side Yard Required in Feet ^c		Minimum Rear Yard Required in Feet
			Corner	Interior					Corner	Interior	
C-2	35	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
C-3	70	20,000	65	60	35%	NA	0	f	f	0 ft.	10 ft.
MCR ^j	45	6,500	65	60	50%	NA	20 du/acre	f	f	5 ft.	10 ft.
RTC ^j	50	2,500	25 ^g	25 ^g	100%	NA	20 ^h	0 ⁱ	0 ⁱ	0 ft.	0 ft.
RTR- 10	45	3,500	45	45	50%	NA	12	15	10	5 ft.	15 ft.
RTR- 20	45	20,000	100	100	50%	NA	20	15	10	5 ft.	10 ft.
WF	45	6,500	60	60	60%	NA	0	0	0	0 ft.	0 ft.
M-1	45	40,000	100	100	50%	NA	0	f	f	0 ft.	0 ft.
M-2	70	40,000	100	100	50%	NA	0	f	f	0 ft.	0 ft.
HPD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
PD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
RRMP	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS IN A MANNER CONSISTENT WITH ARTICLE 41 OF THE MUNICIPAL CODE										
TOD	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
H	70	SAME AS C-0 ZONE ^k									

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE											
Zone	Maximum Height Feet ^b	Minimum Building Site Sq. Ft.	Minimum Lot Width in Feet		Maximum Lot Coverage ^c	Minimum Density Allowed (Units per Gross Developable Acre)	Maximum Density Allowed Units Per Gross Developable Acre ^d	Front Yard Minimum	Minimum Side Yard Required in Feet ^e		Minimum Rear Yard Required in Feet
			Corner	Interior					Corner	Interior	
OS	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
S	TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS										
SH	SAME AS UNDERLYING BASE ZONE										
T	SAME AS UNDERLYING BASE ZONE										

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE

^a	Where 40% or more of the frontage (excluding reversed frontage lots) in a block has been improved with buildings, the minimum required front yard for main buildings shall be the average of the improved lots if less than the front yard requirements, but not less than six feet from the property line.
^b	Height shall mean the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the structure, excluding below ground basements, to the topmost point of the roof. Exceptions to the specified height limitation shall include the spires, belfries, cupolas and domes of churches, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, chimneys, smokestacks, flag poles, radio towers, excluding wireless communications facilities subject to § 9-5.3846, equipment penthouses encompassing less than 20% of total roof area and less than eight feet in height, and parapets less than 30 inches in height, unless otherwise governed by this chapter.
^c	Minimum lot area in all zones shall not apply to the condominium parcelization of a larger project where land is being divided for individual building envelopes.
^d	Maximum density allowed is defined in the city General Plan as per the maximum developable gross acreage definition found in this chapter.
^e	For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10- foot side yard area shall remain as unrestricted open area. This shall also apply to all two-story single-family residential lots. On any parcel of land of an average width of less than 50 feet, which parcel was under one ownership or is shown as a lot on any subdivision map filed in the office of the County Recorder prior to April 11, 1950, when the owner thereof owns no adjoining land, the width of each side yard may be reduced to 10% of the width of such parcel, but in no case to less than three feet.
^f	<p>Front yard and street side setbacks shall be reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows:</p> <ol style="list-style-type: none"> (1) Non-residential uses. <ul style="list-style-type: none"> Arterial street: minimum 30-foot setback with 30-foot landscaping on all frontages. Collector street: minimum 25-foot setback with 25-foot landscaping. Local street: minimum 20-foot setback with 20-foot landscaping. (2) Single-family detached and two-family dwelling uses. <ul style="list-style-type: none"> Arterial street: minimum 30-foot setback with 30-foot landscaping on all frontages. Collector street: minimum 25-foot setback and landscaping for front yard and 10-foot street side yard setback with landscaping Local street: minimum 20-foot front yard setback with 20 foot of landscaping and 10-foot street side yard setback with landscaping. (3) Multi-family dwelling uses. <ul style="list-style-type: none"> Arterial street: minimum 15-foot setback with 15-foot landscaping on all frontages. Collector street: minimum 15-foot setback with 15-foot landscaping. Local street: minimum 10-foot setback with 10-foot landscaping.
^g	New construction with frontage in excess of the minimum lot width shall reflect the pattern of building widths in facade design.

HEIGHT, AREA & SETBACK REGULATIONS FOR PRIMARY STRUCTURE	
^h	<p>Within the area bounded by the Burlington Northern Santa Fe Railroad, “T” Street, Second Street, and “E” Street, residential density may be increased to 45 dwelling units per acre provided:</p> <ol style="list-style-type: none"> (1) The residential use is part of a mixed use development with the entire first floor devoted to commercial use; (2) The proposed development provides public amenities as described in § 4 (relating to residential use in RTC); and (3) The project has received use permit approval from the Planning Commission.
ⁱ	<p>Buildings in the RTC district shall be placed on the property line except for:</p> <ol style="list-style-type: none"> (1) Setbacks to accommodate outdoor dining and plazas, provided that such setbacks do not exceed a depth of one-third of the lot depth; (2) Courtyards, promenades, and plazas located on any portion of the site; and (3) Where a setback is necessary to maintain the uniform setback of building facades.
^j	<p>The first floor of a building shall extend from property line to property line except:</p> <ol style="list-style-type: none"> (1) In setback areas for outdoor dining, plazas; and (2) For required vehicular or pedestrian access.
^k	Notwithstanding any other provisions of this chapter for yard requirements, in any residential district the front of any garage shall be not less than 20 feet from the exterior property line on which such garage faces.
^l	For projects that consist of attached single-family dwellings (townhomes), in which each dwelling occupies its own lots, the minimum lot area is 1,800 square feet and the minimum required interior side setback is zero.
^m	Where a multi-family dwelling abuts a lot that is zoned RR, RE, R4 or R6, a minimum rear yard of 20 feet shall be provided.

ARTICLE 7: MULTI-FAMILY RESIDENTIAL OBJECTIVE DESIGN STANDARDS

§ 9-5.701 PURPOSE AND APPLICABILITY.

Multi-family Residential Objective Design Standards apply to residential mixed use and multiple-family dwellings in any district in which they are permitted or conditionally permitted, except for projects in the CIH Overlay, which are subject to § 9-5.3848 Commercial Infill Housing Overlay District regulations, and cottage communities in the IH Overlay, which are subject to § 9-5.3850 Innovative Housing Overlay District regulations. Multi-family Residential Objective Design Standards shall be adopted by resolution and may be amended from time to time. The purpose of these regulations is to promote high-quality design and provide a pleasant residential environment within the context of higher-density development; ensure the provision of amenities for residents of multi-family developments; foster pedestrian access; and create visually attractive street frontages that offer architectural and landscape interest.

§ 9-5.702 PROCEDURES.

The Planning Commission may allow modifications to the dimensional requirements, design standards, and other requirements of the Multi-family Residential Objective Design Standards and IH Overlay District regulations when so doing is consistent with the purposes of the General Plan and the district and would, because of practical difficulties, topography, and similar physical conditions, result in better design, environmental protection, and land use planning. The Zoning Administrator may review and approve modifications that are requested because a lot is substandard. All other modifications shall require Planning Commission approval. All modifications under this section shall be processed as use permits pursuant to the procedures of Article 27 of this Code.

(A) Required findings for approval. In addition to any findings required by § 9-5.2703 of this Code, the Administrator or the Planning Commission may only approve a modification to the requirements of this article based on the following findings:

- (1) The project is consistent with the General Plan and any applicable area or specific plan.
- (2) The modification meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations.
- (3) The modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance including the architectural or historical significance of the structure, and building or site features that will demonstrably reduce use of nonrenewable energy resources or greenhouse gas emissions.
- (4) There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.

(5) The granting of the requested modification will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this chapter.

(6) If the modification is requested because it will result in superior or more sustainable design, the review authority must also make the following findings:

(a) The proposed design is of superior quality or is intended to incorporate features that would demonstrably reduce use of nonrenewable energy resources or greenhouse gas emissions;

(b) The structure is an existing residential building and the alteration or addition is intended to increase the habitability and function of the structure, is compatible with the existing neighborhood character, will not substantially interfere with the privacy, sunlight, or air available to neighboring residential uses; and

(c) The proposed design has been reviewed and approved pursuant to Article 26: Design Review Duties and Responsibilities, of this chapter.

(B) Conditions of approval. In approving a modification, the Planning Commission may impose reasonable conditions deemed necessary to:

(1) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;

(2) Achieve the general purposes of this chapter or the specific purposes of the zoning district in which the project is located;

(3) Achieve the findings for a modification granted; or

(4) Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

(C) Appeals, expiration, extensions, and modifications.

(1) Appeals. The applicant or any other aggrieved party may appeal a decision on a modification in the same manner as a use permit as provided for in Article 27, Design Review, Use Permits, Administrative Use Permits and Variances.

(2) Expiration, extensions, and modifications. Modifications granted under this chapter are effective and may only be extended or modified as provided for in Article 27.

(D) Applicability. These procedures are not applicable to a project that is entitled to a density bonus concession or waiver pursuant to Article 34, Senior Housing Overlay District, or Article 35, Density Bonus Program, of this Code and may not be used to approve an increase in maximum density or reduction in required parking or to approve a use that is not permitted on the site proposed for development.

ARTICLE 17: PARKING REQUIREMENTS

§ 9-5.1701 PURPOSE.

The specific purposes of the off-street parking and loading regulations are to:

(A) Ensure that off-street parking and loading facilities are provided for new land uses and for enlargements of existing uses in proportion to the need for such facilities created by each use.

(B) Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.

(C) Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and where appropriate, insulate surrounding land uses from adverse impacts.

(D) Contribute to a balanced transportation system with a choice of transit, bicycle, pedestrian, and private automobile modes.

(E) Encourage the use of bicycles by providing safe and convenient places to park bicycles.

(F) Facilitate the development of common parking area that serve multiple establishments or uses.

(G) Minimize the area of land consumed by parking by allowing reductions to the number of required spaces near major transit stations, for uses with lower parking demand characteristics, and for shared parking facilities serving uses with different peak demand times.

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 2089-C-S, passed 6-24-14)

§ 9-5.1702 BASIC REQUIREMENTS.

(A) At the time of initial occupancy of a site, construction of a structure, or alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this chapter. Any building or structure moved from one lot to another shall provide parking as required for a new building.

(B) The number of additional parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be provided before the alteration, enlargement, or change of occupancy is allowed.

(C) If more than one use is located on a site other than a shopping center, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the required spaces prescribed for each use, with the following exception:

(1) Shared parking is permitted when residential land uses are added to sites

currently developed with religious assembly uses per § 9-5.1704(F).

(D) Off-street parking and loading facilities required by this article for any use shall not be considered as providing parking spaces or loading berths for any other use except where a shared parking arrangement applies or a joint facility exists, including shared parking for residential and religious assembly uses per § 9-5.1704(F). Such a facility shall contain not less than the total number of spaces or berths as required individually, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict, according to the procedures and required findings of § 9-5.1704, Parking Reductions.

(E) Parking ratios for shopping center uses shall assume 90% of the available spaces are located at the front of a building. No more than 10% of the required parking is to be provided at the rear of a building and this parking should be designated and enforced as employee parking.

(F) If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of more than one-half, and no space or berth shall be required for a fraction of one-half or less.

(G) Any off-street parking specifically required for a given use shall be without charge.

(H) Off-street parking must be located on the same site as the use it serves, except where off-site parking has been approved according to the procedures and standards of § 9-5.1705, Off-Site Parking Facilities.

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 2089-C-S, passed 6-24-14) Penalty, see § 9-5.2904

§ 9-5.1703 [RESERVED].

§ 9-5.1703.1 OFF-STREET PARKING REQUIREMENTS BY USE

(A) Off-street motor vehicle parking spaces shall be provided according to the following table. Each land use shall be provided with at least the number of off-street parking spaces stated in the table.

(B) When the table does not list a proposed use, the Zoning Administrator shall determine the most appropriate equivalent use and the number of parking and loading spaces required. In order to make this determination, the Zoning Administrator may require the submission of survey data from the applicant or direct a study to be conducted at the applicant's expense. The Administrator's determination may be based on the most recent data published by the Institute of Transportation Engineers or comparable analyses.

<i>TABLE: 9-5.1703.1: OFF-STREET PARKING REQUIRED</i>	
<i>Use Classification</i>	<i>Off-Street Parking Spaces</i>

RESIDENTIAL	
Multi-family residential	1.5 spaces per unit up to 2 bedrooms; one space to be covered
	2 spaces per unit = 3 bedrooms; one space to be covered plus 1 space per 5 units for guest parking (Applies to all multi-family units)
Convalescent facilities	1 per 2 residents
Single-family residential (attached)	2 spaces per unit, one of which must be covered, plus 1 space per 5 units for guest parking
Single-family residential (detached)	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served
Elderly residential (Senior Housing Overlay) ^A	.75 covered space per unit, plus guest parking as determined during project review
<u>Accessory Dwelling Units and Junior Accessory Dwelling Units</u>	<u>See § 9-5.3805</u>
<u>Cottage Communities</u>	<u>1 space per unit. May be shared with religious assembly use</u>
PUBLIC AND SEMI-PUBLIC	
Clubs and lodges	1 per 100 sq. ft. of floor area which is used for assembly purposes

Emergency shelters	1 space per employee on the largest shift plus 0.30 spaces per bed
Day care, general and preschools	1 per employee on the largest shift plus 1 per 8 children
Government offices	1 per 250 sq. ft. of gross floor area
Hospitals	1 per bed, plus 1 space per employee on the largest shift
Maintenance and service facilities	1 per 400 sq. ft. of gross floor area
Park and Recreation Facilities	As specified by zoning permit or use permit for private facilities based upon I.T.E. studies
Public Safety Facilities	As specified by use permit
Religious assembly	1 per 4 fixed seats, and/or 1 per 50 sq. ft. of seating area if there are no fixed seats
Schools, public or private	As specified by use permit, as per I.T.E. studies
Utilities, major	As specified by use permit, as per I.T.E. studies
COMMERCIAL/RETAIL/OFFICE	
Ambulance services	1 per ambulance, plus 1 per employee on the largest shift
Animal sales and services:	
Animal boarding	1 per 400 sq. ft. of gross floor area
Animal grooming	1 per 400 sq. ft. of gross floor area

Animal hospitals (veterinary clinic)	1 per 250 sq. ft. of gross floor area
Artists' studios	1 per 1,000 sq. ft. of gross floor area
Banks and savings and loans:	1 per 250 sq. ft. of gross floor area
Drive-up service	Queue space for 5 cars per teller
Building materials and services; hardware	1 per 300 sq. ft. of sales floor area; plus 1 per 1,000 sq. ft. of outdoor storage and/or interior warehouse area
Chapels and mortuaries	1 per 3 seats and/or; 1 per 50 sq. ft. of seating area if no fixed seats
Commercial recreational and entertainment:	
Bowling alleys	6 per lane
Electronic game centers	1 per 2 machines
Golf courses	4 per each hole, plus 1 per 200 sq. ft. of floor area
Gymnasium	1 per 100 sq. ft. of floor area
Skating rinks	1 per 3 fixed seats, and/or 1 per 50 sq. ft. of seating area if there are no fixed seats; plus 1 per 75 sq. ft. of floor area for skating
Swimming pools	1 per 150 sq. ft. of pool area
Tennis and racquetball clubs	4 per court
Theaters	1 per 3 fixed seats, and/or 1 per 35 sq. ft. of seating area if there are no fixed seats

Other commercial recreation and entertainment	As specified by the Zoning Administrator, as per I.T.E. studies
Computer gaming and internet access business	As specified by use permit and required parking study (§ 9-5.3835)
Eating and drinking establishments:	1 per employee on the largest shift
General restaurant	1 per 3 seats
Cocktail lounge/bar	1 per 2.5 seats
Fast food	1 per 50 sq. ft. of gross floor area for public seating plus queue space for 6 cars if drive-up service provided
With outdoor seating	1 additional space per 3 seats
Take-out only/no seating	1 per employee on the largest shift plus additional spaces as determined by the Zoning Administrator
Gas station/ service station ^B	2 per service bay plus 1 per employee on the largest shift; with no less than 4 parking spaces provided
Gymnasium	1 per 100 sq. ft. of floor space
Health clubs	1 per 200 sq. ft. of floor space
Nurseries	1 per 1,000 sq. ft. of outside display and/or interior warehouse area, plus 1 per 300 sq. ft. of sales floor area
Offices, business, and professional	1 per 250 sq. ft. of gross floor area

Offices, medical and dental	1 per 225 sq. ft. of gross floor area
Music or dance studio, martial arts training or similar facility	1 per 250 sq. ft. of gross floor area
Mini-storage	1 per 100 rental units plus 1 per caretaker
Personal services (barber shop, beauty shop)	2 spaces per chair
Recycling facility:	
Large collection	6 spaces per facility minimum
Processing facility	10 spaces per facility minimum
Research and community development	1 per 250 sq. ft. of gross floor area
Retail sales not listed under another use classification	5 spaces/1000 sq. ft. of gross floor area
Shopping center	5 spaces/1000 sq. ft. of gross floor area
Furniture and appliance stores, households equipment, and furniture repair and warehouse sale	1 per 400 sq. ft. of gross floor area
Automobile rentals	1 per 4,000 sq. ft. of outdoor area plus 1 per rental vehicle
Automobile washing:	
Fully automated	7 spaces outside washing area
Coin-operated	1 queuing space per bay
Vehicle/equipment repair	4 per service bay or 1 per 225 sq. ft. of gross floor area whichever is greater

Vehicle/equipment sales and rentals, and other outdoor storage	1 per 4,000 sq. ft. of outdoor display area
Visitor accommodations:	
Bed and breakfast inns	1 per guest room; plus 2 spaces
Hotels, motels and time share facilities	1 per guest room; plus 1 per employee on the largest shift and one per 50 sq. ft. of banquet or conference seating area
Warehousing, distribution, storage	1 per 1,000 sq. ft. of gross floor area
INDUSTRIAL	
Light manufacturing	1 per 400 sq. ft. of gross floor area
Heavy manufacturing	1 per employee on the largest shift
^A Parking for senior housing projects may be reduced during project review to less than 0.75 space per unit based upon residents' ages and vehicle ownership patterns and must be documented by studies prepared by the project proponents, according to the procedure and findings in § 9-5.1704 , Parking Reductions.	
^B For a service station combined with a food mart, one space per 250 square feet of retail sales area shall be provided (office and bathroom areas may be excluded from calculations) in addition to the required employee parking, and service bay parking, if any. In no case shall there be less than four spaces provided for a service station or six spaces provided for a service station combined with a food mart. If combined with a towing service, in addition to the above requirements, one additional space per towing vehicle shall be provided at the rear of the site.	

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 930-C-S, passed 7-29-97; Am. Ord. 1064-C-S, passed 12-13-05; Am. Ord. 2075-C-S, passed 11-26-13; Am. Ord. 2089-C-S, passed 6-24-14) Penalty, see § [9-5.2904](#)

§ 9-5.1704 PARKING REDUCTIONS.

(A) *Purpose.* The purpose of this section is to establish procedures and criteria for allowing reductions to the number of required automobile parking spaces for projects that

are anticipated to generate lower-than-usual parking demand due to factors such as proximity to major transit stops and stations, the characteristics of the use, or implementation of transportation demand management measures, as well as for shared parking facilities serving uses with different peak demand times. These provisions are also intended to allow modifications to parking standards when necessary to preserve the architectural or historical character of a structure or property.

(B) *Qualifying projects.* Reduced parking requirements may be considered for the following types of projects:

(1) *Senior housing.* The required parking for a senior housing development may be reduced below the normally required 0.75 spaces per dwelling unit for projects anticipated to generate lower parking demand due to vehicle ownership patterns of the residents and/or characteristics of the project (e.g., proximity to commercial services, proximity to public transportation systems).

(2) *Shared (joint) parking facilities.* Parking facilities that are cooperatively established and operated to serve multiple uses and these uses generate parking demands primarily during hours when the remaining uses are not in operation.

(a) The addition of residential units to religious assembly sites shall be deemed an appropriate use case for shared parking facilities.

(3) *Transit-supportive development.* Residential or mixed-use projects that contain no more than 50 dwelling units and are located within one-half mile of a major transit stop.

(4) *Infill sites.* Residential or mixed-use projects that contain no more than 30 dwelling units and are located on infill sites.

(5) *Uses near public parking facilities.* Uses located within one-quarter mile of a publicly accessible parking facility, the use of which is not limited to a specific business or activity during the use's peak parking demand. Such parking facilities shall meet the requirements of § [9-5.1705](#), Parking Location/Off-Site Parking Facilities.

(6) *Projects incorporating TDM measures.* Projects for which the developer proposes a set of transportation demand management (TDM) measures-such as rideshare programs, shuttle services, bicycle trip-end facilities, staggered work shifts, and telecommuting programs-projected to reduce parking demand generated by the use. Such projects shall be required to document the implementation and impacts of such programs, as described in division (E), Monitoring of TDM Programs, below.

(7) *Historic structures.* Projects for which allowing a reduction in the number of required spaces (and/or modifications to dimensional requirements for parking areas) will facilitate the re-use of an existing building that is an historic resource as defined by the State Public Resources Code or is a designated historic building.

(C) *Procedure.* A request for a reduction to the number of parking spaces consistent with the requirements of this section shall be processed as a use permit, according to the procedures of Article 27-, except for residential development on religious assembly sites, which is regulated according to division (F). Any parking reduction that is not in

accordance with this section (i.e., is not a qualifying project pursuant to division s (B) or (F) or cannot meet the findings for approval in division (D)) shall require a variance.

(1) *Application materials.* In addition to other application materials required for the consideration of the use permit, the Zoning Administrator may require submission of a parking demand study prepared by an independent traffic engineering professional approved by the city that substantiates the basis for granting a reduction in required parking spaces.

(2) *Parking demand study.* In order to evaluate a proposed project's compliance with the required findings for approval, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:

(a) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.

(b) A survey of existing on-street and on-site parking within 350 feet of the project site.

(c) Parking requirements for the net change in square footage and/or change in use, based on the requirements of § [9-5.1703.1](#), Off-Street Parking Requirements by Use.

(d) Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the city may require the applicant to conduct a parking demand survey of a development similar to the proposed project.

(e) Comparison of proposed parking supply with parking requirements and net change in parking demand.

(f) A shared parking analysis, as appropriate.

(g) A description of proposed transportation demand management measures, such as preferential carpool spaces, telecommuting or staggered work shifts, provision of transit passes or other transit incentives for residents or employees, incorporation of spaces for car share vehicles, bicycles, or other measures that will result in reduced parking demand.

(h) Other information as required by the city.

(D) *Required findings for approval.* Except as outlined in division (F), ~~in~~ addition to the required findings for approval of any use permit in § [9-5.2703](#), Required Findings, an application for a use permit for a parking reduction may only be approved if the Zoning Administrator or the Planning Commission makes all of the findings of this section that are applicable to the particular project, as stated.

(1) *All projects.* For any project for which a parking reduction is requested, the Zoning Administrator or the Planning Commission must make all of the following findings based on information in the record:

- (a) The use will adequately be served by the proposed parking;
- (b) Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area; and
- (c) If required, a parking demand study prepared by an independent traffic engineering professional approved by the city supports the proposed reduction.

(2) *Shared (joint) parking.* Where a shared parking facility serving more than one use is proposed, the Zoning Administrator or Planning Commission may only approve a parking reduction if it finds that:

- (a) The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
- (b) The proposed shared parking to be provided will be adequate to serve each use;
- (c) A written agreement between landowner(s) and the city, in a form satisfactory to the City Attorney, has been submitted to and approved by the Zoning Administrator. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land and shall include:

1. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
2. A guarantee among the landowner(s) for access to and use of the shared parking facilities;
3. A provision that the city may require parking facilities in addition to those originally approved upon a finding that adequate parking to serve the use(s) has not been provided; and
4. A provision stating that the agreement shall not be modified or terminated without the approval of the Community Development Director and City Attorney.

(3) *Other parking reductions.* For applications for a parking reduction that do not involve a shared parking facility, the Zoning Administrator or Planning Commission may only approve a use permit if it finds that special conditions-including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program-will reduce parking demand at the site below the level of the normal requirement.

(E) *Monitoring of TDM programs.* Any project that is granted a parking reduction on the basis of TDM measures that will be incorporated to reduce parking demand shall submit an Annual Status Report to the city. The report shall be in a manner prescribed by the Zoning Administrator, and shall describe the implementation and maintenance of TDM measures and the parking demand generated by the project. Annual Status Reports will be reviewed to determine if property owners have implemented and/or maintained the TDM program. City staff may request auditable documentation to determine compliance.

(1) *Revocations.* A use permit issued to allow a parking reduction may be revoked by the Planning Commission according to the procedure in § [9-5.2707.1](#), Violation, Revocation, Fine.

(2) After holding a hearing, the Planning Commission may revoke or modify the use permit for a parking reduction if any one (or more) of the following findings are made:

(a) The use permit was obtained by misrepresentation or fraud.

(b) The land use for which the permit was granted has ceased or has been suspended for six or more consecutive calendar months.

(c) The conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law or regulation.

(F) *Residential development on religious assembly sites.* Notwithstanding divisions (C) and (D), parking reductions and shared parking arrangements are permitted for religious assembly sites to accommodate residential development of four or more units as outlined below.

(1) *Qualification.*

(a) The proposed housing development must be located on or adjacent to the religious-use parking.

(b) A religious institution must own the site (whether directly, through a wholly owned company or corporation, or through an affiliated or associated nonprofit public benefit corporation), or the religious institution must have entered into an agreement or transaction (including a land sale) with a housing developer.

(c) The housing development project must meet at least one of the following - criteria:

1. Rent or sell at least 5 percent of units, excluding any density bonus, at amounts affordable to very low-income households for at least 20 years.

2. Rent or sell at least 10 percent of units, excluding any density bonus, at amounts affordable to low-income households for at least 20 years.

3. Meet one of the criteria in California Government Code Section 65915(b)(1)(C) through § 65915(b)(1)(G), inclusive, also known as State Density Bonus Law.

(c) Consistent with California Government Code Section 65915(c)(3), the housing development project must replace eligible on-site rental housing units that are demolished or removed.

(2) *Existing parking.* The curing or correcting of nonconforming religious assembly parking is not required unless there is a threat to public health and safety.

(3) *Parking reduction.* The number of existing religious assembly parking spaces on-site may be eliminated by up to 50 percent to accommodate the construction of the residential development. The remaining parking may be shared by the religious assembly use and residential use. If the post-construction parking accommodates at least one on-site parking space per residential unit, no parking studies are required and the City shall ministerially approve the parking reduction and shared parking agreement.

(a) A parking ratio of less than one parking space per residential unit may apply in certain cases, such as for sites are within one-half mile walking distance of a major transit stop, consistent with California Government Code Section 65913.6(f)(3).

(b) Development projects that remove more than 50 percent of the existing religious assembly parking are only permitted if the remaining parking meets the required off-street parking for religious assembly uses.

(4) *Shared (joint) parking.* Any shared parking agreements shall be shared in writing with the Zoning Administrator and shall include:

(a) A guarantee that there will be no substantial alteration beyond the approved uses that will create a greater demand for parking;

(b) A guarantee among the landowner(s) for access to and use of the shared parking facilities; and

(c) A provision stating that the agreement shall not be modified or terminated without the approval of the Community Development Director.

(5) *Additional reductions.* Eligible projects may request additional parking reductions to allow parking ratios less than one space per unit either:

(a) Pursuant to this article (e.g., senior housing, transit-supported development, projects incorporating TDM measures, etc.) and in adherence with the requirements and procedures of divisions (C) through (E), or

(b) Pursuant to State Density Bonus Law and in adherence with the requirements and procedures of Article 35.

(Ord. 2089-C-S, passed 6-24-14)

ARTICLE 38: LAND USE REGULATIONS

§ 9-5.3801 SUMMARY OF ZONING DISTRICTS.

The following is a summary of all zoning districts. (*Note: The Study District (S) is not included in the proceeding chart as the ultimate land uses for such a district are not determined until all necessary studies are completed and the appropriate land use designations can be applied.*)

RE	Rural Estate District: 0-2 du/acre
RR	Rural Residential District: 0-2 du/acre
R-4	Single-Family Low Density Residential District: 2-4 du/acre
R-6	Single-Family Low Density Residential District: 4-6 du/acre
R-10	Medium Density Residential District: 6-10 du/acre
R-20	Medium Density Residential District: 11-20 du/acre
R-25	High Density Residential District: 20-25 du/acre
R-35	High Density Residential District: 30-35 du/acre
PBC	Planned Business Center District
C-0	Professional Office District
C-1	Convenience Commercial District
C-2	Neighborhood/Community Commercial District
C-3	Regional Commercial District
SP	Specific Plan
MCR	Mixed Commercial/Residential District
WF	Urban Waterfront District
OS	Open Space/Public Use District
M-1	Light Industrial District
M-2	Heavy Industrial District
H	Hospital/Medical Center Overlay District
PD	Planned Development District

HPD Hillside Planned Development District
T Manufactured Housing Combining District
SH Senior Housing Overlay District
ES Emergency Shelter Overlay District
S Study District
MUMF Mixed Use Medical Facility District
P Exclusive Parking District
CB Cannabis Business Overlay District

CB 1: The area designated as the Cannabis Business Overlay District prior to August 1, 2021. CB 1 allows the broadest range of cannabis businesses.

CB 2 Downtown Antioch: The area designated as Mixed Use within the Downtown Specific Plan. CB 2 allows storefront retail only.

CB 3 Somersville District: The area bounded by Buchanan Rd., Delta Fair Blvd., and Fairview Dr. CB 3 allows storefront retail only.

TH Transitional Housing Overlay District

CIH Commercial Infill Housing Overlay District

IH Innovative Housing Overlay District

§ 9-5.3802 INTRODUCTION TO LAND USE REGULATIONS.

(A) The charts and text in § [9-5.3803](#) are adopted as the city's basic land use regulations. The uses shown in this chart are divided into five groups:

- (1) Residential;
- (2) Public and semi-public;
- (3) Commercial;
- (4) Industrial; and
- (5) Temporary uses.

(B) To determine in which zone a specific use is allowed:

- (1) Find the use on the left hand side of the table.

(2) Read across the chart until either a number or a letter appears in one of the columns.

(3) If a number appears, this means that the use is allowed in the zone represented by that column, but only if certain special requirements are met. The requirements applicable to that use are listed in this article. The number appearing in the zoning column corresponds to the number of the footnote.

(4) If a “P” appears in the column, the use is permitted in that zone by right. If a “U” appears in the column, a use permit is required. If an “A” appears, an administrative use permit is required which can be issued by the Zoning Administrator or designated staff. If no letter or number appears in the column, then the use is not allowed in that zone.

(5) The Planning Commission shall interpret the appropriate zone for any land use not specifically mentioned in this chart and not similar to any use listed.

(6) If a specific use does not appear in the chart, contact the Community Development Department for assistance.

(7) In the Hillside Planned Development (HPD), Planned Development (PD), Combining (B), Manufactured Housing Combining (T), and Senior Housing Overlay (SH) Districts use permit approval is required for all uses.

(8) In the Mixed Use Medical Facility (MUF) District, a final development plan and use permit approval is required for all uses. Processing of final development plans and use permits in the MUMF District shall be as outlined in the Planned Development District (PD) section of this chapter.

(C) Legend.

P Permitted by right

U Use permit

A Administrative use permit

(—) Not allowed

(*) Regulations of base zoning district apply

(1 to 29) - See Land Use Footnotes

§ 9-5.3803 TABLE OF LAND USE REGULATIONS.

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
RESIDENTIAL USES																							
Day-care centers(§ 9- 5.3832)	U	U	U	U	U	U	U	U	U	U	U	U	U	U	—	U	—	U	*	—	—	—	—¹⁸
Day-care: largefamily (§ 9-5.3818)	A	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	—	—	*	—	—	A	—
Day-care: smallfamily (§ 9-5.3817)	P	P	P	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	*	—	—	P	—
Senior Group Housing	U	U	U	U	U	U	U	—	—	—	—	—	U	—	—	—	—	U	*	—	—	—	P
Family care home	P	P	P	P	P	P		—	—	—	—	—	U	—	—	—	—	—		—	—	—	P
Fraternity- sorority house/ dormitory	U	U	U	U	U	U	U	—	—	—	—	—	U	—	—	—	—	—	*	—	—	—	—
Home occupations	A	A	A	A	A	A	A						A	—	—	—	—	—	*	—	—	P	P
Hospice ¹⁰	—	—	U	U	U	U	U	—	U	U	—	—	U	—	—	—	—	U ₂	*	—	—	—	—

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB	TH	CIH ₁₄	III
Low Barrier Navigation Center												P					P	P		P	P	P
Manufactured, modular home; mobile home (§9-5.3804)	P	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	*	—	—	—	—
Mobile homepark	—	—	U	U	U	U	—	—	—	—	—	—	—	—	—	—	—	*	—	—	—	—
Multiple- family: condominium , apartment, town-house (§9- 5.3820)	—	—	P ¹¹	P ¹¹	P ₁₁	P ₁₁	—	—	—	—	—	P ¹¹	—	—	—	—	U ₂	*	—	—	P ¹⁵ U ¹⁶	— ¹⁹
Recreational vehicle park (§9-5.3830)	—	—	—	—	—	—	—	—	—	—	U	—	U	—	—	—	—	*	—	—	—	—
Residential care facility ¹⁰	—	—	U	U	U	U	—	U	U	—	—	U	—	—	—	—	U	*	—	—	—	—
Supportive Housing			P ^{11, 17}	P ^{11, 17}	P ^{11, 17}	P ^{11, 17}						P ^{11, 17}					U	P ¹⁷		P ¹⁷	P ^{15, 17}	P ¹⁷
Residential hotel	—	—	U	U	U	U	—	U	U	U	U	U	—	—	—	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-35	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB	TH	CIH ₁₄	III
Room & boarding house	—	—	U	U	U	U	—	U	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Second residential unit (§9-5.3805)	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	—	—	*	—	—	—	—
<u>Cottage Community</u>	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Single-family dwelling	P	P	U	P ¹	P ¹	P ¹	—	—	—	—	—	U	U	—	—	—	—	*	—	—	—	—
Tobacco and paraphernalia retailers (§9-5.3843)	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—	—
Two-family dwelling	—	—	P	P	P	P	—	—	—	—	—	U	—	—	—	—	—	*	—	—	—	—
Transitional Housing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	P
PUBLIC AND SEMI-PUBLIC USES																						
Bus & transit maintenance facility	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	U	*	—	—	—	—
Bus & train terminal	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	U	*	—	—	—	—
Clubs & Lodges(private & public)	—	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—	U	*	—	—	—	—

	R E R R	R-4 R-6	R-10	R-2 0	R-2 5	R-35	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES ⁹	CB	TH	CIH ₁₄	III
Convalescent and Extended Care	—	—	U	U	U	U	—	—	—	—	—	U	—	—	—	—	U	—	—	—	—	—
Correctional facility ¹²	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—
Cultural institutions	—	—	—	—	—	—	U	U	—	U	U	U	U	—	U	—	U	*	—	—	—	—
Government offices	—	—	—	—	—	—	U	P	P	P	P	U	—	—	U	U	—	*	—	—	—	—
Heliport (§9- 5.3806)	—	—	—	—	—	—	U	—	—	—	—	—	U	—	U	U	U	*	—	—	—	—
Emergency shelter	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	P	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
Hospitals (§ 9-5.3827):																						
Acute care	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*	—	—	—	—
Rehabilitation	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*	—	—	—	—
Psychiatric/ chemical dependency	—	—	—	—	—	—	U	U	—	—	—	U	—	—	U	—	U	*	—	—	—	—
Medical care—urgent	—	—	—	—	—	—	U	U	—	—	—	U	—	—	P	U	P	*	—	—	—	—
Parks	P	P	P	P	P	P	P	P	—	U	U	U	P	P	U	U	—	*	—	—	—	—
Public assembly	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	—	—	—	¹⁸ —
Public safety facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	—	—	—	—
Public utility yard	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	U	—	*	—	—	—	—
Religious assembly ³ (§9- 5.3832)	—	U	U	U	U	U	U	U	U	U	U	U	U	—	—	—	U	*	—	—	—	—
Satellite antenna (§ 9-5.3807)	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	*	—	—	—	—
Schools, private and preschools	U	U	U	U	U	U	U	U	U	U	—	U	—	—	U	—	U	*	—	—	—	¹⁸ —

	RE RR	R-4 R-6	R-10	R-20	R-2 5	R-35	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
Utility substations	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	*	—	—	—	—
COMMERCIAL USES																						
Adult book stores, motion picture arcades, and model studios (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	*	—	—	—	—
Adult entertainment, other (§ 9-5.3808)	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	*	—	—	—	—
Agricultural uses (§ 9-5.3809)	P	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	*	—	—	—	—
Appliance maintenance & repair services:																						
Major	—	—	—	—	—	—	—	—	—	P	P	P	—	—	P	P	P	*	—	—	—	—
Minor	—	—	—	—	—	—	—	P	P	P	P	P	—	—	P	P	P	*	—	—	—	—
Amusement center (§ 9-5.3813)	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	—	*	—	—	—	—

	RE R R	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH CIH ₁₄	III
Animal hospital veterinary clinics	—	—	—	—	—	—	U	—	U	U	U	U	—	—	U	U	—	*	—	—	—
Antique store	—	—	—	—	—	—	—	—	—	P	P	A	U	—	U	—	—	*	—	—	—
Auto sales, rental	—	—	—	—	—	—	U	—	—	U	U	U	—	—	—	—	—	*	—	—	—
Auto storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—
Auto service station (§ 9-5.3815)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	U	—	*	—	—	—
Auto repair:																					
Major	—	—	—	—	—	—	U	—	—	—	U	U	—	—	U	P	—	*	—	—	—
Minor	—	—	—	—	—	—	U	—	U	U	U	U	—	—	P	P	—	*	—	—	—
Bakeries-retail	—	—	—	—	—	—	—	—	P	P	P	P	U	—	P	P	—	*	—	—	—
Bank or savings & loan	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—	—	*	—	—	—
Bar (§ 9-5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—
Barber & beauty shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	III
Bed and breakfast inns (§9-5.3819)	U	U	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	*	—	—	—	—
Boat repair																						
Major	—	—	—	—	—	—	U	—	—	—	U	U	U	—	U	P	—	*	—	—	—	—
Minor	—	—	—	—	—	—	U	—	U	U	U	U	U	—	P	P	—	*	—	—	—	—
Boat, RV— storage facility (§ 9-5.3810)	—	—	—	—	—	—	—	—	—	—	U	U	U	—	—	P	—	*	—	—	—	—
Bowling alleys (§9- 5.3831)	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Cannabis business (§ 9-5.3845)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U ¹³	—	—	—
Car and vehicle wash	—	—	—	—	—	—	—	—	—	—	U	U	U	—	U	U	—	*	—	—	—	—
Card room	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	—	*	—	—	—	—
Catering services	—	—	—	—	—	—	—	—	—	P	P	P	A	—	U	—	—	*	—	—	—	—
Clothing store	—	—	—	—	—	—	—	—	—	P	P	P	A	—	—	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	III
Combined residential/comm ercial structure	—	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	*	—	—	—	—
Computer gaming and internet access business	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—	—	—	—	—	—	—
Confectionery stores	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	*	—	—	—	—
Dance hall	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	IH
Drive-up window (all uses)	—	—	—	—	—	—	U	U	U	U	U	U	—	—	U	U	U	*	—	—	—	—
Dry cleaning agencies; pick-up and self-serve	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Florist shop	—	—	—	—	—	—	P	—	P	P	P	P	—	—	—	—	P	*	—	—	—	—
Food stores (§9-5.3831):																						
Convenience store	—	—	—	—	—	—	—	—	U	U	U	U	U	—	—	—	U	*	—	—	—	—
Supermarket	—	—	—	—	—	—	—	—	U	P	P	U	—	—	—	—	—	*	—	—	—	—
Fortune-teller's	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Funeral parlor & mortuary	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Furniture stores	—	—	—	—	—	—	—	—	—	P	P	U	—	—	—	—	—	*	—	—	—	—
Gift shop	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	*	—	—	—	—
Gun sales (§ 9-5.3833)	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Hardware store	—	—	—	—	—	—	—	—	U	P	P	U	U	—	—	—	—	*	—	—	—	—
Health club/fitness center	—	—	—	—	—	—	U	—	U	P	P	U	—	—	U	—	U	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	III
Hotel & motels	—	—	—	—	—	—	U ⁵	U	—	P	P	P	U	—	U5	—	U	*	—	—	—	—
Jewelry store	—	—	—	—	—	—	—	—	—	P	P	P	U	—	—	—	—	*	—	—	—	—
Kennels	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	U	—	*	—	—	—	—
Laboratories; medical, dental, optical	—	—	—	—	—	—	P	P	U	U	U	U	—	—	U	—	P	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	IH
Laundrette	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—	—
Liquor stores (§9-5.3831)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	—	*	—	—	—	—
Live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—	—
Marina	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	*	—	—	—	—
Miniature golf courses	—	—	—	—	—	—	—	—	—	U	U ⁶	U	—	—	U	—	—	*	—	—	—	—
Mini-storage	—	—	—	—	—	—	—	—	—	—	—	U	U	—	U	P	—	*	—	—	—	—
Nurseries (horticulture) (§9-5.3824)	—	—	—	—	—	—	—	—	—	P	P	U	U	—	P	P	—	*	—	—	—	—
Offices:																						
Business & professional	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	*	—	—	—	— ¹⁸
Medical (includes clinics)	—	—	—	—	—	—	P	P	U	P	P	P	U	—	—	—	P	*	—	—	—	—
Paint store	—	—	—	—	—	—	—	—	—	P	P	U	—	—	U	—	—	*	—	—	—	—
Parking lot (commercial) (§9-5.3837)	—	—	—	—	—	—	A	A	A	A	A	A	A	A	P	P	A	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	CB	TH	CIH ₁₄	III
Pawn shops	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—	—
Pet shop	—	—	—	—	—	—	—	—	P	P	P	P	U	—	—	—	—	*	—	—	—	—
Pharmacy	—	—	—	—	—	—	U	P	P	P	P	P	A	—	P	P	P	*	—	—	—	—
Photographer	—	—	—	—	—	—	—	P	P	P	P	P	A	—	U	—	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-20	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H E S ⁹	CB	TH	CIH 14	III
Printing & blue printing	—	—	—	—	—	—	—	P	P	U	U	U	—	—	P	P	—	*	—	—	—
Radio & TV sales & repair	—	—	—	—	—	—	—	—	U	P	P	P	—	—	—	—	—	*	—	—	—
Recycling facilities:																					
Reverse vending machines (§ 9-5.3811)	—	—	—	—	—	—	—	—	—	P	P	P	P	—	P	P	—	*	—	—	—
Small collection facility (§ 9-5.3812)	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*	—	—	—
Large collection facility (§ 9-5.3813)	—	—	—	—	—	—	—	—	A	A	A	A	—	—	A	A	—	*	—	—	—
Light processing facility	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Heavy processing facility (§ 9-5.3815)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Repair service	—	—	—	—	—	—	—	—	—	—	U	U	U ⁷	—	P	P	—	*	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	TH	CIH 14	III
Restaurants (§§ 9-5.3823 and 9-5.3831):																					
General	—	—	—	—	—	—	P	P	P	P	P	P	P	—	U ⁵	—	—	*	—	—	—
Fast food	—	—	—	—	—	—	U	—	—	U	U	U	U	—	U ⁵	—	—	*	—	—	—
Outdoor seating & food service	—	—	—	—	—	—	U	U	U	U	U	U	U	—	U ⁵	U	—	*	—	—	—
Take out/delivery	—	—	—	—	—	—	P	U	P	P	P	P	U	—	U ⁵	—	—	*	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H	E S ⁹	TH	CIH 14	III
With bar & live entertainment	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—
Retail; general and specialty	—	—	—	—	—	—	—	—	P	P	P	P	A	—	—	—	—	*	—	—	—
Secondhand sales	—	—	—	—	—	—	—	—	—	—	U	U	—	—	—	—	—	*	—	—	—
Shoe repair shop	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	*	—	—	—
Sign shop	—	—	—	—	—	—	—	—	—	U	U	—	—	—	U	—	—	*	—	—	—
Studios (e.g., dance, martial arts)	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	*	—	—	—
Tailor shop	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	*	—	—	—
Tattoo studio	—	—	—	—	—	—	—	—	—	U	U	U	—	—	—	—	—	*	—	—	—
Theaters	—	—	—	—	—	—	—	—	—	U	U	U	U	—	—	—	—	*	—	—	—
Upholstery shop	—	—	—	—	—	—	—	—	—	U	U	U	—	—	U	P	—	*	—	—	—
Wireless Communications Facilities (§ 9-5.3846)	As subject to § 9-5.3846																				
Variety store	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—	—	*	—	—	—

	RE RR	R-4 R-6	R-10	R-2 0	R-2 5	R-35	P B C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H E S ⁹	CB	TH	CIH ₁₄	III
Vehicle/boat/ equipment sales& rental (§ 9-5.3825)	—	—	—	—	—	—	U ⁸	—	—	U	U	U	U	—	U	U	—	—	—	—	—
INDUSTRIAL USES																					
Animal rendering	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	—	—	—	—
Bakery- commercial	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	M C R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
Beverage bottling plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Boat building	—	—	—	—	—	—	—	—	—	—	—	—	U	—	U	P	—	*	—	—	—	—
Cement or clay products manufacturing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Concrete batch plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Contractor's storage yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Dairy products processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Dry cleaners processing	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Exterminator	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Finished paper production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Food processing plant	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Fuel yard; bulk petroleum storage	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	M C R	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
Garment manufacture	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Hazardous waste facilities (§ 9-5.3826):	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Small generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	U	U	U	U	—	—	U	U	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-35	PB C	C-0	C-1	C-2	C-3	M CR	WF	OS	M-1	M-2	H	ES 9	CB	TH	CIH 14	III
Large generator (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Processor (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Household hazardous waste facility (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Junk yard/auto wrecking yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Lumber yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Machine shop	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—	—
Manufacturing or storage of explosives, acid, cement, fertilizer, gas, inflammable fluids, glue, gypsum, lime, plaster of paris	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Mining & quarry; resource extraction	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—	—
Oil & gas drilling	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	P B C	C-0	C-1	C-2	C-3	M C R	WF	OS	M-1	M-2	H	ES ₉	CB	TH	CIH ₁₄	III
Oil & gas production	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Photographic plants	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Plastic fabrication	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—	—
Research & development	—	—	—	—	—	—	U	—	—	—	—	U	—	—	—	U	—	*	—	—	—	—

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	H ES ₉	CB	TH	CIH ₁₄	III
Residual repository (§ 9-5.3826)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Salvage/war surplus yards	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—
Solid waste transfer station	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Smelting or processing of iron, tin zinc or other ore	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Stockyards/slaughterhouses	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	—	*	—	—	—
Stone monument works	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—
Truck terminal yard	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	U	—	*	—	—	—
Truck & tractor repair	—	—	—	—	—	—	—	—	—	—	—	—	—	—	U	P	—	*	—	—	—
Warehousing & wholesaling	—	—	—	—	—	—	U	—	—	—	—	—	—	—	U	P	—	*	—	—	—
TEMPORARY USES																					

	RE RR	R-4 R-6	R-1 0	R-2 0	R-2 5	R-3 5	PB C	C-0	C-1	C-2	C-3	MC R	WF	OS	M-1	M-2	HES 9	CB	TH	CIH 14	III
Removal of earth (§ 9-5.3822)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	—
Temporary construction building and uses (§ 9-5.3821)		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	A
Outdoor display of merchandise (in conjunction with a non-residential use)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	—
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	—
Christmas tree and pumpkin sale lots (§ 9-5.3829)	—	—	—	—	—	—	A	A	A	A	A	A	—	—	A	A	—	—	—	—	—

1. Single-family dwellings existing prior to the effective date of this section are permitted uses, conforming to the R-20 zone; however, development of new single-family dwelling units, other than replacement of existing single-family dwellings, are prohibited within the R-20, R-25, and R-35 zones.
2. Use may be permitted as an ancillary use if it is incidental to an otherwise permitted or conditionally permitted use within this zoning district.
3. Legally established churches existing prior to the effective date of this section are permitted uses, conforming to the PBC, C-O, C-1, C-2, and C-3 zone; however, development of new religious assembly uses, other than replacement of existing uses, is prohibited within these zoning districts.

4. Funeral services are limited to "J" Street, Fourth Street, and the area between Fourth and Fifth Streets.
5. May be located only on sites adjacent to freeway interchanges.
6. May be located along Somersville Road north of the SR-4 freeway.
7. Marine repair only. Permitted as an ancillary service for waterfront activities.
8. Boat sales and repair only.
9. In the case of the Emergency Shelter Overlay District, where no letter or number is included in the table for a particular land use, the regulations of the base zone apply. Emergency shelters are permitted by right in the Emergency Shelter Overlay District if they meet all standards of § 9-5.3835, Emergency Shelters, of this article.
10. Hospices and residential care facilities providing care for up to six patients are a permitted use in any district where residential uses are allowed.
11. Permitted by right subject to compliance with all other applicable standards and design review pursuant to Article 26 and 27.
12. Subject to a conditional use permit on a site at least one quarter mile from any type of residential care facility, social service institution, welfare institution, or a similar type of facility; at least one mile from another correctional facility; and at least 1,000 feet from a school, library, public park, recreation area or any property zoned or used for residential development. See § 9-5.3838, Correctional Facilities, for additional requirements.
13. Cannabis business requires approval of a use permit by the City Council upon recommendation by the Planning Commission.
See § 9-5.3845.
(Am. Ord. 930-C-S, passed 7-29-97; Am. Ord. 1080-C-S, passed 10-24-06; Am. Ord. 2072-C-S, passed 10-22-13; Am. Ord. 2075-C-S, passed 11-26-13; Am. Ord. 2077-C-S, passed 12-10-13; Am. Ord. 2089-C-S, passed 6-24-14; Am. Ord. 2096-C-S, passed 2-24-15; Am. Ord. 2143-C-S, passed 6-26-18; Am. Ord. 2158-C-S, passed 12-11-18; Am. Ord. 2169-C-S, passed 6-25-19)
14. In the Commercial Infill Housing Overlay District, allowable commercial uses and standards remain as determined by the underlying zoning.
15. Up to 35 units/acre and building height of four stories or 45 feet permitted by right subject to compliance with all other applicable standards.
16. 35 to 50 units/acre and building height above 45 feet permitted with approval of a use permit.
17. Supportive housing developments must meet the requirements of Government Code Section 65651.0(a) to be permitted by right and reviewed consistent with Government Code Section 65653(a) and (b). Developments which do not meet such requirements shall require approval of a use permit, except that cottage community supportive housing developments may be deed restricted for 20 years instead of 55 years.
18. Permitted as supportive services/community spaces that are accessory to residential land uses in a cottage community.
19. The IH Overlay does not preclude the development of multiple-family residential where otherwise allowed. When multiple-family residential uses are permitted per the underlying zoning, such as with sites identified in the Housing Element, the site may develop in compliance with Articles 26 and 27.

§ 9-5.3805 ACCESSORY DWELLING UNITS.

(A) *Purpose.* The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with ~~Cal. Gov't~~ California Government Code §§ Sections 65852.2 and 65852.22.

(B) *Effect of conforming.* An ADU or JADU that conforms to the standards in this section will not be:

(1) Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.

(2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.

(3) Considered in the application of any local ordinance, policy, or program to limit residential growth.

(4) Required to correct a nonconforming zoning condition, as defined in subsection (C)(7) below.

(C) *Definitions.* As used in this section, terms are defined as follows:

(1) **ACCESSORY DWELLING UNIT** or **ADU** means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is either 1) located on a lot with a proposed or existing primary residence, or 2) located in the IH Overlay District. An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined by ~~California-~~ Health and Safety Code ~~§~~Section 17958.1; and

(b) A manufactured home, as defined by ~~California-~~ Health and Safety Code ~~§~~Section 18007.

(2) **ACCESSORY STRUCTURE** means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) **COMPLETE INDEPENDENT LIVING FACILITIES** means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

(4) **COTTAGE** means a small detached residential structure. A cottage may be one detached accessory dwelling unit or two accessory dwelling units attached to one another (i.e., creating a duplex or two-family dwelling).

(5) **COTTAGE COMMUNITY** means a cluster of no fewer than three cottages (which can range from three units if each cottage is a single ADU to six units if each cottage is a two-family dwelling) that interact together as a small community and are designed with a coherent concept. Cottage communities are their own category of residential facilities and are not considered single-family or multiple-family dwellings. An existing or proposed single-family or multiple-family dwelling is not required in order to develop a cottage community.

(46) **EFFICIENCY KITCHEN** means a kitchen that includes each of the following:

- (a) A cooking facility with appliances.
- (b) A food preparation counter or counters that total at least 15 square feet in area.
- (c) Food storage cabinets that total at least 30 square feet of shelf space.

(57) **JUNIOR ACCESSORY DWELLING UNIT** or **JADU** means a residential unit that satisfies all of the following:

- (a) Is no more than 500 square feet in size;.
- (b) Is contained entirely within an existing or proposed single-family structure;.
An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
- (c) Includes its own separate sanitation facilities, or shares sanitation facilities with the existing or proposed single-family structure.
- (d) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
- (e) Includes an efficiency kitchen, as defined in subsection (C)(46) above.

(8) **KITCHEN** means any room or space within a building designed to be used or maintained for the cooking and/or preparation of food. Kitchens shall contain at least 15 square feet of food preparation counter space, 30 square feet of food storage space, a sink, a refrigerator, and either a cooktop and oven or a range.

(69) **LIVING AREA** means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(710) **NONCONFORMING ZONING CONDITION** means a physical improvement on a property that does not conform with current zoning standards.

(811) **PASSAGEWAY** means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.

(912) **PROPOSED DWELLING** means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(4013) **PUBLIC TRANSIT** means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(14) **QUALIFIED NONPROFIT CORPORATION** means an entity organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(4115) **TANDEM PARKING** means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(16) **TENANCY IN COMMON** means a legal arrangement in which two or more parties, known as tenants in common, share ownership of real estate property or land. Each owner may control an equal or different percentages of the total property.

(D) *Approvals.* The following approvals apply to ADUs and JADUs under this section:

(1) *Building-permit only.* If an ADU or JADU complies with each of the general requirements in subsection division (E) below, it is allowed with only a building permit in the following scenarios:

(a) *Converted on single-family lot:* ~~Only one~~ One ADU or and one JADU on a per lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:

1. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress.

2. Has exterior access that is independent of that for the single-family dwelling.

3. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

4. The JADU complies with the requirements of Government Code Section 65852.22.

(b) *Small detached on single-family lot:* One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any ADU or JADU

that might otherwise be established on the lot under subsection (D)(1)(a) above), if the detached ADU satisfies the following limitations:

1. The side- and rear-yard setbacks are at least four feet.
2. The total floor area is 800 square feet or smaller.
3. The maximum height above grade ~~is 16 feet.~~ does not exceed the applicable height limit in subsection (E)(2) below.
4. ADUs in the front yard shall not obstruct the clear vision zones required in § 9-5.1101 unless the only physically feasible location for the ADU requires obstructing the clear vision zone.

(c) *Converted on multifamily lot:* Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multifamily dwelling, and up to 25 percent of the existing multifamily dwelling units may each have a converted ADU under this paragraph. ~~The ADU shall satisfy the following limitation:~~

(d) *Detached on multifamily lot:* No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:

1. The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
2. The maximum height above grade ~~is 16 feet~~ does not exceed the applicable height limit in subsection (E)(2) below.

(2) *ADU permit.*

(a) Except as allowed under subsection (1) above, no ADU, including a new-construction, detached ADU over 800 square feet or a new-construction attached ADU, may be created without a building permit and an ADU permit in compliance with the standards set forth in ~~subsections~~ divisions (E) and (F) below.

(b) The ADU permit processing fee is determined by the Community Development Director and approved by the City Council by resolution.

(3) *Cottage community permit.*

(a) Multiple ADUs are allowed as cottage communities in the IH Overlay District. See § 9-5.3850, Innovative Housing Overlay District, for the applicable standards and procedures.

~~(34)~~ *Process and timing.*

(a) ~~An~~ ADU permits, including cottage community permits, isare considered and approved ministerially, without discretionary review or a hearing.

(b) The city must ~~act on~~ deny or approve an application to create an ADU, ~~or~~ JADU, or cottage community within 60 days from the date that the city receives a completed application, and in the absence of a denial or approval within 60 days, the applications will be deemed approved, unless either:

1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

2. In the case of an ADU or JADU and the application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

(c) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (D)(4)(b) above.

(d) Demolition permits for a detached garage that is to be replaced with an ADU shall be reviewed concurrently with the ADU application and issued at the same time as the ADU permit. No written notices or signs for demolition of the detached garage are required, unless the property is located within an architecturally and historically significant historic district.

(E) *General ADU and JADU requirements.* The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1) or (D)(2) above:

(1) *Zoning.*

(a) An ADU or JADU subject only to a building permit under subsection (D)(1) above may be created on a lot in a residential or mixed-use zone.

(b) An ADU or JADU subject to an ADU permit under subsection (D)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

(2) Height. For the purposes of this section (E)(2), height is measured above existing legal grade to the peak of the structure.

(a) Except as otherwise provided by subsections (E)(2)(b) and (E)(2)(c) below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height.

(b) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half 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, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

(c) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.

(d) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (E)(2)(d) may not exceed two stories.

(23) Fire sprinklers. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(34) Rental term. No ADU or JADU may be rented for a term that is shorter than 30 days.

(45) ~~No s~~Separate conveyance. An ADU or JADU may be rented, but no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot), except as allowed below.

(a) ADUs may be sold or separately conveyed to low- or moderate-income persons and families when the ADU or primary dwelling was developed or built by a qualified nonprofit corporation and the property is part of a recorded tenancy in common agreement, pursuant to Government Code Section 65852.26.

(56) Owner occupancy.

(a) All ADUs created before January 1, 2020 are subject to the owner-occupancy requirement that was in place when the ADU was created.

(b) An ADU that is created after that date ~~but before January 1, 2025~~, is not subject to any owner-occupancy requirement.

~~——(c) All ADUs that are created on or after January 1, 2025 are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence.~~

(dc) All JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

~~——(6) *Deed restriction.* Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:~~

~~——(a) The ADU or JADU may not be sold separately from the primary dwelling.~~

~~——(b) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.~~

~~——(c) The deed restriction runs with the land and may be enforced against future property owners.~~

~~——(d) JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.~~

~~——(e) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.~~

~~——(f) The deed restriction is enforceable by the Director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an~~

~~injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.~~

(7) Building and safety.

(a) Must comply with building code. Subject to subsection (E)(7)(b) below, all ADUs and JADUs must comply with all local building code requirements.

(b) No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or a code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (E)(7)(b) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

~~(78)~~ Parking. No parking is required for an ADU or JADU unless an ADU permit is required under subsection (D)(2) above and the ADU requires parking as described in subsection (F)(~~6~~5) below.

(F) Specific ADU requirements for ADU permits. The following requirements apply only to ADUs that require an ADU permit under subsection (D)(2) above.

(1) Maximum size.

(a) The maximum size of a detached or attached ADU subject to this subsection division (F) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two bedrooms. ~~No more than two bedrooms are allowed.~~

(b) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.

(c) Application of other development standards in this subsection division (F), ~~such as lot coverage~~, might further limit the size of the ADU, but no application of lot coverage limits or front setback requirements may require the ADU to be less than 800 square feet.

(2) Lot coverage. No ADU subject to this subsection division (F) may cause the total lot coverage of the lot to exceed 60 percent, subject to subsection (F)(1)(c) above.

(3) Setbacks. The ADU must be at least four feet from rear and side property lines, at least 30 feet from the front property line, and at least 20 feet from a street-facing property line, if different from the front property line, subject to subsection (F)(1)(c) above.

(a) No setback is required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU.

~~—(4) *Height.* No ADU subject to this subsection (F) may exceed 16 feet in height above grade~~

(54) *Passageway.* No passageway, as defined by subsection (C)(811) above, is required for an ADU.

(65) *Parking.*

(a) *Generally.* One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (C)(4415) above.

(b) *Exceptions.* No parking under subsection (F)(65)(a) is required in the following situations:

1. The ADU is located within one-half mile walking distance of public transit, as defined in subsection (C)(4013) above.

2. The ADU is located within an architecturally and historically significant historic district.

3. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (D)(1)(a) above.

4. When on-street parking permits are required but not offered to the occupant of the ADU.

5. When there is an established car share vehicle stop located within one block of the ADU.

6. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (F)(5)(b)(1-5) above.

(c) *No replacement.* When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(d) Each unenclosed parking space shall be at least eight and a half feet wide and 18 feet long.

(e) Each parking space that is provided in an enclosed garage shall be at least 10 feet wide and 20 feet long and have at least seven and a half feet vertical clearance.

~~(76)~~ *Architectural requirements.*

(a) The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design of those of the primary dwelling.

(b) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.

(c) Fencing, landscaping, or privacy glass in the windows shall be used to provide screening between the ADU and an adjoining residential property.

(d) All windows and doors in an ADU that are less than 30 feet from a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(G) Specific requirements for cottage communities. See § 9-5.3850, Innovative Housing Overlay District, for standards regarding ADUs in cottage communities.

~~(GH)~~ *Fees.* The following requirements apply to all ADUs and JADUs that are approved under subsections (D)(1), ~~or~~ (D)(2), or D(3) above.

(1) *Impact fees.*

(a) No impact fee is required for an ADU or JADU, including an ADU in a cottage community, that is less than 750 square feet in size.

(b) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. ~~(E.g., the floor area of the primary dwelling, divided by the floor area of the ADU, the typical fee amount charged for a new dwelling.)~~ per the requirements of § 9-3.60 **IMPACT FEE** here does not include any connection fee or capacity charge for water or sewer service.

1. In the case of cottage communities, proportionality is defined in § 9-5.3850(K).

(2) *Utility fees.*

(a) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

(b) Except as described in subsection (H)(2)(a), ~~G~~converted ADUs and JADUs on a single-family lot, created under subsection (D)(1)(a) above, are not required to

have a new or separate utility connection directly between the ADU or JADU and the utility. ~~nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.~~

(c) Except as described in subsection (H)(2)(a), all ADUs that are not covered by subsection (H)(2)(b) require a new, separate utility connection directly between the ADU and the utility.

1. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

2. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

(I) *Nonconforming zoning code conditions, building code violations, and unpermitted structures.*

(1) *Generally.* The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.

(2) *Unpermitted ADUs constructed before 2018.*

(a) *Permit to legalize.* As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:

1. The ADU violates application building standards, or

2. The ADU does not comply with the state ADU law (Government Code section 65852.2) or this ADU ordinance (section 9-5.3805).

(b) *Exceptions.*

1. Notwithstanding subsection (I)(2)(a) above, the city may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the city makes a finding that correcting a violation is necessary to protect the health and safety of the public or of occupants of the structure.

2. Subsection (I)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

~~—(H!) *Nonconforming ADUs and discretionary approval.* Any proposed ADU or JADU that does not conform to the objective standards set forth in subsections divisions (A)~~

~~through (GH)(2) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.~~

(Ord. 2180-C-S, passed 3-10-20) Penalty, see § [9-5.2904](#)

§ 9-5.3850 INNOVATIVE HOUSING OVERLAY DISTRICT.

(A) *Purpose.* The purpose of the Innovative Housing (IH) Overlay District is to regulate and encourage affordable housing production in new and novel ways, including expanding where residential development is permitted and the forms it may take. The IH Overlay applies to sites currently developed with religious assembly uses with unused or underutilized land. In compliance with Government Code Section 65583(c)(7), the IH Overlay District also facilitates the development of accessory dwelling units that can be offered at affordable rent.

(B) *Definitions.* As used in this section, terms are defined as follows:

(1) **ACCESSORY DWELLING UNIT** or **ADU** means a residential dwelling unit that provides complete independent living facilities for one or more persons. An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined by California Health and Safety Code Section 17958.1; and

(b) A manufactured home, as defined by California Health and Safety Code Section 18007.

(2) **AFFORDABLE HOUSING** means rental housing that is restricted by recorded document to provide the housing at an affordable rent, as defined in Section 50053 of the California Health and Safety Code.

(3) **ASSUMED HOUSEHOLD SIZE** means generally, a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter. However, the assumed household size is subject to the requirements of different funding sources and may differ accordingly.

(4) **COTTAGE** means a small detached residential structure. A cottage may be one detached accessory dwelling unit or two accessory dwelling units attached to one another (i.e., creating a duplex or two-family dwelling).

(5) **COTTAGE COMMUNITY** means a cluster of no fewer than three cottages (which can range from three units if each cottage is a single ADU to six units if each cottage is a two-family dwelling) that interact together as a small community and are designed with a coherent concept. Cottage communities are their own category of

residential facilities and are not considered single-family or multiple-family dwellings. An existing or proposed single-family or multiple-family dwelling is not required in order to develop a cottage community.

(6) **PUBLIC TRANSIT** means either a high-quality transit corridor as defined in Section 21155(b) of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(7) **RELIGIOUS ASSEMBLY USE** means land or premises to gather together for common religious purposes, including worship, religious study, and related religious, philanthropic, or social activities. Churches, chapels, mosques, synagogues, and temples, are examples of properties developed with religious assembly uses.

(8) **SITE DEVELOPMENT AREA** means the portion of a parcel identified for housing development, including the associated setbacks, usable open space, and on-site parking and circulation. For example, a religious institution may own a 2-acre site and plan to develop only half the site, making the site development area 1 acre.

(C) **Review process.** Sites shown within the IH Overlay District on the Antioch Zoning Map are qualified by-right for development of cottage communities and can submit an application to the Planning Department for ministerial review. For sites outside of the IH Overlay District, a rezone of the site to be included in the IH Overlay District is required with approval from City Council prior to submitting an application to the Planning Division.

(1) Sites within the IH Overlay District may be developed pursuant to their underlying zoning instead of the IH Overlay District regulations. In this case, development shall be regulated and approved according to the underlying zoning district regulations and its associated standards, such as the Multi-family Residential Objective Design Standards.

(D) **Affordability.** Consistent with Government Code Sections 65583(c)(7) and 65852.2(g), the IH Overlay District goes beyond the statutory minimum to further the creation of ADUs offered at affordable rate. Housing development in the IH Overlay District is subject to the following affordability requirements:

(1) One hundred percent of the development project's total units, exclusive of a manager's unit or units, are for lower income households, except that up to 20 percent of the total units in the development may be for moderate-income households and up to 5 percent of the total units in the development may be for staff of the religious institution on site. Calculations resulting in fractional units may be rounded to the next whole number.

(2) All affordable units shall be subject to a recorded deed restriction of 20 years, unless a local ordinance or the terms of a federal, state, or local grant, tax credit, or other project financing requires, as a condition of the development of residential units, that the development include a certain percentage of units that are affordable to, and

occupied by, low-income, lower income, very low income, or extremely low income households for a term that exceeds 20 years.

(a) This requirement does not apply to any manger's unit or units or any unit or units reserved for staff of the on-site religious institution.

(E) *Density.* Cottage communities shall contain a minimum of three cottages on a site. The density of a cottage community shall not exceed 15 dwelling units per acre, where the site development area is used to calculate the site acreage and each ADU counts as one unit. A cottage community with a density greater than 15 dwelling units per acre requires the approval of a use permit.

(1) ADUs may be attached to one another in sets of two; no more than two units shall be contained within one building footprint. There is no limit on the total number of attached structures (e.g., duplexes) in one cottage community, subject to the density requirements of division (E).

(F) *Development standards.* Cottage communities are not subject to the multi-family design standards and shall comply with the standards below.

(1) *Building footprint.* All units shall be self-contained and include their own kitchen and bathroom facilities. No unit shall be smaller than 150 square feet and no greater than 1,200 square feet; a cottage with two attached units must then be at least 300 square feet and no more than 2,400 square feet. The building footprint shall be measured by calculating the total square foot area of a building that covers a portion of a lot, when viewed directly from above, except for the following structures or parts of structures:

(a) Any part of the structure without a roof.

(b) Roof eaves.

(c) Carports, porches, and balconies that are open at least 50 percent of their respective perimeter.

(d) Detached garages or sheds.

(2) *Height.* Cottages shall have a maximum height of 18 feet and no structure shall exceed two stories.

(a) *Exception.* Where the ridge of a roof is pitched with at least a slope of 6 to 12, the maximum roof height may extend up to 25 feet. All parts of the roof above 18 feet must be pitched.

(3) *Cottage orientation.* Cottages shall generally be oriented towards common open space, with at least 50 percent of cottages abutting common open space.

(a) Exception. This standard may be reduced to 40 percent of cottages abutting common open space for cottage communities that include at least 15 percent of units, exclusive of a manager unit or units, for extremely or very low income households.

(4) Usable open space.

(a) Common open space open to all residents shall be provided and maintained for cottage communities as follows:

<u>Total Number of Units</u>	<u>Amount of Common Open Space Per Unit</u>
<u>3-9</u>	<u>100 square feet per dwelling unit if all cottages are separated by at least 10 feet. 150 square feet per dwelling unit if any of the cottages are separated by less than 10 feet.^A</u>
<u>10-20</u>	<u>200 square feet per dwelling unit, of which up to 60 square feet may be private open space.</u>
<u>More than 20</u>	<u>250 square feet per dwelling unit, of which up to 70 square feet may be private open space.</u>
<u>A. Duplexes separated from other duplexes (or ADUs) by ten feet may utilize the 100 square foot/unit requirement.</u>	

1. Exception. Sites that are within one-half mile walking distance of a public park are not required to provide common open space if there is unobstructed access to the park from the development.

(b) Cottage communities that include 10 or more units shall be required to include and maintain at least one of the following features in the required common open space:

1. Children's play area with play equipment (not an option for senior housing developments)

2. Community garden

3. Dog park

4. Sports court

5. Barbeque/grill area or fire pit

6. Outdoor seating area with gazebo, arbor, or similar shade structure

(c) Usable open space shall include a mix of landscaping and greenery, including but not limited to trees, shrubs, gardens, and green spaces. Off-street parking and

loading areas, driveways, and service areas shall not be counted as usable open space. Pedestrian and bicycles paths or trails may not be counted as usable open space.

(d) On-site recreational facilities for the religious assembly use may count towards open space requirements for the cottage community if a written agreement is provided that allows shared use of the facilities between the cottage community and religious institution.

(5) Setbacks.

(a) When the development site area is adjacent to a property line, the following standards apply:

1. Minimum front yard setback of 15 feet on arterial and collector streets and 10 feet on local streets.

2. Minimum interior side yard setback of five feet.

3. Minimum street side yard setbacks (for corner lots) of 15 feet on arterial and collector streets and 10 feet on local streets.

4. Minimum rear yard setback of ten feet.

5. Front and street side setbacks shall be reserved for landscaping only, excluding access and egress driveways.

(b) When the development site area is internal to the religious assembly use and not adjacent to a property line, there are no setback requirements.

(6) Building separation. Cottages shall be separated from other cottages by at least 5 feet. The minimum distance between all other structures shall be in accordance with fire and building code requirements.

(7) Architectural standards. Cottage communities shall have a cohesive architectural theme across all cottages. This could be conveyed through consistent buildings materials and colors; consistent roof pitch wherein each cottage's roof pitch is within 10 degrees of all adjacent cottages; horizontal articulation such as siding, cladding, and floor separation that is parallel across cottages; and/or consistent window proportions and window spacing dimensions.

(8) Community buildings. Cottage communities may include community buildings for the shared use of residents that provide space for accessory uses and/or supportive services, such as community centers, case manager offices, and childcare centers for the residents.

(a) Parking shall be provided for employees of community buildings at a rate of at least 1 space per employee on the largest shift, or according to the rates in Table 9-5.17031.1, whichever is less.

(9) *Pedestrian connectivity.* A hard-surfaced, all-weather (e.g., concrete, asphalt, pavers) pedestrian path of at least four feet wide must be provided that connects the main entrance of each cottage to the following:

(a) Any common usable open space or recreational facilities on site or to any public park facilities located on an adjacent lot.

(b) The parking area that serves it.

(c) Community buildings.

(d) Sidewalks and public rights-of-way (including pathways or trails) abutting the site.

(10) *Waste and recycling.* Cottage communities must subscribe to the city's three-container collections services for trash, recyclable materials, and organics and comply with all requirements of Antioch Municipal Code § 9-5.1401.

(a) *Exception.* Cottage communities may share an existing trash enclosure with the on-site religious institution if the existing trash enclosure has enough capacity to meet the additional demand from the cottage communities per State and local regulations.

(11) *Nonconforming cottage communities and discretionary approval.* Any proposed cottage community that does not conform to the objective standards set forth in division (F) may be allowed by the city with a conditional use permit.

(G) *Fire protection.* Cottage communities must meet fire code requirements and fire sprinklers are required in cottages when required by building code.

(H) *Rental term.* No unit in a cottage community may be rented for a term that is shorter than 30 days.

(I) *Parking.* Parking shall be provided consistent with § 9-5.1704(F) and § 9-5.3850(F)(8)(a) of this Municipal Code.

(J) *Nonconformity of existing use.* The development of affordable housing pursuant to this section shall not require the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the new residential development.

(K) *Impact fees.* Cottage communities are subject to the impact fee provisions of § 9-3.60 and no impact fee is required for a unit that is less than 750 square feet in size. Units that are 750 square feet or larger in size shall be charged proportionately in relation to a 1,940-square foot single-family home, which is the average size of a detached, single-family home in Antioch (e.g., the floor area of the cottage, divided by 1,940 square feet, times the typical fee amount charged for a new dwelling).

(L) *Fair housing.* Housing built in the IH Overlay is required to comply with all applicable state and federal fair housing requirements, including the California Fair Employment and Housing Act, Unruh Civil Rights Acts, and federal Fair Housing Act. This includes but is not limited to religion-based discrimination.

ATTACHMENT "B"

PLANNING COMMISSION RESOLUTION NO. 2023-xx

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THE CITY COUNCIL AMEND THE CITY OF ANTIOCH ZONING MAP TO INCLUDE THE INNOVATIVE HOUSING (IH) OVERLAY DISTRICT

WHEREAS, there is potential to accommodate affordable housing on faith-owned land in Antioch;

WHEREAS, the City of Antioch ("City") applied for and received a Partnership for the Bay's Future Policy Grant that provides local governments with technical assistance and staff capacity to develop and implement affordable housing production policies;

WHEREAS, City staff used the Policy Grant to create zoning amendments to support new housing development types on underutilized religious assembly sites;

WHEREAS, the scope includes amending the Zoning Code to create a new Innovative Housing (IH) Overlay District to provide key, objective requirements for the development of multiple accessory dwelling units ("cottage communities") within the City's IH Overlay District;

WHEREAS, small-footprint cottages that may be built in factories have a demonstrated ability to house people quickly and cost-effectively and would be built to appropriate standards that are at least equivalent to the requirements prescribed in the California Building Standards Code in performance, safety, and the protection of life and health;

WHEREAS, the proposed IH Overlay District is intended to allow for the streamlined development of cottage communities on religious assembly sites that have been selected due to their location, land ownership status, and capacity to accommodate residential units on unused and/or underutilized commercial areas of the city;

WHEREAS, thirty-three (33) parcels were identified to be rezoned to the IH Overlay District as part of the planning process;

WHEREAS, the Zoning Map Amendment is not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment;

WHEREAS, the Zoning Map Amendment is statutorily exempt from CEQA per CEQA Guidelines Section 15282(h), which states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of State ADU Law (Gov. Code Sections 65852.1 and 65852.2); and

WHEREAS, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on October 6, 2023 for the public hearing held on October 18, 2023.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission does hereby make the following findings pursuant to Section 9-5.2802 "FINDINGS REQUIRED" of the Antioch Municipal Code for recommendation to the City Council for approval of the proposed zoning change:

1. That the proposed zone reclassification will allow uses more suitable for the area than the present classification.

The IH Overlay would allow sites the flexibility to develop with housing while maintaining existing uses. The proposed IH Overlay sites are in neighborhoods well-served by amenities and services and have land capacity that is feasible for residential development, Making residential land uses suitable.

2. That uses permitted by the proposed zone will not be detrimental to adjacent or surrounding property.

Allowing multiple accessory dwelling units configured in cottage communities is gentle way to add needed affordable housing without disrupting neighbors. Development standards related to setbacks, separation between buildings, requirement open space, minimum parking, and maximum height will ensure that cottages respect the neighborhood context and do not have a detrimental affect on neighbors.

3. That evidence has been presented documenting land use changes in the area to warrant a change of zone.

Evidence has been presented in the form of a written staff report, maps, and oral staff presentation at the Planning Commission meeting.

4. That the requested zone change is in conformance with the General Plan.

Per California Government Code Section 3552.2(a)(1)(C), accessory dwelling units are a residential use that is consistent with the existing General Plan and zoning designation for the lot. Moreover, per General Plan Land Use Policy 4.4.2.2(b), religious assembly uses are permitted and appropriate for sites designated for residential uses, indicating that coinciding residential and religious assembly land uses is consistent with the General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends the City Council amend the Zoning Map to include the Innovative Housing (IH) Overlay District on the identified properties as attached hereto in Exhibits A and B.

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 18th day of October, 2023, by the following vote:

AYES:

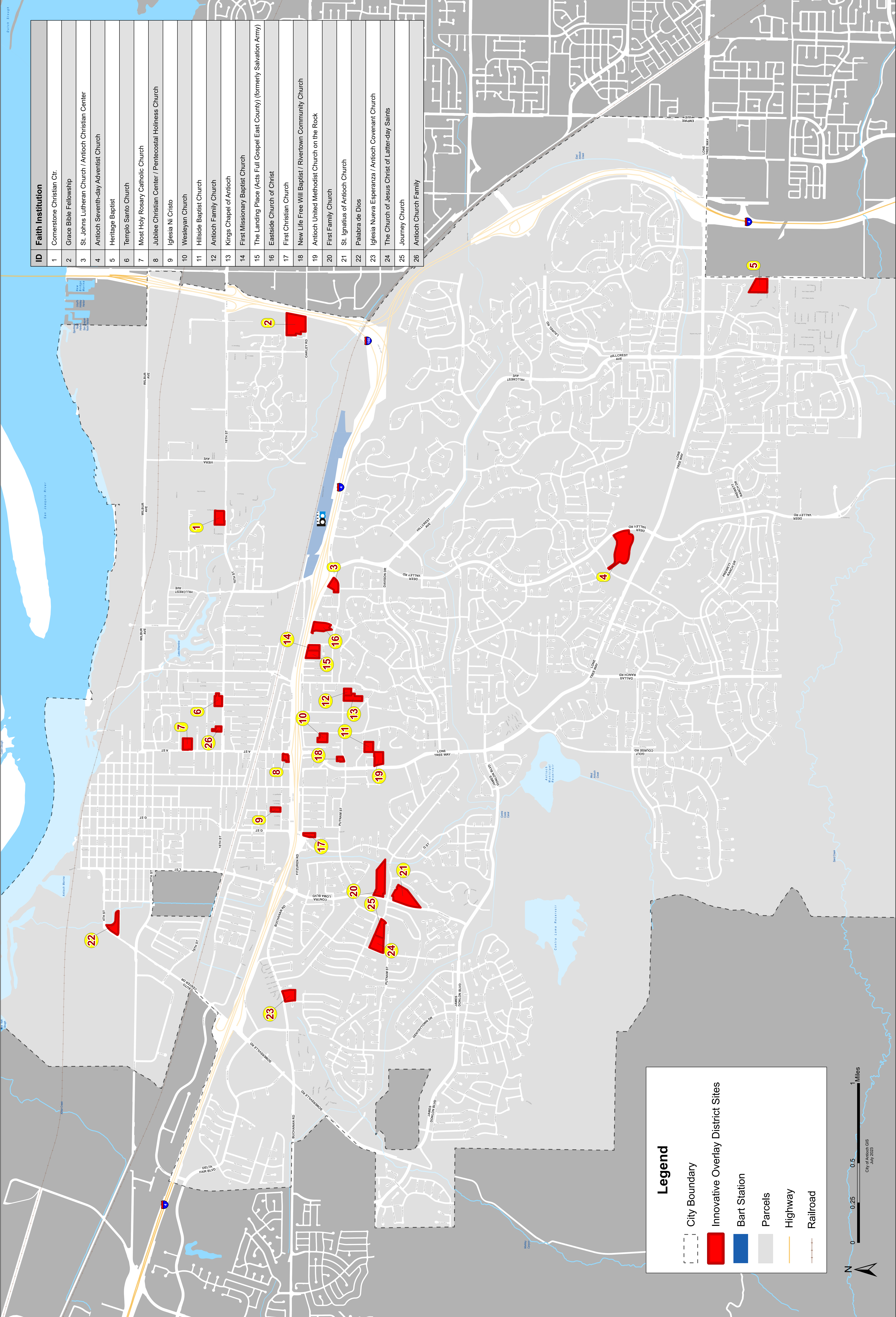
NOES:

ABSENT:

ABSTAIN:

KEVIN SCUDERO Secretary to the Planning Commission

EXHIBIT A
ZONING MAP AMENDMENT
(SEPARATE PAGE)



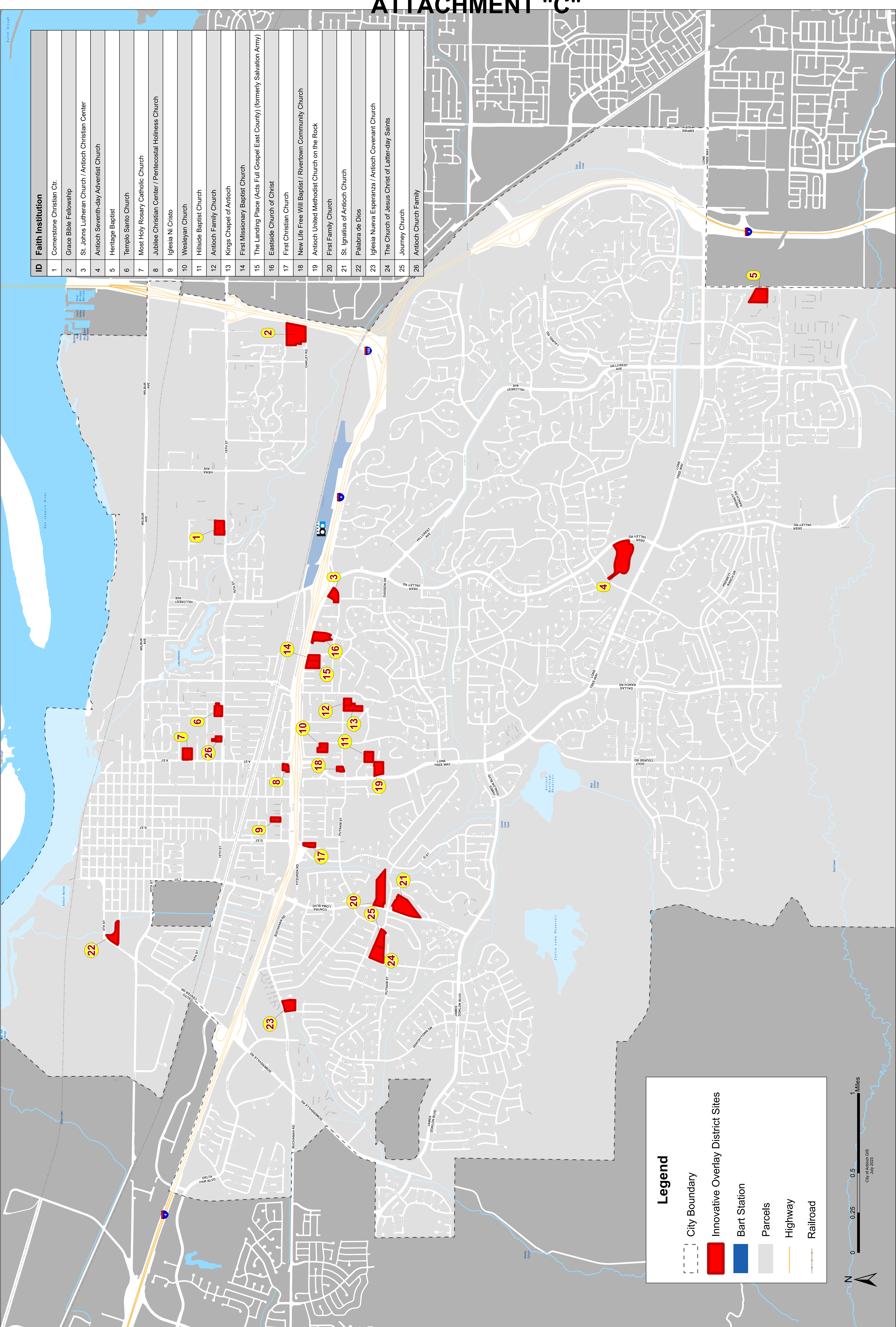
ID	Faith Institution
1	Cornerstone Christian Ctr.
2	Grace Bible Fellowship
3	St. Johns Lutheran Church / Antioch Christian Center
4	Antioch Seventh-day Adventist Church
5	Heritage Baptist
6	Templo Santo Church
7	Most Holy Rosary Catholic Church
8	Jubilee Christian Center / Pentecostal Holiness Church
9	Iglesia Ni Cristo
10	Wesleyan Church
11	Hillside Baptist Church
12	Antioch Family Church
13	Kings Chapel of Antioch
14	First Missionary Baptist Church
15	The Landing Place (Acts Full Gospel East County) (formerly Salvation Army)
16	Eastside Church of Christ
17	First Christian Church
18	New Life Free Will Baptist / Rivertown Community Church
19	Antioch United Methodist Church on the Rock
20	First Family Church
21	St. Ignatius of Antioch Church
22	Palabra de Dios
23	Iglesia Nueva Esperanza / Antioch Covenant Church
24	The Church of Jesus Christ of Latter-day Saints
25	Journey Church
26	Antioch Church Family

Antioch Innovative Housing Overlay District Sites

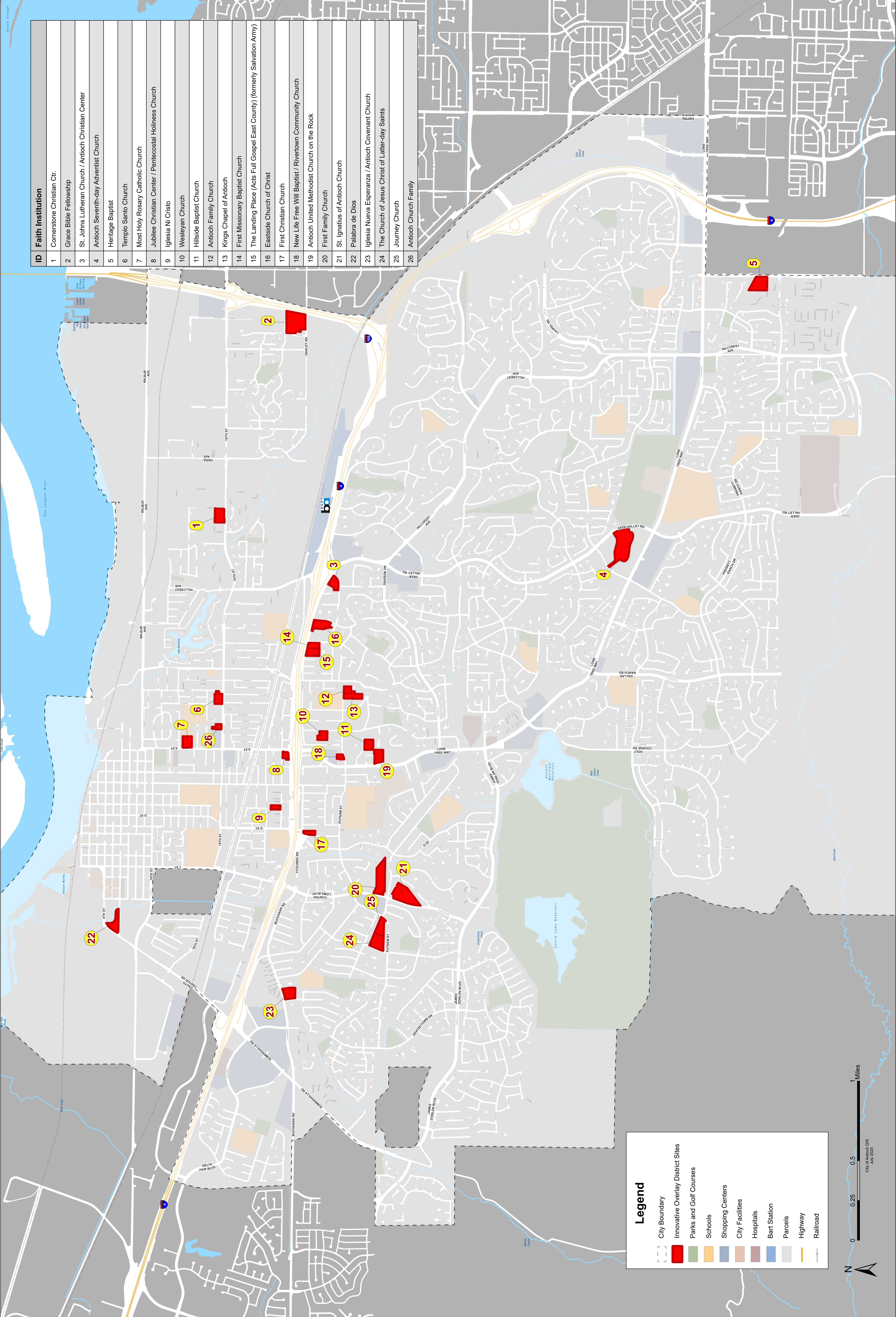
EXHIBIT B**TABLE OF SITES**

Map #	Faith Institution	Address	Accessor Parcel Number (APN)
1	Cornerstone Christian Ctr.	E 18th St	51140034
	Cornerstone Christian Ctr.	1715 E 18th St	51140008
2	Grace Bible Fellowship	3415 Oakley Rd	51200065
3	St. Johns Lutheran Church/ Antioch Christian Center	1360 E Tregallas Rd	52013015
4	Antioch Seventh-day Adventist Church	2200 Country Hills Dr	55071105
	Antioch Seventh-day Adventist Church	2200 Country Hills Dr	55071104
5	Heritage Baptist	5200 Heidorn Ranch Rd	56130014
6	Templo Santo Church	201 E 18th St	65164023
7	Most Holy Rosary Catholic Church	1313 A St	65181018
	Most Holy Rosary Catholic Church	1403 A St	65181014
8	Jubilee Christian Center/ Pentecostal Holiness Church	11 Texas St	67283019
9	Iglesia Ni Cristo	548 Texas St	67291026
	Iglesia Ni Cristo	508 Texas St	67291046
10	Wesleyan Church	2800 Sunset Ln	68161050
11	Hillside Baptist Church	108 Hillside Rd	68181009
	Hillside Baptist Church	108 Hillside Rd	68181010
12	Antioch Family Church	330 Worrell Rd	68221068
13	Kings Chapel of Antioch	320 Worrell Rd	68221069
14	First Missionary Baptist Church	620 E Tregallas Rd	68251011
15	The Landing Place (Acts Full Gospel East County) (formerly Salvation Army)	620 E Tregallas Rd	68251012
16	Eastside Church of Christ	1020 E Tregallas Rd	68351003
17	First Christian Church	2725 Minta Ln	71024013
18	New Life Free Will Baptist/ Rivertown Community Church	11 Worrell Rd	71071021
19	Antioch United Methodist Church on the Rock	50 Walton Ln	71080009
20	First Family Church	3195 Contra Loma Blvd	71130026
	First Family Church	3195 Contra Loma Blvd	71241001

Map #	Faith Institution	Address	Accessor Parcel Number (APN)
	First Family Church	3195 Contra Loma Blvd	71234001
21	St. Ignatius of Antioch Church	3351 Contra Loma Blvd	71370026
22	Palabra de Dios	501 Auto Center Dr	74130080
23	Iglesia Nueva Esperanza/ Antioch Covenant Church	1919 Buchanan Rd	76231007
24	The Church of Jesus Christ of Latter-day Saints	3015 Rio Grande Dr	76310001
25	Journey Church	1200 Putnam St	76310003
26	Antioch Church Family	55 E 18 th St	65183036



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17	First Christian Church
18	New Life Free Will Baptist / Rivertown Community Church
19	Antioch United Methodist Church on the Rock
20	First Family Church
21	St. Ignatius of Antioch Church
22	Palabra de Dios
23	Iglesia Nueva Esperanza / Antioch Covenant Church
24	The Church of Jesus Christ of Latter-day Saints
25	Journey Church
26	Antioch Church Family