ORDINANCE NO. 883-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING TITLE 18, ZONING, OF THE UNION CITY MUNICIPAL CODE TO ADD CHAPTER 18.32, ACCESSORY DWELLING UNITS, AND TO MAKE OTHER MISCELLANEOUS CHANGES (AT-21-001)

WHEREAS, the Legislature has enacted laws establishing standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), and limiting the City’s authority to regulate ADUs and JADUs; and

WHEREAS, the City is proposing to add Chapter 18.34, Accessory Dwelling Units, to the Zoning Code in order to comply with the changes in California law; and

WHEREAS, the proposed text amendments related to ADUs and JADUs include provisions relating to unit size, development standards, parking, fees, and other requirements for the creation of ADUs, which do not unreasonably restrict the ability of homeowners to create accessory dwelling units consistent with recent state law amendments; and

WHEREAS, Chapter 18.34 will consolidate and simplify the City’s ADU and JADU regulations so that the public can easily access and understand the requirements, which will help streamline the development of ADUs and JADUs; and

WHEREAS, the City is proposing additional miscellaneous text amendments to the Zoning Code to update terminology and language, modify existing residential standards, and clarify administrative procedures; and

WHEREAS, the City is also proposing to add Chapter 18.53, Preliminary Review, to codify the City’s existing preliminary application review process; and

WHEREAS, the City Council desires to amend the Zoning Ordinance provisions regarding accessory dwelling units so that the Zoning Ordinance complies with requirements of California law, while still promoting neighborhood character; and

WHEREAS, the City Council desires to update certain sections of the Zoning Ordinance to reflect current standards and practices; and

PLANNING COMMISSION REVIEW

WHEREAS, on March 2, 2021, notice of the Planning Commission public hearing was published in the Tri City Voice in compliance with California Government Code Section 65090; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments on March 18, 2021, at which time all interested parties had the opportunity to be heard. The Planning Commission considered a staff report dated March 18, 2021 (including
background reports) and all written and oral testimony, and adopted Resolution No. 01-21 recommending approval of the amendments by a vote of 5-0. The staff report and resolution are incorporated herein by reference; and

CITY COUNCIL REVIEW

WHEREAS, on April 8, 2021, notice of the City Council public hearing was published in the Tri City Voice in compliance with California Government Code Section 65090 and 65091; and

WHEREAS, the City Council held a duly noticed public hearing on the proposed amendments on April 27, 2021, at which time all interested parties had the opportunity to be heard. The City Council considered a staff report dated April 27, 2021 (including background reports) and incorporated herein by reference, the Planning Commission recommendation, and all written and oral testimony before taking action on the amendments.

THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. Approval of the amendments is exempt from environmental review in accordance with Public Resources Code Section 21080.17, as an ordinance to implement Government Code section 65852.2, and California Environmental Quality Act Guidelines section 15061(b)(3), the general exemption for projects with no potential for significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the Municipal Code Amendments will have a significant effect on the environment.

SECTION 3. Findings. The City Council makes the following findings in support of approving this Ordinance, based on the whole of the record before it.

1. The proposed Municipal Code Amendments are consistent with the General Plan, including the Land Use and Housing Elements, which recognize the contribution of accessory dwelling units to the City’s affordable housing stock and support their development, and the Economic Development Element, which aims to promote home businesses; and

2. The proposed Municipal Code Amendments are necessary and desirable to achieve the purposes of Title 18 and ensure the City is in conformance with State law.

SECTION 4. Approval. The City Council hereby approves the amendments to the Municipal Code, more particularly, adding Chapters 18.34 and 18.53, and amending Chapters 18.08, 18.24, 18.32, 18.33, 18.52, 18.72, 18.88, 18.100 and 18.106, as shown in attached Exhibit A, which is attached hereto and incorporated herein by reference.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall
continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 11th day of May, 2021 by the following vote:

AYES: Councilmembers Duncan, Patiño, Singh, Vice Mayor Gacoscos, Mayor Dutra-Vernaci
NOES: None
ABSENT: None
ABSTAIN: None

[Signature]
CAROL DUTRA-VERNACI
Mayor

[Signature]
ANNA M. BROWN
City Clerk

[Signature]
K. Kokotaylo
City Attorney

ATTEST:

APPROVED AS TO FORM:
Chapter 18.08 DEFINITIONS

18.08.205 Dwelling, accessory.
“Accessory dwelling unit” means the additional dwelling unit(s) on a lot, that contains a proposed or existing permitted single-family or multifamily dwelling meeting the criteria in Chapter 18.34, which has kitchen, sleeping and full bathroom facilities, and a separate external access.

18.08.206 Dwelling, accessory (junior).
Junior Accessory Dwelling Units (JADUs) are units, up to 500 square feet, that are created within the walls of a proposed or existing single-family residence and contain a basic kitchen utilizing small plug-in appliances, JADUs share a bathroom with the primary dwelling.

18.08.571 Structure, accessory.
“Accessory structure” means a subordinate building located on the same premises as the main building or buildings, the use of which is customarily incidental to that of the main building or to the use of the land. An accessory structure is not a cargo container, truck trailer, van, commercial vehicle, or other moveable container. In residential districts, accessory structures shall not be used for business purposes or as additional living space, except as allowed under Chapter 18.34. Accessory structures in residential districts may include, but are not limited to, a shed, garage, accessory dwelling unit, arbor, gazebo, or structure with a roof element with no walls.

18.08.615 Window, Bay
A bay window is a space enclosed by windows on all sides that projects out from a wall plane of the building to form a recess from within. A bay window is a window that is cantilevered from the main building structure, does not include floor area, and does not have a foundation.

Chapter 18.24 BULK REGULATIONS

18.24.050 Permitted obstructions in required yards.
The following shall not be considered to be obstructions when located in the required yards specified:
A. In All Yards: Open terraces not over eighteen (18) inches above the average level of the adjoining ground and one hundred and twenty (120) square feet in area but not including a permanently covered terrace or porch except as allowed by the provisions of the R-5000 zoning district; awnings and canopies; steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street, or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles; Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard, except that in no case shall overhanging eaves and gutters be closer than two (2) feet to a property line;
B. In Front and Rear Yards: Bay windows projecting three (3) feet or less into the yard;
C. In Side Yards: First floor additions to single family detached houses with existing legal nonconforming setbacks may be built in line with the existing structure as long as a minimum interior side yard setback of five (5) feet and a minimum exterior side yard
setback of ten (10) feet is maintained, except that houses built on a zero lot line shall maintain a minimum setback of ten (10) feet on the nonzero lot line side of the property.

(Ord. 712-08 § 2, 2008; Ord. 670-06 § 3, 2006: amended during 1990 republication; Ord. 342-90 § 2, 1990; Ord. 55.4-65 § 2, 1965; Ord. 55-64 § 5.6(E), 1964)

Chapter 18.32 RESIDENTIAL DISTRICTS

18.32.020 Permitted uses.
A use that is not listed here or in Section 18.32.030 is not a permitted use. The following uses shall be permitted:

A. Uses lawfully established on the effective date of the ordinance codified in this chapter.
B. In RS and R districts, one-family dwellings, including site-built or modular homes.
C. In RS and R districts, manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, subject to the following requirements:
   1. Each unit shall be provided with a continuous concrete foundation and permanent utility connections, and conform to all applicable building, plumbing, electrical and fire codes.
   2. All provisions of this title applicable to one-family residential structures shall apply unless preempted by State law.
   3. Exterior treatment of the unit, including roof eaves, roof pitch, roofing and siding material, and of any garage or other accessory structure located on the same site shall be compatible with conventional site-built housing in the vicinity. The following criteria shall be met to ensure the compatibility of manufactured homes with surrounding residential uses:
      a. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.
      b. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.
      c. The roof of the manufactured home shall have a pitch of not less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.
      d. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.
      e. The exterior siding material and roof of the enclosed garage required for the mobile home shall be the same as that of the manufactured home.
f. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.

g. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the vicinity. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.

D. In RM districts, multifamily dwellings, semi-detached single-family dwellings containing not less than two (2) units, and attached dwellings.

E. Room, room and board, or boardinghouses for not more than two (2) paying guests in the R and RS districts; lodging rooming houses in the RM 1500 district.

F. Raising for noncommercial purposes of fruit and nut trees, vegetables and horticultural specialties.

G. Home occupations, subject to the following conditions:
   1. That the home occupation shall be conducted within a primary or accessory dwelling unit by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;
   2. That the home occupation shall not be conducted in an accessory structure or in an attached garage;
   3. That not more than twenty percent (20%) of the floor area of the dwelling shall be devoted to the conduct of the home occupation;
   4. That an attached garage or detached accessory structure shall not be used as living or sleeping quarters in order to conduct the home occupation within the dwelling;
   5. That the entrance to the area devoted to the home occupation shall be from within the dwelling;
   6. That there shall be no exterior alteration of the dwelling and there shall be no internal alterations or construction features not customary in a dwelling;
   7. That there shall be no show window or window display to attract customers, clients or the general public, and no sign shall be displayed other than a non-illuminated name plate not exceeding one and one-half (1-1/2) square feet in area, which shall be located flat against the wall or window of the dwelling;
   8. That no one other than a resident of the dwelling shall conduct business from the dwelling; employees working off-site only may be allowed;
   9. That there shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation, that no radio or television interference shall be created, and that the conduct of the home occupation shall not create any noise audible beyond the boundaries of the site;
   10. That a maximum of one (1) vehicle shall be associated with the home occupation. The vehicle associated with the home occupation shall be parked in an enclosed garage or under a designated carport when not in use. If the property does not have a garage or carport, then the vehicle shall park in an approved driveway on the property;
11. That there shall be no storage of equipment or supplies in an accessory structure, in an attached garage, or outside of the dwelling, except that equipment or supplies incidental to a service performed off of the premises may be stored in one (1) truck of not more than one-half (1/2) ton capacity;

12. That the conduct of the home occupation shall not create excessive pedestrian, automobile or truck traffic in the vicinity;

13. That the following uses shall not be permitted:
   a. Organized classes in music, dancing, art, drama, self-defense, business and the like, except that the instruction of one (1) pupil at a time shall be permitted;
   b. Personal service establishments such as commercial photo studios, beauty parlors, massage parlors, barber shops, health studios, self-improvement courses and the like;
   c. Repair services such as repair of household appliances, furniture, electronic equipment, automobiles and their parts, and the like and handicraft work such as woodwork, cabinetry, metal working, welding and the like;
   d. The sale and trade of goods or products such as firearms, ammunition, fireworks, hazardous chemicals, or any product that has the potential to cause injury if improperly handled and is therefore unsuitable for home occupation as determined by the Zoning Administrator;
   e. Uses that involve the use of a vehicle that cannot fit into a standard residential garage (i.e., shuttles, trucking, construction), unless there is evidence of dedicated off-site parking;
   f. Automobile sales;
   g. Food preparation, except that cottage food operators consistent with the California Homemade Food Act shall be permitted.

H. Swimming pools, spas, and related equipment located on the same site with a permitted use, subject to the locational criteria for detached accessory structures.

I. Accessory structures located on the same site with a permitted use, including private garages and carports, storage sheds, gazebos, greenhouses, workshops, and similar structures, subject to the following conditions:

1. Accessory structures may be attached to and have a common wall with the main structure on a site; provided, that the attached accessory structure is not used for additional living or sleeping purposes and shall provide the same front, side and rear yards as required for the main structure except that an attached patio cover and/or enclosed patio may encroach into the required rear yard area from the main structure when:
   a. There remains at least ten (10) feet of clear, open space from the nearest projection of the patio cover eaves or screening material to the rear property line;
   b. The height of the structure at its maximum vertical projection shall be 12 feet, and may go up to fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade;
c. Maximum site coverage allowed in the residential zoning district is not exceeded.

2. a. Detached accessory structures over four hundred and fifty (450) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72. Detached accessory structures shall be located not closer than five (5) feet from any other structure, four (4) feet to a side or rear property line. Such structure(s) shall be limited to one (1) story, with a maximum height of 12 feet, and may go up to fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade. Eaves and projections shall meet the standards of the California Building Standards Code.

b. If the total square footage of detached accessory structures exceeds four hundred and fifty (450) square feet, then the structure(s) which brings the combined total building coverage above four hundred and fifty (450) square feet, and all subsequent structures, shall be subject to administrative site development review approval in accordance with Chapter 18.72.

3. Detached accessory structures shall be located on the rear half of the lot or site and in no case forward of the main structure.

4. On a corner site, detached accessory structures shall have a side street setback of twenty (20) feet (where the rear yard abuts the side yard of a key lot), with a rear yard of four (4) feet, except, where the rear yards of corner lots adjoin the side street, setback may be ten (10) feet in the RM district and fifteen (15) feet in the RS district.

5. On a corner site, garages and carports which are entered perpendicular to and from across the side property line adjoining the street shall be located not closer than twenty (20) feet to such property line.

6. On a lot with double frontage, detached accessory structures shall not be located closer to either street than the front yard as required for the main structure.

7. In all RS and RM districts, detached accessory structures shall cover not more than thirty percent (30%) of the actual rear yard.

8. The roof of a detached accessory structure shall not be used as a deck or floor.

9. A detached accessory structure shall not be used for additional living or sleeping purposes, unless legally converted into an accessory dwelling unit consistent with all provisions listed in Chapter 18.34.

10. Detached accessory structures which propose water or sewer utility connections shall be subject to administrative site development review approval in accordance with Chapter 18.72.

11. Detached accessory structures such as arbors, trellises, and other decorative structures, which have a roof element but do not have any walls or contain habitable space, shall be restricted in height to twelve (12) feet at its maximum vertical projection above grade and shall be set back three (3) feet from any side and rear property line. Such structures shall maintain a minimum three (3) foot setback from the primary residence. Eaves and gutters may project into the required side and rear yard.
setbacks in accordance with Section 18.24.050 (Bulk regulations—Permitted obstructions in required yards).

12. Canopy and/or tent structures are prohibited from front yards and exterior side yards, except to be allowed temporarily four (4) times within a calendar year, each time for up to seven (7) calendar days, with a maximum of one (1) extension per calendar year for one (1) of the four (4) times for an additional seven (7) day period. Temporary canopy and/or tent structures shall not exceed two hundred (200) square feet. For purposes of definition, canopy and/or tent structures are distinguished from vehicle covers in that canopy and/or tent structures are constructed of fabric or pliable material that are structurally supported by some mechanism other than the contents they are protecting. Vehicle covers are constructed of fabric or pliable materials that are directly supported by the vehicle(s) they are protecting with no structural supports. Vehicle covers are therefore exempt from these requirements.

13. No accessory building or structure shall be constructed on any lot prior to the time of construction of the primary residence to which it is accessory.

14. Storage containers may be stored on private property for up to ten (10) days. Storage containers proposed to remain on private property for more than ten (10) days and storage containers over one hundred twenty (120) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72. Storage containers shall be stored on private property, driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways. Storage containers to be used during active construction shall require approval by the Community Development Department. The property owner, resident tenant or lessee shall obtain all necessary permits prior to bringing storage containers on site.

15. Amateur radio antennas and antenna structures constructed by or for FCC licensed amateur radio operators that, when fully extended, measure forty (40) feet or less in height and twenty-four (24) inches or less in diameter with an antenna boom measuring less than twenty (20) feet in length are subject to administrative site development review approval in accordance with Chapter 18.72 and the provisions of Section 18.32.190.

J. Temporary subdivision sales offices in accord with the provisions regulating temporary subdivision signs and sales offices.

K. Agricultural uses including nurseries.

L. Large family child care homes in all areas zoned to allow single-family or multifamily residential uses subject to approval(s) from the State of California Community Care Licensing Division.

M. Duplexes on corner lots when constructed as part of the affordable housing obligation as provided in Chapter 18.33. Duplexes shall meet the front, rear and street side yard setback of the district in which they are located. Exceptions to the setback standards may be granted by approval of a use permit.
N. Repairs to automobiles and other vehicles or equipment shall be limited to minor repair on vehicles or equipment owned by a resident of the premises that may be stored within a private garage. Minor repair shall include minor adjustment or repair to mechanical, electrical systems, small parts replacement, brake pad and wheel replacement or repair, and shall not include engine, transmission or drive train removal or replacement, frame or body and fender work, welding or painting. Minor repair work when done in public view shall be completed in a timely manner and no vehicle shall be left unattended on lacks or temporary supports. Repair work shall not be done in the public right-of-way.

O. Mechanical equipment (e.g., generators, air conditioners, etc.) located within five (5) feet of a property line shall be screened or enclosed with sound-insulated materials. Any noise emitted from the equipment shall not exceed seventy (70) decibels at the property lines.

18.32.160 Off-street parking.

Off-street parking spaces and bicycle parking facilities that are accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as those in general provisions in Chapter 18.04.

A. Required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses, provided that in the RM districts, not more than twenty-five percent (25%) of the accessory parking spaces required for a dwelling, lodging, house, motel or hotel may be rented out on a monthly basis to occupants of other dwellings, lodging rooming houses, motel or hotels.

B. Off-street parking facilities are to be provided in the following ratio:

1. In the RS district, a minimum of two (2) parking spaces per unit, both of which must be covered and enclosed. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2) car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

2. In the RM district, parking shall be provided as follows:
   a. One and one-half (1.5) spaces per one (1) bedroom or studio unit, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking;
   b. Two (2) spaces per unit with two (2) or more bedrooms, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking.

3. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the Planning Commission if it is found that a specific use will not create as great a need for off-street parking.

4. Affordable Housing. For housing developments with one hundred percent (100%) of the units affordable to lower-income households (except for one manager’s unit), parking shall be provided at a ratio of one (1) parking space per studio or one (1) bedroom unit, one and one-
half (1.5) parking spaces per two (2) bedroom unit, and two (2) parking spaces per three (3) or four (4) bedroom unit.

C. Size. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, or aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet.

Enclosed garages within all RS districts shall have a minimum interior dimension of twenty (20) feet by twenty (20) feet. Each covered and enclosed parking space within the RM district shall have a minimum dimension of ten (10) feet by twenty (20) feet.

D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and sufficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to the street or alley in a manner which will least interfere with traffic movements. Driveways across public property shall be approved by the Director of Public Works.

E. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side adjoining or fronting on any premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.

F. All parking spaces required for dwelling units shall be located on the same zoning lot as the dwelling served. Parking spaces for all other uses shall be located on the same zoning lot as the use served except as otherwise provided in Chapter 18.04. Off-street parking shall be provided according to the following ratios:

1. Church, School, College, and Other Institutional Auditoriums. One (1) parking space shall be provided for each five (5) seats based upon maximum seating capacity.

2. Hospitals. One (1) parking space shall be provided for each three (3) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

3. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.

4. Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number to serve the visiting public and as determined by the City Planning Commission.

5. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees on maximum shift, plus spaces adequate in number to serve the public as determined by the City Planning Commission. Where such uses are unmanned, no spaces need be provided.

6. Sanitariums, Convalescent Homes and Nursing Homes. One (1) parking space for each six (6) beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

7. Schools—Nursery, Elementary, Junior and Senior High. One (1) parking space for each two (2) employees, plus one (1) parking space for each ten (10) students in the senior high school.
G. No commercial vehicle in excess of three (3) tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district where in residential use; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries or providing services for the residents on the lot on which the vehicle is parked.

H. Mobile Home/Recreational Vehicle Parking. Mobile homes, recreational vehicles, trailers or boats which are on trailers may be parked in rear yards, or within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways constructed pursuant to approval by the Economic and Community Development Department. Parking aprons shall comply with Section 18.32.160(I). All such vehicles must be fully contained on private property, and shall not overhang into any portion of the public right-of-way, including the sidewalk. In addition, such vehicles may be parked within side yards which provide access to off-street parking, and are a minimum of twelve (12) feet wide with at least ten (10) feet of paved width. A minimum three (3) foot setback shall be retained along the interior side yard property line from all vehicles.

I. In compliance with Chapter 10.36, Stopping, Standing and Parking, it is unlawful for any person, firm or group to park any vehicle, trailer, boat trailer or boat, or parts thereof within the side yard, front yard or corner vision triangle, as established by this title. This section does not apply to driveways or concrete parking aprons constructed pursuant to approval by the Economic and Community Development Department, or to driveways or concrete (or other appropriate material) parking aprons constructed prior to the adoption of the ordinance codified herein; provided, however, that such parking shall be limited to currently registered operable vehicles and shall be located on a stabilized permanent surface installed in accordance with this section. Except for cul-de-sac or fan-shaped lots with reduced front yards, such vehicle parking areas shall not cover more than sixty percent (60%) of any required front yard or an area greater than six hundred (600) square feet, whichever is less. Parking on permeable surfaces in any instance shall not be allowed. Parking pads independent of the driveway or driveway apron shall not be allowed in the front or street side yards.

J. In the RM 1500 and RM 2500 zoning districts, a minimum of one (1) bicycle parking facility shall be provided for every three (3) units. Bicycle parking facilities shall be designed and installed in conformance with the criteria outlined in Section 18.28.090. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.100 and approval by the decision maker.

CHAPTER 18.33 AFFORDABLE HOUSING

18.33.020 Definitions.
For purposes of this chapter, each of the following terms is defined as follows:

A. “Accessory dwelling unit” means the additional dwelling unit(s) on a lot, that contains a proposed or existing permitted single-family or multifamily dwelling meeting the criteria in Chapter 18.34, which has kitchen, sleeping and full bathroom facilities, and a separate external access.

B. “Additions” are increases in habitable space to an existing building or structure.
C. “Affordable housing program” means a method for providing the affordable housing units in the proposed project, a method for a payment in-lieu of providing affordable units, or a combination thereof, pursuant to Section 18.33.060(H).

D. “Affordable unit” means an ownership or rental housing unit, including senior housing, affordable by households with very low, low or moderate incomes as defined in this chapter. The unit shall be deemed affordable if it meets the requirements of Health and Safety Code Section 50052.5(b) for owner occupied housing and Section 50053(b) for rental housing.

E. “Developer” means the person(s) or legal entity(ies), who also may be the property owner, who is developing a particular project in the City.

F. “Dwelling unit” means a dwelling designed and intended for occupancy by one (1) household.

G. “Habitable space” means floor area within a dwelling unit designed, used, or intended to be used exclusively for living and sleeping purposes.

H. “Housing costs” means the monthly mortgage principal and interest, property taxes, homeowners’ insurance, utility allowance and condominium fees, where applicable, for ownership units; and the monthly rent and utility allowance for rental units.

I. “HUD” means the United States Department of Housing and Urban Development or its successor.

J. “Large project” means a residential development with seven (7) units or more.

K. “Resale controls and/or rent restrictions” means legal restrictions, as set forth by the City of Union City, State and Federal law, by which the affordable units shall be restricted to ensure that the unit remains affordable to very low, low or moderate income households, as applicable, permanently or for the longest period allowed by law. Such resale controls and/or rental restrictions shall generally be consistent with the requirements of Health and Safety Code Section 33334.3(f), as amended from time to time, and as may be more particularly set forth in this chapter. With respect to rental units, such rent restrictions shall generally be in the form of a regulatory agreement recorded against the applicable property. With respect to owner occupied units, such resale controls shall generally be in the form of resale restrictions, deeds of trust and/or other similar documents recorded against the applicable property.

L. “Residential development” includes, without limitation, detached single-family dwellings, multiple dwelling structures, groups of dwellings, condominium or townhome developments, condominium conversions, cooperative developments, mixed use developments that include housing units, and residential land subdivisions intended to be sold to the general public.

M. “Residential project” includes contiguous or non-contiguous parcels that have one (1) or more applications filed within a twenty-four (24) month period and which are under the same ownership.

N. “Small project” means a residential development with six (6) units or less.

O. “Very low, low and moderate income levels” means those income and eligibility levels determined periodically by the United States Department of Housing and Urban Development based on the Oakland Standard Metropolitan Statistical Area (SMSA) median income levels by family size. Such levels shall be calculated on the basis of gross annual household income considering household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income and will be recertified as set forth by local standards, State and Federal housing law.
1. “Very low income” means fifty percent (50%) or under of the SMSA median, adjusted for actual household size.
2. “Low income” means fifty-one percent (51%) to eighty percent (80%) of the SMSA median, adjusted for actual household size.
3. “Moderate income” means eighty-one percent (81%) to one hundred twenty percent (120%) of the SMSA median, adjusted for actual household size.

18.33.070 Exemption to inclusionary housing requirements.
The construction of an accessory dwelling unit (or a junior accessory dwelling unit) shall not be subject to the requirements of Section 18.33.030.

Chapter 18.34 ACCESSORY DWELLING UNITS

18.34.010 Purpose.
The purpose of this chapter is to implement Government Code Sections 65852.1, 65852.2, and 65852.22 et seq., by allowing the creation of accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) through ministerial review subject to meeting the criteria defined below.

18.34.020 Applicability.
A. Accessory Dwelling Unit (ADU)
   1. Within areas zoned to allow single-family that contain an existing or proposed single-family residence, or in areas where there is an existing legal non-conforming single-family.
   2. Within areas zoned to allow multifamily or mixed-use developments, or in areas where there is an existing legal non-conforming multifamily development,
B. Junior Accessory Dwelling Unit (JADU)
   1. Within areas zoned to allow single-family or multifamily residential uses that contain an existing or proposed single-family residence, or in areas where there is an existing legal non-conforming single-family residence.
C. In the event of a conflict between these standards and the underlying zoning district regulations, the provisions of this chapter shall apply.

18.34.030 General requirements.
A. On lots with an existing or proposed single-family dwelling, one (1) ADU shall be permitted subject to the following requirements:
   1. Criteria. ADUs may be established through:
      a. Conversion of existing floor space in a single-family residence;
      b. A single-story addition to an existing single-family residence;
      c. Conversion of an existing, permitted detached accessory structure;
      d. The construction of a new ADU as permitted in this section;
      e. Construction of a new primary residence;
      f. The conversion of an existing garage.
2. **Location.** ADUs shall meet the setback requirements for the primary residence in the zoning district in which it is located, except as follows:
   a. No additional setback shall be required for an existing, legally constructed detached accessory structure, that is converted to an ADU, or an ADU constructed in the same location and to the same dimensions as an existing structure.
   b. A setback of at least four (4) feet from the interior side and rear lot lines shall be required for a new, attached or detached ADU.
   c. ADUs shall not occupy a required front yard if it is possible to build a comparable unit, that measure 800 square feet or less, elsewhere on the lot.
   d. Detached ADUs shall maintain a minimum five-foot separation from other structures on the parcel.
   e. Additional setbacks may be required for attached or detached ADUs over 800 square feet in area when the unit is located on a corner lot or a through/double frontage lot.

3. **Size.** ADUs shall be between one-hundred fifty (150) and one thousand (1,000) square feet in floor area.
   a. Attached ADUs shall not exceed the greater of 850 square feet if it contains one bedroom or less and one thousand (1,000) square feet if it contains at least two bedrooms.
   b. Attached ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, setbacks, and other applicable residential development standards for the primary residence.
   c. Detached ADUs shall not exceed one thousand (1,000) square feet in floor area.
   d. Detached ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, and other applicable residential development standards for the primary residence.

4. **Height.** Detached and attached ADUs shall be limited to one-story with a maximum height of sixteen (16) feet.

5. **Facilities.** ADUs shall, at minimum, include a full bathroom including shower and/or bathtub, a sleeping area, permanent cooking facilities, and a separate, exterior entrance.

6. **Occupancy.** ADUs may not be sold separately from the primary residence but may be rented separately. ADUs may not be used for short-term rentals (less than thirty (30) days).

7. **Parking.** No additional parking shall be required in the creation of an ADU. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the parking spaces shall not be required to be replaced.

8. **Lot Coverage.** The total lot coverage for all buildings shall not exceed the allowable lot coverage for the zoning district except that such ratio shall not prohibit an eight hundred (800) square foot ADU meeting the maximum height and minimum setback requirements.

9. **Utilities.** Adequate water and sewer service shall be available to support the ADU; all new utility connections shall be undergrounded.
10. Addressing. Street addresses shall be assigned to all ADUs to assist in emergency response prior to building permit issuance.

11. Subdivision. No subdivision of lands nor air rights shall be allowed.

12. Units on the Second Story. ADUs shall not be created through the construction of new habitable space above the first-floor roofline of the primary residence.

13. Design Standards. The exterior appearance and character of attached and detached ADUs shall reflect that of the existing primary residence unit in terms of materials and design, including roof materials, roof pitch, roof eaves and overhang, trim elements and detailing including window and door frames, and architectural features. Color scheme shall match or be complimentary to the existing primary residence.

a. Entrance. Exterior doors to detached ADUs shall be setback a minimum of ten (10) feet from adjacent property lines.
   i. A three (3) foot covered entry above the primary entrance to the ADU shall be provided.
   ii. The setback and covered entry requirement may be achieved by insetting the door into the ADU.
   iii. An addition of up to 150 square feet that encroaches into the required setback may be allowed to accommodate ingress/egress to the ADU (i.e., stairs) provided that the addition meets all Building and Fire safety requirements.

b. Historic Properties. For properties located within the Landmark and Historic Preservation Overlay Zone, or included in the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, any new addition for an attached ADU shall be located along the rear wall of an existing single-family dwelling, unless the ADU is fully enclosed within the existing building walls. The attached ADUs shall adhere to the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

14. Exemptions. A project may be exempted from one or more of the established standards if it is determined that the specific standard(s) would make it infeasible for an 800 square foot ADU to be constructed on a property consistent with California Government Code, § 65852.2, subdivision (e).

15. Impact Fees. ADUs over 750 square feet are subject all applicable impact fees. Assessment of impact fees shall be proportional to the primary residence.

B. Either attached or detached ADUs shall be permitted within a multifamily development subject to the following criteria:

1. Attached Units. ADUs may be allowed within existing portions of a multifamily or mixed use development that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, and/or garages, if each unit complies with state building standards for dwellings.
Exhibit A

a. Number of units. At least one attached ADU may be provided per lot.
b. Additional attached ADUs, may be permitted, up to a maximum of twenty-five percent (25%) of total number of all units within the multifamily or mixed-use development.
c. A fraction of 0.5 or more is rounded up and a fraction that is less than 0.5 is disregarded.

2. Detached Units. Up to two (2) detached ADUs with a maximum height limit of sixteen (16) feet, a minimum rear and side setbacks of four (4) feet, and a maximum area of eight hundred (800) square feet shall be allowed in a multifamily development.
   a. The two detached units can also be created through conversions of existing detached accessory structures.

C. On lots with an existing or proposed single-family dwelling, one (1) Junior Accessory Dwelling Unit (JADU) shall be permitted subject to the following regulations:
   1. JADUs shall be constructed entirely within the walls of an existing primary residence. JADUs shall be created from existing habitable space and/or from existing garage space.
   a. Size. JADUs shall not exceed five hundred (500) square feet in floor area.
   b. Facilities. A private bathroom is not required for a JADU, provided that the unit has full access to a bathroom in the primary residence. If a bathroom is shared with the remainder of the primary residence, it shall not be included in the square footage calculation.
      i. An efficiency kitchen, including a cooking facility with appliances and a food preparation counter that is a reasonable size in relation to the size of the JADU shall be provided;
      ii. A separate exterior entrance.
   c. Parking. No additional parking is required, however, if a covered and enclosed parking space is demolished in the construction of the JADU, then the parking space shall be replaced at a ratio of one (1) to one (1).
   d. Occupancy. JADUs may not be sold separately from the single-family residence but may be rented separately. JADUs may not be used as a short-term rental (less than thirty (30) days). The primary residence must be owner-occupied, but the owner may reside in either the JADU or the primary residence. This owner-occupancy requirement does not apply to primary residences owned by a public agency, land trust, or non-profit housing organization.

2. Restrictions. A deed restriction shall be recorded prior to the issuance of building permits to prohibit the subdivision or sale of the JADU separate from the primary residence and include the following provisions:
   a. The deed restriction may be enforced against future purchasers;
   b. Restricts the size and features of the JADU as built.

18.34.040 General procedures.
Development of an ADU and/or JADU shall be subject to issuance of a building permit within 60 days of submission of an application that includes all items listed on the City’s ADU/JADU submittal checklist and is consistent with applicable requirements. However, if an ADU is proposed as part of an application that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) have been granted and any appeal period(s) has/have passed.

Chapter 18.52 ADMINISTRATION

18.52.010 Purpose.

A. The administration of this title is vested in offices of the City as follows:
   1. The office of the Economic and Community Development Director (“Director”);
   2. The City Planning Commission.

B. This chapter shall set forth the duties and authority of the above mentioned offices and then shall describe the procedures and substantive standards with respect to the following functions:
   1. Issuance of zoning permits;
   2. Use permits;
   3. Variance permits;
   4. Amendments;
   5. Preliminary Review;
   6. Appeals;
   7. Fees;
   8. Penalties.

C. Plans.
   1. Professional Preparation. A licensed or registered architect, licensed land surveyor, registered civil engineer or registered landscape architect shall prepare all plans (including plats, surveys, and scale drawings) which accompany applications for use permits, variances, site development review and amendments to the zoning title.
   2. Exceptions. The Director or his/her designee may waive the requirement for professional preparation of plans if he or she determines that non-professional preparation is adequate to present the information required to be shown on such plans.

Chapter 18.53 PRELIMINARY REVIEW

18.53.010 Purpose.

The purpose of Preliminary Review is to enable applicants and project sponsors to receive direction and initial feedback on proposed projects. The review allows the City to address project issues and provide feedback at the earliest point in the development review process. No entitlements or approvals are provided or guaranteed via the Preliminary Review process nor does this preclude the City from bringing up additional issues when a project is formerly submitted.
18.53.020 Applicability.

Preliminary Review is required for all projects that require discretionary approval, except for wireless projects. The Zoning Administrator may exempt a project from Preliminary Review at their discretion.

18.53.030 Application and fee.

A. A Preliminary Review application shall be submitted on a form prescribed by the Director, which shall include the following:
   1. Name and address of the applicant;
   2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
   3. Address or APN of the property;
   4. A detailed project description indicating what uses, activities, operations, property improvements, designs, and development are proposed.

B. The application shall be accompanied by the materials listed on the Planning Division’s Preliminary Review submittal checklist:

C. The application shall be accompanied by a fee in an amount established by Resolution of the City Council.


A. The application shall be reviewed by the City’s internal Development Review Committee and preliminary feedback shall be provided in writing. Based on comments provided, applicants shall either revise and submit materials for another round of Preliminary Review or submit for formal review.

B. Preliminary Review comments are subject to change if the Planning Division determines that applicable building codes, local or State laws, or surrounding neighborhood conditions have changed, if significant new information related to the project becomes available, or if it is determined that the feedback provided is not factually correct.

C. The Preliminary Review process established by this Chapter is separate and distinct from a preliminary application submitted pursuant to Government Code Section 65941.1

18.53.050 New Application.

A new application including all submittal requirements and fees is required if more than one hundred and eighty (180) days have passed since the date of the final comment letter and the applicant(s) and/or project sponsor(s) have not submitted an application and paid all applicable fees for the required discretionary review.

Chapter 18.72 ADMINISTRATIVE SITE DEVELOPMENT REVIEW
18.72.030 Applicability.
The administrative site development review procedure shall apply to the following types of projects in the specified districts:

A. RS Districts, R 5000, 511 District. One- and two-story single-family dwellings, second-story additions, modifications to one- and two-story single family dwellings that result in the removal of fifty percent (50%) or more of the perimeter walls of the existing dwelling, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over four hundred and fifty (450) square feet in area and eighteen (18) inches above ground, accessory structures which propose water or sewer utility connections, changes to the street-facing façade(s) of a building that is eligible to be included in the City’s Landmark and Historic Preservation Overlay Zone, and minor changes to approved projects.

B. H-District. Notwithstanding Section 18.76.020, proposed uses in an H-District may be reviewed under this chapter upon a determination by the Director that the project is a minor project, such as one- and two-story single-family dwellings, second-story additions, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over one hundred twenty (120) square feet in area and eighteen (18) inches above ground, accessory structures which propose water or sewer utility connections, satellite dish antennas, and minor changes to approved projects.

C. RM Districts. In all district classifications, minor projects which modify existing developments, including, but not limited to, such products as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, roof or mechanical equipment visible from off-site, aboveground utility installations and minor changes to approved projects.

D. Landmark and Historic Preservation (LHP) Overlay Zone. Second story additions to historical residences, exterior remodel or redesign of a historic residence, and new accessory structures over one hundred twenty (120) square feet in a historic district.

E. Commercial and Industrial Districts. In all district classifications, minor projects which modify existing developments, including, but not limited to, such projects as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, buildings in the CUL district with conceptual approval, roof or mechanical equipment visible from off-site, aboveground utility installations, small containers for collection of recycled products such as reverse vending machines, outdoor coin operated vending machines through which a physical product is rendered, but not including periodical or newspaper dispensers; and minor changes to approved projects.

Chapter 18.88 R-5000 ZONING DISTRICT

18.88.060 Single-family dwelling.
The following uses are permitted:

A. A one (1) family dwelling on each building site;

B. Accessory dwelling unit or junior accessory dwelling unit subject to the provisions listed in Chapter 18.34
C. Accessory structures and uses customarily incident thereto including a private garage or private carport to accommodate not more than two (2) motor vehicles;
D. Off-street automobile parking as an accessory use to any permitted use.

18.88.110 Parking requirements.
Off-street parking shall conform to the following:
A. All new single-family residences constructed within the R-5000 district shall provide a minimum of two (2) off-street parking spaces, both of which shall be covered and enclosed.
B. Existing single-family residences located within the R-5000 district shall maintain at all times a minimum of one (1) off-street parking space, which shall be covered and enclosed.
C. Additions which bring the total living space of the single-family residential dwelling unit over one thousand eight hundred (1,800) square feet (exclusive of garage area and accessory dwelling unit) within the R-5000 district shall be required to provide a minimum of two (2) off-street parking spaces, both of which shall be covered and enclosed. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet in habitable area, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2)-car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

Chapter 18.100 511 AREA DISTRICT

18.100.040 Permitted and conditional uses.
A. Residential Specific Plan Designations.

<table>
<thead>
<tr>
<th>Uses</th>
<th>R3-6</th>
<th>R3-10</th>
<th>R5-10</th>
<th>R7-10</th>
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<tbody>
<tr>
<td>Single-family dwelling, detached</td>
<td>P</td>
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<td>P</td>
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<td>Single-family dwelling, detached reduced lot</td>
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<td>P</td>
</tr>
<tr>
<td>Single-family, semiattached</td>
<td>–</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-family, zero lot line</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Two-family dwelling (attached units)</td>
<td>–</td>
<td>C*</td>
<td>C*</td>
<td>C</td>
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<tr>
<td>3-4 family dwellings (attached units)</td>
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<td>C*</td>
<td>C*</td>
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<td>Agriculture consistent with Sections 18.32.020(F) and (K)</td>
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<tr>
<td>Swimming pools consistent with Section 18.32.020(H)</td>
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<td>Temporary subdivision sales office consistent with Section 18.32.020(J)</td>
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<tr>
<td>Accessory dwelling unit and junior accessory dwelling unit consistent with Chapter 18.34</td>
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<td></td>
<td></td>
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<tr>
<td>Small family child care home#</td>
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</tr>
<tr>
<td>Large family child care home#</td>
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<td>Community education</td>
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<td></td>
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<tr>
<td>Community assembly</td>
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<td></td>
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<tr>
<td>Religious assembly</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Intermediate care facility</td>
<td>P P P P</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

P = Permitted uses.
C = Conditional use, subject to a use permit per Chapter 18.56.
– = Not permitted.

* Only for areas identified as appropriate for higher density on the Specific Plan.
# = Permitted with applicable approval(s) from the State of California Community Care Licensing Division.

B. Open Space Specific Plan Designation.
   1. Permitted uses: Natural wildlife sanctuaries and habitat, water supply lands, flood control management, excluding silt disposal, and plant nurseries and crop production. Permitted uses shall not adversely affect wetlands/habitat areas.
   2. Conditional uses: Park and recreational activities, outdoor nature laboratories, interpretive centers, low intensity educational, charitable, research, and philanthropic uses, essential service facilities, and silt disposal. Conditional use shall not adversely affect wetland/habitat areas.

C. Park Specific Plan Designation.
   1. Permitted uses: Active outdoor recreational uses, essential service facilities, and passive park and recreational activities.
   2. Conditional uses: Outdoor nature laboratories, natural wildlife sanctuaries and interpretive center.

18.100.050 Lot, setback and height requirements.
A. Residential Specific Plan Designations.
1. Standard Requirements. Standard requirements are set out in Table 18.100.050, 511 Area Standard Requirements.

2. Standards identified in subdivision 1 of this subsection A shall apply subject to the following exceptions:
   
a. Where access to a dwelling is within the side yard or if vehicle access is within the side yard, then the side yard setback shall be twelve (12) feet for the distance access is provided. Beyond that point, setback requirements identified in Subsection (A)(1) of this section shall apply.

b. Except for the garage, single-family semiattached units shall have a five (5) foot setback from the lot line on which the garage is located.

c. For attached units, front yards may be reduced to ten (10) feet when parking is provided in a common area.

d. For attached units, end units shall have a side yard setback of ten (10) feet on the side not attached to another unit.

e. For attached units, no unit shall be closer than twenty (20) feet to any property line containing a single-family dwelling.

f. For single-family detached housing, the minimum lot width of sixty (60) feet may be reduced to fifty (50) feet if:
   
i. The average lot size of a neighborhood is maintained at six thousand (6,000) square feet; and
   
ii. Adequate additional amenities are provided to maintain the upscale nature of the development.

g. The applicant may vary the lot size, lot dimensions, usable open space and off-street parking standards consistent with the requirements of Chapter 18.44, subject to the following provisions:
   
i. Lot size, lot dimensions, usable open space and off-street parking shall, in the aggregate, be at least equivalent to the standards prescribed by the regulations for each neighborhood within a planned unit development;
   
ii. A better or more appropriate design can be achieved by not meeting the standards;
   
iii. Visual and acoustical privacy is maintained;
   
iv. Adequate additional amenities are provided to maintain the upscale nature of the development;
   
   v. The character of housing types is maintained in each neighborhood;
   
   vi. All driveways for individual dwelling units shall be twenty (20) feet in length and of sufficient width to park two (2) cars;
   
   vii. Applicable goals, objectives and policies of the Specific Plan are met;
   
   viii. The average population density provisions of Section 18.44.050 shall not apply and the dwelling unit density provisions of the Specific Plan shall be met; and
ix. Height standards for spires, cupolas, chimneys, elevator penthouses, flagpoles, and necessary mechanical appurtenances may be allowed to a maximum height limit of forty (40) feet.

B. Open Space and Parks Specific Plan Designations.
   1. Minimum lot area and yard requirements shall be consistent with Section 18.92.070 except for parcels created for the purpose of receiver areas as defined by the Specific Plan and the interpretive center.
   2. Maximum building height shall be twenty-five (25) feet.

**Table 18.100.050**

**511 AREA STANDARDS REQUIREMENTS**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Minimum Lot Width (ft.)</th>
<th>Minimum Lot Depth (ft.)</th>
<th>Front Yard Setback (ft.)</th>
<th>Side Yard Setback–Corner Lot (ft.)</th>
<th>Side Yard Setback Interior Lot (ft.) Min./Agg.</th>
<th>Rear Yard Setback (ft.)</th>
<th>Height (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached (abutting west side of Union City Blvd.)</td>
<td>60</td>
<td>120</td>
<td>20</td>
<td>15</td>
<td>5/15</td>
<td>40 from the right-of-way of Union City Blvd.</td>
<td>30</td>
</tr>
<tr>
<td>Single-family detached</td>
<td>60³</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>5/15</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Single-family detached (reduced lot)</td>
<td>55</td>
<td>65</td>
<td>10/20³</td>
<td>15</td>
<td>5/10</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Single-family semiattached</td>
<td>50</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/0²-0 side 10/20 other side</td>
<td>20</td>
<td>30</td>
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<tr>
<td>Single-family zero lot line⁴</td>
<td>45</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/10-0 side 10/10-other side</td>
<td>20</td>
<td>30</td>
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<tr>
<td>Attached units (up to 4 units)</td>
<td>24</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/0</td>
<td>20</td>
<td>35</td>
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<tr>
<td>Conditional uses (excluding two-family dwelling, 3–4 family dwelling, uses which occur with an existing unit, and accessory dwelling units)</td>
<td>60</td>
<td>100</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>

1 “Minimum/aggregate” means the minimum distance from the lot line to a structure and “aggregate” means the total distance between structures on adjoining lots.
2 For garage only; for remainder of structures, see Section 18.100.050(A)(2)(b).
Chapter 18.106 LANDMARK AND HISTORIC PRESERVATION (LHP) OVERLAY ZONE

Article II. Landmarks and Historic Preservation Overlay (LHP) Zone Designation

18.106.200 Initiation of designation.

A. The LHP zone designation may be applied to properties and/or buildings that have been identified in the historic preservation survey. Other properties not included in the survey may also be considered for inclusion in the LHP zone provided the properties meet the findings identified in Section 18.106.240.

B. Designation proceedings may be initiated by written application of the owner of the property or other members of the public, with the consent of the property owner. In addition, proceedings may be initiated by resolution of the Planning Commission or the City Council.

C. Application for designations shall be filed with the Economic and Community Development Department upon forms prescribed by the Director. The date of initiation is the date the initiation resolution is adopted or a complete application is accepted by the Planning Department.

D. Each application for designation shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.

E. Notification that an application for designation of a particular property or area has been submitted shall be sent to the property owner(s) and occupant(s) of that property within five (5) calendar days of the filing of the completed nomination application.

Article III. Permits

18.106.300 Permit required.

A. No person shall perform any work listed in this subsection on a structure in the LHP zone without first obtaining administrative site development review approval from the Director as set forth in Sections 18.72.050 through 18.72.105:

1. Second story additions to a historic residence;
2. Exterior remodel or redesign of a historic residence;
3. New accessory structure over one hundred twenty (120) square feet in a historic district;
4. Minor modifications to existing commercial and industrial buildings as set forth in Section 18.72.030(E).

At the Director’s discretion, any of the above applications may be referred to the Planning Commission for review.
Chapter 18.08 DEFINITIONS

18.08.205 Dwelling, accessory.
“Accessory dwelling unit” means the an additional dwelling unit(s) on a single-family lot, or on a lot located within a multifamily residential district that contains a proposed or an existing permitted single-family or multifamily home dwelling meeting the criteria in Chapter 18.34 Section 18.32.020(M), which has kitchen, sleeping and full bathroom facilities, and a separate external access.

18.08.206 Dwelling, accessory (junior).
Junior Accessory Dwelling Units (JADUs) are units, up to 500 square feet, that are created within the walls of a proposed or existing single-family residence and contain a basic kitchen utilizing small plug-in appliances. JADUs share a bathroom with the primary dwelling.

18.08.571 Structure, accessory.
“Accessory structure” means a subordinate building located on the same premises as the main building or the use of which is customarily incidental to that of the main building or to the use of the land. An accessory structure is not a cargo container, truck trailer, van, commercial vehicle, or other moveable container. In residential districts, accessory structures shall not be used for business purposes or as additional living space, except as allowed under Section 18.32.020(M) Chapter 18.34. Accessory structures in residential districts may include, but are not limited to, a shed, garage, accessory dwelling unit, arbor, gazebo, or structure with a roof element with no walls.

18.08.615 Window, Bay
A bay window is a space enclosed by windows on all sides that projects out from a wall plane of the building to form a recess from within. A bay window is a window that is cantilevered from the main building structure, does not include floor area, and does not have a foundation.

Chapter 18.24 BULK REGULATIONS

18.24.050 Permitted obstructions in required yards.
The following shall not be considered to be obstructions when located in the required yards specified:

A. In All Yards: Open terraces not over eighteen (18) inches above the average level of the adjoining ground and one hundred and twenty (120) square feet in area but not including a permanently covered terrace or porch except as allowed by the provisions of the R-5000 zoning district; awnings and canopies; steps, four (4) feet or less above grade, which are necessary for access to a permitted building, or for access to a zoning lot from a street, or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles; Overhanging eaves and gutters projecting eighteen (18) inches or less into the yard, except that in no case shall overhanging eaves and gutters be closer than two (2) feet to a property line;

B. In Front and Rear Yards: One-story Bay windows projecting three (3) feet or less into the yard;

C. In Side Yards: First floor additions to single family detached houses with existing legal nonconforming setbacks may be built in line with the existing structure as long as a
minimum interior side yard setback of five (5) feet and a minimum exterior side yard setback of ten (10) feet is maintained, except that houses built on a zero lot line shall maintain a minimum setback of ten (10) feet on the nonzero lot line side of the property.

(Ord. 712-08 § 2, 2008; Ord. 670-06 § 3, 2006: amended during 1990 republication; Ord. 342-90 § 2, 1990; Ord. 55.4-65 § 2, 1965; Ord. 55-64 § 5.6(E), 1964)

Chapter 18.32 RESIDENTIAL DISTRICTS

18.32.020 Permitted uses.

A use that is not listed here or in Section 18.32.030 is not a permitted use. The following uses shall be permitted:

A. Uses lawfully established on the effective date of the ordinance codified in this chapter.

B. In RS and R districts, one-family dwellings, including site-built or modular homes.

C. In RS and R districts, manufactured homes placed as a sole principal residence on a single-family lot and constructed after June 15, 1976, subject to the following requirements:

1. Each unit shall be provided with a continuous concrete foundation and permanent utility connections, and conform to all applicable building, plumbing, electrical and fire codes.

2. All provisions of this title applicable to one-family residential structures shall apply unless preempted by State law.

3. Exterior treatment of the unit, including roof eaves, roof pitch, roofing and siding material, and of any garage or other accessory structure located on the same site shall be compatible with conventional site-built housing in the vicinity. The following criteria shall be met to ensure the compatibility of mobile manufactured homes with surrounding residential uses:

   a. The manufactured home width shall not be less than twenty (20) feet and may be a double-wide, multi-sectional unit.

   b. The exterior siding material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is to be used, the exterior covering material need not extend below the top of the foundation.

   c. The roof of the manufactured home shall have a pitch of not less than two and one-half (2-1/2) inches of vertical rise for each twelve (12) inches of horizontal run.

   d. The roof shall have eave and gable overhangs of not less than twelve (12) inches measured from the vertical side of the manufactured home, or what is customarily found on existing residential structures in the surrounding area/vicinity. The overhang shall have the same slope and be covered with the same roofing material as the roof itself.

   e. The exterior siding material and roof of the enclosed garage required for the mobile home shall be the same as that of the manufactured home.
f. The finished floor of the manufactured home shall not exceed thirty (30) inches above the exterior finish grade of the lot.

g. The façade of the manufactured home shall be designed with sufficient detail to make it visually compatible with the existing residential structures in the surrounding area. Such detail shall include door and window trim, window type and any special architectural features uniformly present on surrounding residences.

D. In RM districts, multifamily dwellings, semi-detached single-family dwellings containing not less than two (2) units, and attached dwellings.

E. Room, room and board, or boardinghouses for not more than two (2) paying guests in the R and RS districts; lodging rooming houses in the RM 1500 district.

F. Raising for noncommercial purposes of fruit and nut trees, vegetables and horticultural specialties.

G. Home occupations, subject to the following conditions:

1. That the home occupation shall be conducted within a primary or accessory dwelling unit by an inhabitant thereof and shall be clearly incidental to the use of the structure as a dwelling;

2. That the home occupation shall not be conducted in an accessory structure or in an attached garage;

3. That not more than twenty percent (20%) of the floor area of the dwelling shall be devoted to the conduct of the home occupation;

4. That an attached garage or detached accessory structure shall not be used as living or sleeping quarters in order to conduct the home occupation within the dwelling;

5. That the entrance to the area devoted to the home occupation shall be from within the dwelling;

6. That there shall be no exterior alteration of the dwelling and there shall be no internal alterations or construction features not customary in a dwelling;

7. That there shall be no show window or window display to attract customers, clients or the general public, and no sign shall be displayed other than a non-illuminated name plate not exceeding one and one-half (1-1/2) square feet in area, which shall be located flat against the wall or window of the dwelling;

8. That no one other than a resident of the dwelling shall conduct business from the dwelling; employees working off-site only may be allowed;

9. That there shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation, that no radio or television interference shall be created, and that the conduct of the home occupation shall not create any noise audible beyond the boundaries of the site;

10. That a maximum of one (1) vehicle shall be associated with the home occupation. The vehicle associated with the home occupation shall be parked in an enclosed garage or under a designated carport when not in use. If the property does not
have a garage or carport, then the vehicle shall park in an approved driveway on the property;

11. That there shall be no storage of equipment or supplies in an accessory structure, in an attached garage, or outside of the dwelling, except that equipment or supplies incidental to a service performed off of the premises may be stored in one (1) truck of not more than one-half (1/2) ton capacity;

12. That the conduct of the home occupation shall not create excessive pedestrian, automobile or truck traffic in the vicinity;

13. That the following uses shall not be permitted:
   a. Organized classes in music, dancing, art, drama, self-defense, business and the like, except that the instruction of one (1) pupil at a time shall be permitted;
   b. Personal service establishments such as commercial photo studios, beauty parlors, massage parlors, barber shops, health studios, self-improvement courses and the like;
   c. Repair services such as repair of household appliances, furniture, electronic equipment, automobiles and their parts, and the like and handicraft work such as woodwork, cabinetry, metal working, welding and the like;
   d. The sale and trade of goods or products such as firearms, ammunition, fireworks, hazardous chemicals, or any product that has the potential to cause injury if improperly handled and is therefore unsuitable for home occupation as determined by the Zoning Administrator;
   e. Uses that involve the use of a vehicle that cannot not fit into a standard residential garage (i.e., shuttles, trucking, construction), unless there is evidence of dedicated off-site parking;
   f. Automobile sales;
   g. Food preparation, except that cottage food operators consistent with the California Homemade Food Act shall be permitted.

H. Swimming pools, and spas, and related equipment located on the same site with a permitted use, subject to the locational criteria for detached accessory structures.

I. Accessory structures located on the same site with a permitted use, including private garages and carports, storehouses, storage sheds, garden structures, gazebos, greenhouses, recreation and hobby rooms, workshops, and workshops and hobby shops, similar structures, subject to the following conditions:
   1. Accessory structures may be attached to and have a common wall with the main structure on a site; provided, that the attached accessory structure is not used for additional living or sleeping purposes and shall provide the same front, side and rear yards as required for the main structure except that an attached patio cover and/or enclosed patio may encroach into the required rear yard area from the main structure when:
      a. There remains at least ten (10) feet of clear, open space from the nearest projection of the patio cover eaves or screening material to the rear property line;
b. The height of the structure at its maximum vertical projection does shall be 12 feet, and may go up to not exceed fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade.

c. Maximum site coverage allowed in the residential zoning district is not exceeded.

d. The attached accessory structure is not used for additional living or sleeping purposes.

2. a. Detached accessory structures over four hundred and fifty (450) one hundred twenty (120) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72. Detached accessory structures over one hundred twenty (120) square feet of building area or over six and one half (6 1/2) feet in height shall be located not closer than five (5) feet from any other structure, five (5) four (4) feet to a side or rear property line. Such structure(s) shall be limited to one (1) story, with a maximum height of 12 feet, and may go up to fourteen (14) feet to match the roof pitch of the main dwelling, as long as the midpoint of the roof does not exceed twelve (12) feet, as measured from grade/the height of the structure at its maximum vertical projection not exceeding twelve (12) feet from gradea maximum height of twelve (12) feet. Eaves and projections shall meet the standards of the California Building Standards CodeUniform Building Code.

b. If the total square footage of detached accessory structures exceeds four hundred and fifty (450) exceeds one hundred twenty (120) square feet, then the structure(s) which brings the combined total building coverage above four hundred and fifty (450) one hundred twenty (120) square feet, and all subsequent structures, shall be subject to administrative site development review approval in accordance with Chapter 18.72.

3. Detached accessory structures shall be located on the rear half of the lot or site and in no case forward of the main structure.

4. On a corner site, detached accessory structures shall have a side street setback of twenty (20) feet (where the rear yard abuts the side yard of a key lot), with a rear yard of five (5) feet, except, where the rear yards of corner lots adjoin the side street, setback may be ten (10) feet in the RM district and fifteen (15) feet in the RS district.

5. On a corner site, garages and carports which are entered perpendicular to and from across the side property line adjoining the street shall be located not closer than twenty (20) feet to such property line.

6. On a lot with double frontage, detached accessory structures shall not be located closer to either street than the front yard as required for the main structure.

7. In all RS and RM districts, detached accessory structures shall cover not more than thirty percent (30%) of the actual rear yard.

8. The roof of a detached accessory structure shall not be used as a deck or floor.
9. A detached accessory structure shall not be used for additional living or sleeping purposes, unless legally converted into an accessory dwelling unit consistent with all provisions listed in Section 18.32.020(M) Chapter 18.34.

10. Detached accessory structures which propose water or sewer utility connections shall be subject to administrative site development review approval in accordance with Chapter 18.72, except for permitted accessory dwelling units.

11. Detached accessory structures such as arbors, trellises, gazebos and other decorative structures which have a roof element but do not have any enclosed walls or contain habitable space, shall be restricted in height to twelve (12) feet at its maximum vertical projection above grade maximum and shall be set back three (3) feet from any side and rear property line. Such structures shall maintain a minimum three (3) foot setback from the main structure primary residence. Eaves and gutters may project into the required side and rear yard setbacks in accordance with Section 18.24.050 (Bulk regulations—Permitted obstructions in required yards).

12. Canopy and/or tent structures are prohibited from front yards and exterior side yards, except to be allowed temporarily four (4) times within a calendar year, each time for up to seven (7) calendar days, with a maximum of one (1) extension per calendar year for one (1) of the four (4) times for an additional seven (7) day period. Temporary canopy and/or tent structures shall not exceed two hundred (200) square feet. For purposes of definition, canopy and/or tent structures are distinguished from vehicle covers in that canopy and/or tent structures are constructed of fabric or pliable material that are structurally supported by some mechanism other than the contents they are protecting. Vehicle covers are constructed of fabric or pliable materials that are directly supported by the vehicle(s) they are protecting with no structural supports. Vehicle covers are therefore exempt from these requirements.

13. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building primary residence to which it is accessory.

14. Storage containers may be stored on private property for up to ten (10) days. Storage containers proposed to remain on private property for more than ten (10) days and storage containers over one hundred twenty (120) square feet in building area are subject to administrative site development review approval in accordance with Chapter 18.72. Storage containers shall be stored on private property, driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways. Storage containers to be used during active construction shall require approval by the Community Development Department. The property owner, resident tenant or lessee shall obtain all necessary permits prior to bringing storage containers on-site.

15. Amateur radio antennas and antenna structures constructed by or for FCC licensed amateur radio operators that, when fully extended, measure forty (40) feet or less in height and twenty-four (24) inches or less in diameter with an antenna boom measuring less than twenty (20) feet in length are subject to administrative site development review approval in accordance with Chapter 18.72 and the provisions of Section 18.32.190.
J. Temporary subdivision sales offices in accord with the provisions regulating temporary subdivision signs and sales offices.

K. Agricultural uses including nurseries.

L. Large family day-care homes in all RS, R and 511 districts, subject to administrative use permit approval in accordance with Chapter 18.54 of this title. Areas zoned to allow single-family or multifamily residential uses subject to approval(s) from the State of California Community Care Licensing Division.

M. Accessory dwelling units, providing that only one (1) accessory unit be allowed per parcel. Accessory dwelling units shall be permitted in all single-family residential districts and on any lot located within a multifamily residential district that contains an existing permitted single-family home, provided the following criteria can be met:

1. Criteria.
   a. Location. The unit may be established through: conversion of existing floor space in a single-family structure; a single-story addition to an existing single-family structure; conversion of an existing, permitted detached accessory structure; the construction of a new detached unit as permitted in this section; and construction of a new principal dwelling; or the conversion of an existing garage.
      i. An attached accessory dwelling unit shall be located within the area of the lot allowed for principal dwellings by the zoning ordinance and must conform to the required front, rear and side yard setbacks of the zoning district in which they are located.
      ii. Detached accessory dwelling units shall be located in the rear half of the property and meet the development standards of subsections (I)(2) through (I)(7).
      iii. No additional setbacks shall be required for conversion of a permitted garage or the portion of a permitted garage converted to an accessory dwelling unit.
   b. Lot Standards. Accessory dwellings are subject to the lot coverage standards in the zoning district in which they are located.
   c. Occupancy. Both units may be occupied as separate single-family dwellings. Nothing in this section prohibits one (1) or both of the dwelling units remaining vacant. Accessory dwelling units shall not be rented out for a period of less than thirty (30) days.
   d. Size.
      i. On lots less than eight thousand five hundred (8,500) square feet in area, the total floor area of an accessory dwelling unit shall be between two hundred seventy-five (275) square feet and six hundred forty (640) square feet and the unit shall have no more than one (1) bedroom.
      ii. On lots eight thousand five hundred (8,500) square feet in area or more, the total floor area of an accessory dwelling unit may increase to eight hundred (800) square feet and two (2) bedrooms are allowed.
iii. Conversions of living space wholly contained within existing principal units shall contain no more than twenty-five percent (25%) of the living area of the principal unit.

iv. Attached accessory dwelling units shall contain no more than fifty percent (50%) of the living area of the principal unit.

e. Design.

i. The unit shall be clearly subordinate to the principal dwelling unit on the parcel by size, location and appearance.

ii. The exterior appearance and character shall reflect that of the existing principal dwelling unit in terms of materials and design, including roof materials, roof pitch, roof eaves and overhang, color scheme, trim elements and detailing including window and door frames, and architectural features.

iii. Outside stairways to the accessory dwelling unit shall be allowed subject to the applicable setback standards of the principal dwelling and shall not be visible from the public street.

iv. Any manufactured home proposed as an accessory dwelling shall be identical in terms of siding and roof materials, roof pitch, roof eaves and color to the principal residential structure on the lot.

v. Detached accessory dwelling units shall be limited to one (1) story and a maximum height of twelve (12) feet. The unit may exceed twelve (12) feet in height if needed to match the roof pitch of the principal dwelling.

vi. The structure shall be located and designed so as to not disrupt the privacy of, or create noise impacts on adjacent residents and yards.

vii. Exterior doors to attached and detached accessory dwelling units shall be set back a minimum of ten (10) feet of adjacent property lines, and a covered entry way of not less than three (3) feet deep shall be provided for the accessory dwelling unit.

viii. No fencing shall be permitted above three (3) feet in height within the common area(s) between the principal dwelling and the accessory dwelling unless the fencing is a required safety feature (e.g., fencing around a pool).

ix. Any dead, dying or damaged landscaping shall be replaced on the lot.

x. Detached accessory dwelling units shall provide window treatment that includes mullions and decorative window trims.

xi. In no instance shall an exterior door to an attached accessory dwelling unit be located on the same elevation as the entrance to the primary dwelling.

xii. Attached accessory dwelling units shall be painted to match the primary dwelling. In the event an exact match cannot be achieved, the entire structure shall be repainted.

xiii. If the conversion of an existing garage to an accessory dwelling unit includes the removal of the garage door, then the front façade shall be designed with one (1) or more windows, architectural detailing, trim, colors and materials consistent with the primary dwelling. A minimum of two (2)
feet of landscaping and irrigation shall be added between the accessory dwelling unit and the abutting driveway.

xiv. For properties located in the Landmark and Historic Preservation Overlay Zone, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of the Standards for the Treatment of Historic Properties shall be required, as determined by the Director.

f. Units on the Second Story. Accessory dwelling units that are created through the construction of new habitable space above the first floor roofline shall be prohibited. However, an accessory dwelling unit created through the conversion of existing or approved habitable space above the first floor roofline shall be ministerially permitted if it meets the other design and development standards of this section.

g. Subdivision. No subdivision of lands nor air rights shall be allowed.

h. Applicability. Adequate water and sewer service shall be available to support accessory dwelling units.

i. Facilities. An accessory dwelling unit must provide a complete independent living facility for sleeping, cooking, living and sanitation purposes, and provide a kitchen and bathroom for the sole use of the unit.

j. Density. Accessory dwelling units shall be exempt from density calculations.

k. Undergrounding. All utility connections to the accessory dwelling unit shall be undergrounded, in the event that new utility connections are required, the new and existing connection shall both be undergrounded.

l. Safety. All accessory dwelling units shall meet applicable fire, building, and applicable public works standards.

m. Addressing. Street addresses shall be assigned to all accessory dwellings to assist in emergency response.

n. Access. When off-street parking is provided for an accessory dwelling unit, it shall be accessed from a driveway in common with the primary dwelling in order to prevent new curb cuts, excessive paving, and elimination of street trees, unless separate driveway access is permitted by the Director upon a determination that separate access will result in fewer environmental impacts such as excessive paving, unnecessary grading or unnecessary tree removal, and that such separate access will not create the appearance, from the street, of a lot division or two-family use.

o. Paving. When additional off-street parking is required for a new accessory dwelling unit, such parking shall be fully contained on private property, and shall not overhang into any portion of the public right of way, including the sidewalk. Required parking for accessory dwelling units may occur within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways. If a concrete apron is constructed adjacent to an
existing driveway to satisfy parking requirements, the entire driveway shall be replaced to appear uniform. A minimum landscaped setback of three (3) feet shall be provided between the driveway and the interior side property line. If front or street side yard landscaping is removed, remaining landscaping shall be upgraded to meet the requirements of Section 18.112 and the Landscape Standards Policy Statement.

**MN.** Duplexes on corner lots when constructed as part of the affordable housing obligation as provided in Chapter 18.33. Duplexes shall meet the front, rear and street side yard setback of the district in which they are located. Exceptions to the setback standards may be granted by approval of a use permit.

**NO.** Repairs to automobiles and other vehicles or equipment shall be limited to minor repair on vehicles or equipment owned by a resident of the premises that may be stored within a private garage. Minor repair shall include minor adjustment or repair to mechanical, electrical systems, small parts replacement, brake pad and wheel replacement or repair, and shall not include engine, transmission or drive train removal or replacement, frame or body and fender work, welding or painting. Minor repair work when done in public view shall be completed in a timely manner and no vehicle shall be left unattended on lacks or temporary supports. Repair work shall not be done in the public right-of-way.

**O.** Mechanical equipment (e.g., generators, air conditioners, etc.) located within five (5) feet of a property line shall be screened or enclosed with sound-insulated materials. Any noise emitted from the equipment shall not exceed seventy (70) decibels at the property lines.

**18.32.160 Off-street parking.** Off-street parking spaces and bicycle parking facilities that are accessory to uses allowed in residential districts shall be provided in accordance with the regulations set forth hereinafter as well as those in general provisions in Chapter 18.04.

A. Required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees of such uses, provided that in the RM districts, not more than twenty-five percent (25%) of the accessory parking spaces required for a dwelling, lodging, house, motel or hotel may be rented out on a monthly basis to occupants of other dwellings, lodging rooming houses, motel or hotels.

B. Off-street parking facilities are to be provided in the following ratio:

1. In the RS district, a minimum of two (2) parking spaces per unit, both of which must be covered and enclosed. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2) car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

2. In the RM district, parking shall be provided as follows:
a. One and one-half (1.5) spaces per one (1) bedroom or studio unit, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking;
b. Two (2) spaces per unit with two (2) or more bedrooms, one (1) of which must be covered, plus one-quarter (0.25) spaces per unit for guest parking.

3. Accessory Dwelling Units:
   a. One (1) additional parking space, which may be uncovered, shall be provided for an accessory dwelling unit. Required parking may be provided as tandem parking on an existing approved driveway.
   b. If one (1) or more of the following criteria is met, no parking space shall be required for an accessory dwelling unit:
      i. The accessory dwelling unit is located within one-half (0.5) mile of the Union City Bay Area Rapid Transit station, as measured in a perpendicular linear distance from the physical boundary of the public transit facility to the property line of a property;
      ii. The accessory dwelling unit is located in a Federal, State, or local designated historic district;
      iii. The accessory dwelling unit is part of an existing residence or an existing accessory structure legally converted into an accessory dwelling unit;
      iv. The accessory dwelling unit is located where on-street parking permits are required but not available to occupant(s) of the accessory dwelling unit;
      v. The accessory dwelling unit is located within one (1) block of a car-share vehicle.
   c. When a garage, carport, or other covered parking structure is demolished or converted in conjunction with construction of an accessory dwelling unit, all displaced parking shall be replaced on site.

43. Senior Housing. One-half (0.5) of a covered parking space shall be provided for each bedroom, and one-quarter (0.25) of a parking space shall be provided for each unit for guest parking. The number of parking spaces required for senior housing may be decreased by the Planning Commission if it is found that a specific use will not create as great a need for off-street parking.

54. Affordable Housing. For housing developments with one hundred percent (100%) of the units affordable to lower-income households (except for one manager’s unit), parking shall be provided at a ratio of one (1) parking space per studio or one (1) bedroom unit, one and one-half (1.5) parking spaces per two (2) bedroom unit, and two (2) parking spaces per three (3) or four (4) bedroom unit.

C. Size. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length, exclusive of access drives, or aisles, ramps, or columns. Such space shall have a vertical clearance of at least seven (7) feet.

Enclosed garages within all RS districts shall have a minimum interior dimension of twenty (20) feet by twenty (20) feet. Each covered and enclosed parking space within the RM district shall have a minimum dimension of ten (10) feet by twenty (20) feet.
D. Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and sufficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to the street or alley in a manner which will least interfere with traffic movements. Driveways across public property shall be approved by the Director of Public Works.

E. Screening and Landscaping. All open automobile parking areas shall be effectively screened on each side adjoining or fronting on any premises by a wall, fence or densely planted compact hedge not less than five (5) feet nor more than six (6) feet in height. Such required screening shall conform to the front and side yard setback requirements of the district in which the parking is located.

F. All parking spaces required for dwelling units shall be located on the same zoning lot as the dwelling served. Parking spaces for all other uses shall be located on the same zoning lot as the use served except as otherwise provided in Chapter 18.04. Off-street parking shall be provided according to the following ratios:

1. Church, School, College, and Other Institutional Auditoriums. One (1) parking space shall be provided for each five (5) seats based upon maximum seating capacity.

2. Hospitals. One (1) parking space shall be provided for each three (3) hospital beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

3. Libraries, Art Galleries and Museums—Public. One (1) parking space shall be provided for each one thousand (1,000) square feet of gross floor area.

4. Recreation Buildings or Community Centers. One (1) parking space shall be provided for each two (2) employees, plus spaces adequate in number to serve the visiting public and as determined by the City Planning Commission.

5. Public Utility and Public Service Uses. One (1) parking space shall be provided for each two (2) employees on maximum shift, plus spaces adequate in number to serve the public as determined by the City Planning Commission. Where such uses are unmanned, no spaces need be provided.

6. Sanitariums, Convalescent Homes and Nursing Homes. One (1) parking space for each six (6) beds, plus one (1) parking space for each two (2) employees, plus one (1) parking space for each doctor assigned to the staff.

7. Schools—Nursery, Elementary, Junior and Senior High. One (1) parking space for each two (2) employees, plus one (1) parking space for each ten (10) students in the senior high school.

G. No commercial vehicle in excess of three (3) tons gross unladen vehicle weight (except pickup trucks) shall be parked or stored on any lot in a residential district where in residential use; provided, however, that this section shall not prohibit temporary parking of any such vehicle while making pickups, deliveries or providing services for the residents on the lot upon which the vehicle is parked.

H. Mobile Home/Recreational Vehicle Parking. Mobile homes, recreational vehicles, trailers or boats which are on trailers may be parked in rear yards, or within driveways, on concrete aprons adjacent to driveways, or on other compact material for vehicle parking adjacent to driveways constructed pursuant to approval by the Economic and Community Development Department.
Parking aprons shall comply with Section 18.32.160(I). All such vehicles must be fully contained on private property, and shall not overhang into any portion of the public right-of-way, including the sidewalk. In addition, such vehicles may be parked within side yards which provide access to off-street parking, and are a minimum of twelve (12) feet wide with at least ten (10) feet of paved width. A minimum three (3) foot setback shall be retained along the interior side yard property line from all vehicles.

I. In compliance with Chapter 10.36, Stopping, Standing and Parking, it is unlawful for any person, firm or group to park any vehicle, trailer, boat trailer or boat, or parts thereof within the side yard, front yard or corner vision triangle, as established by this title. This section does not apply to driveways or concrete parking aprons constructed pursuant to approval by the Economic and Community Development Department, or to driveways or concrete (or other appropriate material) parking aprons constructed prior to the adoption of the ordinance codified herein; provided, however, that such parking shall be limited to currently registered operable vehicles and shall be located on a stabilized permanent surface installed in accordance with this section.

Except for cul-de-sac or fan-shaped lots with reduced front yards, such vehicle parking areas shall not cover more than sixty percent (60%) of any required front yard or an area greater than six hundred (600) square feet, whichever is less. Parking on permeable surfaces in any instance shall not be allowed. Parking pads independent of the driveway or driveway apron shall not be allowed in the front or street side yards.

J. In the RM 1500 and RM 2500 zoning districts, a minimum of one (1) bicycle parking facility shall be provided for every three (3) units. Bicycle parking facilities shall be designed and installed in conformance with the criteria outlined in Section 18.28.090. Bicycle parking may be substituted for automobile parking subject to the provisions outlined in Section 18.28.100 and approval by the decision maker.

CHAPTER 18.33 AFFORDABLE HOUSING

18.33.020 Definitions.
For purposes of this chapter, each of the following terms is defined as follows:

A. “Accessory dwelling unit” means an additional dwelling unit(s) on a lot, that contains a proposed or existing permitted single-family or multifamily dwelling on a single-family lot, or on a lot located within a multifamily residential district that contains an existing permitted single-family home meeting the criteria in Chapter 18.34 Section 18.32.020(M), which has kitchen, sleeping and full bathroom facilities, and a separate external access.

B. “Additions” are increases in habitable space to an existing building or structure.

C. “Affordable housing program” means a method for providing the affordable housing units in the proposed project, a method for a payment in-lieu of providing affordable units, or a combination thereof, pursuant to Section 18.33.060(H).

D. “Affordable unit” means an ownership or rental housing unit, including senior housing, affordable by households with very low, low or moderate incomes as defined in this chapter. The unit shall be deemed affordable if it meets the requirements of Health and Safety Code Section 50052.5(b) for owner occupied housing and Section 50053(b) for rental housing.

E. “Developer” means the person(s) or legal entity(ies), who also may be the property owner, who is developing a particular project in the City.
F. “Dwelling unit” means a dwelling designed and intended for occupancy by one (1) household.

G. “Habitable space” means floor area within a dwelling unit designed, used, or intended to be used exclusively for living and sleeping purposes.

H. “Housing costs” means the monthly mortgage principal and interest, property taxes, homeowners’ insurance, utility allowance and condominium fees, where applicable, for ownership units; and the monthly rent and utility allowance for rental units.

I. “HUD” means the United States Department of Housing and Urban Development or its successor.

J. “Large project” means a residential development with seven (7) units or more.

K. “Resale controls and/or rent restrictions” means legal restrictions, as set forth by the City of Union City, State and Federal law, by which the affordable units shall be restricted to ensure that the unit remains affordable to very low, low or moderate income households, as applicable, permanently or for the longest period allowed by law. Such resale controls and/or rental restrictions shall generally be consistent with the requirements of Health and Safety Code Section 33334.3(f), as amended from time to time, and as may be more particularly set forth in this chapter. With respect to rental units, such rent restrictions shall generally be in the form of a regulatory agreement recorded against the applicable property. With respect to owner occupied units, such resale controls shall generally be in the form of resale restrictions, deeds of trust and/or other similar documents recorded against the applicable property.

L. “Residential development” includes, without limitation, detached single-family dwellings, multiple dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, mixed use developments that include housing units, and residential land subdivisions intended to be sold to the general public.

M. “Residential project” includes contiguous or non-contiguous parcels that have one (1) or more applications filed within a twenty-four (24) month period and which are under the same ownership.

N. “Small project” means a residential development with six (6) units or less.

O. “Very low, low and moderate income levels” means those income and eligibility levels determined periodically by the United States Department of Housing and Urban Development based on the Oakland Standard Metropolitan Statistical Area (SMSA) median income levels by family size. Such levels shall be calculated on the basis of gross annual household income considering household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income and will be recertified as set forth by local standards, State and Federal housing law.

1. “Very low income” means fifty percent (50%) or under of the SMSA median, adjusted for actual household size.

2. “Low income” means fifty-one percent (51%) to eighty percent (80%) of the SMSA median, adjusted for actual household size.

3. “Moderate income” means eighty-one percent (81%) to one hundred twenty percent (120%) of the SMSA median, adjusted for actual household size.

18.33.070 Exemption to inclusionary housing requirements.
The construction of an accessory dwelling unit (or a junior accessory dwelling unit) shall not be subject to the requirements of Section 18.33.030.

**Chapter 18.34 ACCESSORY DWELLING UNITS**

**18.34.010 Purpose.**
The purpose of this chapter is to implement Government Code Sections 65852.1, 65852.2, and 65852.22 et seq., by allowing the creation of accessory dwelling units (ADUs) and/or junior accessory dwelling units (JADUs) through ministerial review subject to meeting the criteria defined below.

**18.34.020 Applicability.**

A. Accessory Dwelling Unit (ADU)
   1. Within areas zoned to allow single-family that contain an existing or proposed single-family residence, or in areas where there is an existing legal non-conforming single-family residence.
   2. Within areas zoned to allow multifamily or mixed-use developments, or in areas where there is an existing legal non-conforming multifamily development.

B. Junior Accessory Dwelling Unit (JADU)
   1. Within areas zoned to allow single-family or multifamily residential uses that contain an existing or proposed single-family residence, or in areas where there is an existing legal non-conforming single-family residence.

C. In the event of a conflict between these standards and the underlying zoning district regulations, the provisions of this chapter shall apply.

**18.34.030 General requirements.**

A. On lots with an existing or proposed single-family dwelling, one (1) ADU shall be permitted subject to the following requirements:
   1. Criteria. ADUs may be established through:
      a. Conversion of existing floor space in a single-family residence;
      b. A single-story addition to an existing single-family residence;
      c. Conversion of an existing, permitted detached accessory structure;
      d. The construction of a new ADU as permitted in this section;
      e. Construction of a new primary residence;
      f. The conversion of an existing garage.
   2. Location. ADUs shall meet the setback requirements for the primary residence in the zoning district in which it is located, except as follows:
      a. No additional setback shall be required for an existing, legally constructed detached accessory structure, that is converted to an ADU, or an ADU constructed in the same location and to the same dimensions as an existing structure.
      b. A setback of at least four (4) feet from the interior side and rear lot lines shall be required for a new, attached or detached ADU.
3. Size. ADUs shall be between one-hundred fifty (150) and one thousand (1,000) square feet in floor area.
   a. Attached ADUs shall not exceed the greater of 850 square feet if it contains one bedroom or less and one thousand (1,000) square feet if it contains at least two bedrooms.
   b. Attached ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, setbacks, and other applicable residential development standards for the primary residence.
   c. Detached ADUs shall not exceed one thousand (1,000) square feet in floor area.
   d. Detached ADUs over eight hundred (800) square feet shall be subject to lot coverage, floor-area ratio, and other applicable residential development standards for the primary residence.

4. Height. Detached and attached ADUs shall be limited to one-story with a maximum height of sixteen (16) feet.

5. Facilities. ADUs shall, at minimum, include a full bathroom including shower and/or bathtub, a sleeping area, permanent cooking facilities, and a separate, exterior entrance.

6. Occupancy. ADUs may not be sold separately from the primary residence but may be rented separately. ADUs may not be used for short-term rentals (less than thirty (30) days).

7. Parking. No additional parking shall be required in the creation of an ADU. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the parking spaces shall not be required to be replaced.

8. Lot Coverage. The total lot coverage for all buildings shall not exceed the allowable lot coverage for the zoning district except that such ratio shall not prohibit an eight hundred (800) square foot ADU meeting the maximum height and minimum setback requirements.

9. Utilities. Adequate water and sewer service shall be available to support the ADU; all new utility connections shall be undergrounded.

10. Addressing. Street addresses shall be assigned to all ADUs to assist in emergency response prior to building permit issuance.

11. Subdivision. No subdivision of lands nor air rights shall be allowed.

12. Units on the Second Story. ADUs shall not be created through the construction of new habitable space above the first-floor roofline of the primary residence.

13. Design Standards. The exterior appearance and character of attached and detached ADUs shall reflect that of the existing primary residence unit in terms of materials and design, including roof materials, roof pitch, roof eaves and overhang, trim elements and
detailing including window and door frames, and architectural features. Color scheme shall match or be complimentary to the existing primary residence.

a. Entrance. Exterior doors to detached ADUs shall be setback a minimum of ten (10) feet from adjacent property lines.
   i. A three (3) foot covered entry above the primary entrance to the ADU shall be provided.
   ii. The setback and covered entry requirement may be achieved by insetting the door into the ADU.
   iii. An addition of up to 150 square feet that encroaches into the required setback may be allowed to accommodate ingress/egress to the ADU (i.e., stairs) provided that the addition meets all Building and Fire safety requirements.

b. Historic Properties. For properties located within the Landmark and Historic Preservation Overlay Zone, or included in the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, any new addition for an attached ADU shall be located along the rear wall of an existing single-family dwelling, unless the ADU is fully enclosed within the existing building walls. The attached ADUs shall adhere to the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer.

14. Exemptions. A project may be exempted from one or more of the established standards if it is determined that the specific standard(s) would make it infeasible for an 800 square foot ADU to be constructed on a property consistent with California Government Code, § 65852.2, subdivision (e).

15. Impact Fees. ADUs over 750 square feet are subject all applicable impact fees. Assessment of impact fees shall be proportional to the primary residence.

B. Either attached or detached ADUs shall be permitted within a multifamily development subject to the following criteria:

1. Attached Units. ADUs may be allowed within existing portions of a multifamily or mixed use development that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, and/or garages, if each unit complies with state building standards for dwellings.
   a. Number of units. At least one attached ADU may be provided per lot.
   b. Additional attached ADUs, may be permitted, up to a maximum of twenty-five percent (25%) of total number of all units within the multifamily or mixed-use development.
   c. A fraction of 0.5 or more is rounded up and a fraction that is less than 0.5 is disregarded.
2. Detached Units. Up to two (2) detached ADUs with a maximum height limit of sixteen (16) feet, a minimum rear and side setbacks of four (4) feet, and a maximum area of eight hundred (800) square feet shall be allowed in a multifamily development.
   a. The two detached units can also be created through conversions of existing detached accessory structures.

C. On lots with an existing or proposed single-family dwelling, one (1) Junior Accessory Dwelling Unit (JADU) shall be permitted subject to the following regulations:

1. JADUs shall be constructed entirely within the walls of an existing primary residence. JADUs shall be created from existing habitable space and/or from existing garage space.
   a. Size. JADUs shall not exceed five hundred (500) square feet in floor area.
   b. Facilities. A private bathroom is not required for a JADU, provided that the unit has full access to a bathroom in the primary residence. If a bathroom is shared with the remainder of the primary residence, it shall not be included in the square footage calculation.
      i. An efficiency kitchen, including a cooking facility with appliances and a food preparation counter that is a reasonable size in relation to the size of the JADU shall be provided;
      ii. A separate exterior entrance.
   c. Parking. No additional parking is required, however, if a covered and enclosed parking space is demolished in the construction of the JADU, then the parking space shall be replaced at a ratio of one (1) to one (1).
   d. Occupancy. JADUs may not be sold separately from the single-family residence but may be rented separately. JADUs may not be used as a short-term rental (less than thirty (30) days). The primary residence must be owner-occupied, but the owner may reside in either the JADU or the primary residence. This owner-occupancy requirement does not apply to primary residences owned by a public agency, land trust, or non-profit housing organization.

2. Restrictions. A deed restriction shall be recorded prior to the issuance of building permits to prohibit the subdivision or sale of the JADU separate from the primary residence and include the following provisions:
   a. The deed restriction may be enforced against future purchasers;
   b. Restricts the size and features of the JADU as built.

18.34.040 General procedures.
Development of an ADU and/or JADU shall be subject to issuance of a building permit within 60 days of submission of an application that includes all items listed on the City’s ADU/JADU submittal checklist and is consistent with applicable requirements. However, if an ADU is proposed as part of an application that requires discretionary review, a building permit shall not be issued for the ADU or JADU until the discretionary approval(s) have been granted and any appeal period(s) has/have passed.

Chapter 18.52 ADMINISTRATION
18.52.010 Purpose.

A. The administration of this title is vested in offices of the City as follows:
   1. The office of the Economic and Community Development Director (“Director”);
   2. The City Planning Commission.

B. This chapter shall set forth the duties and authority of the above mentioned offices and then shall describe the procedures and substantive standards with respect to the following functions:
   1. Issuance of zoning permits;
   2. Use permits;
   3. Variance permits;
   4. Amendments;
   5. Preliminary Review;
   6. Appeals;
   7. Fees;
   8. Penalties.

C. Plans.
   1. Professional Preparation. A licensed or registered architect, licensed land surveyor, registered civil engineer or registered landscape architect shall prepare all plans (including plats, surveys, and scale drawings) which accompany applications for use permits, variances, site development review and amendments to the zoning title.
   2. Exceptions. The Director or his/her designee may waive the requirement for professional preparation of plans if he or she determines that non-professional preparation is adequate to present the information required to be shown on such plans.

Chapter 18.53 PRELIMINARY REVIEW

18.53.010 Purpose.

The purpose of Preliminary Review is to enable applicants and project sponsors to receive direction and initial feedback on proposed projects. The review allows the City to address project issues and provide feedback at the earliest point in the development review process. No entitlements or approvals are provided or guaranteed via the Preliminary Review process nor does this preclude the City from bringing up additional issues when a project is formerly submitted.

18.53.020 Applicability.

Preliminary Review is required for all projects that require discretionary approval, except for wireless projects. The Zoning Administrator may exempt a project from Preliminary Review at their discretion.

18.53.030 Application and fee.
A. A Preliminary Review application shall be submitted on a form prescribed by the Director, which shall include the following:

   1. Name and address of the applicant;
   2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
   3. Address or APN of the property;
   4. A detailed project description indicating what uses, activities, operations, property improvements, designs, and development are proposed.

B. The application shall be accompanied by the materials listed on the Planning Division’s Preliminary Review submittal checklist:

C. The application shall be accompanied by a fee in an amount established by Resolution of the City Council.

\textbf{18.53.040 Preliminary Review Process.}

\textbf{A.} The application shall be reviewed by the City’s internal Development Review Committee and preliminary feedback shall be provided in writing. Based on comments provided, applicants shall either revise and submit materials for another round of Preliminary Review or submit for formal review.

\textbf{B.} Preliminary Review comments are subject to change if the Planning Division determines that applicable building codes, local or State laws, or surrounding neighborhood conditions have changed, if significant new information related to the project becomes available, or if it is determined that the feedback provided is not factually correct.

\textbf{C.} The Preliminary Review process established by this Chapter is separate and distinct from a preliminary application submitted pursuant to Government Code Section 65941.1

\textbf{18.53.050 New Application.}

A new application including all submittal requirements and fees is required if more than one hundred and eighty (180) days have passed since the date of the final comment letter and the applicant(s) and/or project sponsor(s) have not submitted an application and paid all applicable fees for the required discretionary review.

\textbf{Chapter 18.72 ADMINISTRATIVE SITE DEVELOPMENT REVIEW}

\textbf{18.72.030 Applicability.}
The administrative site development review procedure shall apply to the following types of projects in the specified districts:

\textbf{A.} RS Districts, R 5000, 511 District. One- and two-story single-family dwellings, second-story additions, modifications to one- and two-story single family dwellings that result in the removal of
fifty percent (50%) or more of the perimeter walls of the existing dwelling, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over one hundred twenty (120) square feet in area and eighteen (18) inches above ground, accessory structures which propose water or sewer utility connections, satellite dish antennas, changes to the street-facing façade(s) of a building that is eligible to be included in the City’s Landmark and Historic Preservation Overlay Zone, and minor changes to approved projects.

B. H-District. Notwithstanding Section 18.76.020, proposed uses in an H-District may be reviewed under this chapter upon a determination by the Director that the project is a minor project, such as one- and two-story single-family dwellings, second-story additions, any exterior additions or alterations to a semi-detached single-family dwelling, manufactured housing units, accessory structures over one hundred twenty (120) square feet in area and eighteen (18) inches above ground, accessory structures which propose water or sewer utility connections, satellite dish antennas, and minor changes to approved projects.

C. RM Districts. In all district classifications, minor projects which modify existing developments, including, but not limited to, such products as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, roof or mechanical equipment visible from off-site, aboveground utility installations and minor changes to approved projects.

D. Landmark and Historic Preservation (LHP) Overlay Zone. Second story additions to historical residences, exterior remodel or redesign of a historic residence, and new accessory structures over one hundred twenty (120) square feet in a historic district.

E. Commercial and Industrial Districts. In all district classifications, minor projects which modify existing developments, including, but not limited to, such projects as the addition of accessory structures and modification of landscaping and/or parking and circulation areas, buildings in the CUL district with conceptual approval, roof or mechanical equipment visible from off-site, aboveground utility installations, small containers for collection of recycled products such as reverse vending machines, outdoor coin operated vending machines through which a physical product is rendered, but not including periodical or newspaper dispensers; and minor changes to approved projects.

Chapter 18.88 R-5000 ZONING DISTRICT

18.88.060 Single-family dwelling.
The following uses are permitted:

A. A one (1) family dwelling on each building site, except for accessory dwelling units in accordance with the provisions of Section 18.32.020(M), providing that only one (1) accessory dwelling unit be allowed per parcel;

B. Accessory dwelling unit or junior accessory dwelling unit subject to the provisions listed in Chapter 18.34

C. Accessory structures and uses customarily incident thereto including a private garage or private carport to accommodate not more than two (2) motor vehicles;
CD. Off-street automobile parking as an accessory use to any permitted use.

18.88.110 Parking requirements.
Off-street parking shall conform to the following:

A. All new single-family residences constructed within the R-5000 district shall provide a minimum of two (2) off-street parking spaces, both of which shall be covered and enclosed.

B. Existing single-family residences located within the R-5000 district shall maintain at all times a minimum of one (1) off-street parking space, which shall be covered and enclosed.

1. When a garage, carport, or other covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, all displaced parking shall be replaced on-site.

C. Additions which bring the total living space of the single-family residential dwelling unit over one thousand eight hundred (1,800) square feet (exclusive of garage area and accessory dwelling unit) within the R-5000 district shall be required to provide a minimum of two (2) off-street parking spaces, both of which shall be covered and enclosed. A third covered and enclosed parking space shall be provided either when the habitable areas of the primary residence (excluding accessory dwelling units) exceeds three thousand (3,000) square feet in habitable area, or when there are five (5) or more rooms that can be used for sleeping purposes. In neighborhoods where two (2)-car garages are predominant, the additional parking space shall be provided as a tandem space to ensure neighborhood consistency.

Chapter 18.100 511 AREA DISTRICT

18.100.040 Permitted and conditional uses.
A. Residential Specific Plan Designations.

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P = Permitted uses.

C = Conditional use, subject to a use permit per Chapter 18.56.

-- = Not permitted.

* Only for areas identified as appropriate for higher density on the Specific Plan.

# = Subject to administrative site development review approval as stated in Chapter 18.72 of this title Permitted with applicable approval(s) from the State of California Community Care Licensing Division.

B. Open Space Specific Plan Designation.
   1. Permitted uses: Natural wildlife sanctuaries and habitat, water supply lands, flood control management, excluding silt disposal, and plant nurseries and crop production. Permitted uses shall not adversely affect wetlands/habitat areas.
   2. Conditional uses: Park and recreational activities, outdoor nature laboratories, interpretive centers, low intensity educational, charitable, research, and philanthropic uses, essential service facilities, and silt disposal. Conditional use shall not adversely affect wetland/habitat areas.

C. Park Specific Plan Designation.
   1. Permitted uses: Active outdoor recreational uses, essential service facilities, and passive park and recreational activities.
   2. Conditional uses: Outdoor nature laboratories, natural wildlife sanctuaries and interpretive center.

18.100.050 Lot, setback and height requirements.
A. Residential Specific Plan Designations.

1. Standard Requirements. Standard requirements are set out in Table 18.100.050, 511 Area Standard Requirements.

2. Standards identified in subdivision 1 of this subsection A shall apply subject to the following exceptions:

   a. Where access to a dwelling is within the side yard or if vehicle access is within the side yard, then the side yard setback shall be twelve (12) feet for the distance access is provided. Beyond that point, setback requirements identified in Subsection (A)(1) of this section shall apply.

   b. Except for the garage, single-family semiattached units shall have a five (5) foot setback from the lot line on which the garage is located.

   c. For attached units, front yards may be reduced to ten (10) feet when parking is provided in a common area.

   d. For attached units, end units shall have a side yard setback of ten (10) feet on the side not attached to another unit.

   e. For attached units, no unit shall be closer than twenty (20) feet to any property line containing a single-family dwelling.

   f. For single-family detached housing, the minimum lot width of sixty (60) feet may be reduced to fifty (50) feet if:

      i. The average lot size of a neighborhood is maintained at six thousand (6,000) square feet; and
      ii. Adequate additional amenities are provided to maintain the upscale nature of the development.

   g. The applicant may vary the lot size, lot dimensions, usable open space and off-street parking standards consistent with the requirements of Chapter 18.44, subject to the following provisions:

      i. Lot size, lot dimensions, usable open space and off-street parking shall, in the aggregate, be at least equivalent to the standards prescribed by the regulations for each neighborhood within a planned unit development;
      ii. A better or more appropriate design can be achieved by not meeting the standards;
      iii. Visual and acoustical privacy is maintained;
      iv. Adequate additional amenities are provided to maintain the upscale nature of the development;
      v. The character of housing types is maintained in each neighborhood;
      vi. All driveways for individual dwelling units shall be twenty (20) feet in length and of sufficient width to park two (2) cars;
      vii. Applicable goals, objectives and policies of the Specific Plan are met;
      viii. The average population density provisions of Section 18.44.050 shall not apply and the dwelling unit density provisions of the Specific Plan shall be met; and
ix. Height standards for spires, cupolas, chimneys, elevator penthouses, flagpoles, and necessary mechanical appurtenances may be allowed to a maximum height limit of forty (40) feet.

3. Standards enumerated in Sections 18.32.020(M) and 18.32.160(B)(3) shall apply to accessory dwelling units; in the event of a conflict with standards enumerated in this chapter, the provisions of this chapter shall control.

B. Open Space and Parks Specific Plan Designations.
1. Minimum lot area and yard requirements shall be consistent with Section 18.92.070 except for parcels created for the purpose of receiver areas as defined by the Specific Plan and the interpretive center.
2. Maximum building height shall be twenty-five (25) feet.

Table 18.100.050
511 AREA STANDARDS REQUIREMENTS

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Minimum Lot Width (ft.)</th>
<th>Minimum Lot Depth (ft.)</th>
<th>Front Yard Setback (ft.)</th>
<th>Side Yard Setback–Corner Lot (ft.)</th>
<th>Side Yard Setback Interior Lot (ft.) Min./Agg.</th>
<th>Rear Yard Setback (ft.)</th>
<th>Height (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached (abutting west side of Union City Blvd.)</td>
<td>60</td>
<td>120</td>
<td>20</td>
<td>15</td>
<td>5/15</td>
<td>40 from the right-of-way of Union City Blvd.</td>
<td>30</td>
</tr>
<tr>
<td>Single-family detached</td>
<td>60³</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>5/15</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Single-family detached (reduced lot)</td>
<td>55</td>
<td>65</td>
<td>10/20³</td>
<td>15</td>
<td>5/10</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Single-family semiattached</td>
<td>50</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/0²-0 side 10/20 other side</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Single-family zero lot line⁴</td>
<td>45</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/10-0 side 10/10-other side</td>
<td>20</td>
<td>30</td>
</tr>
<tr>
<td>Attached units (up to 4 units)</td>
<td>24</td>
<td>100</td>
<td>20</td>
<td>15</td>
<td>0/0</td>
<td>20</td>
<td>35</td>
</tr>
<tr>
<td>Conditional uses (excluding two-family dwelling, 3–4 family dwelling, uses which occur with an existing unit, and accessory dwelling units)</td>
<td>60</td>
<td>100</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>30</td>
</tr>
</tbody>
</table>
“Minimum/aggregate” means the minimum distance from the lot line to a structure and “aggregate” means the total distance between structures on adjoining lots.

For garage only; for remainder of structures, see Section 18.100.050(A)(2)(b).

See Section 18.100.050(A)(2)(f).

Dwelling units are not required to be located on a side yard lot line.

Twenty (20) foot setback for garage only.

Chapter 18.106 LANDMARK AND HISTORIC PRESERVATION (LHP) OVERLAY ZONE

Article II. Landmarks and Historic Preservation Overlay (LHP) Zone Designation

18.106.200 Initiation of designation.

A. The LHP zone designation may be applied to properties and/or buildings that have been identified in the historic preservation survey. Other properties not included in the survey may also be considered for inclusion in the LHP zone provided the properties meet the findings identified in Section 18.106.240.

B. Designation proceedings may be initiated by written application of the owner of the property or other members of the public, with the consent of the property owner. In addition, proceedings may be initiated by resolution of the Planning Commission or the City Council.

C. Application for designations shall be filed with the Economic and Community Development Department upon forms prescribed by the Director. The date of initiation is the date the initiation resolution is adopted or a complete application is accepted by the Planning Department.

D. Each application for designation shall include a description of the characteristics of the landmark or historic district which justify its designation, and a list of any particular features that are to be preserved, and shall specify the location and boundaries of the landmark site or historic district.

E. Notification that an application for designation of a particular property or area has been submitted shall be sent to the property owner(s) and occupant(s) of that property within five (5) calendar days of the filing of the completed nomination application.

Article III. Permits

18.106.300 Permit required.

A. No person shall perform any work listed in this subsection on a structure in the LHP zone without first obtaining administrative site development review approval from the Director as set forth in Sections 18.72.050 through 18.72.105:

1. Development permit for second story additions to a historical residence;
2. Exterior remodel or redesign of a historic residence;
3. New accessory structure over one hundred twenty (120) square feet in a historic district;
4. Minor modifications to existing commercial and industrial buildings as set forth in Section 18.72.030(C)(E).
At the Director’s discretion, any of the above applications may be referred to the Planning Commission for review.