

ATTACHMENT 1

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF EAST PALO ALTO**

ADOPTING DEVELOPMENT CODE TEXT AMENDMENT ZTA24-001 AMENDING TITLE 18 (DEVELOPMENT CODE) OF THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) SPECIFICALLY TO 1) AMEND CHAPTER 18.96 TO AMEND SECTIONS 18.96.010, 18.96.030.E.4, 18.96.050.A.2, 18.96.050.A.2, 18.96.090, AND 18.96.050.G TO RECONCILE THE EAST PALO ALTO MUNICIPAL CODE (EPAMC) WITH STATE LEGISLATION ON ACCESSORY DWELLING UNITS; 2) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, AND 18.48.060 TO FACILITATE CHILD DAY CARE AND OTHER CARE USES; 3) AMEND SECTIONS 18.10.020 TABLE 2-1, 18.12.020 TABLE 2-3 AND 18.14.020 TABLE 2-5 TO SUPPLEMENT LAND USE REGULATIONS AND ALLOWABLE USES, 18.08.010 OF CHAPTER 18.08 TO ADD A DEFINITION OF LOW BARRIER NAVIGATION CENTER AND ADD A NEW SECTION 18.48.116 TO CHAPTER 18.48 OF THE EPAMC TO ALLOW THE DEVELOPMENT OF LOW BARRIER NAVIGATION CENTERS; 4) AMEND CHAPTER 18.30 TO AMEND SECTIONS 18.30.080.B.2 AND C.3, AND ADD SECTIONS 18.30.010.G AND 18.30.080.B.3 TO B.5 TO ALLOW UNBUNDLED PARKING; 5) AMEND SECTION 18.26.020A.2, ADD SECTION 18.26.020.E., AND AMEND SECTION 18.90.020 TABLE 7-3 TYPES OF MINOR VARIANCES ALLOWED TO ALLOW SEVEN-FOOT AND CERTAIN EIGHT-FOOT FENCES, HEDGES AND WALLS WITHOUT VARIANCE; 6) AMEND SECTIONS 18.10.020, 18.12.020 AND 18.14.020 TO SYNCHRONIZE CERTAIN NOTATIONS UNDER SPECIFIC USE REGULATIONS WITH THE RIGHT LAND USE PROVISIONS; 7) AMEND CHAPTER 15.52 FLOODPLAIN MANAGEMENT TO REALIGN THE RESPONSIBILITIES OF STAFF WITH RESPECT TO FLOOD MANAGEMENT; 8) AMEND SECTION 18.86.030.A TABLE 7-2 REVIEW AUTHORITY FOR SITE PLAN TO RECLASSIFY VARIOUS SIZES OF NON-RESIDENTIAL CONSTRUCTION ACTIVITIES SUBJECT TO DIFFERENT REVIEW LEVELS; 9) AMEND SECTIONS 18.50.060.A TABLE 5-1 ADVISORY AGENCIES FOR SUBDIVISIONS, AND 18.54.030.B.4 ON THE REVIEW OF MAPS; 10) ADD A NEW CHAPTER 18.87 ON PERMIT ADJUSTMENTS AND AMEND SECTION 18.82.020 – AUTHORITY FOR LAND USE AND ZONING DECISIONS TABLE 7-1 TO INCLUDE ADJUSTMENT PERMITS; 11) AMEND SECTIONS 18.12.020 TABLE 2-3 TO ALLOW REFUELING AND SERVICE STATION USE AS A CONDITIONAL USE PERMIT AND 18.48.180 SERVICE STATIONS TO FACILITATE REFUELING AND SERVICE STATIONS; 12) AMEND SECTIONS 13.24.400.A AND B ON TURF SELECTION AND LIMITATION AND 18.30.080.A.4 ON PAVED AREAS IN FRONT YARD TO SUPPLEMENT FRONT YARD LANDSCAPE STANDARDS; 13) AMEND SECTIONS 18.28.060.G AND 18.28.110.A TO STREAMLINE THE PROCESSING OF TREES ON PRIVATE PROPERTY, 14) AMEND SECTION 18.10.030 DEVELOPMENT STANDARDS BY ADDING SUB-SECTION 18.10.030.G TO FACILITATE THE REMODELING OF EXISTING SINGLE-FAMILY DWELLINGS IN THE R-MD ZONE, 15) AMEND CHAPTER 18.24 TO INCREASE THE HEIGHT OF ACCESSORY STRUCTURES FROM 15-FEET TO 17-FEET (SECTIONS 18.24.020.B.1, 18.24.030.A.1.C, AND 18.24.030.B.2) CONSISTENT WITH THE HEIGHT REQUIREMENTS FOR SIMILAR STRUCTURES SUCH AS ACCESSORY

DWELLING UNITS, INCLUDE A PERMIT ADJUSTMENT (SECTIONS 18.24.020.B AND 18.24.030.A.1) AS A REQUIRED APPROVAL TYPE FOR ACCESSORY STRUCTURES, AND CORRECT THE USEABLE REAR YARD AREA TO BE MAINTAINED FROM 750-SQUARE FEET TO 700-SQUARE FEET (SECTION 18.24.030.A.1.B) AS WAS ADOPTED BY COUNCIL ORDINANCE ON FEBRUARY 6, 2024 WITH ZONING TEXT AMENDMENT ZTA23-001, AND 16) AMEND CHAPTER 18.94 TO AMEND SECTION 18.94.110 TO MAKE ADMINISTRATIVELY APPROVED MINOR TEMPORARY USE PERMITS ISSUED FOR ONE TO SIX DAYS FINAL UPON ISSUANCE AND NOT SUBJECT TO THE APPEAL PERIOD.

WHEREAS, Chapter 18.114 of the City of East Palo Alto Development Code allows for amendments to the Development Code and provides procedures for processing such amendments; and

WHEREAS, Section 18.114.060 of the City of East Palo Alto Development Code sets forth findings for Development Code amendments; and

WHEREAS, the Planning Commission of the City has reviewed the proposed amendments to the City of East Palo Alto's Development Code at two duly and properly noticed public hearings on October 28, 2024 and January 13, 2025 and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and has found that the proposed amendments are consistent with the goals and policies of the City's General Plan, and recommends adoption of the proposed amendments by the City Council of the City of East Palo Alto ("City Council"); and

WHEREAS, the City Council conducted duly and properly noticed public hearings on February 18, 2025 to consider the proposed amendments to the Development Code and considered all evidence, including but not limited to public testimony and the evaluations and recommendations of staff, and finds and determines that the proposed amendments to the City of East Palo Alto Development Code are adopted pursuant to the City's police power authority to protect the public health, safety, and welfare; and

WHEREAS, based on the evidence in the administrative record, the City Council finds foregoing recitals are true and correct, and are incorporated by this reference into this action as a legislative finding of fact, as required by Section 18.114.060 of the City of East Palo Alto Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EAST PALO ALTO DOES ORDAIN AS FOLLOWS:

SECTION 1. CHAPTER 18.08 AMENDED

Section 18.08.010 is hereby amended to add the definition of "Low Barrier Navigation Center", as follows:

Low Barrier Navigation Center. In compliance with Government Code Section 65660 a "Low Barrier Navigation Center" means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living

facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

SECTION 2. CHAPTER 18.10 AMENDED

Section 18.10.020 Table 2-1 Land Use Regulations and Allowable Uses for Residential Zones is hereby amended as shown in Exhibit “A”, attached hereto and incorporated herein by reference.

SECTION 3. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Land Use Regulations and Allowable Uses for Mixed Use Zones is hereby amended as shown in Exhibit “B”, attached hereto and incorporated herein by reference.

SECTION 4. CHAPTER 18.14 AMENDED

Section 18.14.020 Table 2-5 Land Use Regulations and Allowable Uses for Commercial Zones is hereby amended as shown in Exhibit “C”, attached hereto and incorporated herein by reference.

SECTION 5. CHAPTER 18.48 AMENDED

Section 18.48.060 Child Day Care is hereby amended to Day Care Facilities as shown in Exhibit “D”, attached hereto and incorporated herein by reference, to facilitate Child Day Care and other Care Uses.

Section 18.48.116 is hereby added to allow the development of Low Barrier Navigation Centers to read:

- A. **Applicability:** “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:
1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
 2. Pets.
 3. The storage of possessions.
 4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.
 5. “Use by right” has the meaning defined in subdivision (i) of Section 65583.2. Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to actions taken by a public agency to lease, convey, or encumber land owned by a public agency, or to facilitate the lease, conveyance, or encumbrance of land owned by a public agency, or to provide financial assistance to, or otherwise approve, a Low Barrier Navigation Center constructed or allowed by this section.
- B. **Zoning:** In compliance with Government Code Section 65662 a “Low Barrier Navigation Center” development is a use by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses

C. **Ministerial Approval:** A “Low Barrier Navigation Center” development shall be permitted provided that it meets the following requirements:

1. It offers services to connect people to permanent housing through a services plan that identifies services staffing.
2. It is linked to a coordinated entry system, so that staff in the interim facility or staff who collocate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. It complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
4. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

D. **Review Conditions:** In compliance with Government Code Section 65664:

1. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the local jurisdiction shall notify a developer whether the developer’s application is complete pursuant to Section 65943.
2. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the local jurisdiction shall act upon its review of the application.

E. **Applicability:** “Low Barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

Section 18.48.180 Service Stations is hereby amended to amend sub-sections 18.48.180.B.3 and 18.48.180.B.5 and add subsections 18.48.180.B.12 and 18.48.180.B.13 to read:

3. **Allowed uses.** Service Stations shall be allowed by Conditional Use Permit only in the mixed-use zones along University Avenue between Donohoe Street and Bell Street. The primary use of a service station shall be the dispensing of motor fuels, lubricants, vehicle recharging, and the exchange of motor vehicle parts in kind. Incidental vehicle/equipment repair shall be limited to the hours of 7:00 a.m. to 7:00 p.m., daily. Such repair/service include air conditioning service, carburetor and fuel injection service, electrical service, radiator service, tune-up, lube, oil change, and smog check, as well as tires, batteries and accessories installation.

5. **Sale of convenience goods.** The sale of convenience goods, alcoholic beverages, or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit.

12. **Associated Uses.** Car Wash use and other uses associated with service stations may be allowed subject to approval of a Conditional Use Permit. The car wash use shall not include detailing services.

13. **Restroom, water point and air supply.** Each service station shall provide a restroom, water point and an air supply station for use by patrons at all times when the service station is in operation.

SECTION 6. CHAPTER 18.30 AMENDED

Section 18.30.010 is hereby amended to add sub-section G to read:

G. To ensure the most efficient use of parking spaces through such techniques as shared parking, alternating parking and unbundled parking arrangements.

Sub-section 18.30.080.A Single-Family Residential Zones is hereby amended to amend sub-section 18.30.080.A.4 to read:

4. **Paved areas in front yard.** Paved areas within the front yard, including the driveway and any walkways, shall not exceed 50 percent of the front yard area with the remaining area finished in either or both soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and permeable hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) landscaped with live plant material. The use of pervious materials for paved areas such as driveways, walkways, patios, and outdoor living areas is strongly encouraged.

Sub-section 18.30.080.B Multiple-Family Residential Zones is amended to read:

1. Parking spaces shall be provided in off-street parking areas located within 1,000 feet of the use they are intended to serve.
2. It is unlawful to rent, lease or otherwise convey to or allow use of a required parking space by any person who is not a tenant or visitor for whom the parking spaces are required unless with the tenant's consent.
3. For tenancies beginning after January 1, 2025 (AB1317), off-street parking should be unbundled from individual units within multiple-family residential apartment buildings with 16 or more units (with the exception of units with individual garages, deed restricted units, and rent controlled units) and rents charged separately for the units and the associated parking spaces with a tenant having, in all cases, the first right of refusal for the parking spaces normally required for the unit. Where a tenant declines the parking space(s) the apartment owner or management may lease the parking spaces to any person on a month-to-month basis.
4. Beginning after January 1, 2025 landlords of multiple-family apartment buildings with 16 or more units must maintain separate charges for parking fees and rent for the life of the property. These unbundled fees can be subject to either a distinct rental agreement or an addendum to an existing lease.
5. In the absence of unbundled parking a tenant in a multiple-family residential apartment building shall be allowed to lease the parking spaces assigned to their unit to any person on a month to month.
6. All on-site required parking spaces shall be available to the occupants of the property. For properties developed after June 1, 2014, the occupants of each unit shall have use

of the parking developed for the unit, unless the tenant elects to relinquish access to the off-street parking. For properties developed before June 1, 2014, with less than two covered parking spaces per unit and where the property owner lives at the multiple-family property, the property owner may reserve for his or her personal use two legal parking spaces (uncovered or covered) which shall be contiguous, if possible. The remaining on-site legal parking spaces not utilized by the property owner shall be allocated among the other units.

7. If a landlord removes an on-site, off-street parking space from a tenancy in violation of these provisions
 - a. The tenant may apply for a rent decrease by an amount commensurate with the value of the removed parking space for the temporary period of time during which the space is removed;
 - b. The landlord shall be subject to criminal prosecution; and
 - c. The City may bring a civil action for injunctive relief.
8. Temporary removal of a parking space reasonably necessitated by required repair or maintenance does not give rise to a penalty.
9. A landlord and tenant are not prohibited from voluntarily agreeing to the substitution of one parking space for another at the same property.

Sub-section 18.30.080.C.3 is amended to read:

3. Required parking spaces shall not be rented, leased or otherwise conveyed or used by any person who is not a tenant of, visitor to, or employee for who the parking spaces are required, unless it is determined by a Parking Study that such a lease, rental, or other conveyance will not be detrimental to tenants of, visitors to, or employees for who the parking spaces are required. No employee shall be restricted from using the parking spaces required for the use where he or she is employed. Parking spaces developed in excess of the minimum required for the use may be rented or leased to another business or use.

SECTION 7. CHAPTER 18.26 AMENDED

Sub-section 18.26.020.A.2 is hereby amended to read:

2. Fences, walls, and hedges not exceeding seven feet in height may occupy any side or rear setback area, provided:
 - a. They do not extend into any required front setback; and
 - b. In the case of a corner parcel, they do not extend into the side setback area required along a side street or into that portion of the rear setback area abutting a side street that is equal to the width of the side setback required on the side street, except where the side frontage is more than 100 feet from the corner of the parcel as determined by the intersection of the front and side property lines.

Section 18.26.020 is hereby amended to add sub-section 18.26.020.E to read:

- E. **Interface between Single-Family Dwellings and Non-Residential Uses.** Rear yard fences between single-family dwellings and non-residential uses may go up to eight feet in height subject to approval of an Adjustment Permit by the Director, provided:

1. The visual impact of the fence on the single-family dwelling is softened by the use of architectural ornamentation or articulation, or soft landscaping as follows:
 - a. The soft landscape features may include appropriate shrub and vine species with the following characteristics:
 - Capable of providing cover, shade and aesthetic value through beautiful foliage and blossoms.
 - Be drought-tolerant or at a minimum be able to survive common seasonal droughts.
 - Be able to recover quickly from inclement weather or human interference.
 - Not be invasive to the detriment of other soft landscaping at the dwelling.
 - Should be capable of growing up to eight feet with trimming.
 - b. The soft landscaping should be strategically planted to promote good growth and cover, with a recommended spacing of 10 to 12 inches for vines and up to three feet for shrubs.
 - c. The use of cables, wires or climbing lattice is recommended to aid the growth and coverage of vines and to prevent potential damage caused by direct contact with the fence.
 - d. The architectural ornamentation may include the use of pilasters, wainscoting, cornices or decorative coping, architraves, decorative moldings, trims, etc.
2. The Adjustment Permit application may be initiated by either the owner of the single-family dwelling or non-residential property, with the other concurring with the application.
3. The Adjustment Permit application shall be accompanied by a written statement acknowledging the requirement for the architectural ornamentation or soft landscaping per section E.1. above and assigning responsibility for its implementation.

SECTION 8. CHAPTER 18.90 VARIANCES AND MINOR VARIANCES AMENDED

Section 18.90.020 Table 7-3 Types of Minor Variances Allowed is hereby amended as shown in Exhibit "E", attached hereto and incorporated herein by reference.

SECTION 9. CHAPTER 15.52 FLOODPLAIN MANAGEMENT AMENDED

Sections 15.52.040.PR Definitions, 18.52.050.B General Provisions, and 15.52.070.A.3 Elevation and Floodproofing are hereby amended to read:

Section 15.52.040.PR Definitions: "Special flood hazard area" or "SFHA" means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. SFHA may also be designated by the City of East Palo Alto Public Works Department for riverines not shown on the FIRM, when a hydraulic study has defined the base flood elevations and the area of inundation.

Section 15.52.050.B General Provisions: Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS), dated September 19, 1984 and accompanying Flood Insurance Rate Map (FIRM), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be

supplemented by studies for other areas which allow implementation of this chapter, and which are recommended to the city council by the floodplain administrator. The study and FIRM are on file at the City of East Palo Alto Public Works Department.

Section 15.52.070.A.3 Elevation and floodproofing:

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement elevated eighteen (18) inches above the base flood elevation. Nonresidential structures may meet the standards in Section 15.52.070.A.3.b. Upon the completion of the structure, the elevation of the lowest floor including the basement shall be certified by a registered professional engineer or surveyor, and verified by the chief building official to be properly elevated. Such certification and verification shall be recorded and filed with the floodplain administrator.

SECTION 10. CHAPTER 18.86 AMENDED

Section 18.86.030 Table 7-2 Review Authority for Site Plan and Design Review is hereby amended as shown in Exhibit "F", attached hereto and incorporated herein by reference.

SECTION 11. CHAPTER 18.50 AMENDED

Section 18.50.060 Table 5-1 Subdivision Review Authorities is hereby amended as shown in Exhibit "G", attached hereto and incorporated herein by reference.

SECTION 12. CHAPTER 18.54 AMENDED

Sub-section 18.54.30.B.4 is hereby amended to read:

4. The material shall be transmitted to the Review Authority for its consideration of the map.

SECTION 13. CHAPTER 18.87 ADDED

New sections are added to Chapter 18.87 to read:

Section 18.87.010 Purpose and Intent: An Adjustment Permit is the procedure used by the City to approve alterations, relocations, rebuilding, or minor additions, enlargements, or modifications to previously approved development permits while maintaining compliance with the uses allowed in the applicable zone and the development standards applicable to the use or structure.

Section 18.87.020 Applicability/Permit Requirement:

- A. The director may, at the director's sole discretion, approve an adjustment for the following elements of a previously issued development permit, subject to and in accordance with the provisions of this section:

1. General Extensions. An extension of the term of an approved development permit for a period of up to but not exceeding one year; provided that no more than two such term extensions may be approved for any development permit.
 2. Changes to an approved development permit, but only for minor modification of architectural elements or landscape details, (including but not limited to minor storefront alterations, relocation of doors, equipment screening, minor landscape furniture and structures, benches, small trellises, and planters) which do not affect the use, intensity, general character, architectural style, circulation or other site function of the project.
 3. Minor changes to signs which do not increase the existing surface area by more than 10% and conform to Chapter 18.32 of the East Palo Alto Municipal Code (EPAMC).
 4. Additions, accessory structures and minor structures such as trellises, patio covers, and decks not exceeding 1,000 square feet in total area or 50% of the total area of the existing primary dwelling whichever is less, and swimming pools for one-family residences which were approved and are subject to an existing development permit.
 5. Building additions not exceeding 500 square feet in total area or less than ten percent of the building area prior to the addition, whichever is smaller, to two-family dwellings, provided that current parking regulations are being met and would continue to be met after the completion of any addition.
 6. Building mounted wireless communications antenna as long as proposal is at least 500 feet away from residential uses.
 7. Temporary construction or storage yards in connection with the construction of houses or other buildings in an adjacent subdivision or lot or parcel.
 8. The creation, on or above ground through installation, construction, or replacement, of less than one gross acre of impervious surface.
 9. The replacement, repaving, reconfiguration, or re-striping of parking spaces on existing surfaces.
 10. Building additions not exceeding 500 square feet in area to nonresidential buildings provided that current parking regulations are being met and would continue to be met after the completion of any addition, provided the primary building was not originally a single-family residence, and site circulation, ingress and egress are not being altered.
 11. Generators, preferably, with California Air Resources Board (CARB) certification and meeting the Development Code performance standards for noise and air pollution.
 12. Above-ground storage tanks of two thousand gallons or less provided that they are not used to store hazardous materials or other substances that require a permit from the Department of Toxic Substances Control.
- B. Adjustments may be issued only where issuance of the adjustment would be consistent and comply with all applicable local laws in effect at the time of issuance, including without limitation the city's general plan, the provisions of the East Palo Alto Municipal Code, and the provisions of Title 18 of the Code.
- C. An application for an adjustment to extend the term of a development permit must be filed on the form provided by the director on or before the date that is three business days prior to the expiration of the development permit proposed for adjustment and accompanied by the fees as set forth in the schedule of fees adopted by resolution of the City Council.
- D. The decision to grant, deny or condition an adjustment is an administrative determination and requires no hearing or notice. The action of the director shall be final, and nothing herein shall be deemed or construed to confer on an applicant a right to an adjustment or to require the director to issue an adjustment. If the director denies an adjustment, nothing herein shall

preclude the applicant from thereafter filing an application for an appropriate development permit.

- E. Where property was developed prior to 1983 or the requirement of a development review permit, adjustments for projects may be approved without the necessity of the issuance of a full design review permit.
- F. A Permit Adjustment shall be obtained before the City issues a new or modified business license in compliance with Municipal Code Chapter 5.04, if applicable.

Section 18.87.030 Review Authority: The Director may issue a Permit Adjustment only after confirming that the proposed land use and/or structure is in full compliance with all of the applicable provisions of the Development Code (Title 18 of the East Palo Alto Municipal Code).

Section 18.87.040 Review Procedures: Adjustment Permit approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

SECTION 14. CHAPTER 18.82 AMENDED

Section 18.82.020 Table 7-1 Review Authority is hereby amended to include Adjustment Permits as shown in Exhibit "H", attached hereto and incorporated herein by reference.

SECTION 15. CHAPTER 18.12 AMENDED

Section 18.12.020 Table 2-3 Allowed Uses and Permit Requirements is hereby amended to allow Refueling and Service Stations with Conditional Use Permits as shown in Exhibit "I", attached hereto and incorporated herein by reference.

SECTION 16. CHAPTER 13.24 AMENDED

Sub-sections 13.24.400.A and 13.24.400.B Turf Selection and Limitations are hereby amended to read:

- A. No more than fifty percent (50%) of the total area not covered by structures for multifamily residential projects shall be covered by a combination of turf, pools, spas, and other improved recreational areas finished in soft and hard landscaping. Of this area, no more than seventy-five percent (75%) shall be covered with turf.
- B. For single-family residential projects, 50% or more of the front yard shall be finished with soft landscaping (vegetative materials including container gardens, turf, ground cover, aquatic/semi-aquatic plants, grasses, trees, organic mulch, etc.) and/or hard landscaping (pea gravel, crushed granite, disjointed/interspersed brick, rock, stone or concrete, timber, bitumen, glass, metals, inorganic mulch, and other construction materials that may be used to avoid the need for mowing, watering/irrigation, fertilizing, and pesticides) with no more than forty percent (40%) covered with turf.

SECTION 17. CHAPTER 18.28 AMENDED

Sub-section 18.28.060.G Financial Security is hereby amended to read:

G. **Financial Security.** A check, or an alternative form of payment if approved by the City shall be provided to the City for the appraised value of the trees impacted by development and the value of replacement trees as mitigation for the removal of trees, as well as the cost of staff time if the applicant does not furnish proof of removal of the impacted tree(s) and replacement planting within 60 days of the effective date of the tree removal permit approved by the Director. The proof of replanting shall be by virtue of photographic evidence or an arborist report certifying the replacement. The financial security, provided to the City for impacted trees that are not removed within 60 days of the effective date of the tree removal permit, shall be refunded upon the receipt of a final arborist report certifying preservation or proof of replacement upon removal of the tree(s), or payment of an in-lieu impact fee.

Sub-Section 18.28.110.A Violations is hereby amended to read:

A. **Violations.** Violation of a provision contained in this chapter is unlawful and a public nuisance. The Director may serve notice upon any person violating any provision of this chapter. Violators shall be subject to the provisions set forth in Chapter 18.118.

SECTION 18. CHAPTER 18.10 AMENDED

Section 18.10.030 Development Standards is hereby amended to add:

G. **Setback Exception for existing single-family homes in the R-MD District.** Existing single family homes, which are permitted uses in the R-MD Zone, are exempted from the 20-foot rear setback requirement of the R-MD Zone and may utilize the 10-foot rear setback requirement of the R-LD Single-Family Residential Zone for building expansions, additions, and other remodeling works. The front and one of the two side setback requirements of the R-MD Zone would still apply to existing single-family dwellings in order to ensure a uniform front transect or street-facing silhouette of the neighborhood block from the public right-of-way. One of the two side setbacks may utilize the required 5-foot side setback requirement of the R-LD Single-Family Residential zone for building expansions, additions, and other remodeling works.

SECTION 19. CHAPTER 18.24 AMENDED

Sub-sections 18.24.020.b, 18.24.030.A.1, and 18.24.030.B.2 are hereby amended as shown in Exhibit "J", attached hereto and incorporated herein by reference.

SECTION 20. CHAPTER 18.96 AMENDED

Sub-sections 18.96.010, 18.96.030.E.4, and 18.96.050.A.2, 18.96.090, and 18.96.050.G are hereby amended as shown in Exhibit "K", attached hereto and incorporated herein by reference.

SECTION 21. CHAPTER 18.94 AMENDED

Section 18.94.110 is hereby amended to exempt Minor Temporary Use Permits from the appeal period, as follows:

The procedures and requirements related to permit implementation and to appeals and revocation apply following the decision on all Temporary Use Permit applications, except that Minor Temporary Use Permits will not be subject to appeals.

SECTION 22. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

This Ordinance is not subject to CEQA because it is not a " project" which would have a direct physical change or a reasonably foreseeable indirect physical change on the environment pursuant to California Environmental Quality Act (" CEQA") Guidelines section 15378. Even if it were a project subject to CEQA review, this project would be exempt from CEQA Guideline Section 15378 (regulatory actions), Section 15061(b)(3) in that there is no possibility of the Development Code, by itself, having a significant adverse effect on the environment, and Section 15183 because the proposed amendments are consistent with the general plan and zoning as applicable. In addition, the Vista 2035 General Plan EIR meets the CEQA requirement for Zoning Code amendments.

SECTION 23. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days after the date of its adoption.

SECTION 25. PUBLICATION.

The City Clerk is hereby directed to cause publication of this Ordinance as required by Government Code Section 36933.

INTRODUCED at a regular City Council meeting held February 18, 2025, and

PASSED AND ADOPTED at a regular City Council meeting held on March 18, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:

_____, Mayor

ATTEST:

APPROVED AS TO FORM:

James Colin, City Clerk

John D. Lê, City Attorney

EXHIBITS

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EXHIBIT A

Table 2-1 Allowed Uses and Permit Requirements for Residential Zones

Table 2-1 Allowed Uses and Permit Requirements	Residential Zones Permit Requirements				
	P	P	P	P	
	CUP	CUP	CUP	CUP	
	AUP	AUP	AUP	AUP	
	TUP	TUP	TUP	TUP	
	—	—	—	—	
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	R-LD	R-MD	R-HD	R-UHD	Specific Use Regulations
Residential Uses					
Guest Houses	P	P	P	P	Section 18.48. 100
Home Businesses	HOP	HOP	HOP	HOP	Section 18.48.110
Multi-Family Dwellings	—	P	P	P	
Residential Model Homes	AUP	AUP	AUP	AUP	
Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Junior Accessory Dwelling Unit	P	P	P	P	Chapter 18.96
Single-Family Dwellings, Attached	P	P	P	P	
Single-Family Dwellings, Detached	P	P	P	P	
Single Room Occupancy Facilities (DROs)	P	P	P	P	
Supportive Housing	P	P	P	P	
Two-Family Dwellings	—	P	P	P	
Transitional Housing	P	P	P	P	
Visitor Accommodations, Residential					
Bed & Breakfast Inns	—	CUP	CUP	CUP	
Short-Term Lodging	—	CUP	CUP	CUP	
Care Uses					
Note: Family Day Care Homes are allowed by right wherever residential uses are allowed in the provider's own home.					
Adult Day Care ¹					
Small (8 or fewer)	P	P	P	P	
Large (9 to 14)	AUP	AUP	AUP	AUP	
Child Day Care					
Small (8 or fewer)	P	P	P	P	
Large (9 to 14)	P	P	P	P	Section 18.48. 060
Cooperatives (12 or fewer)	P	P	P	P	Section 18.48.060
Day Care, General (15 or more)	CUP	CUP	CUP	CUP	
Convalescent Facilities	—	—	—	—	
Residential Care Facilities					
Limited (8 or fewer)	P	P	P	P	
General (9 or more)	CUP	CUP	CUP	CUP	

Other Uses					
Accessory Structures and Uses	P	P	P	P	Section 18.48. 020
Agricultural Uses - Limited to Community Gardens Only	P	P	P	P	
Animal Keeping	P	P	P	P	Section 18.48. 050
Charitable Organizations and Institutions	CUP	CUP	CUP	CUP	
Cultural Institutions	CUP	CUP	CUP	CUP	
Institutional and Community Facilities	CUP	CUP	CUP	CUP	
Neighborhood Service Uses	—	—	CUP	CUP	Section 18.10.030
Public Assembly/Meeting Facilities	—	CUP	CUP	CUP	
Public Buildings, Facilities, and Uses	—	—	—	—	
Schools, Public and Private	CUP	CUP	CUP	—	
Special Events	Municipal Code Chapter 12.08				
Temporary Uses	TUP	TUP	TUP	TUP	Chapter 18.94 Minor TUP exempt from Appeal
Utilities, Minor	P	P	P	P	
Utilities, Major	—	CUP	CUP	CUP	

EXHIBIT B

Table 2-3 Allowed Uses and Permit Requirements for Mixed Use Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones Permit Requirements			
	P Permitted By-Right CUP Conditional Use Permit (Chapter 18.88) AUP Administrative Use Permit (Chapter 18.88) TUP Temporary Use Term Permit (Chapter 18.94) — Prohibited			
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Industry, Manufacturing and Processing, Warehousing Uses				
Industry	—	—	—	
Research and Development	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	—	—	—	
Commercial Recreation and Entertainment	—	—	—	
Cultural Institutions	CUP	CUP	CUP	
Institutional and Community Facilities	—	—	—	
Park/Plaza/Open Space	CUP	CUP	CUP	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	—	—	—	

Residential Uses

Multiple-Family Dwellings				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Navigation Centers, Low Barrier				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Single-Family Dwellings - Attached Only				
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Supportive Housing	—	—	—	
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Accessory Dwelling Unit ²				Chapter 18.96
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Two-Family Dwellings - Attached Only				
Located on 1 st floor	P	CUP	CUP	
Located above 1 st floor	P	P	P	
Transitional Housing	—	—	—	
Located on 1 st floor	P	—	—	
Located above 1 st floor	P	P	P	
Home Businesses	HBP	HBP	HBP	Section 18.48.110
Live-work Units	CUP	CUP	CUP	Not allowed on 1st floor

Care Uses

Note: Family Day Care Homes are allowed by right wherever residential uses are allowed in the provider's own home.

Adult Day Care ³				
Small (8 or fewer)	—	—	—	
Located on 1 st floor	AUP	—	—	
Located above 1 st floor	AUP	AUP	AUP	
Large (9 to 14)				Section 18.48.100
Located on 1 st floor	CUP	—	—	
Located above 1 st floor	CUP	CUP	CUP	
Child Day Care				
Small (8 or fewer)	—	—	—	
Located on 1 st floor	AUP	—	—	
Located above 1 st floor	AUP	AUP	AUP	
Large (9 to 14)				

Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
Cooperative (12 or fewer)				
Located on 1st floor	P	—	—	
Located above 1st floor	P	P	P	
Day Care, General (15 or more)	CUP	CUP	CUP	
Residential Care Facility				
Limited (8 or fewer)				
Located on 1st floor	AUP	—	—	
Located above 1st floor	AUP	AUP	AUP	
General (9 or more)				
Located on 1st floor	CUP	—	—	
Located above 1st floor	CUP	CUP	CUP	
Retail Trade Uses				
Alcohol Sales (off-site-sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (off-site-sale), Accessory	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site-sale)	CUP	CUP	CUP	Section 18.48.030
Retail Sales	P	P	P	
Retail Sales (Used Merchandise)	P	P	P	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	AUP	AUP	Municipal Code Chapter 5.40
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	CUP	CUP	CUP	
Financial Institutions and Related Services, Non-Chartered	—	—	—	Section 18.48.080
Offices - Business	P	P	P	
Offices - Medical and Dental	CUP	CUP	P	
Offices - Professional	CUP	CUP	P	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Animal Sales and Services				
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	—	—	—	
Artists Studios	CUP	CUP	CUP	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	

Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	AUP	AUP	
Laboratories	CUP	CUP	CUP	No Hazardous Materials
Maintenance and Repair Services	CUP	CUP	CUP	
Personal Services				
Massage Establishments	CUP	—	—	
Massage Services, Accessory	CUP	—	—	
Nail Salons	AUP	AUP	AUP	
Personal Services - General	CUP	CUP	CUP	
Personal Services - Restricted	CUP	CUP	CUP	
Personal Storage (Mini Storage)	AUP	AUP	—	
Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	AUP	AUP	AUP	
Smoking Lounges	—	—	—	
Visitor Accommodations				
Hotels, Motels, and Time Shares	CUP	CUP	CUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications and Infrastructure Uses				
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale and Service Uses				
Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling/Service Stations (only on University Avenue between Donohoe and Bell Streets)	C	C	C	Section 18.48.180.B.3 No incidental repair/service
Other Uses				
Accessory Structures and Uses	P	P	P	
Charitable Organizations and Institutions	CUP	CUP	CUP	
Emergency Shelters	See Chapter 6 of the Specific Plan for Emergency Shelters			
Personal Property Sales	—	—	—	
Public Buildings, Facilities, and Uses	CUP	CUP	CUP	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94 Minor TUP exempt from appeal

EXHIBIT C
Table 2-5 Allowed Uses and Permit Requirements for Commercial Zones

Table 2-5 Allowed Uses and Permit Requirements	Commercial Zones Permit Requirements			
	P	P	P	P
	CUP	CUP	CUP	CUP
	AUP	AUP	AUP	AUP
	TUP	TUP	TUP	TUP
	—	—	—	—
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	C-G	C-N	C-0	Specific Use Regulations
Industry, Manufacturing and Processing, and Warehousing Uses				
Handicraft Industry	P	P	—	
Industry				
Industry, Small (Less than 5,000 sq. ft.)	P	—	—	
Industry, Small (5,000 sq. ft. or greater)	AUP	P	—	
Personal Storage (Mini Storage)	CUP	—	—	
Recycling Facilities				
Small Collection Facilities	CUP	CUP	CUP	
Large Collection Facilities	—	—	—	
Research and Development, General	CUP	CUP	CUP	
Research and Development, Restricted	CUP	CUP	CUP	
Recreation, Education, and Public Assembly Uses				
Charitable Organizations and Institutions	—	—	—	
Clubs	CUP	—	CUP	
Commercial Recreation and Entertainment				
Indoor Facilities	P	AUP	—	
Outdoor Facilities	P	CUP	—	
Dance Academies and Halls	AUP	AUP	AUP	
Electronic Amusement Devices (Up to 5)	—	—	—	
Electronic Amusement Devices (6 or more)	—	—	—	
Cultural Institutions	CUP	—	CUP	
Institutional and Community Facilities	AUP	AUP	AUP	
Park/Plaza/Open Space	P	P	P	
Public Assembly/Meeting Facilities	CUP	CUP	CUP	
Schools, Public and Private	CUP	CUP	CUP	
Retail Trade Uses				
Alcohol Sales (off-site sale)	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (off-site sale), Accessory Uses	CUP	CUP	CUP	Section 18.48.030
Alcohol Sales (on-site sale)	CUP	CUP	CUP	Section 18.48.030
Prescription Pharmacies, Medical Supplies	P	P	P	
Retail Sales				
Retail Sales (less than 10,000 sq. ft.)	P	P	P	Section 18.48.170
Retail Sales (10,000 sq. ft. or greater)	AUP	AUP	AUP	

Retail Sales (Used Merchandise) - General	P	—	—	Section 18.48.170
Retail Sales (Used Merchandise) - Restricted	AUP	—	—	Municipal Code Chapter 5.40
Residential Uses				
Note: Family Day Care Homes are allowed by right wherever residential uses are allowed in the provider's own home.				
Adult Day Care				
Small (8 or fewer)	CUP	AUP	CUP	
Large (9 to 14)	CUP	CUP	CUP	
Child Day Care				
Small (8 or fewer)	CUP	AUP	CUP	
Large (9 to 14)	CUP	AUP	CUP	Section 18.48.060
Small (8 or fewer), as an accessory use to a large commercial project	CUP	CUP	CUP	
Large (9 to 14), as an accessory use to a large commercial project	CUP	CUP	CUP	Section 18.48. 060
Cooperatives (12 or fewer)	CUP	P	CUP	Section 18.48. 060
Day Care, General (15 or more)	CUP	CUP	CUP	
Emergency Shelters	CUP	CUP	CUP	See Other Uses
Accessory Dwelling Unit	—	P	—	Chapter 18.96
Junior Accessory Dwelling Unit, where single-family residences are permitted				Chapter 18.96
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Multi-Family Dwellings				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Navigation Centers, Low Barrier				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Single-Family Dwellings - Attached Only				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Two-Family Dwellings - Attached Only				
Located on 1 st Floor	—	—	—	
Located Above 1 st Floor	—	P	—	
Home Businesses	—	HOP	—	Section 18.48. 110
Live-work Units	P	P	P	Not allowed on 1 st floor
Residential Care Facility				
Limited (8 or fewer)	CUP	AUP	CUP	
General (9 or more)	CUP	CUP	CUP	
Service Uses - Business, Financial, Medical, and Professional				
ATM's	P	P	P	
Convalescent Facilities	AUP	AUP	—	

Emergency Health Care Facilities/Urgent Care	CUP	CUP	CUP	
Financial Institutions and Related Services	P	P	P	
Financial Institutions and Related Services, Non-Chartered	CUP	CUP	—	Section 18.48.080
Hospitals, Rest Homes, and Sanitariums	CUP	—	CUP	
Offices - Business	P	P	P	
Offices - Corporate	P	P	P	
Offices - Financial Institutions	P	P	P	
Offices - Medical and Dental	P	P	P	
Offices - Professional	P	P	P	
Outpatient Surgery Facility	CUP	CUP	CUP	
Prescription Pharmacies, Only When in Connection With Medical Offices	P	P	P	
Service Uses - General				
Ambulance Services	CUP	CUP	CUP	
Animal Sales and Services (Small)				
Animal Boarding/Kennels	—	—	—	
Animal Grooming	—	—	—	
Animal Retail Sales	—	—	—	
Veterinary Services	CUP	CUP	CUP	
Catering Services	AUP	AUP	AUP	
Dry Cleaning Establishments (Retail Only)	AUP	CUP	—	
Eating and Drinking Establishments				
Food Service (no alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	P	P	P	
Food Service (with alcohol sales [bars, lounges, or nightclubs], drive-through, fast-food, or late hours)	CUP	CUP	CUP	
Funeral Homes and Mortuaries, No Crematorium	—	—	—	
Funeral Homes and Mortuaries, With Crematorium	—	—	—	
Health/Fitness Facilities				
Small - Less than 2,000 sq. ft.	P	P	P	
Large - 2,000 sq. ft. or greater	AUP	—	AUP	
Laboratories	P	—	AUP	
Maintenance and Repair Services	P	P	P	
Personal Services				
Massage Establishments	—	—	—	
Massage Services, Accessory	—	—	—	
Nail Salons	P	P	P	
Personal Services - General	P	P	P	
Personal Services - Restricted	AUP	AUP	AUP	
Studio	P	P	P	

Postal and Package Shipping Services	P	P	P	
Printing and Duplicating Services	P	P	P	
Smoking Lounges	—	—	—	Prohibited throughout the City
Visitor Accommodations				
Hotels, Motels, and Time-Shares	AUP	CUP	AUP	
Bed and Breakfast Inns	CUP	CUP	CUP	
Transportation, Communications, and Infrastructure Uses				
Communication Facilities	P	—	P	
Heliports and Helistops	—	—	—	
Parking Facilities for On-site Uses	P	P	P	
Parking Structures, Adjacent to Residential Zone	AUP	AUP	AUP	
Utilities, Minor	P	P	P	
Utilities, Major	AUP	AUP	AUP	
Wireless Telecommunication Facilities	See Chapter 18.42			
Vehicle Rental, Sale, and Service Uses				
Vehicle Sales	CUP	CUP	CUP	
Other Uses				
Accessory Structures and Uses	P	P	P	
Emergency Shelters (See Chapter 6 of the Specific Plan for Emergency Shelters)	CUP	CUP	CUP	
Outdoor Advertising Structures/Signs	—	—	—	Chapter 18.32
Outdoor Storage and Display	—	—	—	
Special Events	Municipal Code Chapter 12.08			
Temporary Uses	TUP	TUP	TUP	Chapter 18.94 Minor TUP exempt from Appeal

(Ord. No. 08-2020, § 3, 11-17-2020)

EXHIBIT D

18.48.060 Day Care Facilities

- A. **Applicability.** The provisions in this section apply to care facilities, including Family Day Care Homes, Child Day Care, and Adult Day Care facilities where allowed. Residential Care facilities are subject to Section 18.48.160 – Residential Care Facilities – General of the East Palo Alto Municipal Code.
- B. **Permit and license required.**
- No person shall establish or operate a Child Day Care (small or large), in any-zone, unless the applicable license or permit is approved by the Review Authority. The operator of a care facility shall also obtain the requisite license from the California Department of Social Services, as applicable.
 - The requirement for a discretionary permit shall not apply to any Family Day Care Home (FDCH), as defined in Health and Safety Code Section 1596.78(a), in any zone allowing residential uses, on condition

that the operator shall obtain a license from the California Department of Social Services. Said Family Day Care Home means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large Family Day Care Home or a small Family Day Care Home.

- a. Large Family Day Care Home means a facility that provides care, protection, and supervision for 9 to 14 children inclusive, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.465 and as defined in the regulations.
- b. Small Family Day Care Home means a facility that provides care, protection, and supervision for eight (8) or fewer children, including children under 10 years of age who reside at the home, as set forth in Government Code Section 1597.44 and as defined in regulations.

FDCH uses are allowed by right in any dwelling without any planning permit or business license or home occupation permit unless physical changes are being planned to the site or structure whereupon a planning permit may be required. The approval of local fire, safety and occupancy permits are still required in addition to other mandatory state permits and licenses.

The operator must give the landlord a 30-day notice to add a 7th and 8th child of a small FDCH and the 13th and 14th child of a large FDCH.

Facilities that have 15 or more children are classified as Day Care, General and subject to a Conditional Use Permit in all zones.

- 3. Permit or license required: The requirement for a discretionary permit and business license shall apply to any care facility, other than Family Day Care Homes, including a Child Day Care, Adult Day Care, and Residential Care Facility defined as follows:
 - a. A Child Day Care or Day Care Center means a child day care facility, other than a Family Day Care Home, and includes infant centers, preschools, extended day care facilities, and school-age child care centers, and includes child care centers licensed pursuant to Government Code Section 1596.951.
 - b. Adult Day Care as defined in Section 18.08.010-General of Chapter 18.08-Definitions of the East Palo Alto Municipal Code (EPAMC).
 - c. Residential Care Facility is defined in Section 18.08.010-General of Chapter 18.08-Definitions of the EPAMC as a facility in which multiple unrelated people reside, including but not limited to, health facilities, community care facilities, and alcoholism or drug abuse recovery or treatment facilities as defined in the Health and Safety Code and other similar care facilities. See Section 18.48.160 – Residential Care Facilities – General of the EPAMC for requirements applicable to Residential Care Facilities.

- 4. All Child Day Care and Adult Day Care facilities that have 15 or more children or adults are classified as Day Care, General and subject to a Conditional Use Permit in all zones.

However, small and large Child Day Care, and small Adult Day Care are a Use by Right in all residential zones, meaning they do not require planning or zoning permits. Business license, and fire and building permits are still applicable.

All other care facilities in non-residential zones that either allow residential uses or prohibit residential uses will be subject to either Administrative or Conditional Use permits as specified in Sections 18.10.020 – Land Use Regulations and Allowable Uses, 18.12.020 – Land Use Regulations and Allowable Uses, and 18.14.020 – Land Use Regulations and Allowable Uses of the EPAMC.

- 5. In all residential zones a) small (8 or fewer children) and large (9 – 14 children) Child Day Care, small Adult Day Care (8 or fewer) and Limited Residential Care facilities (8 or fewer) are allowed by right; and b) large Adult Day Care (9 to 14) and General Residential Care facilities (9 or more) are subject to Administrative Use Permits and Conditional Use Permits respectively.

In all Mixed Use and non-Residential zones that allow residential uses all non FDCH facilities, with the exception of large Adult Day Care and General Residential Care facilities, are subject to Administrative Use Permits. Large Adult Day Care and General Residential Care facilities are subject to Conditional Use Permits.

In all non-residential zones that do not allow residential uses all care facilities, with the exception of FDCH facilities, are subject to Conditional Use Permits.

6. Family Day Care Homes and Cooperative Care uses are allowed by right in all the residential zones, in mixed use zones where residential is allowed, and subject to Conditional Use Permits uses in all commercial zones where residential uses are prohibited.
7. **Cooperative.** In a cooperative arrangement, parents shall combine their efforts so that each parent, or set of parents, rotates as the responsible caregiver with respect to all the children in the cooperative. Other conditions that apply to a cooperative include:
 - a. Any person caring for children shall be a parent, legal guardian, stepparent, grandparent, aunt, uncle, or adult sibling of at least one of the children in the cooperative.
 - b. There can be no payment of money or receipt of in-kind income in exchange for the provision of care. This does not prohibit in-kind contributions of snacks, games, toys, blankets for napping, pillows, and other materials parents deem appropriate for their children. It is not the intent of this paragraph to prohibit payment for outside activities, the amount of which may not exceed the actual cost of the activity.
 - c. No more than 12 children are receiving care in the same place at the same time.

- C. **Permit application.** When applicable, an application for a discretionary permit shall be filed with the Department and shall include all of the following information:
 1. A scale drawing of any structural alterations or improvements being made to the premises for the purpose of operating the day care facility;
 2. A drawing of the site and the residential structure, showing the size, dimensions, and location of the interior and exterior areas to be utilized for operation of the day care facility, including the location and number of on-site parking spaces and the street access for drop-off and pick-up of children. The drawing shall have a reasonable degree of accuracy and shall contain details as may be required by the Director;
 3. Color photographs of the premises, showing all interior and exterior areas to be itemized for operation of the day care facility;
 4. A general description of the manner in which the day care facility will be operated, including the maximum number and range of ages of children for whom day care will be provided, the days of the week and hours of the day during which the facility will be operated, the number of persons providing day care services, and designation as to whether the persons are residents of the home; and
 5. Any additional information or exhibits as may be required by the Director in order to evaluate the application and the potential impact of the facility upon the neighborhood.
- D. **Inspection of premises.** After the application has been deemed to be complete, the Director shall cause an inspection of the premises to determine whether the facility complies with applicable Building Code requirements for single-family residences and any special fire and life safety standards for large family day care homes as may be adopted by the State Fire Marshal in compliance with Health and Safety Code Section 1597.46(d).
- E. **Standards.** Proposed non FDCH facilities that are not "Uses by Right" shall comply with all of the following:
 1. **Care provider occupancy.** The single-family dwelling in which each care use is located shall is not required to be the principal residence of the care provider. However, in residential zones and the use shall be clearly residential in character subject to State requirements;
 2. **Separation requirement.** A proposed large care facility within a residential zone or mixed use zone shall not be located within 500 feet of another large care facility;
 3. **Drop-off/pick-up area.** A minimum of two off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide the required parking spaces; all subject to State requirements and
 4. **Noise.** In order to protect residents in adjacent dwellings from noise impacts, a facility within a residential zone or mixed use zone shall only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- F. **Findings.** The Review Authority may ~~allow~~ grant a discretionary permit for a Care facility only if it first finds and determines that:
 1. The facility will not create adverse traffic or noise impacts upon the neighborhood; and

2. The facility will comply with all applicable building, fire, and life safety requirements and regulations.

G. Action by Review Authority.

1. The Review Authority may approve, approve with conditions, or deny the application for a discretionary permit, and if approved, the permit shall be subject to all imposed conditions; and
2. Every approved discretionary permit shall be subject to the express condition that the permit shall not become effective until the applicant is licensed by the State in compliance with Health and Safety Code Division 2, Chapter 3.6 to operate a Care facility at the subject property, as applicable. The holder of the discretionary permit shall furnish to the Director a copy of the application submitted to the State and a copy of the final determination made by the State. If the application is denied by the State, the discretionary permit approved in compliance with this Section is void.

H. Expiration, extension, and review of permit.

1. A discretionary permit approved in compliance with this section shall expire 12 months from the date on which the approval of the permit became effective unless, before the expiration date, the Care facility is established and operating on the approved site.
2. The established expiration date may be extended by the Review Authority for a period(s) of time not exceeding a total of 24 months. Application for extension shall be filed before the expiration date. No fees or costs shall be imposed for the filing and processing of the application. A public hearing shall be conducted on the application for extension. Extension of a discretionary permit is not a matter of right and the application may be denied or approved subject to conditions.
3. The Review Authority may, at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose new conditions if the Review Authority first determines that the action is necessary in order to mitigate any adverse impacts that may be created from the operation of the Care_facility.

EXHIBIT E

Table 7-3 Types of Minor Variances Allowed

Table 7-3 Types of Minor Variances Allowed	Maximum Variance
1. Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	10 percent
2. Impervious surface coverage. An increase of the maximum allowable impervious surface coverage.	10 percent
3. Projections. An increase in the allowed projection of chimneys, eaves, fireplaces, landings, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
4. Reduction of landscape standards. Reduction of required on-site landscaping standards.	10 percent
5. Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
6. Signs. Sign regulations (other than prohibited signs).	10 percent
7. Structure heights. An increase in the maximum allowed height of structures.	5 percent
8. Code Enforcement. A reduction in development standards, if doing so will help the City abate a public nuisance as part of a code enforcement hearing or process.	10 percent
9. Nonconforming Adjustments	10 percent

EXHIBIT F

Table 7-2 Review Authority for Site Plan and Design Review

Table 7-2 Review Authority for Site Plan and Design Review	Review Level⁽¹⁾⁽²⁾	
	Director	Commission⁽³⁾
New Construction, Additions and Modifications		

Additions, New Construction or Modifications ≤1,000 sq. ft.	Decision	Appeal
Additions, New Construction or Modifications >1,000 sq. ft.	Recommend	Decision
Other Non-Residential Construction		
Façade or exterior improvements ≤1,000 sq. ft.	Decision	Appeal
Façade or exterior improvements >1,000 sq. ft.	Recommendation	Decision
Landscaping	Decision	Appeal

EXHIBIT G

Table 5-1 Subdivision Review Authorities

Table 5-1 Subdivision Review Authorities				
Type of Decision	Applicable Chapter or Section	Director	Commission	Council⁽³⁾
Amendments to Approved Tentative Maps	18.52.120	Decision	Appeal	Appeal
Certificates of Compliance	18.56.020	Decision	Appeal	Appeal
Condominiums: Residential Condominiums	18.64	Recommend	Decision	Appeal
Residential Condominium Conversions	18.66	N/A	Recommend	Decision
Non-Residential Condominium Conversions	18.68	Recommend	Decision	Appeal
Correction and Amendments to Recorded Maps	18.54.060	Decision	Appeal	Appeal
Extensions of Time - Tentative Maps	18.52.020	Decision	Appeal	Appeal
Final Parcel Maps, Without Dedications	18.54.040	Decision	Appeal	Appeal
Final Parcel Maps, With Dedications*	18.54.040 B.2.c	Recommend	N/A	Decision
Final Tract Maps, Vesting Tract Maps without Dedications	18.54.040 B.2.c	Decision	Appeal	Appeal
Final Tract Maps, Vesting Tract Maps with Dedications	18.54.040 C	Recommend	N/A	Decision
Lot Line Adjustments	18.56.030	Decision	Appeal	Appeal
Parcel Mergers	18.56.040	Decision	Appeal	Appeal
Reversion to Acreage	18.56.050	Recommend	Recommend	Decision

Subdivision Improvement Plans	18.58.040	Decision	Appeal	Appeal
Tentative Tract Maps, Vesting Tentative Maps	18.52.100	Recommend	Decision	Appeal
Tentative Parcel Maps, Vesting Tentative Parcel Maps	18.52.040	Recommend	Decision	Appeal
Tentative Parcel Maps, only when creating no more than one additional parcel, without dedications	18.52.040	Decision	Appeal	Appeal
Tentative Parcel Maps, with dedications*	18.52.040	Recommend	Decision	Appeal
Wavier of Parcel Maps	18.54.010	Decision	Appeal	Appeal
Subdivision Improvement Agreement	18.70.050	Decision	Appeal	Appeal

EXHIBIT H

Table 7-1 Review Authority

Table 7-1 Review Authority				
Type of Action	Applicable Code Citation	Role of Review Authority ⁽¹⁾⁽²⁾		
		Director	Commission	Council
A. Administrative Permits and Actions				
Adjustment Permits	Ch. 18.87	Decision	N/A	N/A
Administrative Use Permits	Ch. 18.86	Decision	Appeal	Appeal
Development Code Interpretations	Ch. 18.12	Decision	Appeal	Appeal
Joint/Off-Site Parking Plans	Ch. 18.36	Decision	Appeal	Appeal
Minor Variances	Ch. 18.90	Decision	Appeal	Appeal
Preliminary Ministerial Review Clearances	Ch. 18.85	Decision	N/A	N/A
Reasonable Accommodations	Ch. 18.94	Decision	Appeal	Appeal
Sign Permits/Comprehensive Sign Programs	Ch. 18.38	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Site Plan and Design Reviews	Ch. 18.86	See Table 7-2 (Site Plan and Design Review Authorities) ⁽³⁾		
Temporary Use Permits (TUP)	Ch. 18.94	Decision (Minor TUP exempt from Appeal)	Appeal	Appeal
Tree Removal Permits	Ch. 18.28	Decision	Appeal	N/A
Zoning Clearances	Ch. 18.84	Issuance	Appeal	Appeal

EXHIBIT I

Table 2-3 Refueling and Service Station Zones

Table 2-3 Allowed Uses and Permit Requirements	Mixed Use Zones Permit Requirements			
	P	Permitted By-Right		
	CUP	Conditional Use Permit (Chapter 18.88)		
	AUP	Administrative Use Permit (Chapter 18.88)		
	TUP	Temporary Use Term Permit (Chapter 18.94)		
	—	Prohibited		
Land Use See Article 1 for land use definitions. See Chapter 18.04 for unlisted uses.	MUC	MUL	MUH	Specific Use Regulations
Vehicle Rental, Sale and Service Uses				
Vehicle/Equipment Rentals				
Vehicle Washing	—	—	—	
Refueling /Service Stations (only on University Avenue between Donohoe Street and Bell Street)	C	C	C	Section 18.48.180.B.3 • No incidental repair/service

EXHIBIT J

Chapter 18.24 Accessory Structures

Permit Requirements (§18.24.020)	B. Exemptions for Residential Zones. Storage sheds and other similar accessory structures that comply with the following regulations are required to receive a Zoning Clearance or Permit Adjustment. <ol style="list-style-type: none"> The footprint of the structure is not more than 120 square feet and is less than 17 feet in total height; The structure does not occupy more than 25 percent of the rear setback area; The structure is located at least three feet from all property lines and at least three feet from any adjacent structures; The structure does not exceed the site coverage limitations for the zone in which it is located; The structure is constructed of materials that are visually appealing, painted or stained (unless natural wood will weather attractively), and if the structure has a pitched roof, the roof does not produce glare; The structure is built to the specifications of the California Building Code as well as any other applicable codes in force; If the structure is proposed on a corner parcel, it shall not encroach upon the exterior side setback; and The structure is not proposed in any setback other than the rear setback, unless approved by the Director.
Standards for Accessory Structures (§18.24.030)	A. Residential Zones, Nonexempt Structures. <ol style="list-style-type: none"> Structures greater than 120 square feet. A one-story detached accessory structure with a footprint greater than

	<p>120 square feet may be constructed after approval of a Zoning Clearance or Permit Adjustment and obtaining building permits, if all of the following requirements are met:</p> <ol style="list-style-type: none"> a. The structure does not occupy more than 25 percent of the front or rear yard. b. At least 700 square feet of useable rear yard area is maintained. c. The structure has a height no greater than 17 feet. d. The structure is located as follows: <ol style="list-style-type: none"> (1) At least six feet from the rear property line; (2) In the rear half of the lot; (3) At least three feet from side property lines; and (4) At least six feet from any adjacent structures. e. The structure has a projected roof area of less than 1,000 square feet; f. The structure does not exceed the site coverage limitations for the zone in which it is located; g. The structure is constructed of a material that is visually appealing, painted or stained, fully enclosed, and with a hip or other approved roof that does not produce glare, and of a compatible exterior appearance with the principal structure on the premises; h. The applicant has submitted plans to the Building Official and has received a building permit to proceed with construction; and i. If the structure is proposed on a corner parcel, the structure does not encroach upon the exterior side setback. <p>B. Nonresidential Zones, Development Standards. All of the following regulations apply to all accessory structures in nonresidential and mixed use zones:</p> <ol style="list-style-type: none"> 1. Incidental to the primary structure or use. The accessory structure shall serve occupants and/or patrons of the primary structure or use and shall not alter the character of the site or use; 2. Height. The height is limited to one story no greater than 17 feet in height; 3. Setbacks. All accessory structures shall meet the setback requirements for the zone in which they are located; 4. Site coverage. The total square footage of all accessory structures on a parcel, including any exempt structures, counts toward the calculation of total site coverage for the zone in which they are located; and 5. Architectural consistency. All accessory structures shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, roof materials, and architectural style, as determined by the Director.
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EXHIBIT K
Chapter 18.96 Accessory Dwelling Units

<p>§18.96.010 - Definitions</p>	<p><u>Accessory Dwelling Unit (ADU).</u> ADU means an attached or detached residential dwelling unit providing complete independent living facilities for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation facilities which are defined as a full bathroom (tub/shower, sink, and a toilet). An ADU also includes an efficiency unit, as defined in Health and Safety Code Section 17958.1 and a manufactured home, as defined in Health and Safety Code Section 18007.</p> <p>Junior Accessory Dwelling Unit (JADU). A residential dwelling unit that is no more than 500 square feet in size, includes an efficiency kitchen including a cooking facility with appliances, food preparation counter and storage cabinets of reasonable size in relation to the size of the JADU and consistent with building code standards, is contained entirely within a single-family residence-, including an attached garage, and may include separate sanitation facilities or may share sanitation facilities with the existing structure.</p> <p>Livable Space. Livable space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.</p> <p>Primary Dwelling Unit. The single-family dwelling or multiple-family dwelling but does not include an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU). An attached garage is considered part of the primary dwelling unit.</p> <p>Public Transit. 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.</p>
<p>§18.96.030.A.4 – General Provisions</p>	<p>Except as otherwise provided in this chapter, an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (JADU) that meets all of the following specified development standards shall be approved by the City:</p> <ul style="list-style-type: none"> A. Zoning. ADUs are allowed on parcels zoned to allow single-family dwellings or multiple-family dwellings, including mixed-use zones. JADUs are allowed on parcels zoned to allow single-family dwellings and are not permitted on a property with a multiple-family dwelling. B. Density. An ADU or JADU unit conforming to the requirements of this chapter shall not be included in the calculation of residential density for the purpose of determining general plan and zoning conformance and is deemed to be a residential use consistent with the existing General Plan and zoning designations for the parcel. C. Single-Family Dwellings. Any of the following may be permitted on a parcel with an existing or proposed single-family dwelling: <ul style="list-style-type: none"> 1. One JADU that meets the standards in Section 18.96.060 below. JADUs are only permitted on a parcel with no more than one existing or proposed single-family dwelling.

2. One new construction, attached or detached ADU that meets the standards in Section 18.96.050 below.
 3. One accessory dwelling unit created from converted existing space within the walls of a proposed or existing single-family detached dwelling or within an existing accessory structure, including a detached garage, that meets the standards in Section 18.96.050. An existing single-family residence may be converted to an ADU in conjunction with the development of a new primary dwelling unit on the site and in conformity with the development standards in Section 18.96.050.
- D. Multiple-family Dwellings. Multiple-family dwelling units as specified in Subsection 18.96.030.E below. For purposes of this Chapter 18.96 only, multiple-family dwelling units includes two family dwellings.
- E. Statewide Exemption ADUs. Any of the following will be ministerially permitted on a parcel and are not required to meet the additional development and design standards in the underlying zoning district or in Section 18.96.050, unless specified:
1. One ADU and one JADU per parcel with a proposed or existing single-family dwelling if all of the following apply:
 - a. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure. An expansion beyond the physical dimensions of the existing structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The JADU complies with the requirements of Section 18.96.060 below.
 2. One detached, new construction ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, does not exceed 800 square feet in floor area, and does not exceed the allowed height in Subsection 18.96.050.C, below. The ADU may be combined with a JADU that meets the standards as described in Section 18.96.060.
 3. Multiple ADUs within the portions of a multiple-family building that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. The number of ADUs permitted is equivalent to up to 25 percent of the number of existing, legally permitted units in the multiple-family dwelling, or one, whichever is greater.
 4. Multiple detached ADUs, not to exceed:
 - a. Eight detached accessory dwelling units on a lot with an

	<p>existing multi-family dwelling. However, the number of accessory dwelling units shall not exceed the number of existing units on the lot.</p> <ul style="list-style-type: none"> b. Two detached accessory dwelling units on a lot with a proposed multi-family dwelling. c. The allowed height in Subsection 18.96.050.C and must have a minimum rear and side setbacks of four feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the existing multifamily dwelling will not be required to be modified to meet this setback.
§18.96.050.A.2 – Development Standards	<p>A. The ADU shall comply with the requirements of the underlying zoning district unless:</p> <ul style="list-style-type: none"> 1. The requirements are inconsistent with the provisions of this chapter, in which case the standards of this section shall apply; 2. The application is to legalize an unpermitted ADU or unpermitted JADU that was constructed prior to January 1, 2020, even if the ADU or JADU is nonconforming with local zoning, Government Code Section 65852.2, and/or California and local building code requirements. However, the City may deny the application for an unpermitted accessory dwelling unit or junior accessory dwelling unit if the City makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code Section 17920.3; or 3. Limits on size based on a percentage of the proposed or existing primary dwelling, lot coverage, floor area ratio, front set back, open space, and size shall permit, or shall be waived in order to allow, a detached or attached ADU up to 800 square feet in size with four-foot side and rear yards, if the proposed ADU is in compliance with all other development standards.
§18.96.090 – Non-Permitted ADUs and JADUs	<p>The establishment or continuance of an ADU or JADU without a permit as required under this chapter is declared to be unlawful and shall constitute a misdemeanor violation of this chapter and a public nuisance. ADUs and JADUs constructed prior to January 1, 2020 shall be issued a permit in accordance with Section 18.96.050. Any violation of this chapter shall be subject to the enforcement provisions and penalties as prescribed in Chapter 18.118. The enforcement of the code violation abatement shall be consistent with Health & Safety Code Section 17980.12</p>
§18.96.050.G – Development Standards	<p>G. Replacement Parking: Replacement parking shall not be required when a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU, or conversion of that parking structure into an ADU.</p>