

### 17.08.040 Land Use Regulations.

Schedule II-1 prescribes the land use regulations for the residential districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted use classifications.

“L” designates use classifications that are permitted, subject to certain specific limitations noted by the number designations and listed at the end of Schedule II-1.

“C” designates use classifications permitted after review and approval of a conditional use permit by the Planning Commission. Conditions or standards may apply to these uses, noted by the number designations and listed at the end of Schedule II-1.

These uses are subject to Division I, General Regulations, and additional use regulations found in Division IV, Provisions Applying in All or Several Districts. Additional use regulations are also found in CMC [17.08.050](#), Additional Use Regulations, and are referenced in the schedule. Findings for specific uses may also be required and are found in Chapter [17.64](#) CMC, Findings Required for Permits and Approvals.

Use classifications are defined in Chapter [17.68](#) CMC, Use Classifications, and are based on the use classifications listed in the current edition of the North American Industry Classification System (NAICS). Questions as to the inclusion or exclusion of a particular proposed use in a particular category will be determined by the Director based on a NAICS Use Categories List, adopted by resolution by the City Council and held at the Department of Community Planning and Building counter. The Director shall make the decision according to the characteristics of the use, and upon the Director’s interpretation of the land use code, the NAICS Use Categories List and the current edition of the NAICS. The determination by the Director may be appealed to the Planning Commission by anyone aggrieved by the decision following the procedures specified in Chapter [17.54](#) CMC, Appeals.

Schedule II-1 Land Use Regulations for Residential Districts			
<b>P = Permitted Use</b> <b>L = Limitations Apply</b> <b>C = Conditional Use Permit</b> <b>Required</b>	R-1	R-4	<b>Additional Regulations</b>
	Residential		

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	Single-Family	P	
Accessory Dwelling Units			See CMC <a href="#">17.08.050</a> (G)
Accessory Dwelling Unit, Interior	P	P	
Accessory Dwelling Unit, New Structure	P	P	
Class I Accessory Dwelling Unit	P	–	
Class II Accessory Dwelling Unit	P	–	
Studio	P	P	
Guesthouse (Noncommercial)	CP	–	See CMC <a href="#">17.08.050</a> (C)
Multifamily Dwellings			See CMC <a href="#">17.08.050</a> (F)
0 – 22 dwelling units/acre	–	P	
22 dwelling units/acre	–	C	
Senior Citizen Housing	L-5	P	
Family Day Care			
Small Family	L-5	P	
Large Family	–	C-4	See CMC <a href="#">17.08.050</a> (B)
Group Residential	–	C	
<b>Public, Semipublic and Service</b>			
Clubs and Lodges	C-2	C-4	
Colleges and Trade Schools	–	L-4	
Community Care Facility	–	L-4	

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Community Social Service Facility	C-2	L-4	
Day Care Centers	C-2	C-4	
Emergency Medical Care	–	L-4	
Government Offices	–	L-4	
Hospitals and Clinics			
Clinics	–	L-4	
Hospice Care, Limited	C-5	L-5	
Libraries, Public	–	L-4	
Park and Recreation Facilities	P	P	
Community Centers	C-2	L-4	
Conference Facility, Small	C-2	L-4	
Parking Facilities, Noncommercial	C-2	C	See Chapter <a href="#">17.64</a> CMC, Findings Required for Permits and Approvals
Public Safety Facility	–	P	
Religious Facilities	C-2		
Residential Care Facilities			
Limited	L-5	P	
Senior	–	C	
Schools, Public	C-2	–	
Schools, Private	C-2	P-4	

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<b>Commercial</b>			See Chapter <a href="#">17.56</a> CMC, Restricted Commercial Uses
Animal Sales and Services			
Animal Grooming	–	L-4	
Business Services	–	L-1	
<a href="#">Cottage Food Operations</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">See CMC 17.08.050(l)</a>
Hotels and Motels	C-3	C	
Maintenance/Repair Services	–	L-4	
Offices	–	L-4	
Parking Facilities, Commercial	–	C	See Chapter <a href="#">17.64</a> CMC, Findings Required for Permits and Approvals
Personal Improvement Services	–	L-4	
Personal Services	–	L-4	
Retail Sales			
Vending Machines	–	C	
Travel Services	–	C	
Theater, Live Performance	C-2	–	
<b>Transportation, Communication and Utilities</b>			
Antennas and Transmission Towers	–	C	
<b>Agricultural</b>			
Nurseries	P	–	

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	<b>Other</b>		
	Accessory Use		See CMC <a href="#">17.08.050(A)</a>
	Nonconforming Use		See Chapter <a href="#">17.36</a> CMC, Nonconforming Uses and Buildings
Temporary Use		See CMC <a href="#">17.52.100(I)</a>	
<b>Specific Limitations and Conditions</b> <ol style="list-style-type: none"> <li>1. Limited to advertising, consumer credit reporting, secretarial and court reporting, equipment maintenance and repair, personnel supply services, and nonretail computer services and repair.</li> <li>2. Allowed only on existing quasi-public use sites established prior to December 1, 1980, or added as an accessory use to such existing uses.</li> <li>3. Limited to existing units established prior to January 1, 1967, and/or authorized by a use permit issued between 1967 and 1990. *Note: These provisions approved by voter referendum.</li> <li>4. Limited to existing commercial spaces established prior to 1993 and occupied by commercial uses continuously since that time.</li> <li>5. Limited to occupancy within a single-family residence.</li> </ol>			

(Ord. 2017-10 § 1 (Exh. A), 2017; Ord. 2016-04 § 7, 2016; Ord. 2016-02 § 7, 2016; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

**17.08.050 Additional Use Regulations.**

**A. Accessory Buildings and Structures.**

1. Except as provided in CMC [17.10.040](#), Lot Mergers, no more than two accessory structures may be constructed on each building site.
2. Accessory buildings and structures shall not exceed 400 square feet in floor area except: (a) as provided for guesthouses, (b) as provided for interior accessory dwelling units and new structure accessory dwelling units, and (c) as provided in subsection (A)(3) of this section.

3. Two accessory structures (such as a garage and a guesthouse) may be combined into a single structure as long as the combined floor area does not exceed what would be allowed for two independent structures and does not exceed 75 percent of the floor area of the primary structure. All accessory structures exceeding five feet in height shall count as floor area. Storage sheds of 120 square feet or less and containing no plumbing or electrical connections shall not require a building permit.

B. Family Day Care, Large Family. The following additional regulations shall apply to the operation of large family day care homes serving seven to 12 persons.

1. Standards. All large family day care homes shall comply with all applicable State standards and requirements for family day care homes. In addition, all large family day care homes shall comply with the following standards:

a. Outdoor Play Area. All outdoor play areas shall be enclosed by a natural barrier, wall, solid fence, or other solid structure at least six feet in height, and all outdoor play areas shall be adequately separated from driveways, streets and parking areas.

b. Parking and Traffic. Adequate parking shall be provided for employees of the large family day care home and for pick-up and drop-off of children at the home in accordance with the following standards:

i. In addition to the off-street parking spaces required for the residential zone, one additional off-street parking space shall be provided per employee.

ii. Adequate space shall be available for safe pick-up and delivery of children to the day care home. This space shall be off-street, but can be in the driveway or off-street parking area.

2. Inspections Required. The Fire Department and Building Official shall conduct an on-site inspection that includes but is not limited to:

a. Gas water heaters, to ensure proper ventilation and permanent installation that is safe from children;

b. Fire extinguishers and smoke detectors, to ensure that they meet standards established by the State Fire Marshal;

c. Refrigerators, to ensure that they are properly sealed shut if not in use and/or contain a locking device if in use; and

d. All potential fire and safety hazards that may endanger the children at the large family day care home.

C. Guesthouses. One guesthouse may be authorized on sites of ~~6,000~~ 4,000 square feet or greater upon approval of a use permit permitted on a legal building site. Guesthouses shall contain no food preparation facilities of any kind, but are permitted to have a bathroom with a toilet, sink and bathing facility. A guesthouse on any building site may be converted to an accessory dwelling unit (see subsection (G) of this section) upon approval of an ADU permit. A legal accessory dwelling unit may be converted to a guesthouse upon approval of a use permit authorization by the Community Planning and Building Department. Lots with ADUs shall be prohibited from constructing, maintaining and/or building guesthouses or studios.

<b>Table 17.08-B – Maximum Floor Area for Guesthouses</b>			
<b>Lot Type/Size</b>	<b>Base Size of Guesthouse</b>	<b>Plus Increment Based on Lot Size</b>	<b>Equals Maximum Floor Area</b>
<del>6,000</del> <u>4,000</u> square feet or larger	400 square feet	(lot area over <del>6</del> <u>4</u> ,000) x 1.5%	Allowed Size
Merged lots of at least 8,000 square feet	500 square feet	(lot area over 6,000) x 1.5%	Allowed Size
Example: 7,500-square-foot lot	400 square feet	(1,500 sq. ft.) x 1.5%	422 sq. ft.

D. Studios. One studio may be authorized on lots in the single-family residential zone as a permitted use. Studios shall contain no living, sleeping, bathing or food preparation facilities of any kind, but are permitted to have a bathroom with a sink and toilet. Studios that are attached to the primary dwelling are not required to have interaccessibility with the primary dwelling. No additional parking is required for a studio. Studios shall be a maximum size of 400 square feet and shall not exceed the allowed floor area ratio for the lot.

E. Home Occupations. All home occupations require a business license. Home occupations are limited to the use of up to two rooms in a single-family dwelling or accessory dwelling unit by a person residing therein as the studio of an artist, writer or musician, or by a teacher of the arts having up to two pupils under instruction at any one time or a cottage food operation. For this section, the arts shall include only the following: painting,

graphics, computer graphics, music, dance, drama, sculpture, writing, photography, weaving, ceramics, needlecraft, jewelry, glass and metal crafts. The Director may authorize other home occupations that:

1. Are limited to office machines such as telephone and/or computer use;
2. Do not involve deliveries more frequently than once per week;
3. Do not involve the parking, use or storage of any commercial vehicles;
4. Do not involve visits by customers, vendors, attendees, salespeople or employees of the business;  
and
5. Are fully contained within one or two rooms in a single-family dwelling and are not located in a garage;  
or-
6. Is a Cottage Food Operation operated consistent with Health and Safety Code § 113758.

#### F. Multifamily Dwellings.

1. All multifamily residential projects shall require the preparation of an acoustical analysis and the implementation of acoustical design treatments to meet noise standards contained in Title 25 of the California Government Code.
2. All multifamily projects shall have a minimum per unit size of 400 square feet.
3. At least 25 percent of all units in a multifamily project containing more than two units shall be of a size between 400 square feet and 650 square feet in floor area.

#### G. Accessory Dwelling Units.

1. A building permit must be issued by the City prior to construction and/or development of any accessory dwelling unit.
2. All accessory dwelling units shall conform with the following:
  - a. The lot must contain an existing single-family home and no other dwelling units. No more than one accessory dwelling unit may be constructed on any lot.

b. At the time of application, the property owner shall acknowledge in writing that: (1) the accessory dwelling unit may not be sold separately from the existing single-family home; ~~(2) either the existing single-family home or the accessory dwelling unit must be owner-occupied;~~ and ~~(3)~~ neither the accessory dwelling unit nor the single-family home may be used for transient residential rentals.

Prior to issuance of a building permit for the accessory dwelling unit, the owner shall record a covenant in a form approved by the City to notify future owners of the requirements of this subsection (G)(2)(b).

c. Except as modified by this subsection (G), the accessory dwelling unit shall conform to all requirements of the underlying residential zoning district, any applicable overlay district, and all other applicable provisions of this chapter, including but not limited to height, setback, lot coverage, floor area ratio, landscape, and historic preservation requirements, cumulatively with the primary residence; unless the unit is contained in a nonconforming structure and does not expand the nonconformity.

d. The accessory dwelling unit shall conform to all applicable State and local building code requirements, including verification from the applicable water district (submitted with the application for a building permit) that sufficient on-site water credits are available for the accessory dwelling unit. Fire sprinklers are not required for the accessory dwelling unit unless they are required for the existing single-family home.

e. An accessory dwelling unit conforming to the requirements of this section shall not be considered to exceed the allowable density for the lot upon which the unit is located and shall be deemed to be a residential use consistent with the existing general plan and zoning designations for the lot.

f. All applications for accessory dwelling units that meet and comply with the requirements under this chapter shall be approved as a ministerial permit without discretionary review or a hearing within 120 days after receipt of a substantially complete application.

g. Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Section [30000](#) et seq. of the Public Resources Code) or the City's certified local coastal plan, and the City shall modify and condition accessory dwelling unit coastal development permits accordingly to ensure consistency with such requirements,

except that the City shall consider a coastal development permit application for an ADU ministerially without a public hearing. All accessory dwelling unit coastal development permits shall be appropriately noticed, including describing the procedures for appeal to the Coastal Commission as applicable.

3. Accessory dwelling units, interior, shall additionally conform with the following:

- a. The accessory dwelling unit must be constructed entirely within the existing and legally created space of a single-family home or accessory structure in the R-1 or R-4 districts.
- b. The accessory dwelling unit must have exterior access independent from the existing single-family home [and shall not be interaccessable with the existing single-family home.](#)
- c. Side and rear setbacks must be sufficient for fire safety.
- d. No additional parking for the accessory dwelling unit shall be required.
- e. No new or separate utility connection directly between the accessory dwelling unit and the utility is required.

4. Accessory dwelling units, new structure, shall additionally conform with the following:

- a. All of the existing and proposed structures may not exceed the allowable floor area ratio for the lot.
- b. [All Accessory Dwelling Units shall comply with all height standards established in CMC 17.10.030. ~~An attached accessory dwelling unit constructed as an addition to an existing single-family home shall not exceed the height of the existing single-family home. Detached single-story accessory dwelling units shall have a maximum height of 12 feet and shall comply with all applicable setback standards. Accessory dwelling units located above a garage shall meet all height and setback standards~~](#)
- c. [An attached accessory dwelling unit shall not be interaccessable with the primary residence.](#)
- d. [An accessory dwelling unit attached to the existing single-family home shall have a minimum floor area of 150 square feet and the maximum floor area shall not exceed 50 percent of the living](#)

area of the existing single-family home. A detached accessory dwelling unit shall have a minimum floor area of 150 square feet and maximum floor area of 600 square feet.

de. One additional parking space shall be provided per bedroom accessory dwelling unit, which may be provided as tandem parking on an existing driveway, and shall meet applicable setback requirements for parking. Notwithstanding this provision, no additional parking is required for accessory dwelling units located within one-half mile of a public transit stop or car share vehicle pickup location, located entirely within an existing primary residence or an existing accessory structure, within an architecturally and historically significant historic district, or otherwise exempt under Government Code Section 65852.2(d) or successor provisions.

ef. If the accessory dwelling unit replaces an existing garage, carport, or covered parking structure, replacement spaces must be provided to meet the requirements of Chapter 17.38 CMC (Off-Street Parking Requirements) but may be provided as covered spaces, uncovered spaces, tandem spaces, or mechanical parking lifts. Accessory dwelling units constructed above an existing garage shall comply with all setback requirements established in Chapter 17.10 CMC (R-1 District Design Regulations), have a minimum side yard setback of three feet, and street side and rear yard setback of five feet. Accessory Dwelling Units constructed above a garage shall not be located in the front yard setback.

fg. A separate utility connection between the accessory dwelling unit and all utilities shall be required.

gh. The accessory dwelling shall be constructed with facade materials similar in texture and appearance to the primary dwelling, including but not limited to roofing, siding, and windows and doors.

H. Single-Family Residential Dwellings. The following regulations apply to all single-family residential dwellings:

1. Not more than one dwelling unit is allowed per building site except as provided for accessory dwelling units.
2. All portions of a single-family dwelling must have full interaccessibility, with the exception of permitted and/or legal accessory dwelling units and guesthouses.

3. No single-family dwelling of substantially identical design as any existing building or any approved building shall be allowed on any site located on the same street between the two adjoining cross streets.

4. No proposed single-family dwelling shall be approved that is of substantially similar architecture, building massing, front setback or height as any existing building, or any approved building, located immediately adjacent to the proposed project and facing the street. (Ord. 2017-10 § 1 (Exh. A), 2017; Ord. 2004-02 § 1, 2004; Ord. 2004-01 § 1, 2004).

I. Cottage Food Operations. The following regulations apply to all Cottage Food Operations:

1. For statutory provisions on Cottage Food Operations, see Health and Safety Code § 113758.

**17.68.050 Commercial Use Classifications.**

Cottage Food Operation. An enterprise as defined in Health and Safety Code § 113758(a).