

SB 9 Implementation – Draft Regulations

(New DMMC) Chapter 30.93 – Regulations for Development of Two Unit Residential Development on Single Residential Zoned lots or Urban Lot Splits for Single Residential Zoned Lots

30.93.010 - Purpose and Intent.

The purpose of this Chapter is to establish objective design standards for the development of two residential structures on single residential zoned lots. The intent of these regulations are to implement California Government Code Section 65852.21 and CA. Gov. Code Section 2. 66411.7. Should State law change, the City reserves the right to make further modifications to these standards to bring this Chapter in conformity with new State requirements.

The intent of this Chapter is meet the requirements of State housing laws, while retaining the character of the City's single-dwelling neighborhoods. Equal to meeting these housing law obligations, the City must also ensure that in implementing these regulations that no unavoidable adverse impacts occur to the public health, safety, or general welfare of its residents or to the City's sensitive coastal resources.

This Chapter prescribes objective standards for the approval of such units and Urban Lot Splits and the circumstances in which a development may be prohibited. For example, the proposed development may be denied because it may conflict with the California Coastal Act of 1976 or where the proposed development is located within a Severe Wildfire Hazard Area. Finally, should this Chapter conflict with State law then State law will have precedence over the regulations contained in this Chapter.

30.93.020 - Definitions.

Senate Bill 9 (SB 9) means a state law passed by the California State Senate and approved by the Governor on September 16, 2021. The legislation amends Government Code Section 66452.6 and adds Government Code Sections 65852.21 and 66411.7.

Senate Bill 9 (SB 9) Development Project means a project proposing the development of Two Primary Dwelling Units and/or an Urban Lot Split pursuant to SB 9.

Two Unit Residential Development means a proposed SB 9 housing development that includes no more than two residential units developed on one lot that is currently zoned as single residential. And where two primary dwelling units are each designed with separate and fully functioning: Living, sleeping, eating, cooking, and as amenities and connected to sanitation and other utilities. The residential units must be independent living structures used by one or more persons, and where neither unit requires the use of the other unit's living amenities or utilities.

Urban Lot Split means a parcel map subdivision that creates no more than two new parcels of approximately equal lot area, but in no case smaller than 40 percent of the

other subject lot, and where both lots meet the requirements of this Chapter and Chapter 24.66. Both newly created parcels are no smaller than 1,200 square feet.

Unit means any dwelling unit, including, but not limited to, a unit or units created pursuant to Government Code Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in Government Code Section 65852.2, or a junior accessory dwelling unit as defined in Government Code Section 65852.22.

Acting in Concert with the Owner means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

30.93.030 - Applicability.

- A. This Chapter applies to proposed development on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B), except as prohibited per Section (B).
- B. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:
 - 1. Proposed development is located on a lot that is either prime farmland or farmland of statewide importance, as defined pursuant to United States of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 - 2. Proposed development on lots containing wetlands or their buffers, as defined by the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been conserved by dedication in fee title, easement covenants, or other forms of conservation easements.
 - 3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish

and Game Code), or the Native Plan Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:

- a. Coastal Bluff Overlay Zone
 - b. Bluff, Slope, and Canyon Overlay Zone
 - c. Lagoon Overlay Zone
 - d. Open Space Overlay Zone
 - f. Historic Preservation Overlay
 - g. Beach Overlay Zone
4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the 2019 FEMA Flood Insurance Rate Map or as revised ("FIRM").
 5. Proposed development on a lot that falls entirely or partially within a mapped Very High Fire Hazard Severity Zone and does not have at least two emergency evacuation routes, an evacuation map specific to the parcel, or that cannot otherwise be mitigated to avoid loss of human life.
 6. Proposed development on a lot within a delineated earthquake fault zone as determined by the State Geologist in adopted maps published by the California State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
 7. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 8. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.
10. Proposed development that requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit unless the existing unit has not been occupied by a tenant in the last three years from the date of application submittal.
11. Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant must choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2 but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit must be no more than 800 square feet in bulk floor area.
12. On sites that have been established through prior entitlement of an Urban Lot Split; or when the owner of a parcel being subdivided and any person acting in concert with the owner, has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this Chapter.
13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, and impediments to public recreation.

30.93.040 - Permit Review Required to Utilize the Provisions of this Chapter.

- A. An applicant seeking to utilize the provisions of this Chapter may propose development in accordance with the primary dwelling unit regulations in Section 30.93.050, Section 30.93.060, Chapter 23.07, and Chapter 24.66.
- B. Any application pursuant to this Chapter may be denied by the City upon the making of written findings establishing by a preponderance of the evidence that the proposed development would have a specific, adverse impact upon public health and safety or the physical environment and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

As used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. The following shall not constitute a specific, adverse impact upon the public health or safety:

1. Inconsistency with the zoning ordinance or general plan land use designation.
2. The eligibility to claim a welfare exemption under subdivision (g) of Section 214 of the Revenue and Taxation Code.

30.93.050 - Development of Two Unit Residential Development in Accordance with this Chapter.

A lot in a single dwelling unit zone that meets the criteria in Section 30.93.030 shall be permitted to develop up to two primary dwelling units per lot by submitting an application for an Administrative Coastal Development Permit. The issuance of an Administrative Coastal Permit will not require any public hearings. The application shall be consistent with Section 30.75.080(E) and meet the following requirements:

- A. The development regulations of the base zone in which the lot is located shall apply, except as otherwise specified in this Section:
 1. The maximum permitted density shall be two dwelling units per lot.
 2. The dwelling units may be attached to or detached from one another, provided that the structure(s) meet building code safety standards and are sufficient to allow separate conveyances.
 3. Individual dwelling units developed in accordance with this Chapter shall not exceed 800 square feet in bulk floor area, as defined in DMMC Chapter 30.72.
 4. Dwelling units developed in accordance with this Chapter shall not exceed 16 feet in height, as measured pursuant to DMMC Section 30.04.080 (a)₇.
 5. Excluded features are any new roof decks or balconies located upon a new structure.
 - ~~5-6.~~ Basements, as defined by DMMC Section 30.04.020 (c), are not permitted.
 - ~~6-7.~~ Setbacks:
 - a. An existing accessory building structure may be converted to a dwelling unit regardless of its existing location with respect to the property line. A new dwelling unit that is constructed in the same location and to the same dimensions as an existing accessory

building structure may continue to observe the same setbacks as the structure it replaced.

- b. New dwelling unit structures must comply with the setbacks of the base zone and DMMC Section 30.86.200 (I), unless a reduced setback is needed to build a dwelling unit with a maximum gross bulk floor area of 800 square feet to reach the maximum density for the lot. Setback reductions shall not be permitted closer than four feet from interior side and rear property lines.
- c. New dwelling unit structures must comply with the front and street side yard setbacks of the base zoning designation.

~~7.8.~~ Dwelling units, including exterior building features and accessory structures must comply with the objective design standards pursuant to Chapter 23.07. Dwelling units, exterior building features and accessory structures that are not consistent with Chapter 23.07 and are not otherwise required by the California Building Code for a dwelling unit shall be subject to the objective requirements of Design Review in accordance with Chapter 23.08.

~~8.9.~~ Parking:

- a. One parking space is required for each unit created pursuant to this Chapter, unless the parcel upon which the unit is within one-half mile walking distance of a high-quality transit-corridor, as defined in Public Resources Code Section 21155, or a major transit stop, as defined in Public Resources Code Section 21064.3, or there is a car share vehicle located within one block of the project.
- b. In order to ensure continued coastal access to members of the public, if a two-unit residential development replaces an existing garage or other required parking, replacement parking spaces shall be provided on-site in accordance with the requirements of DMMC Chapter 30.80 and the California Coastal Act. The new parking space(s) may be covered or uncovered.
- c. The design of parking spaces shall comply with DMMC Section 30.80.060.

B. Prior to the issuance of a building permit for a Two Unit Residential Development, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

- 1. A lot that utilizes the provisions of this Section shall be limited to residential uses only.

2. Rental of units shall be for a term more than thirty (30) consecutive days. Rentals of 30 days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.

30.93.060 - Regulations for Urban Lot Splits Located in Zones for Single Dwelling Lots.

- A. A parcel located in single dwelling unit zone(s) that meet the applicability criteria set forth in Section 30.93.020, shall be permitted to subdivide an existing lot into no more than two separately conveyable lots, herein referred to as an “Urban Lot Split,” by the owner submitting an application for an Administrative Coastal Development Permit in accordance with Section 30.75.080(E) and a Parcel Map in accordance with Chapter 24.66, without the requirement of a public hearing.
- B. The proposed Urban Lot Split shall comply with the requirements in Chapter 30.75 applicable to processing of an Administrative Coastal Development Permit.
- C. The Director of Planning and Community Development shall approve, conditionally approve, or deny an Urban Lot Split within 50 days after the tentative map has been deemed complete.
- D. Urban Lot Splits shall be limited to a maximum of two dwelling units on each parcel. An applicant must choose whether to use the provisions of this Chapter or the provisions of the Accessory Dwelling Unit and Junior Accessory Dwelling Unit Regulations consistent with Government Code Section 65852.2 but shall not use both. The maximum of two dwelling units can be achieved on each resulting Urban Lot Split lot by creating two primary units, or a primary unit and an Accessory Dwelling unit, or a primary unit and one Junior Accessory Dwelling unit.
- E. New construction for Two Unit Residential Development on lots created under an Urban Lot Split shall comply with the development standards contained within the underlying zoning designation, Section 30.93.50, and Chapter 23.07.
- F. A lot that utilizes the provisions of this Section shall be limited to residential uses only. The dwelling units shall not be rented for less than 30 days. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.
- G. Urban Lot Splits shall comply with Chapter 24.21 – Dedication: Affordable Housing Mitigation.
- H. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:

1. The record owner shall reside in one of the dwelling units on either of the lots created by the Urban Lot Split as their primary residence for a minimum of three years from the date of approval of the Urban Lot Split. This requirement shall not apply to an applicant that is a “community land trust,” as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii) or is a “qualified nonprofit corporation” as described in California Revenue and Taxation Code Section 214.15.
2. Rental of units shall be of a term of more than 30 consecutive days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.
3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21, 66411.7, and 65852.2.
4. Any subsequent Urban Lot Split of land that was previously subdivided by an Urban Lot Split shall be prohibited.

(New DMMC) 23.07 - Objective Design Standards for Residential Development.

[SEE SEPARATE DOC]

(New DMMC) Chapter 24.66 – Urban Lot Split.

24.66.010 - Urban Lot Split Requirements.

Every applicant proposing an Urban Lot Split (in accordance with Government Code Sections 66452.6, 65852.21, and 66411.7) shall submit a tentative parcel map that complies with the procedures and requirements contained in this Chapter, Chapter 30.93, and the submittal of an application for an Administrative Coastal Development Permit in accordance with Chapter 30.75.

24.66.020 - Preparation of Urban Lot Split Map.

An Urban Lot Split application shall be prepared by or under the direction of a registered civil engineer or licensed surveyor, and shall show the location of streets, easements, and property lines bounding the subject property and shall conform to the following provisions:

- A. The provisions of Section 66445 of the Subdivision Map Act.

- B. Contain a definite description of the land subdivided by references to recorded deeds, deed restrictions, recorded maps and official United States surveys. Reference to tracts, recorded deeds and recorded maps shall be clearly defined, worded consistently with officially recorded records, and show the book and page of records and related map numbers.
- C. Show the basis of bearings used, the relationship of said bearings to the true meridian, and the north arrow of said map shall appear on each street thereof.
- D. Show a solid line separating private ways, easements and other rights-of-way not to be accepted as public streets and shown on said map from public streets, and clearly designate their nature and the manner in which the right is reserved or granted.
- E. Each tentative map shall depict all contiguous property owned by the subdivider and shall contain the following information:
 - 1. Name and address of the owner whose property is proposed to be subdivided and the name and address of the subdivider.
 - 2. Name and address of registered civil engineer or licensed surveyor, who prepared the map.
 - 3. North arrow.
 - 4. Scale.
 - 5. Date of preparation.
 - 6. The location, width and proposed names of all streets within the boundaries of the proposed subdivision and approximate grades thereof and point of access from each lot.
 - 7. Locations and width of alleys.
 - 8. Names, location and width of adjacent streets.
 - 9. Lot lines and approximate dimensions and numbers of each lot.
 - 10. Approximate location and width of watercourses of areas subject to inundation from floods, and location of structures, irrigation ditches and other permanent features.
 - 11. Approximate contours at two-foot intervals.
 - 12. Approximate location of existing buildings and permanent structures.
 - 13. Location of all major vegetation showing size and type.

14. Legal description of the exterior boundaries of the subdivisions.
 15. Width and location of all existing and proposed public or private easement, for example utilities and bicycle paths.
 16. Classification of lots as to be intended residential, commercial, industrial or otherwise.
 17. Location of railroads and rights-of-way.
 18. Approximate radii of curves.
 19. Any proposed phasing by units.
 20. Number of units to be constructed when a condominium or community apartment project is involved.
 21. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
 22. Locations of existing structures within the subdivision and structures outside the subdivision but within 25 feet of the subdivision boundaries.
- F. Shown either on the proposed tentative map or an accompanying document shall be the information regarding the following matters:
1. Source of water supply.
 2. Type of street improvement and utilities which the subdivider proposes to install.
 3. Proposed method sewage disposal, including location of facilities.
 4. Proposed storm water sewer or other means of drainage, including the location of such facilities.
 5. Protective covenants to be recorded.
 6. Proposed tree plantings.
 7. Landscaping and irrigation conceptual plans.

24.66.30 - Application.

- A. A subdivider applying for an Urban Lot Split shall file a completed application with the Planning Division, together with copies of a tentative parcel map. An applicant for an Urban Lot Split shall sign and submit with the application an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval of the Urban Lot

Split; or if new development is proposed for a Two Unit Residential Development, from the date when the Planning and Community Development Department issues its final occupancy permit.

- B. The Planning and Community Development Department and City Engineer shall not accept an application or map for processing unless the Department finds that the Urban Lot Split is consistent with the applicable zoning provisions and that all approvals and permits required by the City zoning provisions for the project have been approved.
- C. The Planning and Community Development Department shall not accept an application or map for an Urban Lot Split unless it is submitted together with an Administrative Coastal Development Permit in accordance with Chapter 30.75.
- D. Notwithstanding the provision of subsection B of this section, an Urban Lot Split may be processed concurrently with documents, permits, or approvals required by the zoning provisions, if the applicant first waives the time limits for processing, approving, or conditionally approving or disapproving an Urban Lot Split provided by this chapter or the Subdivision Map Act.

24.66.40 - Information to be filed with Urban Lot Split Map.

Such information as may be prescribed by the rules and regulations approved by the City Council and such additional information as the City Engineer may find reasonably necessary with respect to any particular case to implementing provisions of this Chapter and shall accompany the Urban Lot Split at the time of submission, including a certificate of an engineer or land surveyor in accordance with Section 66449 of the Subdivision Map Act.

24.66.050 - Requirements for Urban Lot Split Map.

- A. The Urban Lot Split shall comply with all applicable objective requirements of the Subdivision Map Act, except as provided by Government Code Section 66411.7; and the following shall be required as determined by the City Engineer:
 - 1. Easements for the provision of public services and facilities.
 - 2. Access to the public right-of-way for one or both lots.
 - 3. Panhandle lots or easements to access the proposed lot shall be a maximum of 20 feet.
- B. Development proposed on lots created by an Urban Lot Split shall comply with all applicable objective standards contained within the underlying zoning designation, objective subdivision standards, and objective design standards in Chapter 23.07.

However, applicable objective standards may be reduced if the standards would have the effect of physically precluding the construction of two, 800-square-foot, dwelling units on each resulting parcel created pursuant to this chapter. In no case shall such accommodation conflict with the minimum lot requirements per the Subdivision Map Act.

- C. Urban Lot Splits shall comply with Chapter 24.21 – Dedication: Affordable Housing Mitigation.
- D. The minimum lot area and minimum lot dimension regulations of the base zone shall be waived and replaced with the following regulations:
 - 1. The two parcels created shall be approximately equal in size, provided that one lot shall not be any smaller than 40 percent of the lot area of the original lot.
 - 2. The two lots shall be no smaller than 1,200 square feet in lot area for each lot.
 - 3. New unit sizes shall not be greater than 800 square feet. Maps shall show the footprints of existing and proposed structures.
- E. Dwelling units constructed on a lot subdivided by an Urban Lot Split shall be subject to and comply with the objective development standards specified in the underlying zoning designation, Chapter 30.93, and Chapter 23.07.
- F. A lot may not utilize the Urban Lot Split provisions of this Chapter and Chapter 30.93 if any of the following apply:
 - 1. The lot was established through a prior Urban Lot Split in accordance with this Section.
 - 2. The record owner or any person acting in concert with the record owner has previously subdivided an adjacent lot using an Urban Lot Split in accordance with this Section.
- G. Prior to the recordation of the parcel map for an Urban Lot Split, the owner shall record a deed restriction with the County Recorder and file the recorded deed restriction with the City, acknowledging the applicable use limitations that shall run with the land. The deed restriction shall include the following text:
 - 1. The record owner shall reside in one of the dwelling units on either of the lots created by the Urban Lot Split as their primary residence for a minimum

of three years from the date of approval of the Urban Lot Split. This requirement shall not apply to an applicant that is a “community land trust,” as defined in California Revenue and Taxation Code Section 402.1(a)(11)(C)(ii) or is a “qualified nonprofit corporation” as described in California Revenue and Taxation Code Section 214.15.

2. Rental of units shall be of a term of more than 30 consecutive days or less are prohibited. Rental terms shall not allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant or related tenant.
 3. A maximum of two dwelling units shall be permitted on each lot, either as two primary units, or a primary unit and an Accessory Dwelling Unit, or a primary unit and a Junior Accessory Dwelling Unit; however, at no time shall an entitled Urban Lot Split exercise all provisions in Government Code Sections 65852.21, 66411.7, and 65852.2.
 4. Any subsequent Urban Lot Split of land that was previously subdivided by an Urban Lot Split shall be prohibited.
- H. This Chapter applies to proposed Urban Lot Split subdivisions on properties located within a single dwelling unit zone (R1-40, R1-14, R1-10, R1-10B, R1-5, R1-5B), except as prohibited per Section (I).
- I. To ensure that no adverse unavoidable impacts occur to public health and safety, coastal resources or impede public access to coastal resources, proposed development in locations listed below shall not be eligible to utilize or benefit from this Chapter. Where such circumstances apply all existing discretionary review processing requirements, zoning requirements, and maximum density per the General Plan and certified Local Coastal Program shall apply where the:
1. Proposed development is located on a lot that is either prime farmland or farmland of statewide importance, as defined pursuant to United States of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 2. Proposed development on lots containing wetlands or their buffers, as defined by the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993 or as revised), or other environmentally sensitive habitats as defined by Section 30.75.030, including those lands that have been

conserved by dedication in fee title, easement covenants, or other forms of conservation easements.

3. Proposed development that is located on a lot having habitat for protected species identified as either a candidate, sensitive, or species of special status by state or federal agencies, or otherwise fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C Sec 1531 et seq. or as amended), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code), which includes but is not limited to proposed development located on any one of the following Overlay zones:
 - a. Coastal Bluff Overlay Zone
 - b. Bluff, Slope, and Canyon Overlay Zone
 - c. Lagoon Overlay Zone
 - d. Open Space Overlay Zone
 - f. Historic Preservation Overlay
4. Proposed development on a lot that falls entirely or partially within a mapped Special Flood Hazard Area identified on the 2019 FEMA Flood Insurance Rate Map or as revised ("FIRM").
5. Proposed development on a lot that falls entirely or partially within a mapped Very High Fire Hazard Severity Zone and does not have at least two emergency evacuation routes, an evacuation map specific to the parcel, or that cannot otherwise be mitigated to avoid loss of human life.
6. Proposed development on a lot within a delineated earthquake fault zone as determined by the State Geologist in adopted maps published by the California State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
7. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

8. The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Government Code Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
9. Proposed development that would require demolition of an existing dwelling unit that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; or a dwelling unit that has been occupied by a tenant in the last three years. An applicant must demonstrate whether an existing house on a property implementing an Urban Lot Split or altered to accommodate two dwelling units was owner occupied or rented by a tenant to the Director's satisfaction, including but not limited to the execution of an affidavit that is subject to the laws of perjury.
10. Proposed development that requires the demolition of more than 25 percent of the existing exterior structural walls of a dwelling unit unless the existing unit has not been occupied by a tenant in the last three years from the date of application submittal.
11. Projects proposing an Urban Lot Split on a lot that contains an Accessory Dwelling Unit or Junior Accessory Dwelling Unit, unless the applicant converts one existing ADU or JADU per lot to a primary dwelling unit and removes all other ADUs or JrADUs in compliance with this Chapter. When proposing an Urban Lot Split, an applicant must choose whether to use the provisions of this Chapter or the provisions of the ADU and JADU regulations consistent with Government Code Section 65852.21 and Section 65852.2 but shall not use both. In either case, each resulting lot shall not contain more than two units and each proposed primary unit must be no more than 800 square feet in floor area.
12. On sites that have been established through prior entitlement of an Urban Lot Split; or when the owner of a parcel being subdivided and any person acting in concert with the owner, has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this Chapter.
13. Proposed development located within the North Beach District as identified in the Community Plan that due to flood hazards, limited public access to coastal resources, and impediments to public recreation.

24.66.060 - Grading Plan.

There shall be filed with an Urban Lot Split a grading plan showing any grading proposed for the creation of building sites within the subdivision or for construction of improvements to serve the subdivision. The grading plan together with the original topographical

contours must be shown on the tentative map for an Urban Lot Split. This plan shall indicate approximate earthwork volumes of proposed excavation and filling operations. In the event no such grading is proposed, a statement to that effect shall be filed with the tentative map.

24.66.070 - Preliminary Title Report.

There shall be filed with the tentative map a current preliminary title report for the property being subdivided.

24.66.080 - Planning and Community Development Director – Duties.

The Planning and Community Development Director is authorized and directed to carry out the following duties concerning applications for Urban Lot Split under this chapter which include the following:

- A. Obtain the recommendations of other City departments, or other governmental agencies as may be deemed appropriate or reasonably necessary by the City Engineer in order to carry out the provision of this chapter; and
- B. Consider all recommendations and the results of all investigations and ministerially approve or disapprove the application.

24.66.090 - Consideration of Urban Lot Split Map – Notice of Decision.

Within 50 calendar days after a complete application for an Urban Lot Split Map is filed, the Director of Planning and Community Development shall ministerially approve or disapprove such map. The time limit specified in this section may be extended by mutual consent of the applicant and the city. If the Urban Lot Split is disapproved, the reasons therefor shall be stated in the notice of disapproval.

24.66.100 - Revised Urban Lot Split.

- A. Where an applicant proposes to revise or alter a submitted proposed Urban Lot Split application for which a tentative map has been previously approved by the Director of Planning and Community Development, the applicant may file with the Planning Department a revised Urban Lot Split application including the payment of established fees.
- B. A revised tentative map for an Urban Lot split shall conform to the following requirements:
 - 1. The proposed subdivision shown on such map shall generally conform to the street and lot pattern shown on the approved tentative map.
 - 2. The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown

on the approved tentative map together with such additional land, if any, as the subdivider desires to include.

3. The revised tentative map shall contain all of the information required on previously approved tentative map and shall be accompanied by such data as is required to be filed with the proposed new tentative map.
4. A revised tentative map shall be filed with the City within 24-months from the final approval of the previous tentative map. Extension of time must be requested by the applicant to the Director of Planning and Community Development prior to the expiration of the 24-month map revision timeframe. Extensions of time are at the sole discretion of the Director of Planning and Community Development.
5. Upon the filing of a revised tentative map and payment of the prescribed fees, such revised tentative map shall be treated in all respects as an original tentative map and shall be reported on, approved, conditionally approved, or disapproved, in the same manner as the previously approved tentative map, provided, however, that the applicant shall have 12 months from the approval or conditional approval of the original tentative map within which to obtain final map approval, unless such period is extended pursuant to this Chapter, in which case, the applicant shall obtain final map approval within the period of any such extension.

24.66.110 - Disapproval of Urban Lot Split.

The Director of Planning and Community Development shall not approve an Urban Lot Split under the following circumstances:

- A. Based on a preponderance of the evidence that the proposed subdivision would have a specific, adverse impact upon public health and safety or the physical environment (including but not limited to sensitive coastal resources and public access) and where there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- B. The land proposed for subdivision is a lot or parcel which was part of an Urban Lot Split that the City previously approved.
- C. The subdivision proposes creation of more than two lots or more than two units per lot.
- D. If the Urban Lot Split does not meet the requirements of this Chapter or that all approvals or permits required by this Chapter for the project have not been issued.

- E. Failure to comply with applicable, objective requirements of the Subdivision Map Act and this Chapter.

24.66.120 - Expiration/Extension of Urban Lot Split.

The expiration of the Urban Lot Split shall be in accordance with Government Code Section 66452.6 or as revised and the following:

- A. A tentative map shall expire 24 months after its approval or conditional approval.
- B. Upon application received by the Planning Department at least 60 days prior to the expiration of the tentative map, the Director of Planning and Community Development, at their sole discretion, may extend the time of expiration for a period or periods not to exceed six years.

24.66.130 – Transmittal of Urban Lot Split to County Recorder.

Upon the approval of an Urban Lot Split by the Director of Planning and Community Development, the applicant or its agent shall transmit the map to the San Diego County Recorder’s Office and ensure the timely recording of the Tentative Map. An Urban Lot Split subject to Section 66493 of the Subdivision Map Act shall be processed in compliance with Government Code Section 66464(b).

The following is a reference to other DMMC Chapters that will be amended in association with the addition of the DMMC Chapters 30.93, 23.07, and 24.66 for SB-9 Implementation. Underline represents language to be added.

Chapter 30.75 (Coastal Development Permits)

30.75.080 – Coastal Development Permits Issued by the City—Issuing Authority, Public Hearing Required.

A. through D. [No change]

- E. The Director of Planning and Community Development shall serve as the Issuing Authority to render a determination on applications for Coastal Development Permits for the following:
 - 1. Projects which qualify for Administrative Design Review pursuant to the provisions of this Title.
 - 2. Applications for Lot Line Adjustments and/or Certificates of Compliance.
 - 3. An application for an Accessory Dwelling Unit in accordance with Subsection 30.91.030.D.5. that is not otherwise exempt from a Coastal Development Permit.

4. Development applications for by-right multiple dwelling units are to be in accordance with the Housing Element Implementation Overlay Zone pursuant to Chapter 30.92.
5. An application for an Urban Lot Split or construction of a Two Unit Residential Development in a single dwelling unit zone in accordance with Chapter 30.93 and Chapter 24.66.

F. [No change]

Chapter 30.10 (Very Low Density Residential (R1-40))

30.10.030 – Allowable Uses.

The allowable uses in the R1-40 Zone are:

- A. A single dwelling unit on each building site; and
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.
- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.10.070 – Development Standards.

- A. [No change]
- B. Lot Dimensions.
 1. Minimum lot size: 40,000 square feet.
 2. Minimum street frontage: 20 feet.
 3. Minimum lot width: 75 feet.
 4. Minimum lot depth: 100 feet.
 5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.
- C. [No change]

Chapter 30.11 (Modified Low Density Residential (R1-14))

30.11.030 – Allowable Uses.

The allowable uses in the R1-14 Zone are:

- A. A single dwelling unit on each building side; and
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.
- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.11.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

- 1. Minimum lot size: 14,000 square feet.
- 2. Minimum street frontage: 20 feet.
- 3. Minimum lot width: 75 feet.
- 4. Minimum lot depth: 100 feet.
- 5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66

C. [No change]

Chapter 30.12 (Low Density Residential (R1-10))

30.12.030 – Allowable Uses.

The allowable uses in the R1-10 Zone are:

- A. A single dwelling unit on each building side; and
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.

- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.12.070 – Development Standards.

- A. [No change]
- B. Lot Dimensions.
 - 1. Minimum lot size: 10,000 square feet.
 - 2. Minimum street frontage: 20 feet.
 - 3. Minimum lot width: 75 feet.
 - 4. Minimum lot depth: 100 feet.
 - 5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.
- C. [No change]

Chapter 30.13 (Low Density Residential – Beach (R1-10B))

30.13.030 – Allowable Uses.

The allowable uses in the R1-10B Zone are:

- A. A single dwelling unit on each building side; and
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.
- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.13.070 – Development Standards.

- A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 10,000 square feet.
2. Minimum street frontage: 20 feet.
3. Minimum lot width: 35 feet.
4. Minimum lot depth: 100 feet.
5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

Chapter 30.14 (Medium Density Single-Family Residential (R1-5))

30.14.030 – Allowable Uses.

The allowable uses in the R1-5 Zone are:

- A. A single dwelling unit on each building site.
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.
- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.14.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 5,000 square feet.
2. Minimum street frontage: 20 feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 90 feet.

5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

Chapter 30.15 (Medium Density Single-Family Residential – Beach (R1-5B))

30.15.030 – Allowable Uses.

The allowable uses in the R1-5B Zone are:

- A. A single dwelling unit on each building site.
- B. An Accessory Dwelling Unit that meets the requirements in Section 30.91.040, or a Junior Accessory Dwelling Unit that meets the requirements in Section 30.91.050.
- C. A Small Community Care Facility on each building site.
- D. Two Unit Residential Development pursuant to Chapter 30.93.

30.15.070 – Development Standards.

A. [No change]

B. Lot Dimensions.

1. Minimum lot size: 5,000 square feet.
2. Minimum street frontage: 20 feet.
3. Minimum lot width: 50 feet.
4. Minimum lot depth: 80 feet.
5. New lots created as part of an Urban Lot Split as defined in Chapter 30.93 must be in compliance with the lot size and lot width requirements pursuant to Chapter 24.66.

C. [No change]

(New DMMC) 23.07 - Objective Design Standards for Residential Development

23.07.010 - Purpose

- A. In response to a declared housing crisis, the State of California established various mandates in State Housing law that require streamlining of permit applications through an administrative process at the city level, including limitations that require objective design standards for certain types of housing development.
- B. The purpose of this Chapter is to set forth the City's objective design standards where the City is precluded by State law from applying discretionary design review and other permit approval processes identified in Chapter 23.08.
- C. The intent of this Chapter is to facilitate the permitting process for proposed housing development consistent with State law and to implement the City's Community Plan (General Plan) in a manner that harmonizes adopted local policies with State law.

23.07.020 – Applicability and Process for Approval

- A. All residential development referred to in this Chapter shall be processed in accordance with a ministerial permit approval process and reviewed without discretionary review or public hearings.
- B. Chapter 23.07 shall apply to proposed multiple dwelling unit housing development within the Housing Element Implementation Overlay Zone (Chapter 30.92) and any proposed residential development where the City is precluded by State law from applying discretionary design review and permit approval processes that are identified in Chapter 23.08.
- C. Chapter 23.07 shall also apply to residential development in single dwelling unit zones that are subject to California Government Code Sections 65852.21 and 66411.7, referred to in this Chapter as "Two Unit Residential Development." As part of the ministerial review, any Two Unit Residential Development shall comply with the following Objective Design Standards listed in Table A below. For any standard not explicitly identified below, all applicable objective standards of the underlying zoning designation and other objective standards contained in Chapter 30.93 shall apply. Where there is conflicting requirements between the Objective Design Standards below and other requirements within the Del Mar Municipal Code (DMMC), the stricter objective standard shall apply.

- D. Chapter 23.07 shall not apply to proposed Accessory Dwelling Units, which are subject to review and processing in accordance with Chapter 30.91.

23.07.030 – Objective Design Standards for Two Unit Residential Development

- A. If it is not feasible to comply with all applicable Objective Design Standards listed in Table “A” below when constructing up to two, 800-square-foot dwelling units on a property, the applicant shall provide all necessary information requested by the City to reasonably demonstrate that it is infeasible to construct two, 800-square-foot dwelling units if compelled to comply with the City’s Objective Design Standards. Upon review of the applicant’s completed feasibility study, the Director of Planning and Community Development shall determine which, if any, Objective Design Standards will apply or what standards may be waived to allow for up to two dwelling units that are no more than 800 square feet. The City will also evaluate the application compliance with the California Coastal Act of 1976 and the Local Coastal Program and determine if other feasible alternative siting locations reduce impacts to environmentally sensitive coastal areas resources. Additionally, the project may be denied if it will endanger public health or safety or create an unmitigable adverse impacts to the physical environment. At which time the City will produce written findings to the applicant based on the preponderance of evidence that the project will have unavoidable impacts to the public’s health and safety, coastal resources, or the physical environment.
- B. An exterior wall heater and/or air conditioning unit is permitted for a dwelling unit proposed under this Section. Any additional mechanical equipment or exterior building features that are not otherwise required by this Section, Chapter 30.93, or the California Building Code shall be subject to Administrative Design Review in accordance with Section 23.08.035.
- C. To remove, destroy, or move a Protected Tree as defined in Section 23.50.020 to accommodate the construction for a Two Unit Residential Development project shall be subject to the requirements contained in Chapter 23.50.

TABLE A

SB 9 – OBJECTIVE STANDARDS FOR RESIDENTIAL DEVELOPMENT

A. WINDOW PLACEMENT	1. Windows shall be located so that sight lines maximize privacy and avoid direct views into neighboring homes. The following shall be employed:
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	<p>a) Sizing and placing of windows shall be offset or stagger the window placement from neighboring windows.</p> <p>b) When staggering or offset of windows cannot be achieved, obscured or opaque window glass, clerestory windows, or windows with higher sills shall be used.</p>
<p>B. NEIGHBORHOOD COMPATIBILITY & SETBACKS</p>	<p>1. Front setbacks of new homes shall relate to those on adjacent parcels. In cases where setbacks along a street front are uniform, new development shall match those setbacks unless this standard would preclude the construction of a unit size of less than 800 square feet, and in this case, shall conform to the required minimum front and side setback.</p> <p>2. When adjacent lots have nonconforming front yard setbacks, the new development shall conform to the required minimum front yard setback.</p> <p>3. When front yard setbacks are varied in the neighborhood, new homes shall be made to locate the new home with an average setback of the two existing adjacent homes, unless this standard would preclude the construction of a unit size of less than 800 square feet, and in such case, shall conform to the required minimum front setback. No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.</p> <p>4. Outdoor speakers, televisions or other permanent electronic entertainment features with a mechanically or electronic generated noise are prohibited.</p> <p>5. Exterior HVAC or other mechanical equipment shall be fully screened from view from a public right-of-way or adjacent property and located in a manner that would achieve compliance with the maximum allowed decibel levels of Chapter 9.20 – Noise Regulations.</p> <p>6. HVAC units and associated screening equipment shall be a minimum four feet from a property line.</p>

	<p>7. Rooftop decks and balconies are prohibited.</p> <p>8. Attached fireplaces and chimneys shall not project into any required yard setback area. A chimney shall be limited to the minimum height necessary to comply with the California Building Code.</p> <p>9. No part of the dwelling unit, including eaves, cantilevered portions of a dwelling unit, or overhangs shall encroach into a four-foot side and rear setback.</p>
<p>C. PUBLIC SAFETY AND ENVIRONMENTAL PROTECTION- HILLSIDE DEVELOPMENT & GRADING</p>	<p>1. To protect coastal resources and reduce wildfire impacts, homes shall not be located at the crest, ridgeline, or the top of a hill. Homes shall not project above the peak of the ridgeline.</p> <p>2. To protect public health and safety, when feasible, utilize a 20-foot setback from the top of slope and a 10-foot setback from the bottom of a substantially steep slope, which are slopes that exceed 25 percent grade (see DMMC Chapter 30.52) for the design and placement of homes to maintain the natural topography and minimize grading.</p> <p>3. Excavation or grading onto a 4:1 slope shall be prohibited.</p> <p>4. Grading shall be limited to the area required for the structure. Any grading outside of the structure shall be subject to the requirements and procedures contained within Chapter 23.33 – Land Conservation Permit.</p>
<p>D. RETAINING WALLS AND FENCING</p>	<p>1. All objective standards for fences contained within Section 30.86.090 – Fences/Retaining Walls apply.</p> <p>2. Retaining walls outside of the building footprint shall be at least four feet from a building wall and shall be fully landscaped and/or provide for a walkway adjacent to the home.</p> <p>3. The distance between two terraced retaining walls shall be, at the minimum, the average of the height of the two walls. Retaining walls shall not exceed four feet in height. The horizontal area between two retaining walls shall be vegetated.</p>

	<p>4. Retaining walls, block walls, and planters shall be designed with stone, native, or natural appearing materials such as, but not limited to, split face or stone veneer and shall not be unfinished concrete masonry units (CMU) block.</p> <p>5. Fences and walls shall follow the natural site topography.</p> <p>6. Retaining walls shall be earth tone colors that match the surrounding natural hues of the hillsides. Use of colors that contrast with the surrounding natural terrain such as white are prohibited. Earth tone is defined as a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.</p> <p>7. Any perimeter fencing on hillside properties shall be visually open with the use of split rail, picket post, or cable.</p> <p>8. Chain-link fencing is prohibited unless it can be fully screened from view with landscaping or is not visible from the public right-of-way or adjacent properties. If chain-link is proposed, it shall be vinyl coated in black or other dark color that matches the natural terrain.</p>
<p>E. HARDSCAPE & ACCESS TO PUBLIC RIGHT-OF-WAYS</p>	<p>1. Access to parking areas shall have one unobstructed, permanently surfaced driveway not less than 10 feet in width. Said driveway width shall not exceed a total maximum of 20 feet along all abutting street lines.</p> <p>2. Hardscape shall not exceed 50 percent of the front yard and street side setback, including driveways and pedestrian walkways.</p> <p>3. Line of sight shall be retained in accordance with Engineering standards. No wall, structure, plant material, or other object that exceeds 42 inches shall be erected or placed within a triangular area formed by measuring 10 feet from an intersecting driveway, street, or alley in a manner as to obstruct or impede vision for automobiles.</p>

	<p>4. Existing vehicular access and curb cuts shall remain in the existing locations and may be redesigned only if this standard would preclude the construction of a unit less than 800 square feet.</p> <p>5. Unenclosed, on-site parking shall be located outside of a required side, street side yard and front yard setback.</p> <p>6. Circular driveways are prohibited.</p> <p>7. When a lot abuts an alley, the garage and all on-site parking spaces shall be accessed from that alley.</p>
<p>F. WATER RESOURCE PROTECTION- LANDSCAPE AND VEGETATION</p>	<p>1. New construction shall not be located within the dripline of an environmentally “Protected Tree” as defined in Chapter 23.50.</p> <p>2. Trees shall not be planted in a columnar manner. New trees shall be a minimum 24-inch box size and new shrubs shall be a minimum 5-gallon size.</p> <p>3. All landscaping shall be drought tolerant and California native plants.</p> <p>4. All proposed landscaping shall comply with Chapter 23.60 - Water Efficiency Landscape Ordinance (WELO).</p>
<p>G. ARCHITECTURAL FEATURES AND ARTICULATION</p>	<p>1. Four-sided (360-degree) architecture shall be incorporated on all building elevations, which include, but are not limited to, variation in massing, roof forms, wall planes, materials, and surface articulation. Material and color changes shall occur at intersecting planes and shall not occur at the outside corners of structures.</p> <p>2. Units shall have an identifiable main entry when approached from the street. Garage doors shall not be the main entry feature. Sliding, retractable, or accordion style doors shall not be used for the main entry of a home.</p> <p>3. Exterior materials shall be siding, stucco, brick, stone, or other similar materials and shall be in an earth tone color. Board-formed, non-colored, concrete, and stained wood with proper fire assemblies may be used for accent walls.</p>

	<p>4. The maximum allowed enclosed or partially enclosed non-converted garage space shall be limited to 10 feet wide by 20 feet long.</p> <p>5. If an attached garage is proposed, the garage shall be setback five feet from the façade of the proposed dwelling unit.</p> <p>6. Garage doors shall be recessed a minimum of two inches from the face of the garage.</p> <p>7. Wall and roof planes on each elevation must be varied at a minimum of every 20 feet with a projection, offset or recess of the building of at least one foot in depth.</p> <p>8. Dwelling units shall have a maximum 10-foot plate height.</p> <p>9. Sloped roof materials shall be 30-year minimum composition shingle, tile, natural slate or standing seam metal in a non-reflective color. Flat roofs shall utilize non-reflective materials and colors.</p> <p>10. All vents, downspouts, flashing, and electrical conduit shall match the color of the dwelling.</p>
<p>H. LIGHTING AND SCREENING</p>	<p>1. All exterior lighting shall be fully shielded with shut off controls or sensors, timers, or motion detectors. Shielded up lighting and fixtures with an adjustable aiming angle are prohibited.</p> <p>2. Exterior building lighting shall be limited to the minimum necessary for compliance with Building Code requirements.</p> <p>3. All exterior lighting proposed, including fixtures and sources shall be certified Dark Sky Friendly by the Fixture Seal of Approval program of the International Dark-sky Association, or be comparable in terms of fixtures that minimize glare, reduce light trespass, and do not pollute the night sky.</p>

	<p>4. Glass walls (any wall plane consisting of more than 75 percent opaque or transparent glazed surface) that are visible from neighboring homes are prohibited.</p> <p>5. The lamp color or color temperature for all lighting shall be limited to a maximum 2,700 kelvin.</p>
<p>I. SCREENING</p>	<p>1. All rooftop equipment shall be fully screened from the public right-of-way, adjacent properties from all abutting sides and from properties above. The screening must be similar in materials and colors as the dwelling unit.</p> <p>2. Roof penetrations such as stacks, vents, and other roof-mounted equipment shall be located away from view from the public right-of-way. All flashing, sheet metal, vents, and pipe stacks shall be painted to match the adjacent roof or wall material.</p> <p>3. Areas for trash containers shall be incorporated into the building design and located within a garage or fully screened from the public view with walls and landscaping and a lid if the top of the trash bins is not fully covered by the walls. Trash container storage shall be located at the rear or the interior side yard of a property if not located within a garage.</p> <p>4. Foundations and undersides of structures shall be fully screened with compatible materials and colors of the home.</p> <p>5. Mechanical equipment such as backflow preventers shall be screened from public view if located in the front or street side yard setback.</p> <p>6. All ground mounted mechanical equipment shall be completely shielded to eliminate noise and screened from view by adjacent properties by use of a wall, view-obscuring fencing and/or landscaping, or enclosed within a building. Screening walls shall be designed to be architecturally consistent with the building design and materials.</p>