

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY OF SAN CARLOS, PURSUANT TO
GOVERNMENT CODE SECTION 65858(a), EXTENDING URGENCY ORDINANCE
1578, IMPOSING INTERIM REGULATIONS AND OBJECTIVE STANDARDS FOR
THE SUBDIVISION AND DEVELOPMENT OF QUALIFIED SENATE BILL 9
PROPERTIES FOR A PERIOD OF ONE YEAR.**

SECTION 1: The City Council of the City of San Carlos does hereby ordain as follows:

WHEREAS, this Ordinance is adopted as an urgency ordinance pursuant to Government Code Section 65858(a). The facts constituting the urgency are as follows:

- a) A severe housing crisis exists in the state with the demand for housing outstripping supply.
- b) In September 2021, Governor Newsom signed into law Senate Bill 9 ("SB 9"), entitled the "California Home Act". Among other provisions, this bill adds Sections 65852.21 and 66411.7 to the Government Code and becomes effective on January 1, 2022.
- c) SB 9 requires cities and counties, including the City of San Carlos ("City"), to ministerially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone, if the two-unit or subdivision project meets certain statutory criteria. SB 9 specifies that proposed projects and subdivisions cannot be proposed in prohibited locations under Government Code Section 65913.4(a)(6)(B)-(K), such as in an earthquake fault zone, lands under conservation easement, a federally designated flood plain, and high fire hazard severity zones as defined under state law.
- d) SB 9 further restricts the standards and regulations that local agencies, including the City, may impose on qualifying two-unit or subdivision projects. For example, SB 9 specifies that local agencies may impose only objective zoning, subdivision, and design standards that do not conflict with the statutes, but such standards must not physically preclude a unit size of 800 square feet. In addition, SB 9 permits a local agency to deny a proposed two-unit or subdivision project only if the agency's Building Official makes a written finding based on preponderance of the evidence that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment, which is a very high standard for municipalities to meet under the statute.
- e) The default statutory standards contained in SB 9 does not include objective zoning, subdivision, and design standards, such as, floor area, lot coverage, height, fencing regulations, subdivision and site development standards and regulations that are included in the San Carlos Municipal Code (SCMC) Titles 17 and 18 which are otherwise required to be complied by all residential development projects including accessory dwelling units (ADUs) or junior accessory dwelling units (JADUs).

- f) SB 9 specifically authorizes local agencies to impose objective zoning, subdivision, and design standards consistent with the bill's provisions, and to adopt an ordinance to implement its provisions. SB 9 further provides that such ordinances are not considered a "project" under the California Environmental Quality Act (CEQA).
- g) There is a need for the City to update its standards for SB 9 projects to bring its design and development regulations into compliance with the requirements of the bill.
- h) There is a need for the City to update its standards for SB 9 projects to ensure orderly development that also addresses aesthetics and massing of future projects.
- i) On January 10, 2022, the City Council adopted Urgency Ordinance 1576 with a 5-0 vote to enact the urgency ordinance for a period of 45 days with a possibility to extend for a period of 10 months and 15 days for the purpose of establishing regulations and objective standards pertaining to single-family home developments and subdivisions in a manner that complies with SB 9 and is consistent with California Government Code Sections 65852.21 and 66411.7, as amended.
- j) On February 3, 2022, a public notice was published for the February 14, 2022 City Council Meeting to consider extending the Urgency Ordinance 1576.
- k) On February 14, 2022, the City Council adopted Urgency Ordinance 1578 with a 5-0 vote to extend the urgency ordinance 1576 for a period of 10 months and 15 days for the purpose of establishing regulation and objective standards pertaining to single-family home developments and subdivisions in a manner that complies with SB 9 and is consistent with California Government Code Sections 65852.21 and 66411.7, as amended.
- l) In March 2022, City initiated work on the Objective Design Standards (ODS) project to develop quantifiable development standards for single-family, mixed-use and multi-family residential projects.
- m) On November 18, 2022, a public notice was published for the November 28, 2022 City Council meeting to consider extending the Urgency Ordinance 1578 for a period of one year to adopt a permanent SB 9 Ordinance concurrently with the Citywide Objective Design Standards for residential developments.
- n) California Government Code Section 65858 authorizes the City to extend an urgency measure by a four-fifths (4/5ths) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance.
- l) The City Council finds that an extension to the Urgency Ordinance 1578 is necessary to allow staff time to work on a permanent SB 9 ordinance. .
- m) Any interim urgency measure extended pursuant to Government Code Section 65858 shall be of no further force and effect one year from the date of the original expiration of Urgency Ordinance 1578 unless extended by the legislative body. During the effective term of the urgency ordinance, City staff intends to undertake further study and present its recommendations to the City Council regarding permanent revisions to the City's Municipal Code pertaining to SB 9 residential development and subdivision projects and consistent with the goals and policies of the General Plan, California

Planning and Zoning Law, concurrently with ODS and the provisions of California Government Code Section 65858.

SECTION 2: The City Council finds that there is a current and immediate threat to the public peace, health, welfare, and safety, specifically including possible permanent damage to the City's aesthetics that can result from unregulated and unordered developments due to SB 9 projects. The City Council finds that it is necessary to impose the Urgency Ordinance pursuant to Government Code Section 65858(a) to protect the public health, welfare, and safety for the following reasons:

- a) Based on the recent amendments to state law with respect to the regulation of SB 9 units and lot subdivisions, there is a need for the City to update its current codes.
- b) City staff needs time to analyze the impacts on the current Zoning Ordinance with respect to SB 9 and recommend changes with appropriate public input to provide for orderly and aesthetically appealing developments throughout the City thus maintaining the character of the City; and
- c) The citizens of San Carlos will be well-served if the City more fully addresses the potential impacts of SB 9 projects on aesthetics, safety, and environmental protection; and
- d) The most appropriate way to ensure the Planning and Transportation Commission and public reviews and comments on the permanent ordinance is to adopt the Urgency Ordinance imposing interim regulations and development standards for SB 9 projects while the permanent ordinance is being prepared.
- e) The subdivision of lots and design and construction of single-family residences, second primary dwelling units and accessory dwelling units pursuant to Senate Bill 9 (SB 9) without adequate standards can cause: land use and site development conflicts and incompatibilities including public safety, visual, privacy, acoustic and aesthetic impacts which would negatively impact the public welfare and the unique quality and character of the City of San Carlos.
- f) All of the facts and recitals above are true, correct, incorporated herein and made a part hereof such that there exists a current and immediate threat to the public health, safety, and welfare requiring immediate implementation of an urgency ordinance to regulate SB 9 residential development projects, subdivisions and site developments in the City of San Carlos.

WHEREAS, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 65858(b), and take effect immediately upon adoption. Therefore, this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 3: The City Council does hereby, pursuant to Government Code Section 65858(a), extend and impose the Urgency Ordinance for a period of one year from the date of the original expiration of Urgency Ordinance 1578.

SECTION 4: For purposes of this Interim Urgency Ordinance temporary regulations and standards shall be placed on all qualifying properties within RS-3 and RS-6 districts per the

language in Exhibit A.

SECTION 5: This is an extension to the Urgency Ordinance 1578, which requires 4/5 vote of approval of all of the members of the City Council and goes into effect immediately upon its adoption.

SECTION 6: California Environmental Quality Act Determination. The City Council hereby finds pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance exempt from CEQA because pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is exempt from CEQA because this project is consistent with the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report (EIR) and no new environmental effects have been found and no new mitigation is necessary. Therefore, no additional environmental review is required pursuant to Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15303 (a) and (b).

SECTION 7: Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council of the City of San Carlos hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 8: Effective Date and Publication. This Ordinance extension shall take effect December 29, 2022. The City Clerk shall cause publication of the Urgency Ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the City or, if none, by posting in at least three public places in the city. Within 15 days after the extension of the Urgency Ordinance amendment, a summary of the amendment shall be published with the names of the City Council members voting for and against the amendment.

SECTION 9: Conflicting Provisions Deemed Ineffective During Ordinance Operative Period. Any provision of the Municipal Code relating to residential development and lot subdivision standards which is in conflict with this ordinance is hereby deemed ineffective during the ordinance's operative period.

I, City Clerk Crystal Mui, hereby certify that the foregoing Urgency Ordinance was extended by the required 4/5th vote, effective immediately, at a regular meeting of the City Council of the City of San Carlos held on the 28th day of November, 2022 by the following vote

AYES, COUNCILMEMBERS:

NOES, COUNCILMEMBERS:

ABSENT, COUNCILMEMBERS:

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibit A: Proposed Regulations and Standards for SB-9 projects

EXHIBIT A

Regulations and Objective Standards for Qualified Senate Bill 9 Subdivisions and Development Projects

New text is highlighted in red.

1. Purpose and Intent.

The purpose of this article is to establish regulations and objective standards to govern the development of qualified Senate Bill 9 subdivisions and development projects on RS-3 (single-family, low density) and RS-6 (single-family) properties within San Carlos. The establishment of these regulations will result in the orderly subdivision and development of qualified Senate Bill No. 9 (2021) ("SB 9") projects while ensuring that the new units are consistent with the existing development patterns of the City and do not create any significant impacts with regards to public infrastructure or public safety. The regulations are established to implement the requirements under California Government Code Sections 65852.21 and 66411.7.

2. Definitions.

For purposes of this article, the following definitions apply:

- (a) "Accessory dwelling unit" or "ADU", means an attached or detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and located on a single lot with a proposed or existing single-unit dwelling. It shall include a separate external entrance and permanent provisions for living, sleeping, eating, cooking, and sanitation (at minimum, a sink, toilet, and shower) on the same parcel as the single-family or multifamily dwelling. At a minimum, the kitchen shall contain a sink, standard refrigerator, and either a built-in cooktop or range, as well as a food preparation counter and storage cabinets. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) "Dwelling unit" means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one family. Dwelling Unit includes an ADU, JADU, a primary dwelling unit, and a SB 9 dwelling unit.
- (c) "Junior accessory dwelling unit" or "JADU", or "efficiency unit is a unit that is no more than five hundred (500) square feet in size and contained entirely within a single-family dwelling unit (must contain a separate, external entrance). A junior accessory dwelling unit may include separate sanitation facilities (bathroom containing, at minimum, a sink, toilet, and shower) or may share sanitation facilities with the single-family dwelling. An efficiency kitchen is required, which must include a sink and a built-in cooking facility with appliances (e.g., microwave, toaster oven, hot plate), as well as a food preparation counter and storage cabinets.
- (d) "Existing dwelling unit" means a primary dwelling unit or other dwelling unit on a parcel that exists prior to any voluntary demolition or reconstruction or remodel where more than 50% of the exterior wall framing has been removed or altered. Any existing dwelling unit where more than 50% of the exterior wall framing has been removed is considered a new dwelling for purposes of this article.
- (e) "Primary dwelling unit" means a single-family residence on the parcel and is the

larger of the two if there is an existing accessory dwelling unit on the parcel.

- (f) "Private Road" means a road, way, or street in private ownership and under private maintenance, not offered for dedication as a public road, way, place, or street, which affords the principal means of access to three or more lots or parcels which do not have frontage on a public street.
- (g) "SB 9 dwelling unit" or "SB 9 unit" or "second primary dwelling unit" means a dwelling unit that is developed using the provisions in this article and the provisions identified in California Government Code Sections 65852.21 and 66411.7.

3. Eligibility of properties for a subdivision

The following parcels are not eligible for a subdivision or development under this article:

- (a) Any parcel that was established through a prior exercise of a subdivision as provided for in this article.
- (b) Any parcel proposing to be subdivided that is adjacent to another parcel where either the owner of the parcel proposing to be subdivided or any person acting in concert with said owner has previously subdivided that adjacent parcel using the provisions in this article. For the purposes of this article, "any person acting in concert" with the owners includes, but is not limited to, an individual or entity operating on behalf of, acting jointly with, or in partnership or another form of cooperative relationship with, the property owner.
- (c) Any parcel located within an historic district or included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a parcel within a site that is designated or listed as a City of San Carlos or San Mateo County landmark or historic property or district pursuant to a City of San Carlos or San Mateo County ordinance.
- (d) Any parcel where the subdivision or the proposed housing development would require the demolition or alteration of any of the following types of housing:
 - i. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - iii. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 - iv. Housing that has been occupied by a tenant in the last three years.
- (e) Any parcel locations under Government Code Section 65913.4(a)(6)(B)-(K), such as in an earthquake fault zone, lands under conservation easement, a federally designated flood plain, and high fire hazard severity zones as defined under state law.
- (f) Any parcel where the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph

(2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

4. Objective standards and requirements for a subdivision.

The following objective standards and regulations apply to all subdivisions under this article. All applicable objective standards within Article 17 of the San Carlos Municipal Code shall apply in addition to the objective standards under the provisions of this article:

- (a) A Parcel Map and an application for Subdivision Application shall be submitted to the City for all proposed subdivisions.
- (b) The subdivision shall create no more than two new parcels of approximately equal area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision. In no instance shall any resulting parcel be smaller than 1,200 square feet in area.
- (c) Existing corner parcels shall be split approximately perpendicular to the longest contiguous property line.
- (d) The front parcel line of any newly created parcel shall be the parcel line that is closest to or parallel to the public or private road that serves the parcel.
- (e) The side lot lines of all lots, as far as practicable, shall be at right angles to straight streets on which the lot faces, or radial to curved streets.
- (f) Lots without frontage on a street are not permitted. Lots, other than corner lots, may not front on more than one street unless necessitated by topographic or other unusual conditions.
- (g) Flag lots are not allowed.
- (h) No setbacks shall be required for an existing dwelling structure on the parcel from a proposed property line.
- (i) Separate utility meters shall be provided for each parcel prior to recordation.
- G) All newly created parcels shall be connected to public sewer per the City of San Carlos Engineering Standards.
- (k) No dedications of rights-of-way or the construction of offsite improvements for the parcels being created pursuant to this section shall be required as a condition of approval.
- (l) The subdivision is subject to all impact or development fees related to the creation of a new parcel.
- (m) A note on the parcel map and a recorded deed restriction in a form approved by the City Attorney shall be applied to all newly created parcels indicating that the parcel was split using the provision of this article and that no further subdivision of the parcels is permitted.
- (n) Prior to the recordation of the parcel map, the applicant shall sign and record an affidavit stating that the applicant intends to reside in one of the proposed or existing primary dwelling units or SB 9 units for three years from the date of the approval of the subdivision. This requirement shall not apply if the applicant is a community land trust or a qualified nonprofit corporation as provided in Sections 402.1 and 214.15 of

the Revenue and Taxation Code.

5. Objective standards and requirements for dwelling units on a parcel subdivided pursuant to this article.

The following objective standards and regulations apply to all development on a parcel that has been subdivided or concurrently subdivided under the provisions of this article:

- (a) A maximum of two units shall be allowed per subdivided parcel
- (b) ADUs and JADUs are not allowed
- (c) The uses shall be limited to those permitted in the underlying zoning district
- (d) The following development is permitted on the parcel:
 - (1) An existing primary dwelling unit and an SB 9 unit; or
 - (2) Two SB 9 units.
 - (3) If there is an existing primary dwelling unit and ADU or JADU on the property, then no further development is permitted for that property.
- (e) The maximum floor area (MFA) permitted on each lot shall be 1,600 square feet (800 square feet for each unit).

Exception:

If there is an existing primary dwelling unit on the parcel, the floor area of the existing residence cannot be increased, and any SB 9 dwelling unit shall not exceed 800 square feet.

- (f) Setbacks and Floor Area: The minimum front setback for any new primary dwelling unit or SB 9 dwelling unit shall adhere to the underlying zoning district and be four
(4) feet from the interior side and rear property lines and the maximum floor area on the property shall be 1,600 square feet (800 square feet for each unit). Basements are not permitted.

Exception:

No setback is required for a new SB 9 dwelling unit constructed in the same location as an existing structure on the parcel.

- (g) The maximum height of all new SB 9 dwelling units shall be 16 feet. If there is an existing primary dwelling on the parcel, the maximum height per the underlying zoning district of the existing residence cannot be increased.

Exception:

The maximum height of SB 9 units within Hillside Overlay Districts shall be 20'- 0.

- (h) One uncovered parking space is required. The parking space shall be at least 10 feet wide by 20 feet deep and shall be contained entirely on the private property. No parking is required when the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one block of the parcel.

- (i) If the two SB 9 dwelling units are configured as a duplex on a parcel, a solid one- hour fire wall between the units is required. In addition, a deed restriction in a form approved by the City Attorney shall be recorded stipulating that the duplex shall be maintained as two separate units.
- (j) All new SB 9 units shall have 1- hour rated Type 5A construction on all exterior walls and Class A roof assemblies.
- (k) If the parcel is fully developed with the number of units permitted under this section, the applicant or property owner shall record a deed restriction in a form approved by the City Attorney stipulating that no further development of the parcel is permitted.
- (l) Fire access to all new units shall be compliant with the Redwood City - San Carlos Fire Department standard specifications and the California Fire Code.
- (m) If the proposed dwelling units are developed subsequent to a subdivision completed pursuant to this Article, the owner shall sign and record an affidavit placing a covenant that will run with the parcel to confirm that the owner intends to reside in either the primary dwelling unit or an SB 9 unit on the parcel for three years from the issuance of an SB 9 dwelling unit's Certificate of Occupancy and closing of all construction permits pertaining to the parcel.
- (n) All newly created dwelling units shall be connected to public sewer per the City of San Carlos Engineering Standards.
- (o) All outdoor patios, covered patios, decks, and other hardscape shall meet the City's requirements with regard to lot coverage, setbacks, natural state, height, etc.
- (p) All new SB9 units shall comply with San Carlos Municipal Code and adopted California Building Code, and California Fire Code.
- (q) No dwelling unit shall be rented for a period of less than thirty (30) days and cannot be occupied as a short-term rental unit.
- (r) An SB 9 unit may be rented separately from the primary dwelling unit.
- (s) Development projects pursuant to this section shall be subject to all impact or development fees related to the development of a new dwelling unit.

6. Objective standards and requirements for new dwelling units on a parcel that is not being subdivided.

The following objective standards and regulations apply to all new development on a parcel, including primary dwellings, SB 9 dwelling units, an ADU, or a JADU attached or detached to the primary dwelling, that are developed under the provisions of this article on a parcel that is **not** being subdivided:

- (a) The maximum of four (4) units are allowed per lot.
- (b) The uses shall be limited to those permitted in the underlying zoning district
- (c) The following development is permitted on the parcel:
 - (1) a primary dwelling unit and an SB 9 unit (or two SB 9 units);
 - (2) an ADU; and
 - (3) a JADU
- (d) The maximum floor area (MFA) and maximum lot coverage (MLC) permitted on the

parcel shall be determined pursuant to Table 18.04.030 of the Municipal Code, 800 square feet of additional MFA/MLC is permitted for an SB 9 unit that is not the primary dwelling.

- (e) The maximum floor area of an SB 9 unit shall be 800 square feet. Basements are not permitted.
- (f) The minimum front setback for any new SB 9 dwelling unit shall be the same as required for the underlying zoning district and four (4) feet from the interior side and rear parcel lines.

Exception:

No setback is required for a new SB 9 dwelling unit constructed in the same location as an existing structure on the parcel.

- (g) The maximum height of the SB 9 dwelling unit shall be 16 feet.

Exception:

The maximum height of SB 9 units within Hillside Overlay Districts shall be 20'-0.

- (h) One uncovered parking space is required. The parking space shall be at least 10 feet wide by 20 feet deep and shall be contained entirely on the private property. No parking is required when the parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code; or if there is a car share vehicle located within one block of the parcel. A solid (no openings) one-hour rated fire wall is required between any SB 9 unit and the primary dwelling unit or an ADU or JADU.
- (i) All new SB 9 units shall have 1- hour rated Type 5A construction on all exterior walls and Class A roof assemblies.
- U) Fire access to all new units shall be compliant with the Redwood City - San Carlos Fire Department standard specifications and the California Fire Code.
- (k) All newly created SB 9 units shall be connected to public sewer per the City of San Carlos Engineering Standards.
- (l) All new SB 9 units shall comply with San Carlos Municipal Code and adopted California Building Code, and California Fire Code.
- (m) All outdoor patios, covered patios, decks, and other hardscape shall meet the City's requirements with regard to lot coverage, setbacks, natural state, height, etc.
- (n) No dwelling unit shall be rented for a period of less than thirty (30) days and cannot be occupied as a short-term rental unit.
- (o) An SB 9 dwelling unit may be rented separately from the primary dwelling unit.
- (p) Development projects pursuant to this section shall be subject to all impact or development fees related to the development of a new dwelling unit.

7. Objective building and design requirements for all SB 9 dwelling units.

All SB 9 dwelling units shall be reviewed and approved without discretionary review or a hearing. As part of the Planning Department's ministerial approval, the following objective design requirements shall be required.

If it is not feasible to comply with all applicable Objective Design Standards when constructing up to two 800 square foot residential units on a property, the applicant shall provide all necessary information requested by the City (e.g., a topographic survey, etc.) to demonstrate that it is infeasible to construct one or both of the two 800 square foot residential units while complying with all applicable Objective Design Standards for review by the City. On review of the complete feasibility study, the Planning Director shall determine which of these Objective Design Standards may be reduced and/or waived to allow for up to two residential units that are no more than 800 square feet and evaluate feasible locations for the residential unit(s) to find the location(s) that create the fewest impacts to environmentally sensitive areas such as hillside districts, stream overlays, etc.

Where there is any discrepancy between these objective standards and other requirements within the San Carlos Municipal Code for the underlying Zoning District, the stricter objective standards shall apply:

I. Site Planning
Grading
Grading shall not exceed 999 cubic yards.
Hillside Overlay Development- All objective design standards within the Hillside Overlay District per SCMC 18.12 Hillside Overlay District shall apply in addition to the standards specified below.
<u>Proposed grading</u> which necessitates terracing shall not have retaining or skirt walls exceeding four feet in height and shall have a horizontal separation equal to the wall height.
<u>Slopes</u> created by grading of the site shall not exceed thirty percent.
<u>Parking Front Setback Adjustment.</u> In order to reduce grading, required parking (including a private garage) may be located at five feet to the street property line; provided, that portions of the new units and accessory structures other than the garage shall comply with the setback requirements of the base zoning district.
<u>Natural State.</u> A minimum area of twenty-five percent of the lot area plus the percentage figure of average slope, not to exceed a maximum of eighty-five percent, must remain in its natural state.
<u>Site Access, Driveways.</u> Each driveway shall follow natural terrain contours to the maximum extent feasible to minimize grading, and also shall comply with the following standards: 1. Maximum Grade. The finished grade of a driveway shall conform to the finished grade of the lot, but in no case shall exceed an average grade of eighteen percent. 2. Agency Review. The location and design of any driveway shall be referred to the Fire Department for review and comment as to on- and off-street safety of vehicles, vehicle passengers and pedestrians, and access for emergency vehicles.
<u>Retaining Walls.</u> Large retaining walls in a uniform plane shall be avoided. Retaining walls shall be divided into terraces with variations in plane and include landscaping to break up the length of walls and to screen them from view. No retaining wall located in the front or rear yard area shall be higher than six feet, and must incorporate a three-foot recessed offset feature every thirty feet, or other methods of articulation.

<u>Decks.</u> No portion of the walking surface of a deck with visible underpinnings shall exceed a height of six feet above grade. Decks shall be integrated into the architecture of the house, and not appear as an add-on to the primary building mass.
<u>Retaining walls</u> over four feet in height, accessory structures, and buildings visible from a downslope shall be screened.
<u>Colors and Materials.</u> A mixture of materials and color shall be used to blend structures with the natural appearance of the hillside which shall include darker and earth tone exterior colors. In areas of potential high fire hazard, exterior building materials shall be fire-retardant.
<i>Trees</i>
A tree removal/ pruning permit is required for removal or pruning of any protected and/or significant tree.
All objective standards within the SCMC 18.18 Landscaping shall apply.
<i>Driveways</i>
One driveway is permitted per lot.
<i>Utilities & Services</i>
Each home shall be provided with a location for the storage of trash receptacles which is screened from the view from the public right-of-way.
Transformers, back flow preventers, generators, and other similar elements shall be screened from view from the public right-of-way.
II. <u>Building Design (Detached & Attached)</u>
<i>Entrances</i>
Entrances shall not exceed 10 feet in height.
The principal entry shall be located in a visible location facing the street and shall incorporate a projection (e.g., porch) or recess, or combination of projection and recess at least forty square feet in area, with a minimum depth of five feet.
Porches shall not encroach more than 3'-0 into the front setback regardless of height.
Where the entrances to both units are located on the front elevation, both doors shall be located together to mimic the appearance of a single-family home and shall have a covered entry.
Where entrances are located on separate elevations, both entrances shall have a covered entry.
The main entry feature shall not be the garage door.
Design elements and detailing shall be continued completely around the structure. Such elements shall include window treatments, trim detailing, and exterior wall materials.
All vents, gutters, downspouts, flashings, electrical conduit, etc., shall be painted to match the color of the adjacent surface.
No street-facing facade shall run in a continuous plane of more than twenty-five feet without a window or a projection, offset, or recess of the building wall at least one foot in depth. Building entrances and front porches, and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement.
Building elevations abutting side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break.
All exterior building materials and colors shall be the same for all units on the property. Exterior materials shall be hard board, stucco, unpainted brick, or stone in an earth tone color. Board- formed non-colored concrete and stained wood with proper fire assemblies may be used for accent walls.
Roofing shall be 30-year (minimum) composition shingle, tile, natural slate or standing seam metal in anon-reflective earth tone color.
The exterior use of foam as trim and plywood or aluminum as siding materials is prohibited.

Building materials which are vinyl or include reflective minerals such as hematite or quartz are prohibited.
<i>Fenestration</i>
Window and door frames shall be colored metal: black, white or earth tone in color.
The window type and style shall be consistent on all elevations.
Trim at least one inch in depth must be provided around all windows, or window must be recessed at least two inches from the plane of the surrounding exterior wall. For double-hung and horizontal sliding windows, at least one sash shall achieve a two-inch recess.
<i>Exterior Lighting</i>
Exterior building lighting shall be directed downward, have a shielded light source, and be designed so that the light is not directed off site.
<i>Massing</i>
Garage Frontage. Where an attached garage is located on the front half of the lot and garage doors face a street, garage width shall not exceed sixty-five percent of the width of the front facade of the building (sixty percent on lots wider than one hundred feet).
<i>Paving</i>
The maximum amount of paving in street-facing yards is fifty percent of the required yard.
<i>Alley Access</i>
A detached garage or carport is permitted to have access to the alley if: 1. The garage or carport entrance is set back a minimum of four feet from the rear property line; 2. A forty-five-degree visibility triangle is provided on either side of the garage or carport; 3. The garage door does not cross the property line when opened or closed
III. Landscape Elements
<i>Retaining Walls</i>
Retaining walls shall not exceed 6 feet in height in the required front or rear setback.
Retaining walls shall be stone or unpainted brick in earth tone colors, or non-colored concrete.
<i>Hardscape</i>
Hardscape shall be gravel, stone, or unpainted brick in earth tone colors, or non-colored concrete.
<i>Softscape</i>
All landscaping shall be drought tolerant and native.
Landscaping shall not be planted in a linear pattern.
All new trees shall be installed at a minimum of 24- inch box and shall be adequately spaced.
One tree per every 1000 s.f. lot coverage. One must be a 24" box street oriented tree.
<i>Landscaping</i>
All landscaping shall adhere to the Objective Standards within SCMC 18.18
<i>Fencing</i>
All other fence regulations apply per the SCMC 18.15 8 .040

8. Permit review process.

All applications for lot splits and new development using this article shall be ministerially approved without public hearings or discretionary review.

9. Fees.

The City Council may establish and set by resolution all fees and charges, consistent with Government Code sections 65852.2 and 65852.22, and related provisions, as may be necessary to effectuate the purpose of this article.