MEETING DATE: October 26, 2020


RECOMMENDATION:


FISCAL IMPLICATIONS:

There are no fiscal implications associated with the adoption of these amendments. In addition, this work was completed in-house by staff from the Community Development Department.

BACKGROUND:

On October 12, 2020, the City Council approved by a 5-0 vote the first reading of Ordinance 1566 to amend the San Carlos Zoning Ordinance, Title 18 of the San Carlos Municipal Code, in response to bringing accessory dwelling units ("ADUs") and junior dwelling units ("JADUs") into compliance with State law.

The purpose of this update is to present amendments to the City's existing Second Dwelling Unit Ordinance (SCMC 18.23.210) by replacing it entirely to address new State laws and under the following title, “SCMC 18.23.210 Accessory dwelling units/junior accessory dwelling units.”

The proposed ADU Ordinance was developed through a widely noticed Study Session with the Planning Commission on October 7, 2019, staff consultation with legal experts and colleagues under the umbrella of 21 Elements (a collaborative planning group that assists all municipalities
in San Mateo County in addressing housing needs), and through Planning Commission
direction received during a public hearing held on June 1, 2020.

ANALYSIS:

The draft Ordinance (Attachment 2, Exhibit A to Ordinance) is intended to comprehensively
address all aspects of siting, placement, size, design, and privacy of Accessory and Junior
Accessory Dwelling Units consistent with State law. Other relevant sections of the Municipal
Code are also proposed for consistency in terminology and implementation (See Attachment 3,
Exhibit B to Ordinance).

The proposed Ordinance will permit the following, consistent with State law mandates:

Where are ADUs and JADUs permitted?

- ADUs are permitted in both R Districts (RS-3, RS-6, RM-20, RM-50) and Mixed-Use
  Districts (MU-DC, MU-D, MU-NB, MU-SB, and MU-N), and in any zone, including
  Planned Developments, where residential uses are allowed.

- JADUs are permitted in RS-3 and RS-6 Single-Family Districts only.

How many ADUs and JADUs per lot?

- One ADU and one JADU is allowed per lot.

- Up to two detached ADUs are allowed on a lot with an existing multi-family structure.

- Up to 25% of the existing units in a multi-family structure are allowed as ADUs in
  portions of the structure that are not used as livable space (e.g., in a 100-unit multi-
  family structure, a maximum of 25 ADUs may be added within existing non-living spaces
  of the structure).

What are the allowable configuration and types of ADUs?

- An ADU can be attached to an existing or proposed single-unit dwelling.

- An ADU can be located within an existing or proposed single-unit dwelling.

- An ADU can be located within an existing accessory structure (e.g., garage conversion).

- An ADU can be detached from an existing or proposed new single-unit dwelling as well
  as detached from a multi-family or mixed-use structure that includes residential units (but
  must be on same lot).

- An ADU can be created in a multi-family or mixed-use structure that includes residential
  units in portions of the structure that are not used as livable space.

- An ADU can be located over a legally established garage. (Note: in this case, the State
does not mandate that ADUs be allowed over garages; San Carlos has historically
allowed ADUs over single-unit dwelling garages and the Planning Commission, on June 1, 2020, made a recommendation that the City continue to support this ADU typology.

*What is the maximum size of an ADU?*

- Per State law, municipalities must allow up to at least 850 sq. ft. for a studio or one-bedroom ADU; and allow up to at least 1,000 sq. ft. for an ADU with two bedrooms or more. The attached ADU Ordinance sets the size limits for ADU at these sizes.

*What is the maximum height of a detached ADU? What if it is over a garage?*

- The maximum height of a detached ADU is 16 feet per State law. If the ADU is above a garage, the State allows each city to determine the maximum height. To manage massing, bulk, and privacy, the attached ADU Ordinance sets a maximum of 20 feet for an ADU over a garage.

*Are there new rules for setbacks?*

- Yes. ADUs can now be 4 feet away from a side or rear setback (was previously 5 feet).

*Do ADUs have to comply with the Maximum Floor Area ("MFA") and Lot Coverage standards?*

- The State law requires that no lot coverage, floor area ratio, open space, or minimum lot size shall preclude the construction of an ADU, of which such ADU is limited to a maximum of up to 800 sq. ft., at a maximum of 16 feet in height, with a four-foot side yard and a four-foot rear yard setback. Such ADU's are referred to by the State as "Statewide Exemption ADUs."

This means that if a proposed ADU exceeds the San Carlos' MFA limits or lot coverage, it is not outright denied but instead limited in size to a maximum of up to 800 sq. ft.

With this understanding, the Planning Commission recommended that up to 800 sq. ft. of ADU floor area be exempted from MFA to create equal opportunity for homeowners regardless of whether they had maximized their house size first, then added an ADU, or whether they built an ADU first, then wanted to maximize their house size.

*Do JADUs require kitchens, bathrooms, or additional parking?*

- Yes. JADUs must have, at minimum: an external, separate entrance; an efficiency kitchen with a sink; and a built-in cooking facility with appliances (e.g., microwave, toaster oven, hot plate), as well as a food preparation counter and storage. JADUs are not required to have their own private bathroom; rather, they must have access to a shared bathroom in the single unit dwelling. Should property owners want to build in a more permanent kitchen or bathroom within a JADU they can do so, however, JADUs have a maximum size of 500 square feet per State law. JADUs are not required to provide additional parking; except that any parking displaced by their construction, including full or partial conversion of garage space, is required to be replaced.

*What are the parking requirements for an ADU?*
• One space per ADU is required, except in situations where:
  o ADU is within an existing single-family unit
  o ADU is within an accessory structure (i.e., garage)
  o ADU is within ½ mile walking distance of public transit
  o ADU is within an architecturally and historically significant district
  o ADU is located where on-street parking permits are required but not offered to the occupants of the ADU
  o ADU is within one block of car-share vehicles
  o When a garage, carport, or covered parking structure is demolished or converted to an ADU, the parking spaces for the single-family unit do not need to be replaced.

**Can ADUs and JADUs be used for short term rentals?**

• Per State law, ADUs and JADUs cannot be rented for fewer than 30 consecutive calendar days (i.e., cannot be used as short-term rentals; if rented, must be at least 30-days or longer).

**Is owner-occupancy still required?**

• Per State law, there are no-owner occupancy requirements for ADUs approved between January 1, 2020 and January 1, 2025. (Note: owner occupancy is still required for scenarios where a JADU is provided within a single-family unit.)

See Exhibit A of Attachment 1 for the full copy of the proposed Ordinance.

The City of San Carlos Zoning Ordinance is required to be consistent with the City’s General Plan (§65860). This is one of two findings that must be made when considering amendments.

1. The ordinance amendment is consistent with the General Plan.

**Basis for finding:** The 2030 General Plan Housing Element includes Goal HOU-4, which states “Promote the development of second units to increase housing opportunities,” and Policy HOU-4.3, which states “Encourage the development of well-designed new secondary dwelling units in existing neighborhoods by implementing objective standards for the approval of a second unit and continuing to evaluate the Zoning Ordinance to create opportunities for new second units.” One of the primary goals of the update is to ensure that San Carlos’s development standards pertaining to accessory dwelling units (formerly known as “second dwelling units”) and junior accessory dwelling units are consistent with State law, which is intended to expand housing opportunities by reducing barriers, better streamline approval, and expand capacity to accommodate the development of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs).

2. The ordinance amendment is consistent with the purpose of this Ordinance to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

**Basis for finding:** The proposed amendments are consistent with the goals, policies, and actions of the 2030 General Plan and as such promote the location, design, and placement of
accessory dwelling units and junior accessory dwelling units in an orderly manner while continuing to protect the public health, safety, peace, comfort, and general welfare.

Environmental Determination

This project implements the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report ("EIR"), and no new environmental effects have been found and no new mitigation is necessary. Therefore, no additional environmental review is required pursuant to Public Resources Code Section 21166 and California Environmental Quality Act ("CEQA") Guidelines Section 15162 and 15168.

Next Steps

Should the City Council adopt Ordinance 1566 at this second reading, the proposed amendments would become effective November 25, 2020. In addition, the City is required to submit the adopted Ordinance to the State Department of Housing and Community Development ("HCD") within 60-days after adoption. If HCD finds that any portion of the Ordinance is not consistent with State law, then the Ordinance will be sent back to the City for changes.

ALTERNATIVES:

1. Adopt Ordinance 1566 amending San Carlos Municipal Code Section 18.23.210 (Second Dwelling Units) to be replaced in its entirety; including amendments to Sections 18.04 (Residential Districts), 18.05 (Mixed Use Districts), 18.15 (General Site Regulations), 18.16 (Affordable Housing Programs), 18.19 (Nonconforming Uses, Structures, and Lots), 18.20 (Parking and Loading), 18.24.230 (Wireless Telecommunications Facilities, Definitions and Acronyms), and 18.40 (Use Classifications) for Consistency with State Law; or

2. Do not adopt Ordinance 1566; or

3. Provide staff with alternative direction.

Respectfully submitted by:

[Signature]

Al Savay, AICP
Community Development Director

[Signature]

Lisa Porras, Planning Manager
ATTACHMENT(S):
1. Ordinance 1566
2. Exhibit A to Ordinance - Amendment to Section 18.23.210
3. Exhibit B to Ordinance - Amendments to Other Relevant Code Sections
ORDINANCE NO. 1566

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
AMENDING THE SAN CARLOS MUNICIPAL CODE, TITLE 18 ZONING, CONSISTING OF
REPLACEMENT OF SECTION 18.23.210 – SECOND DWELLING UNITS; AND
AMENDING SECTIONS 18.04 – RESIDENTIAL DISTRICTS, 18.05 – MIXED USE DISTRICTS,
18.15 – GENERAL SITE REGULATIONS, 18.16 – AFFORDABLE HOUSING PROGRAMS,
18.19 – NONCONFORMING USES, STRUCTURES, AND LOTS, 18.20 – PARKING AND
LOADING, 18.24.230 – WIRELESS TELECOMMUNICATIONS FACILITIES,
DEFINITIONS AND ACRONYMS, AND 18.40 – USE CLASSIFICATIONS, FOR
CONSISTENCY WITH STATE LAW.

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

SECTION 1:

WHEREAS, in order to amend the San Carlos Municipal Code for compliance with State
Law regarding accessory dwelling units and junior accessory dwelling units; and

WHEREAS, pursuant to Government Code Sections 65853 and 65850 and San Carlos
Municipal Code Chapter 18.35, when amendments to the Zoning Ordinance, Title 18 of the San
Carlos Municipal Code are found necessary, the Planning Commission shall hold a public
hearing to consider such changes and render its decision to the City Council as the official
recommending body to the City Council on matters concerning land use; and

WHEREAS, the Planning Commission conducted a public hearing on amendments to the
Zoning Ordinance, Title 18 of the San Carlos Municipal Code to hear and consider all comments
of all persons interested in or concerned with the proposed amendments of the Zoning Ordinance
on June 1, 2020 in consideration of a recommendation to the City Council regarding adoption of
amendments to the Zoning Ordinance, Title 18 of the San Carlos Municipal Code; and

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.35 and the California
Government Code Sections 65090 and 65093, a Planning Commission Public Hearing Notice was
published on May 21, 2020 for amendments to the Zoning Ordinance in the newspaper; and

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.35, the Planning
Commission adopted Resolution No. PC2020-01 recommending to the City Council adoption of
Zoning text amendments, and including the reasons for the recommendation, and the relationship
of the proposed amendments to the applicable General Plan pursuant to Chapter 18.35.

SECTION 2:

WHEREAS, pursuant to San Carlos Municipal Code Chapter 18.27.060 and the California
Government Code Sections 65090 and 65091, a Public Hearing Notice was published October 2,
2020 for the Amendments to Title 18, Zoning Ordinance in the newspaper; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") Section
15168(e), public notice included a statement that the "project" implements the programs and
policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts
identified in San Carlos 2030 General Plan Program Environmental Impact Report ("EIR") and no
new environmental effects have been found and no new mitigation is necessary; therefore, no
additional environmental review was required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and 15168; and

WHEREAS, the proposed amendments to the Zoning Ordinance text were released for public review on October 8, 2020 and incorporate the recommendations of the Planning Commission as recommended in Resolution of the Planning Commission No. PC2020-01, and were further modified based on legal review by Goldfarb and Lipman; and

WHEREAS, the City Council conducted a public hearing on amendments to the San Carlos Zoning Ordinance to hear and consider all comments of all persons interested in or concerned with a proposed amendments of the City of San Carlos Municipal Code on October 12, 2020 in consideration of adoption of this Ordinance; and

WHEREAS, the City Council desires to make findings for the proposed amendments to the San Carlos Municipal Code Title 18 Zoning Ordinance relative to implementation of the 2030 General Plan.

SECTION 3: The City Council makes the following findings:

A. Regarding the California Environmental Quality Act.

1. This project implements the programs and policies of the San Carlos 2030 General Plan, is within the scope of the activities and impacts identified in San Carlos 2030 General Plan Program Environmental Impact Report ("EIR"), and no new environmental effects have been found and no new mitigation is necessary; and

2. That the approval of this action does not approve any development project nor does it either directly or indirectly disturb the physical environment as it updates the City’s development and zoning regulations to be consistent with the City’s General Plan; and

3. In light of CEQA Sections 15162 and 15168 and of the Program Final Environmental Impact Report ("FEIR") for the San Carlos 2030 General Plan and Climate Action Plan, no further review is required.

B. Relative to Section 18.35.080, of the San Carlos Municipal Code Zoning title text amendment findings:

1. The ordinance amendment is consistent with the General Plan.

Basis for finding: The 2030 General Plan Housing Element includes Goal HOU-4, which states “Promote the development of second units to increase housing opportunities,” and Policy HOU-4.3, which states “Encourage the development of well-designed new secondary dwelling units in existing neighborhoods by implementing objective standards for the approval of a second unit and continuing to evaluate the Zoning Ordinance to create opportunities for new second units.” One of the primary goals of the update is to ensure that San Carlos’s development standards pertaining to accessory dwelling units (formerly known as “second dwelling units”) and junior accessory dwelling units are consistent with State law, which is intended to expand housing opportunities by reducing barriers, better streamline approval, and expand capacity to accommodate the development of Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”); and
2. The ordinance amendment is consistent with the purpose of the Zoning Title to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare.

Basis for finding: The proposed amendments are consistent with the goals, policies, and actions of the 2030 General Plan and as such promote the location, design, and placement of accessory dwelling units and junior accessory dwelling units in an orderly manner while continuing to protect the public health, safety, peace, comfort, and general welfare.

SECTION 4: Severability. That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not affect the validity of the remaining parts of this Ordinance.

SECTION 5: Publication. This Ordinance as set forth in Exhibits "A and B" shall be published and posted according to law and shall take effect from and after 30 days after its passage and adoption.

I, City Clerk Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 12th day of October, 2020 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 26th day of October, 2020 by the following vote:

AYES, COUNCIL MEMBERS: ____________________________

NOES, COUNCIL MEMBERS: ____________________________

ABSENT, COUNCIL MEMBERS: ____________________________

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos

Exhibit A: Amendments to Municipal Code Section: 18.23.210 - Second Dwelling Unit

Exhibit B: Amendments to Municipal Code Sections:
- 18.04 - Residential Districts
- 18.05 - Mixed Use Districts
- 18.15 - General Site Regulations
- 18.16 - Affordable Housing Programs
- 18.19 - Nonconforming Uses, Structures, and Lots
- 18.20 - Parking and Loading
- 18.24.230 - Wireless Telecommunications Facilities, Definitions, and Acronyms
- 18.40 - Use Classifications
EXHIBIT A TO ORDINANCE 1566

18.23.210 Accessory dwelling units/junior accessory dwelling units.

A. Purpose and applicability.

The purpose of this section is to:

1. Provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of State law.

2. Maintain the character of single-family residential neighborhoods in the City to the greatest extent possible.

3. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with State law, the applicable provision of State law shall control, but all other provisions of this chapter shall remain in full force and effect.

B. Land use regulations. Accessory dwelling units shall be a permitted use in residential (R) zoning districts, mixed use (MU) zoning districts and in any planned development (PD) zoning district where residential uses are permitted or conditionally permitted as part of an approved Planned Development Plan. Junior accessory dwelling units shall be permitted in the single-family (RS) zoning districts within an existing single-unit dwelling, or as part of a proposed new single-unit dwelling.

C. Number of units and location.

1. Junior accessory dwelling units, number.
   a. Where permitted, one junior accessory dwelling unit may be developed on any legally created lot and shall be located within the walls of an existing or proposed single-unit dwelling.

2. Accessory dwelling units, number.
   a. Multi-family dwelling structures, accessory dwelling units inside an existing multi-family dwelling structure. Up to twenty-five percent of the number of existing multi-family units in the building, but at least one unit, shall be allowed in existing multi-family dwelling structures within the portions of the structure that are not used as livable space provided that...
the unit complies with the California Building Standards Code as set forth in Title 15 of this Code for dwellings. An accessory dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multi-family structure.

b. Multi-family dwelling structures, detached accessory dwelling units. Up to two detached accessory dwelling units on a lot with an existing multi-family dwelling structure, provided that the height of the detached accessory dwelling unit does not exceed sixteen feet and has no less than four-foot side and four-foot rear yard setbacks.

c. Single-family residential lots. One accessory dwelling unit is permitted per residential lot containing an existing or proposed single-unit dwelling. An accessory dwelling unit may be allowed in conjunction with a junior accessory dwelling unit when the requirements of 18.23.210.E (Development Standards) are met.

3. Accessory dwelling units, location. Where permitted, one accessory dwelling unit may be located in any of the following places on a legally created lot:

   a. Attached to an existing or proposed single-unit dwelling;

   b. Located within the walls of the existing or proposed single-unit dwelling, including all or a portion of an attached garage; or an existing multi-family structure;

   c. Located within an existing accessory structure;

   d. Detached from the existing single-unit dwelling or multi-family structure, but located on the same lot as the existing or proposed single-unit dwelling or multi-family structure;

   e. Located over a legally established detached garage.

D. Rental standards.

1. Junior accessory dwelling units.
   a. Junior accessory dwelling units shall not be sold separately from the primary residence.
b. Junior accessory dwelling units may be rented independently of the primary residence.

c. Junior accessory dwelling units shall not be rented for fewer than 30 consecutive calendar days.

d. Either the single-unit dwelling or the junior accessory dwelling unit shall be owner-occupied.

2. Accessory dwelling units.

a. Accessory dwelling units shall not be sold separately from the primary residence.

b. Accessory dwelling units may be rented independently of the primary residence.

c. Accessory dwelling units shall not be rented for fewer than 30 consecutive calendar days.

d. Either the single-unit dwelling or the accessory dwelling unit shall be owner-occupied. For applications received prior to January 1, 2025, there is no owner-occupancy requirement for accessory dwelling units.

E. Development standards.

1. Junior accessory dwelling units and accessory dwelling units shall conform to the height, setbacks, lot coverage, and any other development or supplemental standards of any applicable zoning district(s), the development standards below, other requirements of the Zoning Ordinance, and other applicable City codes. In any case of conflict between this section and any other part of the San Carlos Municipal Code, the standards specific to this section shall take precedence.

2. Building code requirements. Junior accessory dwelling units and accessory dwelling units shall comply with all applicable building code requirements, except fire sprinklers shall not be required in a junior accessory dwelling unit or accessory dwelling unit if they are not required for the single-unit dwelling.

3. Junior accessory dwelling units ("JADUs").

a. Junior accessory dwelling units shall be contained entirely within the walls of a single-unit dwelling, and shall contain at least an efficiency kitchen equipped with a sink, a built-in cooking facility with appliances (e.g., microwave, toaster...
oven, hot plate) as well as a food preparation counter and storage cabinets that are of reasonable size in relation to the junior dwelling unit.

b. A junior accessory dwelling unit shall be no larger than 500 sq. ft. in size; and no junior accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

c. A junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-unit dwelling.

d. A junior accessory dwelling unit shall have a separate, external entrance from the primary dwelling unit. The entrance of a junior accessory dwelling unit shall not be located along any street-facing façade unless infeasible as determined by the Community Development Director.

e. The maximum size of a junior accessory dwelling unit shall maintain a limit in size of 500 square feet. The single-family unit first floor side and rear setbacks may be reduced to no less than four feet to accommodate access to a ground floor junior accessory dwelling unit, or an exterior stair and landing that provide required access to the unit if it is located on the second story.

f. The architectural design, exterior materials and colors, roof pitch and style, type of windows, and trim details of the junior accessory dwelling unit shall be substantially the same as the single-unit dwelling. Junior accessory dwelling units shall satisfy applicable design criteria and conform to any applicable design guidelines.

g. Balconies, decks, and open stair landings shall not face the side property lines, except as needed to allow ingress and egress.

h. Junior accessory dwelling units shall not be required to provide for any additional parking, and, unlike accessory dwelling units, are required to provide replacement parking for any parking displaced by their construction, including full or partial conversion of an existing garage.

i. Junior accessory dwelling units must be allowed within a single-unit dwelling, including non-conforming single-unit dwellings. A permit to construct a junior accessory dwelling unit in a non-conforming single-unit dwelling shall not require non-conforming conditions to be corrected, unless otherwise
4. Accessory dwelling units ("ADUs").
   a. Limits on Lot Coverage, Maximum Floor Area ("MFA"), and Natural State. Accessory dwelling units shall comply with Lot Coverage requirements, MFA, and Natural State and Open Space requirements when applicable, as well as other applicable development standards, except that: a maximum of 800 sq. ft. of ADU floor area is exempt from the MFA requirement that applies to the RS-6 Zoning District; an ADU of up to 800 sq. ft. and up to 16 ft. in height, and with minimum four-ft. side and minimum four-ft. rear yard setbacks is not required to meet lot coverage standards, MFA and floor area standards, and natural state or open space requirements (which is defined as a "Statewide Exemption ADU"); front yard setbacks shall not preclude as Statewide Exemption ADU, and must not unduly constrain the creation of all types of accessory dwelling units.
   b. Notwithstanding the development standards set forth in subsection (a) of this section, if there is no alternative to constructing an accessory dwelling unit in accordance with the development standards listed in subsection (a), one or more of these development standards may be waived only to the extent necessary to allow a Statewide Exemption ADU of up to 800 sq. ft. with a maximum of 16 feet in height, with minimum four-foot side and four-foot rear yard setbacks. The proposal must meet all other development standards. The applicant must also demonstrate that an accessory dwelling unit cannot be constructed in accordance with applicable development standards.
   c. Entrances. An accessory dwelling unit shall have a separate, external entrance from the single-unit dwelling.
   d. Setbacks. Except as indicated in this subsection herein, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located. Detached accessory dwelling units must be setback a minimum of four feet from rear and four feet from the side property lines. Accessory dwelling units that are not classified as Statewide Exemption ADUs must meet the required front setback unless located within a legal, non-conforming structure. No setback is required for an existing living area or an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an
existing structure. There is no minimum requirement for setbacks between and accessory dwelling unit and the single-unit dwelling; however, all proposals shall meet any applicable building and fire requirements.

e. Maximum size. The floor area of an accessory dwelling unit shall not exceed 850 square feet for a studio or one-bedroom, and shall not exceed 1,000 square feet for a unit that contains more than one bedroom when the accessory dwelling unit meets all development standards of any applicable zoning districts, except that: conversions of garages, sheds, barns, and other existing accessory structures, either attached or detached from a single-unit dwelling, are not subject to any additional development standard, such as unit size, height, and lot coverage requirements. If the accessory dwelling unit does not meet all development standards of the applicable zoning district, the maximum floor area permitted is 800 square feet, regardless of number of bedrooms subject to the provisions of subsection (b) of this section. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1.

f. Architectural Compatibility. An accessory dwelling unit, whether attached or detached, shall use any combination of the following elements to maintain architectural and design compatibility between the single-unit dwelling and the proposed accessory dwelling unit: architectural style, exterior materials, fenestration (windows and openings), and colors as the existing or proposed single-unit dwelling; however, the quality of the materials shall be the same or exceed that of the single-unit dwelling. Accessory dwelling units shall conform to any applicable objective design guidelines.

g. Balconies and Openings. Balconies, decks or open stair landings that face the rear or side property line nearest the accessory dwelling unit shall not be permitted, except as needed to allow ingress and egress. Windows within 10 feet of the property line shall be obscured and have at least five-foot sills to maximize privacy for neighbors.

h. Detached accessory dwelling units shall be no greater than 16 feet in height as measured in accordance with SCMC 18.03.050 (Measuring Height).

i. Accessory dwelling units developed within an existing accessory structure on a lot with a single-unit dwelling may include an expansion of up to 150 sq. ft. beyond the existing
physical structure of the accessory structure only to accommodate ingress and egress if the side and rear setbacks are sufficient for safety.

5. Additional development standards for accessory dwelling units located above detached garages. In addition to the standards specified above in subsection 18.23.210, E, 4, a through i, accessory dwelling units that are located over detached garages are subject to the following additional requirements:

  a. The accessory dwelling unit must meet the minimum required front setback of the zoning district in which the lot is located, unless it is meets the criteria of a Statewide Exemption ADU.

  b. The footprint of the accessory dwelling unit may not extend past the footprint of the garage with the exception of stairs or entryway to access the unit. No portion of the accessory dwelling unit may be located at ground level except for stairs or an entryway to access the unit above the garage.

  c. Balconies and decks shall not face rear and side property lines.

  d. The maximum height of the structure shall be 20 feet as measured in accordance with SCMC 18.03.050 (Measuring Height).

  e. Stairs or access to the accessory dwelling unit shall not encroach into any required parking area. Stairs may encroach into the parking area of a garage provided that the front end of a standard size automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) shall be a minimum of five feet above the garage floor.

F. Parking. Parking for a junior accessory dwelling unit and an accessory dwelling unit shall be provided in compliance with the following standards:

1. Except as provided in subsection (3) below, one parking space shall be provided per accessory dwelling unit. Accessory dwelling unit parking requirements are in addition to the parking required for the single-unit dwelling as provided in Chapter 18.20.

2. Parking spaces may be provided as tandem parking on a driveway or in setback areas unless the Community Development Director finds that tandem parking and parking in setback areas is not feasible because of specific topographical conditions and/or other conditions that would pose a risk to health and safety. No parking may extend into a public sidewalk or right-of-way that would require walking into the street. A minimum of eight and one half feet in width and 18 feet in depth is
required for any uncovered parking space.

3. No parking shall be required for an accessory dwelling unit if any of the following apply:
   a. The accessory dwelling unit is contained within an existing single-unit dwelling or accessory structure, or proposed single-unit dwelling.
   b. The accessory dwelling unit is located within one-half mile walking distance of public transit. For purposes of this section, "public transit" means a bus stop or train station where public transportation runs on fixed routes.
   c. The accessory dwelling unit is located within an architecturally and historically significant district.
   d. Where on-street parking permits are required but not offered to the occupants of the accessory dwelling unit.
   e. When a designated parking area for one or more car-share vehicles is located within one block of the accessory dwelling unit.
   f. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces for the primary residence need not be replaced.

4. Junior accessory dwelling units shall not be required to provide for any additional parking, except that any parking displaced by their construction, including full or partial conversion of an existing garage, shall be replaced.

G. Utilities and Impact Fees.

1. No junior accessory dwelling unit or accessory dwelling unit shall be permitted if it is determined that there is not adequate water or sewer service to the property.

2. Except as provided in subsection (3), an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the accessory dwelling unit.

3. The following accessory dwelling units shall be exempt from any
requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:

a. Junior accessory dwelling units.

b. Standard accessory dwelling units converted from interior space unless the unit is constructed within a new single-unit dwelling.

4. All utility extensions shall be placed underground if required for the single-unit dwelling.

5. Impact fees.

a. No impact fees may be imposed on a junior accessory dwelling unit or accessory dwelling unit that is less than 750 sq. ft. in size. For purposes of this section, "impact fees" include the fees specified in Sections 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges.

b. For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the single-unit dwelling.

H. Delay of enforcement of building standards.

1. Prior to January 1, 2030, the owner of an accessory dwelling unit that was built before November 25, 2020, may submit an application to the Building Official requesting that correction of any violation of building standards be delayed for five years. For purposes of this section, "building standards" refers to those standards enforced by local agencies under the authority of Section 17960 of the California Health and Safety Code.

2. The Building Official shall grant the application if the Building Official determines that enforcement of the building standard is not necessary to protect health and safety. In making this determination, the Community Development Director shall consult with the Fire Marshal and Building Official.

3. No applications pursuant to this section shall be approved on or after January 1, 2030. However, any delay that was approved by the City of San Carlos before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the approval of the application.

4. Until January 1, 2030, any notice to correct a violation of building
standard that is issued to the owner of an accessory dwelling unit built before November 25, 2020, shall include a statement that the owner has a right to request a delay in enforcement of the building standard for an accessory dwelling unit pursuant to this section.

5. This section shall remain in effect until January 1, 2035, and as of that date is repealed.
Chapter 18.04
RESIDENTIAL DISTRICTS

18.04.010 Purpose.
The specific purposes of the residential districts are to:

A. Preserve, protect, and enhance the character of the City's different residential neighborhoods.

B. Ensure adequate light, air, and open space for each dwelling.

C. Ensure that the scale and design of new development and alterations to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the area where the project is proposed.

D. Provide sites for public and semi-public land uses, such as parks and public safety facilities, that will serve City residents and will complement surrounding residential development.

Additional purposes of each residential district which follow implement General Plan classifications of “Single-Family, Low Density,” “Single-Family,” “Multiple-Family, Low Density,” and “Multiple-Family, Medium Density.”

E. RS-3 Single-Family, Low Density. This district is intended for residential densities up to three units per net acre. Dwelling types may include detached single-unit housing and accessory dwelling units. In addition to single-unit homes, this district provides for uses such as small family child care, park and recreation facilities, and community gardens that may be appropriate in a single-family residential neighborhood.

F. RS-6 Single-Family. This district is intended for residential densities up to six units per net acre. Dwelling types may include detached single-unit housing, small lot single-unit development, duplexes, townhomes, and accessory dwelling units. This district also allows for uses such as family child care, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly that may be appropriate in a single-family residential neighborhood.

G. RM-20 Multiple-Family, Low Density. This district is intended for residential densities of up to twenty units per net acre developed at a scale and form that is appropriate to its neighborhood context and adjacent uses. Dwelling types include small lot single-unit development, bungalow courts, front or rear loaded townhomes, and multi-unit buildings, and accessory dwelling units. This district also allows for limited uses such as family day care, park and recreation facilities, and civic and institutional uses such as schools and places for community assembly that are appropriate in a low density multifamily residential environment.
H. RM-59 Multiple-Family, Medium Density. This district is intended for residential development at densities up to fifty-nine units per net acre. This density range accommodates townhomes and multi-unit buildings developed at a scale and form that is appropriate to its neighborhood context and adjacent single-family residential uses and forms. Small lot single-unit and bungalow court development is allowed where site conditions exist rendering the development type equal to or better than multi-unit or townhome development. **Accessory dwelling units are also permitted in this district.** In addition to residential uses, this district allows for a limited number of public and semi-public uses such as day care centers, public safety facilities, and residential care facilities that are appropriate in a medium density multifamily residential environment. (Ord. 1537 (Exh. B (part)), 2018: Ord. 1480 (Exh. B (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011)

18.04.020 Land use regulations.
Table 18.04.020 prescribes the land use regulations for residential districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"M" designates use classifications that are permitted after review and approval of a minor use permit by the Zoning Administrator.

"C" designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

"(#)
" numbers in parentheses refer to specific limitations listed at the end of the table.

"-" designates uses that are not permitted.

Use classifications are defined in Chapter 18.40, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this title.
### TABLE 18.04.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS

<table>
<thead>
<tr>
<th>Use Classification</th>
<th>RS-3</th>
<th>RS-6</th>
<th>RM-20</th>
<th>RM-59</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Housing Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Unit Dwelling</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Small Lot Single-Unit Development</td>
<td>-</td>
<td>C (1)</td>
<td>P</td>
<td>C (2)</td>
<td></td>
</tr>
<tr>
<td>Bungalow Court</td>
<td>-</td>
<td>C (1)</td>
<td>P</td>
<td>C (2)</td>
<td></td>
</tr>
<tr>
<td><strong>Second-Accessory Dwelling</strong></td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P-</td>
<td></td>
</tr>
<tr>
<td><strong>Unit</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Junior Accessory Dwelling</td>
<td>P</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>-</td>
<td>C</td>
<td>P</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Townhouse Development</td>
<td>-</td>
<td>C</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Family Day Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>See Section 18.23.090, Day care</td>
</tr>
<tr>
<td>Large</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
<td>Group Residential</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Residential Care Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>-</td>
<td>-</td>
<td>M</td>
<td>M</td>
<td>See Section 18.23.200, Residential care facilities</td>
</tr>
<tr>
<td>Limited</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
</tbody>
</table>
18.04.030 Development standards—RS districts.

Table 18.04.030 prescribes the development standards for RS districts. Additional regulations are denoted in a right-hand column. Section numbers in this column refer to other sections of this title, while individual letters refer to subsections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table.

**TABLE 18.04.030: DEVELOPMENT STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS**

<table>
<thead>
<tr>
<th>District</th>
<th>RS-3</th>
<th>RS-6</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot and Density Standards</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Density (units/net acre)</td>
<td>3</td>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### TABLE 18.04.030: DEVELOPMENT STANDARDS—RESIDENTIAL SINGLE-FAMILY DISTRICTS

<table>
<thead>
<tr>
<th>District</th>
<th>RS-3</th>
<th>RS-6</th>
<th>Additional Regulations</th>
<th>#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size (sq. ft.)</td>
<td>10,000</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corner Lots</td>
<td>10,000</td>
<td>6,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Width (ft.)</td>
<td>75</td>
<td>40</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Corner Lots</td>
<td>75</td>
<td>60</td>
<td></td>
<td>2</td>
</tr>
</tbody>
</table>

**Maximum Floor Area**

For lots less than or equal to 7,500 sq. ft. MFA is the greater of 1,100 sq. ft. + 35% of the lot area or 50% of the lot area; for lots greater than 7,500 sq. ft., MFA is 50% of the lot area.

See Chapter 18.03, Rules of Measurement; See Chapter 18.23.210 for accessory dwelling unit and junior accessory dwelling unit standards.

**Building Form and Location**

<table>
<thead>
<tr>
<th>Maximum Height (ft.)</th>
<th>28 (A)</th>
<th>28 (A)</th>
<th>See Section 18.15.060, Height and height exceptions</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public and Semi-Public Uses</td>
<td>28</td>
<td>45</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks (ft.)</td>
<td></td>
<td></td>
<td>See Section 18.15.080, Projections into yards</td>
<td>4</td>
</tr>
<tr>
<td>Front</td>
<td>20</td>
<td>1st Story: 15 (B)</td>
<td>2nd Story: 19</td>
<td>4</td>
</tr>
<tr>
<td>Interior Side</td>
<td>1st Story: 10</td>
<td>1st Story: 5 (C)</td>
<td>2nd Story: 9 (D)</td>
<td>5</td>
</tr>
</tbody>
</table>

Packet Pg. 193
18.04.070 Residential development types.
This section prescribes development and supplemental standards specific to each development type allowed within the residential districts.

A. Single-Unit Dwellings and Duplexes. Single-unit dwellings and duplexes are subject to the development standards and supplemental regulations of the RS district, Sections 18.04.030, Development standards—RS districts, and 18.04.040, Supplemental regulations—RS districts. The figures in this subsection illustrate RS district development standards and what resulting single-unit development might look like.

**FIGURE 18.04.070-A: RESIDENTIAL TYPES—SINGLE-UNIT**

B. Second Accessory Dwelling Units. Second Accessory dwelling units are subject to the development standards and supplemental regulations of the RS district, Sections 18.04.030, Development standards—RS districts, and 18.04.040, Supplemental regulations—RS districts, and Section 18.23.210. Second Accessory dwelling units. The figures in this subsection illustrate second-accessory dwelling unit development standards and what resulting second-accessory dwelling unit development might look like.
Chapter 18.05
MIXED-USE DISTRICTS

18.05.020 Land use regulations.
Table 18.05.020 prescribes the land use regulations for mixed-use districts. The regulations for each district are established by letter designations as follows:

“P” designates permitted uses.

“M” designates use classifications that are permitted after review and approval of a minor use permit by the Zoning Administrator.

“C” designates use classifications that are permitted after review and approval of a conditional use permit by the Planning Commission.

“(#)” numbers in parentheses refer to specific limitations listed at the end of the table.

“-” designates uses that are not permitted.

Use classifications are defined in Chapter 18.40, Use Classifications. In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. The table also notes additional use regulations that apply to various uses. Section numbers in the right-hand column refer to other sections of this title.
<table>
<thead>
<tr>
<th>Use Classifications</th>
<th>MU-DC</th>
<th>MU-D</th>
<th>MU-SA</th>
<th>MU-SC</th>
<th>MU-NB</th>
<th>MU-SB</th>
<th>Additional Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Housing Types</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td>P(1)</td>
<td>P(1)</td>
<td>P(2)</td>
<td>P</td>
<td>P(2)</td>
<td>P(3)</td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Unit</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Only if it includes a proposed or existing dwelling</td>
</tr>
<tr>
<td>Junior Accessory</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Elderly and Long-Term Care</td>
<td></td>
<td></td>
<td></td>
<td>C</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Family Child Care</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Large</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C(3)</td>
<td>See Section 18.23.090. Day care centers and</td>
</tr>
</tbody>
</table>
Chapter 18.15
GENERAL SITE REGULATIONS
18.15.020 Accessory buildings and structures.

A. Applicability.

1. The provisions of this section apply to roofed structures, including but not limited to garages, carports, sheds, workshops, gazebos, and covered patios, that are detached from and accessory to the main building on the site. These provisions also apply to open, unroofed structures such as decks and trellises that are over six feet in height and that are detached from and accessory to the main building on the site. Premanufactured carports or canopies are prohibited under this classification.

2. When an accessory building or structure is attached to the main building, it shall be made structurally a part of and have a common wall or roof with the main building and shall comply in all respects with the requirements of this title applicable to the main building. Allowed building projections into setbacks are stated in Section 18.15.080. Projections into yards.

3. Where a second unit is located over a detached garage, the entire structure shall be considered a main building, subject to the base district standards for main buildings. No portion of this building shall be closer to any lot line than is permitted for any other main building.

3. Detached accessory dwelling units shall comply with Section 18.23.210 and are not subject to the provisions of this Section.

B. Relation to Existing Structures. A detached accessory building may only be constructed on a lot on which there is a permitted main building to which the accessory building is related or on an adjacent lot under the same ownership. However, an accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building; provided, that a building permit is obtained for the entire project, including the accessory building, prior to the start of any construction.

C. Number of Accessory Structures. There shall be no more than two accessory structures located on any property without prior approval of the Director.

D. Location. Accessory structures shall be located in the rear half of the lot.

1. Corner Lot. On a corner lot, no detached accessory building shall be located so as to project beyond the front yard required or existing on the adjacent lot.
2. Through Lot. On a through lot having frontage on two more or less parallel streets, no detached accessory building shall be located on the one-fourth of the lot nearest either street.

3. Garage Exception. In RS districts, garages may be allowed on the front half of a lot in accordance with Section 18.04.030. Development standards—RS districts.

E. Height. Accessory structures with slab-type foundation shall be no greater than twelve feet high measured from adjacent grade. Accessory structures with raised floor-type foundation shall be no greater than fifteen feet high measured from adjacent grade.

F. Setbacks. Accessory structures may be located on an interior side or rear lot line, except as provided below:

1. Accessory structures shall be set back a minimum of three feet from any alley or lot line.

2. Accessory structures adjacent to the front one-half of any adjacent lot shall be set back a minimum of five feet from the lot line.

3. Detached garages with a linear length or depth which exceeds twenty-five feet on a side shall be set back a minimum of five feet from the lot line.

4. Accessory structures other than detached garages with a linear length or depth which exceeds one-third of the unobstructed distance along a property line shall be set back a minimum of five feet from the lot line.

G. Rear Yard Area. Detached accessory structures shall not occupy more than thirty percent of the required rear yard area.

H. Separation from Main Buildings. No detached accessory structure shall be located closer than six feet from the main building, inclusive of roof covering.

I. Facilities.

1. A detached accessory structure that has not been approved as an accessory second dwelling unit may contain a toilet, shower and sink upon review and approval by the Director and the Chief Building Official. A bathtub is not permitted. The applicant shall obtain all necessary building permits for work to be performed. The applicant shall sign a statement, at the time of submittal for a building permit, which will prohibit the use of the accessory structure as an accessory second
dwellings. The signed statement shall be in the form of a restrictive covenant, and shall be recorded.

2. A detached accessory structure may have plumbing for a washer, dryer, and/or utility sink; provided, that it has an open floor plan without interior partitions, and that it is located at least five feet from side and rear lot lines.

J. Permits. Accessory structures greater than one hundred twenty square feet shall require Director approval and a building permit from the Building Division. (Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
18.16.010 Purpose. Revised 10/19
The purpose of this chapter is to:

A. Encourage the development and availability of housing affordable to a broad range of households with varying income levels within the City as mandated by State law, California Government Code Section 65580 et seq.

B. Enhance the public health, safety, and welfare within the City. Requiring builders of new market rate housing to provide some housing affordable to very low-, lower-, and moderate-income households is also reasonably related to the impacts of such developments, because there is a need to offset the demand for affordable housing that is created by new development and mitigate environmental and other impacts that accompany new residential and commercial development by: protecting the economic diversity of the City's housing stock; reducing traffic, transit, and related air quality impacts; promoting jobs/housing balance; and reducing the demands placed on transportation infrastructure in the region.

C. Promote the City's goal to add affordable housing units to the City's housing stock in proportion to the overall increase in new jobs and housing units.

D. Support the Housing Element policy to consider use of funds for developments with a higher percentage of below market rate units or deeper affordability than otherwise is required.

E. Support the Housing Element policy to encourage second accessory dwelling units as a form of affordable housing.

F. Support the Housing Element goal of assisting in the development of new housing that is affordable at all income levels and the policies and actions that support this goal.

G. Support the Housing Element goal of removing and/or mitigating potential governmental constraints to the provision of adequate, affordable housing and the policies and actions that support this goal.

H. Support the guiding principle of the Housing Element that housing in San Carlos supports an economically and socially diverse population.

I. Support the guiding principle of the Housing Element that housing in San Carlos creates and supports vibrant neighborhoods and a cohesive sense of community.

J. Meet the housing needs identified by the Housing Element of the General Plan.
K. Encourage the production of the very low-, low-, and moderate-income units planned for in the Housing Element of the General Plan.

L. Comply with the provisions of Government Code Section 65915 mandating the adoption of a City ordinance that specifies procedures for providing density bonuses and other incentives and concessions.

M. Provide and maintain affordable housing opportunities in the City through an affordable housing program for both ownership and rental housing, and, in furtherance of that goal, include rental affordable housing requirements in this chapter consistent with Government Code Sections 65850(g) and 65850.01.

N. Provide builders with alternatives to construction of below market rate units on the same site as the market rate residential development. Therefore, this chapter includes a menu of options from which a builder may select an alternative to the construction of below market rate units on the same site as the market rate residential development. (Ord. 1550 § 2 (part), 2019: Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.010)
18.16.030 Below market rate housing requirements. Revised 10/19

A. Residential Development. For all residential developments of seven or more dwelling units, at least fifteen percent of the total units shall be below market rate units restricted for rent or sale to and occupancy by moderate-, low-, and very low-income households unless the residential development is exempt under Section 18.16.040. The number and type of below market rate units required for a particular residential development will be determined at first approval of the residential development in accordance with the provisions of Section 18.16.060. If a change in the residential development design results in a change in the total number of units, the number of below market rate units required will be recalculated to coincide with the final approved project.

1. Residential Ownership Development. At least fifteen percent of the total units in a residential ownership development shall be below market rate units, of which ten percent shall be affordable to moderate-income households and five percent affordable to low-income households unless an alternative is approved as described in Section 18.16.070.

2. Residential Rental Development. At least fifteen percent of the total units in a residential rental development shall be below market rate units, of which ten percent shall be affordable to very low-income households and five percent affordable to low-income households unless an alternative is approved as described in Section 18.16.070.

B. Calculation. In determining the number of whole below market rate units required, calculations shall be based on the number of dwelling units in the residential development, excluding any units above the otherwise maximum allowable density that are approved pursuant to the State Density Bonus Law, Government Code Section 65915 et seq. Any decimal fraction less than one-half shall be rounded down to the nearest whole number, and any decimal fraction of one-half or more shall be rounded up to the nearest whole number.

C. In Lieu Fee. Under the circumstances specified in this subsection, the below market rate housing requirements in subsection A of this section may be satisfied by the payment of a fee to the City in lieu of constructing the below market rate units within the residential development.

1. For a residential ownership development of one dwelling unit, or for an addition of one thousand square feet or more to an existing dwelling unit that may be sold individually, the builder
shall pay an in lieu fee or construct a second accessory dwelling unit consistent with Section 18.23.210, Second Accessory dwelling units.

2. For a residential development that creates one additional lot or two to six dwelling units and/or lots, or for a residential development that triggers a decimal fraction of less than one-half, the builder shall pay an in lieu fee for the partial unit or build a below market rate unit affordable to a low-income household.

3. The in lieu fee may be established from time to time by resolution of the City Council or may be determined for a specific residential development through the preparation of an affordability gap analysis that will determine the difference between the affordable sales price or rent and the fair market rate price for the unit, but in no event shall the in lieu fee exceed the cost of mitigating the impact of market rate units in a residential development on the need for affordable housing in the City.

4. Nothing in this chapter or Chapter 18.17 shall deem or be used to deem the in lieu fee authorized pursuant to this subsection C as an ad hoc exaction, as a mandated fee required as a condition to developing property, or as a fee subject to the analysis in Building Industry Association of Central California v. City of Patterson, 171 Cal.App.4th 886 (2009). Any in lieu fee adopted by the City Council is a menu option that may serve as an alternative to the on-site below market rate housing requirements set forth in this chapter.

D. Below Market Rate Units Eligible for State Density Bonus. If a residential development receives a density bonus pursuant to Government Code Section 65915, any density bonus BMR unit and any dedication of property that made the residential development eligible for the density bonus that also satisfies the requirements of this chapter shall be counted as below market rate units pursuant to this chapter. (Ord. 1550 § 2 (part), 2019; Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.040)

18.16.040 Exemptions to below market rate housing requirements.
The requirements of Section 18.16.030 do not apply to:

A. Residential development of a legal second accessory dwelling unit consistent with Section 18.23.210, Second Accessory dwelling units.

B. The reconstruction of any dwelling units that have been destroyed by fire, flood, earthquake or other act of nature; provided, that the reconstruction of the site does not increase the number of legally
constructed dwelling units or increase the area of the legally constructed dwelling units by one thousand square feet or more.

C. Additions to existing dwelling units of less than one thousand square feet.

D. Residential developments that already have more deed-restricted units that are affordable to moderate-, low- and very low-income households than Section 18.16.030 requires. (Ord. 1438 § 4 (Exh. A (part)), 2011: Ord. 1416 § 3 (Exh. A (part)), 2010: Ord. 1340 § 1 (part), 2004. Formerly 18.200.050)
Chapter 18.19
NONCONFORMING USES, STRUCTURES, AND LOTS

18.19.050 Additions and enlargements to nonconforming structures.
Nonconforming structures may be enlarged or extended in compliance with all applicable laws subject to the following provisions:

A. Additions Generally. Additions to and/or enlargements of nonconforming structures are allowed, and no use permit is required, if the addition or enlargement complies with all applicable laws and requirements of the code and if the existing use of the property is conforming.

B. Residential Additions. Additions or enlargements may be made to a building that is designed for and used as a residence without requiring any additional parking space or changes to an existing driveway; provided, that such alterations or enlargements neither trigger the need for additional parking pursuant to Chapter 18.20, Parking and Loading, nor occupy the only portion of a lot that can be used for required parking or access to parking.

C. Second-Accessory Dwelling Units. Notwithstanding the requirements of subsection B of this section, an second-accessory dwelling unit in compliance with Section 18.23.210, Second-Accessory dwelling units, may be developed on a lot that contains a single-unit dwelling that is nonconforming with respect to development standards. If the single-unit dwelling is nonconforming because it does not meet parking standards, a second-unit may only be established when parking is provided to meet the applicable requirements of Chapter 18.20, Parking and Loading, for the primary dwelling unit.

D. Effect of Nonconforming Setbacks. For the purpose of additions in any residential district, maintaining an existing nonconforming setback shall not be considered an increase in the discrepancy; provided, that:

1. Such maintenance is consistent with the provisions under Sections 18.19.040(B) and (C);

2. In no case shall any existing setback of less than three feet be considered legal for purposes of this chapter; and

3. Any residential additions shall conform to the setbacks in effect at the time the application for the addition is submitted.

E. Effect of Excessive Lot Coverage. Additions to or enlargements of nonconforming structures that exceed the maximum allowable lot coverage require approval of a variance pursuant to the provisions of Chapter 18.32, Variances, if the addition or enlargement would increase the lot coverage. (Ord. 1480 (Exh. C (part)), 2015: Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.20
PARKING AND LOADING

18.20.040 Required parking spaces.
A. Minimum Number of Spaces Required. Each land use shall be provided at least the number of on-site parking spaces stated in this subsection.

1. Mixed-Use Districts. The required numbers of on-site parking spaces are stated in Table 18.20.040-A(1), Required On-Site Parking Spaces, Mixed-Use Districts. The parking requirement for any use not listed in Table 18.20.040-A(1) shall be the same as required for the land use in other districts as stated in Table 18.20.040-A(3), Required On-Site Parking Spaces, Other Districts.
TABLE 18.20.040-A(3): REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS

<table>
<thead>
<tr>
<th>Land Use Classification</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use Classifications</td>
<td></td>
</tr>
<tr>
<td>Single-Unit Residential</td>
<td>2 spaces per dwelling unit. In RS-6, both spaces must be either within a garage or carport, or 1 space within a garage or carport with the other space located within a 20-ft.-wide, 2-car driveway. For all other R districts, parking must be within a garage or carport.</td>
</tr>
<tr>
<td>Second-Accessory Dwelling Unit</td>
<td>1 space for each unit. See Section 18.23.210, Second Accessory dwelling units parking exemptions.</td>
</tr>
<tr>
<td>Affordable Housing Developments (Moderate Income and Below)</td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>0.75 spaces per unit. 1 additional guest parking space shall be provided for every 4 units, and overall, the number of covered spaces provided shall equal or exceed the number of units. Residential developments with 1 or more on-site below market rate units shall be allowed limited reductions in the parking requirements pursuant to Chapter 18.17, Affordable Housing Incentives.</td>
</tr>
<tr>
<td>One- or Two-Bedroom</td>
<td>1 space per unit.</td>
</tr>
<tr>
<td>Three or More Bedrooms</td>
<td>2 spaces per unit.</td>
</tr>
<tr>
<td>Multi-Unit Residential</td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>1 space per unit. 1 covered space shall be provided for each unit. 1 additional guest parking space shall be provided for every 2 units.</td>
</tr>
<tr>
<td>One- or Two-Bedroom</td>
<td>1.5 spaces per unit.</td>
</tr>
</tbody>
</table>
18.20.070 Location of required parking.

A. Residential Uses.

1. Single-Unit Dwellings, Duplexes, and Second-Accessory Dwelling Units. Required parking for a single-unit dwelling, duplex, or second-accessory dwelling unit shall be located on the same lot as the dwelling(s) served. Parking shall not be located within required setbacks except for second-accessory dwelling units and for the required parking space in the driveway under the provisions for lots in the RS-6 zoning district.

2. Other Residential Uses. Required parking for residential uses other than single-unit dwellings, duplexes, and second-accessory dwelling units shall be on the same lot as the dwelling or use they serve or in an off-site facility as provided in subsection C of this section. Parking shall not be located within a required front or street-facing side yard.

B. Nonresidential Uses. Required parking spaces serving nonresidential uses shall be located on the same lot as the use they serve, or in an off-site parking facility as provided in subsection C of this section. If located in an off-site parking facility, a parking agreement shall be filed as provided in subsection C of this section.

C. Off-Site Parking Facilities. Parking facilities for uses other than single-unit dwellings, duplexes, and second-accessory dwelling units may be provided off site with approval of a minor use permit, provided the following conditions are met:

1. Location.

   a. Residential Uses. Any off-site parking facility must be located within one hundred feet, along a pedestrian route, of the unit or use served.

   b. Nonresidential Uses. Any off-site parking facility must be located within four hundred feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.

2. Parking Agreement. A written agreement between the landowner(s) and the City in a form satisfactory to the City Attorney shall be executed and recorded in the Office of the County Recorder. The agreement shall include:

   a. A guarantee among the landowner(s) for access to and use of the parking facility; and

   b. A guarantee that the spaces to be provided will be maintained and reserved for the uses served for as long as such uses are in operation. (Ord. 1537 (Exh. C (part)), 2018; Ord. 1480 (Exh. C (part)), 2015; Ord. 1438 § 4 (Exh. A (part)), 2011)
Chapter 18.24
WIRELESS TELECOMMUNICATIONS FACILITIES

18.24.230 Definitions and acronyms.
Unless otherwise specified, the terms this chapter uses shall have the following meanings:

GG. "Structure" shall mean anything constructed or erected that requires location on the ground or attached to something having location on the ground, but not including outdoor fixtures or hardscape. Examples of a structure include, but are not necessarily limited to, any dwelling, building, second accessory dwelling unit, garage, carport, tool house, guest house, green house, pool house, satellite dish antenna, solar collector panel, tree house or other play structure, swimming pool, tennis court, play court, and deck. For purposes of this chapter, the definition of "structure" does not include utility poles or any other pole or structure otherwise defined within this section.
Chapter 18.40
USE CLASSIFICATIONS

18.40.020 Residential use classifications.

A. Residential Housing Types.

1. Single-Unit Dwelling. One dwelling unit located on a single lot, within which all rooms are internally accessible and that is not attached to any other dwelling unit. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

2. Small Lot Single-Unit Development. Detached single-unit dwellings located on lots less than six thousand square feet in area.

3. Bungalow Court. Detached single-unit dwellings arranged around a common, shared courtyard that is wholly open to the street.

4. Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling unit (must contain a separate, external entrance). A junior accessory dwelling unit may include separate sanitation facilities (bathroom containing at minimum, a sink, toilet, and shower), or may share sanitation facilities with the single-family dwelling. An efficiency kitchen is required, which must include a sink, a built-in cooking facility with appliances (e.g. microwave, toaster oven, hot plate), as well as a food preparation counter and storage cabinets.

5. Second Accessory Dwelling Unit. An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and located on a single lot with a proposed or existing single-unit dwelling. It shall include a separate, external entrance and permanent provisions for living, sleeping, eating, cooking, and sanitation (at minimum a sink, toilet, and shower) on the same parcel as the single-family or multi-family dwelling. At a minimum, the kitchen shall contain a sink, standard refrigerator, and either a built-in cooktop or range, as well as a food preparation counter and storage cabinets.
5.6. Duplex. A single building on a lot that contains two dwelling units or two single-unit dwellings on a single lot. This use is distinguished from a second dwelling unit, which is an accessory residential unit as defined by State law and this title.

6.7. Townhouse Development. A group of two or more attached units where each unit has its own front access and individual garage and no unit is located over another unit. This development type includes fee simple projects where each unit is separated by one or more common and fire-resistant walls and owners have fee simple title to the property.

8.7. Multi-Unit Residential. Three or more dwelling units on a site or lot. Types of multiple unit dwellings include townhouses, garden apartments, senior housing developments, and multi-story apartment buildings. This use includes multi-unit development in which individual units are occupied exclusively by one or more persons sixty-two years of age or older.