

AUG 10 2022

RESOLUTION NO. 6757

MARK CHURCH, Chief Elections Officer
By: 
DEPUTY CLERK

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF MENLO PARK A CITIZEN-SPONSORED INITIATIVE MEASURE TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN TO PROHIBIT THE CITY COUNCIL OF THE CITY OF MENLO PARK FROM RE-DESIGNATING OR RE-ZONING CERTAIN PROPERTIES DESIGNATED AND ZONED FOR SINGLE FAMILY DETACHED HOMES, AT THE CONSOLIDATED GENERAL ELECTION ON TUESDAY NOVEMBER 8, 2022; ESTABLISHING THE SCHEDULE FOR SUBMISSION OF BALLOT ARGUMENTS; AND AUTHORIZING AND REQUESTING THE COUNTY OF SAN MATEO CONDUCT THE ELECTION

WHEREAS, on April 15, 2022, a Notice of Intent to Circulate a Petition was filed with the City's Elections Official with a request that a title and summary be prepared for the measure; and

WHEREAS, the City Attorney provided a title and summary for the proposed Initiative to the proponents; and

WHEREAS, the Petition regarding the Initiative was filed with the Election's Official on May 24, 2022 bearing 2,976 unverified signatures; and

WHEREAS, to qualify for the ballot, proponents were required to obtain 1,984 valid signatures on the Petition; that number representing ten percent (10%) of the registered voters of the City; and

WHEREAS, the County Elections Division has examined the records of voter registration and has certified that the Petition contains more than the requisite number of valid signatures to qualify for election; and

WHEREAS, the City Elections Official (City Clerk) certified the sufficiency of the signatures on June 28, 2022; and

WHEREAS, Elections Code Section 9215 provides that the City Council is required to either request a report on the proposed ordinance, submit the proposed ordinance to the voters at an election, or adopt the proposed ordinance without alteration; and

WHEREAS, the City Council of the City of Menlo Park resolves to submit the Initiative to the voters at the general election to be held on November 8, 2022; and

WHEREAS, the City Council desires to consolidate the general municipal election for the Initiative described herein with the Statewide General Election to be held on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED:

Section 1. Call for Election. That pursuant to the requirements of the California Elections Code, Sections 306, 9215, and 9222, there is called and ordered to be held in the City of Menlo Park, a regular municipal election for the purpose of submitting to the voters of the City of Menlo Park a citizen initiative entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes." As required by Elections Code Section 13247, the abbreviated form of the initiative to appear on the ballot is specified below in Section 2 of this Resolution. The voter initiative shall be entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes." The City's designated elections official is hereby authorized and directed to make any changes to the proposition, text of the ballot label below or this resolution as required to conform to any requirements of law.

Section 2. Ballot Language. The following question shall be submitted to the voters on the ballot:

| | |
|---|-----|
| Shall the measure, which prohibits the City Council of the City of Menlo Park from re-zoning or re-designating certain properties that were zoned and designated for single family detached homes as of April 15, 2022, be adopted? | YES |
| | NO |

This question requires the approval of a majority vote of the City of Menlo Park voters voting on the measure at the election to become effective. If the Initiative is so approved by the City of Menlo Park voters, then the Ordinance attached hereto as Exhibit A shall become effective ten (10) days following the date the vote is declared by the City Council in accordance with Elections Code Section 9217.

Section 3. Text of Measure. The complete text of the Measure to be submitted to the voters for approval is attached to this resolution as Exhibit A. The text of the measure shall be printed in the ballot materials and be available for public inspection in the City Clerk's office and on the City's website at www.menlopark.org.

Section 4. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Menlo Park, in accordance with of the California Elections Code Section 12111 and California Government Code Section 6061.

Section 5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to Elections Code commencing with Section 10400, the City Council hereby requests, consents, and agrees that the County of San Mateo shall take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the City Council. Pursuant to Elections Code Section 10002, the Board of Supervisors of San Mateo County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418

relating to the election. The City hereby agrees to reimburse San Mateo County in full for any services performed by each for the City upon presentation of an invoice to the City.

(b) The election on the Initiative shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California. As required by Elections Code Section 10403, the City of Menlo Park acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

(c) The election on the Initiative shall be held in the City of Menlo Park in the County of San Mateo on November 8, 2022, as required by law, and the Board of Supervisors of San Mateo County is authorized to canvass the returns of the election with respect to the votes cast in the City of Menlo Park and certify the results to the City Council of the City of Menlo Park.

(d) At the next regular meeting of the City Council of the City Menlo Park occurring after the returns of the election for the Initiative have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 6. Submission of Ballot Arguments. The City Council hereby adopts provisions for the filing of ballot arguments and rebuttal arguments for the Initiative set forth in California Elections Code Sections 9282 et seq. All arguments for and against the measure shall be filed with the City Clerk no later than August 14, 2022 at 5:00 p.m. All other timelines set forth in the County of San Mateo's Election Calendar for the November 8, 2022 General Election which is attached hereto as Exhibit B shall apply. Such timelines include: the 10-calendar day examination review period shall begin on August 19, 2022 at 5 p.m. and end on August 29, 2022 at 5 p.m.; rebuttal arguments for measures where a primary argument was filed both in favor and against are due on August 29, 2022 at 5 p.m. All arguments for and against the measure shall provide copies of the documentation set forth in Elections Code section 9287(b) and shall be signed, with printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Section 7. Impartial Analysis. In accordance with California Elections Code Section 9280, the City Council directs the City Clerk to transmit a copy of the Initiative to the City Attorney, who shall prepare an impartial analysis showing the effect of the measure on the existing law and the operation of the measure. The City Attorney's impartial analysis may not exceed 500 words.

Section 8. Services of City Clerk. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot, including giving further or additional notice of the election as required by law, and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request. As required by Elections Code Section 12111, the City Clerk shall cause a synopsis of the measure to be published in a newspaper of general circulation at least one time not later than one week before the November 8, 2022 election. The notice shall be headed "Measure to Be Voted On" and be in the form described in Elections Code Section 12111.

Section 9. Canvass Returns of the Election. The San Mateo County Elections Department is hereby authorized to canvass the returns of the election, including this ballot measure.

Section 10. Filing of Copy of Resolution. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Election Department of the County of San Mateo

Section 11. Election Held Pursuant to Law. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 12. Effective Date. This Resolution shall take effect upon its adoption.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the twenty-sixth day of July, 2022, by the following votes:

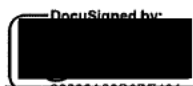
AYES: Combs, Mueller, Nash, Taylor, Wolosin

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-ninth day of July, 2022.

DocuSigned by:


39260A2000BE491...

Judi A. Herren, City Clerk

Exhibits:

- A. Text of the measure
- B. County elections calendar

Full text starts

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of Menlo Park do ordain as follows:

SECTION 1. Title.

A Citizen—Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re—Designating or Re—Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.

SECTION 2. Findings and Purpose.

A. Findings. The people of the City of Menlo Park (“City”) find and declare the following:

1. Menlo Park is a vibrant city that is prized for its livable residential neighborhoods, active commercial districts, and hub of investment and scientific innovation.
2. The City’s General Plan notes that the “existing pattern of land use in Menlo Park . . . is highly valued by the community.” Accordingly, the General Plan designates certain areas of the City for Very Low Density and Low Density Residential and this is an important part of the City’s existing pattern of land use.
3. The Land Use Element of the City’s General Plan is organized around nine (9) “Guiding Principles.” These Guiding Principles were established by the Menlo Park community to “describe the kind of place that community members want Menlo Park to be.” Those principles include “protecting the character of residential neighborhoods.” Guiding Principle 7—“Complete Neighborhoods and Commercial Corridors”—provides that “Menlo Park neighborhoods are complete communities, featuring well integrated and designed development along vibrant commercial corridors with a live-work-play mix of community-focused businesses that conveniently serve adjacent neighborhoods while respecting their residential character.”
4. The People of Menlo Park further express their strong desire that the City pursue opportunities to develop badly-needed housing, including affordable housing, that is consistent with the residential character of these neighborhoods (in compliance with any applicable, controlling state law requirements and mandates, which may allow for multiple units of low-density housing on lots with “single family” zoning), rather than converting residential properties in these neighborhoods to different uses such as industrial, commercial, office, mixed use, or high-density residential, which would create traffic and otherwise strain the infrastructure of existing neighborhoods that were designated as low density, residential-only uses.
5. Accordingly, the people of the City of Menlo Park desire to amend the General Plan to enact new policies to ensure that, as the City continues to grow and attract new industry, businesses, and residents, new development remains consistent the General Plan’s stated goal of protecting the existing pattern of land use in the City and the character of its existing residential neighborhoods.
6. This Initiative will only impact those properties that are designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022. It will not impact properties that are not designated, as of April 15, 2022, Very Low Density Residential or Low Density Residential and/or zoned with a corresponding zoning designation. The relevant very low and low density residential land use designations are provided in Section 3, below, and the relevant very low and low density residential zoning designations are attached hereto for informational purposes as Exhibit B. In order to illustrate the location of properties in the City currently assigned these very low and low density residential zoning designations, a map showing the City’s zoning, as depicted on

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INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

the “General Plan Land Use and Zoning Map” available on the City’s website as of April 14, 2022, is attached hereto for informational purposes as Exhibit A.

7. Implementation of this Initiative will protect the public health, safety and welfare, and the quality of life for the people of the City of Menlo Park.

- B. Purpose. The people of the City of Menlo Park declare that our purpose and intent in enacting this Initiative is to make amendments to the City’s General Plan to expressly prohibit the City from redesignating property designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022, without a vote of the people of the City of Menlo Park.

SECTION 3. Amendments to the Land Use Element of the General Plan of the City of Menlo Park.

The Land Use Element of the General Plan of the City of Menlo Park is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text; text in regular type or **bold type** reflects the existing General Plan text and is provided for informational/reference purposes):

- A. The “Land Use Designations” Section of the Land Use Element is hereby amended as follows:

Very Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 2.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Very Low Density Residential and/or zoned Residential Estate (R-E) or Residential Estate Suburban (R-E-S), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 8.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Low Density Residential and/or zoned Single-Family Suburban Residential (R-1-S), Single-Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single-Family Urban Residential (R-1-U), or Single-Family Urban Residential (Lorelei Manor) (R-1-U (LM)), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

SECTION 4. Internal Consistency.

It is the intent of the people of the City of Menlo Park that the amendments contained in Section 3 of this Initiative be read and construed in full harmony with the rest of the General Plan of the City of Menlo Park. To the extent that any provisions of the Menlo Park Municipal Code, including the Zoning Regulations of the City of Menlo Park, or any other ordinances of the City may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 5. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of Menlo Park. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the effective date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions included in Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

SECTION 6. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of properties subject to this Initiative in any manner whatsoever that would frustrate the purpose and intent of this Initiative (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to the future use and development of properties subject to this Initiative and said other measure or measures shall be rendered void and without any legal effect with respect to such properties. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

or inconsistent requirement(s) to properties subject to this Initiative (e.g., the other measure impacts only properties that are not subject to this Initiative because of their land use designation and/or zoning), then it is the voters' intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 7. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. The people of the City of Menlo Park expressly acknowledge the preemptive nature of certain state laws, including the law colloquially known as "SB 9," which may allow for multiple units of low-density housing on lots with "single family" zoning, and nothing herein is intended to be or shall be construed as an attempt to conflict with such laws to the extent that those laws may apply to properties covered by this Initiative. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Menlo Park indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. In order to protect the General Plan policies adopted by this Initiative from interference by the City Council or otherwise, this Initiative is expressly retroactive to April 15, 2022.

SECTION 8. Amendment.

The amendments to the General Plan of the City of Menlo Park set forth in Section 3 of this Initiative may be amended or repealed only by a majority of the voters of the City voting in a regular election held in accordance with state law.

SECTION 9. Exhibit List.

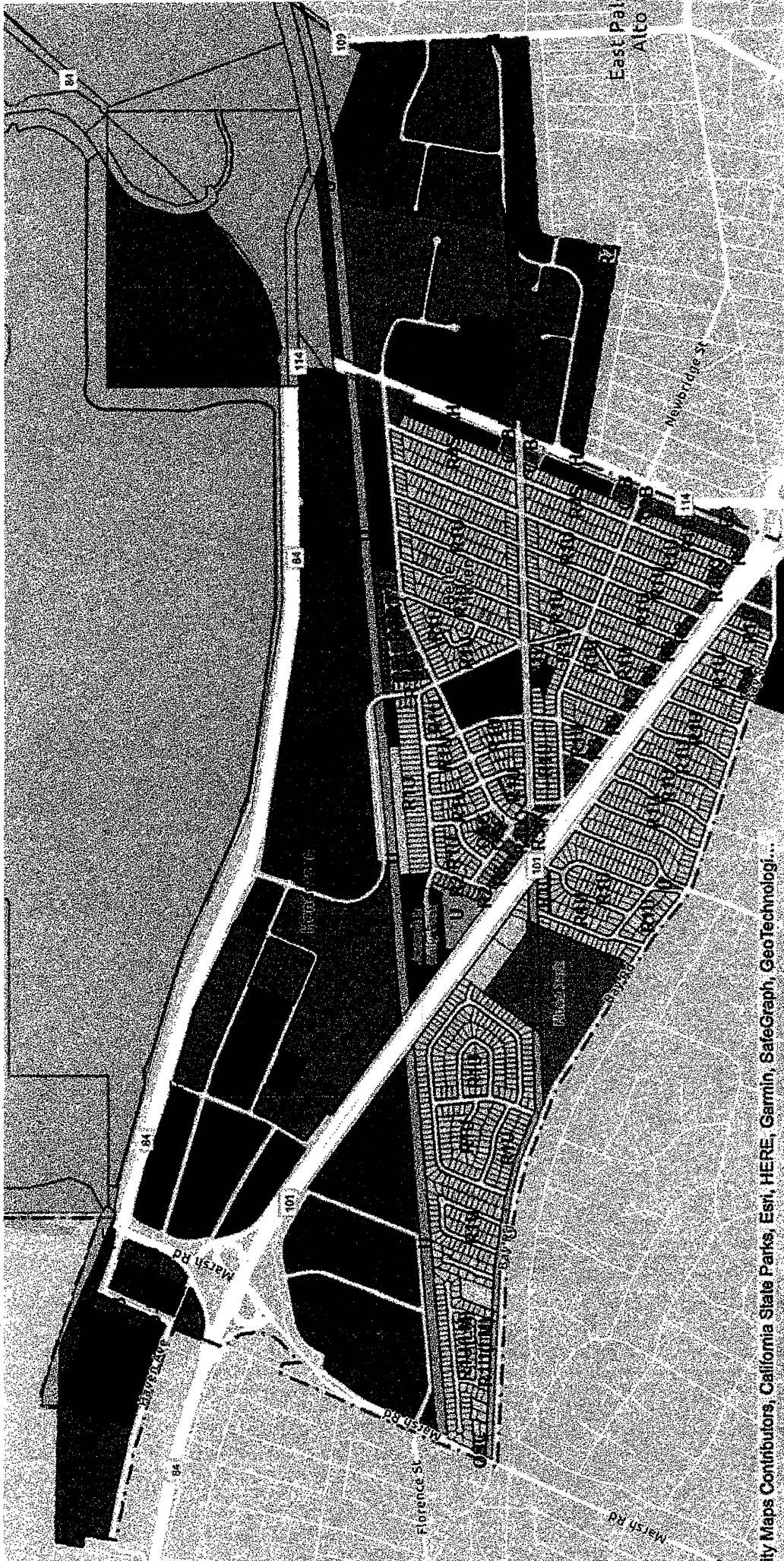
The following exhibits are attached to this Initiative and incorporated herein:

Exhibit A: Map showing the City's zoning, as depicted on the "General Plan Land Use and Zoning Map" available on the City's website as of April 14, 2022 (Informational Purposes)

Exhibit B: Relevant Very Low and Low Density Residential Zoning Designations (Informational Purposes)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 1 OF 4



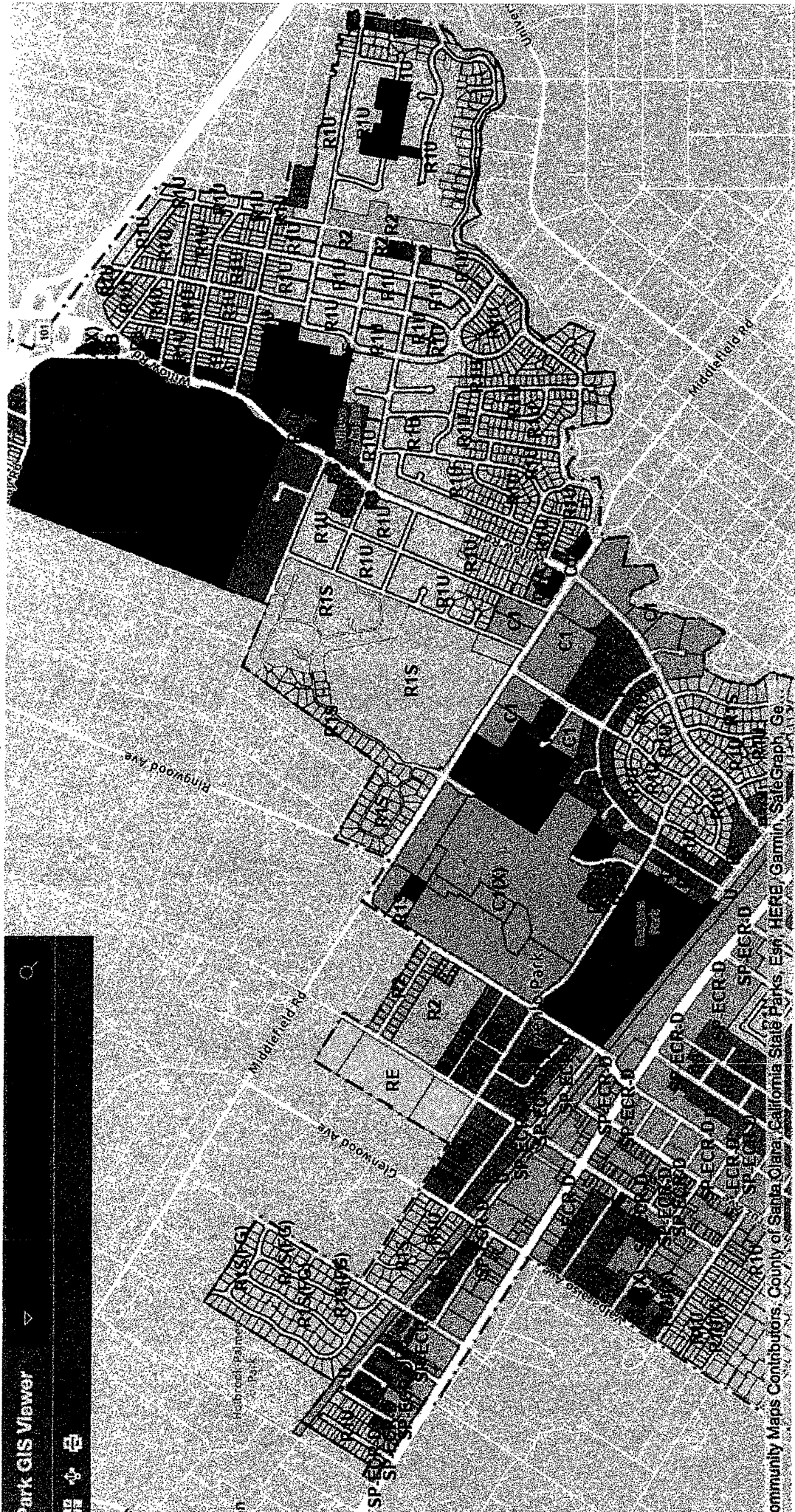
City Maps Contributors, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnology...

INFORMATIONAL PURPOSES

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INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

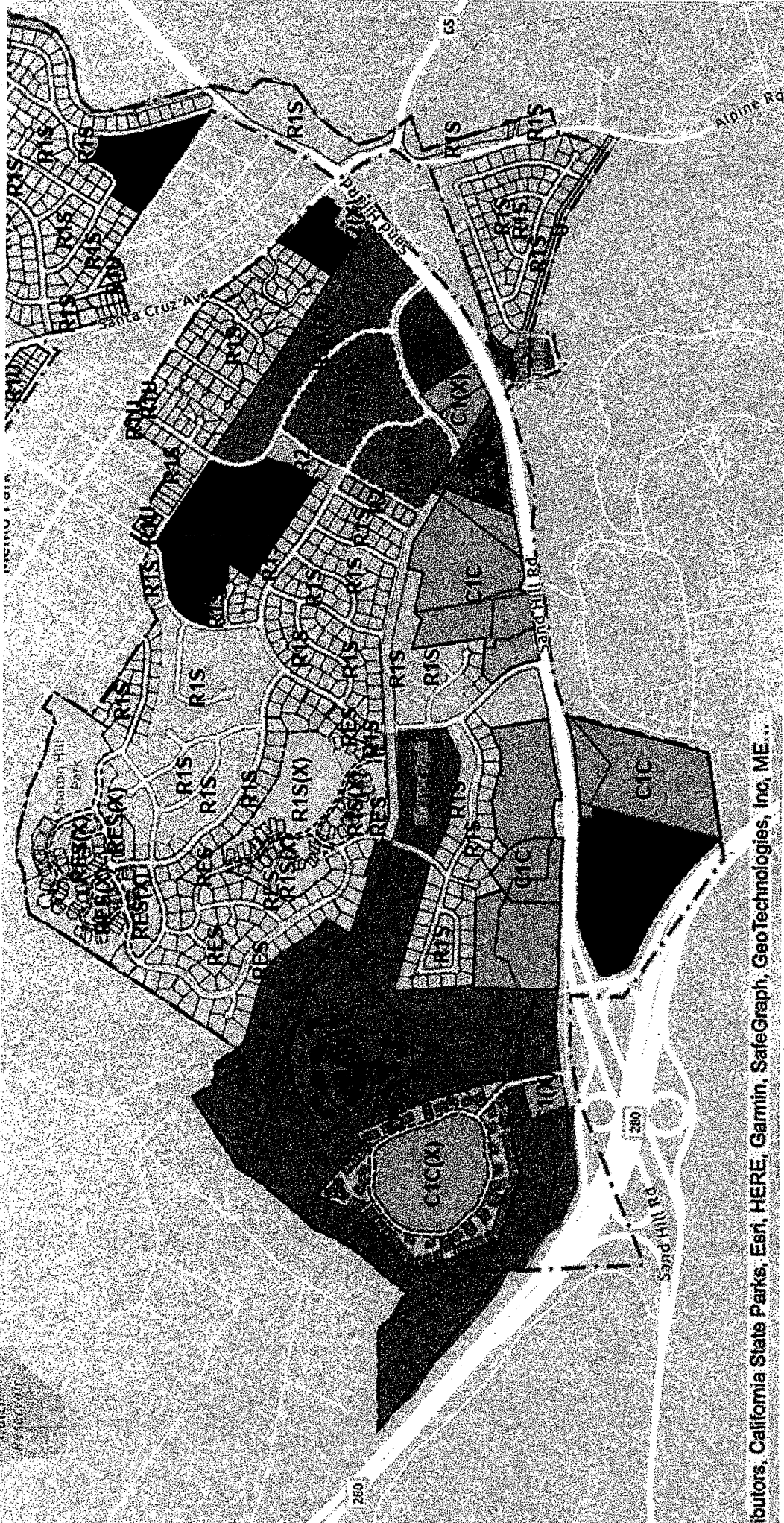
QUADRANT 2 OF 4



INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 4 OF 4



Contributors: California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, ME ...

INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E RESIDENTIAL ESTATE DISTRICT

Chapter 16.10

R-E RESIDENTIAL ESTATE DISTRICT

Sections:

- 16.10.010 Permitted uses.
- 16.10.020 Conditional uses.
- 16.10.030 Development regulations.

16.10.010 Permitted uses.

The following uses are permitted in the R-E district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 5, 2014; Ord. 1005 § 4 (part), 2014; Prior code § 30.402(A)).

16.10.020 Conditional uses.

Conditional uses allowed in the R-E district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 4 (part), 2014; Ord. 850 § 2 (part), 1993; prior code § 30.402(B)).

16.10.030 Development regulations.

Development regulations in the R-E district are as follows:

- (1) Minimum lot area: twenty thousand (20,000) square feet;
- (2) Minimum land area per dwelling unit: twenty thousand (20,000) square feet;
- (3) Minimum lot dimensions:
 - (A) One hundred ten feet (110') width,
 - (B) One hundred thirty feet (130') depth;

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E RESIDENTIAL ESTATE DISTRICT

- (4) Minimum yards:
- (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Thirty feet (30') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');
- (5) Maximum building coverage:
- (A) Single-story development:
- (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
- (B) Development of two (2) or more stories: thirty percent (30%);
- (6) Floor Area Limit (FAL):
- (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
- (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
- (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more

than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

(7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 2, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (A), 3 (part), 1989; Prior code § 30.402(C)).

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Chapter 16.12

R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Sections:

- 16.12.010 Permitted uses.
- 16.12.020 Conditional uses.
- 16.12.030 Development regulations.

16.12.010 Permitted uses.

The following uses are permitted in the R-E-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 6, 2014; Ord. 1005 § 5 (part), 2014; Prior code § 30.403(A)).

16.12.020 Conditional uses.

Conditional uses allowed in the R-E-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 5 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.403(B)).

16.12.030 Development regulations.

Development regulations in the R-E-S district are as follows:

- (1) Minimum lot area: fifteen thousand (15,000) square feet; provided, however, that lots of less than fifteen thousand (15,000) square feet may be permitted, but only in an approved subdivision with the following conditions:

(A) No lot shall be less than eleven thousand (11,000) square feet in area,

(B) The average lot size in the subdivision shall not be less than fifteen thousand (15,000) square feet;

(2) Minimum land area per dwelling unit: fifteen thousand (15,000) square feet;

(3) Minimum lot dimensions:

(A) One hundred feet (100') width,

(B) One hundred feet (100') depth;

(4) Minimum yards:

(A) Twenty feet (20') front,

(B) Twenty feet (20') rear,

(C) Twenty-five feet (25') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');

(5) Maximum building coverage:

(A) Single-story development:

(i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),

(ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,

(iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),

(B) Development of two (2) or more stories: thirty percent (30%);

(6) Floor Area Limit (FAL):

(A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:

(i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,

(ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square

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R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

feet shall be two thousand eight hundred (2,800) square feet,

(iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,

(B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

(7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 3, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (B), 3 (part), 1989; Prior code § 30.403(C)).

Chapter 16.14

R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

Sections:

- 16.14.010 Permitted uses.
- 16.14.020 Conditional uses.
- 16.14.030 Development regulations.

16.14.010 Permitted uses.

The following uses are permitted in the R-1-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 7, 2014; Ord. 1005 § 6 (part), 2014; Prior code § 30.404(A)).

16.14.020 Conditional uses.

Conditional uses allowed in the R-1-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 6 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.404(B)).

16.14.030 Development regulations.

Development regulations in the R-1-S district are as follows:

- (1) Minimum lot area: ten thousand (10,000) square feet;
- (2) Minimum land area per dwelling unit: ten thousand (10,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Eighty feet (80') width,
 - (B) One hundred feet (100') depth;

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- (4) Minimum yards:
- (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten feet (10') side, except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
- (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
- (6) Floor area limit (FAL):
- (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may

be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line)} \times \text{the floor area limit}}{\text{Length (average of both sides)}}$$

- (7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;
- (A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),
 - (B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');
- (8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 4, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (C), 3 (part), 1989; Prior code § 30.404(C)).

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R-1-S (FG) SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

Chapter 16.15

R-1-S (FG) SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

Sections:

- 16.15.010 Permitted uses.
- 16.15.020 Conditional uses.
- 16.15.030 Development regulations.

16.15.010 Permitted uses.

The following uses are permitted in the R-1-S (FG) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 8, 2014; Ord. 1005 § 7 (part), 2014; Ord. 801 § 1 (part), 1989).

16.15.020 Conditional uses.

Conditional uses allowed in the R-1-S (FG) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 7 (part), 2014).

16.15.030 Development regulations.*

Development regulations in the R-1-S (FG) district shall be the same as those in the R-1-S district except for the following:

* Code reviser's note: These provisions were previously numbered as Section 16.15.020. The section has been editorially renumbered to avoid duplication and for consistency with numbering in other chapters.

(1) Maximum building coverage: thirty-five percent (35%);

(2) Maximum floor area limit (FAL): two thousand eight hundred (2,800) square feet plus twenty percent (20%) times (lot area minus seven thousand (7,000) square feet);

(3) Daylight Plane. A daylight plane for the main dwelling unit shall begin at each side property line, shall extend directly upwards above the natural grade of each side property line for a distance of twenty (20) feet minus the width of the adjacent required yard, and shall then slope inwards towards the interior of the lot at a thirty-four (34) degree angle. As used in this section, the natural grade of a side property line is the average grade of the highest and lowest points of the natural grade of the lot at the side property line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, antennas, flues, and solar collectors.

Gables and dormers may intrude into the daylight plane of a lot that is ten thousand (10,000) square feet or less. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required side setback to no permitted intrusion in the case of an eight (8) foot required side setback. Thus the permitted intrusion will be six (6) feet, eight (8) inches in the case of a six (6) foot required side setback, five (5) feet in the case of a six and one-half (6.5) foot required side setback, and three (3) feet, four (4) inches in the case of a seven (7) foot required side setback. Calculations of the permitted intrusion shall include fractional computations when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one (1) side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:

(A) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(B) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed thirty (30) feet; and

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(C) The triangle must be entirely within the maximum building height. (Ord. 1018 § 2, 2016; Ord. 1006 § 19, 2014; Ord. 938 § 5, 2005; Ord. 801 § 1 (part), 1989. Formerly 16.15.020).

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R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT

Chapter 16.16

R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT

Sections:

- 16.16.010 Permitted uses.
- 16.16.020 Conditional uses.
- 16.16.030 Development regulations.

16.16.010 Permitted uses.

The following uses are permitted in the R-1-U district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 9, 2014; Ord. 1005 § 8 (part), 2014; Prior code § 30.405(A)).

16.16.020 Conditional uses.

Conditional uses allowed in the R-1-U district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 8 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.405(B)).

16.16.030 Development regulations.

Development regulations in the R-1-U district are as follows:

- (1) Minimum lot area: seven thousand (7,000) square feet;
- (2) Minimum land area per dwelling unit: seven thousand (7,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Sixty-five feet (65') width,

- (B) One hundred feet (100') depth;
- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten percent (10%) of minimum lot width for sides but not less than five feet (5') or more than ten feet (10'), except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
- (6) Floor area limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the

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R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

(7) **Maximum Height of Structures.** Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28');

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) **Daylight Plane.** The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938, § 6, 2005; Ord. 822 §§ 1, 2 (part), 1991; Ord. 790 §§ 2 (D), 3 (part), 1989; Prior code § 30.405(C)).

Chapter 16.17

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

Sections:

- | | |
|-----------|--------------------------|
| 16.17.010 | Permitted uses. |
| 16.17.020 | Conditional uses. |
| 16.17.030 | Development regulations. |

16.17.010 Permitted uses.

The following uses are permitted in the R-1-U (LM) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 10, 2014; Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.020 Conditional uses.

Conditional uses allowed in the R-1-U (LM) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.030 Development regulations.

Development regulations in the R-1-U (LM) district are as follows:

- (1) Minimum lot area: four thousand nine hundred (4,900) square feet for lots in existence prior to June 1, 2006 and a minimum of seven thousand (7,000) square feet for any lot created or subdivided after June 1, 2006;

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- (2) Minimum land area per dwelling unit: four thousand nine hundred (4,900) square feet;
- (3) Minimum lot dimensions:
 - (i) Forty feet (40') width;
 - (ii) Seventy-five feet (75') depth;
- (4) Minimum yards:
 - (i) Below ground:
 - a. Fifteen feet (15') front;
 - b. Fifteen feet (15') rear;
 - c. Five feet (5') interior sides, except that an interior side yard of three feet (3') may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;
 - d. Twelve feet (12') street sides of corner lots;
 - (ii) Above ground:
 - a. Twenty feet (20') front;
 - b. Twenty feet (20') rear;
 - c. Five feet (5') for ground floor interior sides, except that a ground floor interior side yard of three feet (3') for up to a maximum twenty-foot (20') length may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;
 - d. Ten feet (10') for second floor interior sides;
 - e. Twelve feet (12') for street sides of corner lots;
 - (iii) Yard encroachments: Permitted yard encroachments are as follows:
 - a. Architectural features on the single-family dwelling, such as cornices, eaves, canopies, fireplaces and bay windows in accordance with the following:
 1. Where the required yard is twelve feet (12') or greater, cornices, eaves, canopies, fireplaces, and bay windows seven feet (7') or less in length and which do not provide foundation may extend up to a maximum of three feet (3') into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;
 2. Where the required yard is five feet (5') cornices, eaves, canopies, fireplaces, and bay windows four feet (4') or less in length and which do not provide foundation may extend up to a maximum of eighteen inches (18") into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;
 3. Where the required yard is less than five feet (5'), no yard encroachments are permitted;
 - b. Porches, decks, landing places or stairways, if open and uncovered, may project a maximum of five feet (5') into any required above ground front or rear yard;
 - c. Balconies may be permitted in accordance with Section 16.60.020;
 - (5) Maximum impervious surface area: Seventy-five percent (75%) of the lot area;
 - (6) Maximum building coverage:
 - (i) Single-story development:
 - a. Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%);
 - b. Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;
 - c. Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%);
 - (ii) Development of two (2) or more stories: Thirty-five percent (35%);
 - (7) Floor Area Limit (FAL):
 - (i) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - a. FAL for lots with an area of between four thousand nine hundred (4,900) and seven thousand

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(7,000) square feet shall be two thousand eight hundred (2,800) square feet;

b. FAL for lots with greater than seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet;

(ii) The maximum second floor FAL shall be forty percent (40%) of the maximum FAL allowed on the property, except that a second floor FAL of fifty percent (50%) may be allowed subject to written approval of all owner(s) of contiguous properties or a use permit in accordance with Chapter 16.82;

(8) Horizontal wall length of second floor side wall: thirty feet (30') unless articulated by a minimum three foot (3') step back in wall alignment for a minimum of five feet (5'), except that the wall may extend on a continuous plane beyond thirty feet (30') subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the extended side wall or a use permit in accordance with Chapter 16.82;

(9) Second floor windows: Second floor windows and windows located in stair landings, except those fronting on a public street, shall either have a minimum five foot (5') sill height as measured from the finished floor level of the second floor or stair landing or shall use fixed textured or other image-distorting glass for the portion of the window placed less than five feet (5') above the finished floor level of the second floor or stair landing. Subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the second floor or stair landing windows or a use permit in accordance with Chapter 16.82, these window requirements may be modified or eliminated;

(10) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit:

(i) One-story single-family development: Twenty feet (20');

(ii) Two-story single-family development: Twenty-eight feet (28');

(11) Daylight Plane. A daylight plane for the main dwelling unit shall begin a minimum of five (5) feet from the side property line and extend directly upwards from the grade of the property for a distance of fifteen (15) feet, six (6) inches (vertical plane), and then slope inwards towards the interior of the lot at a forty-five (45) degree angle. The vertical plane may be extended to a maximum height of nineteen (19) feet, six (6) inches above grade subject to written approval of the owner(s) of contiguous property abutting the extended vertical plane or a use permit in accordance with Chapter 16.82. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, flues and eave overhangs. Solar collectors and antennas may intrude subject to written approval of the owner(s) of contiguous property abutting the intrusion or a use permit in accordance with Chapter 16.82;

Gables and dormers may intrude into the daylight plane. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required above ground side yard to no permitted intrusion at an eight (8) foot required above-ground side yard. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. The intrusion shall be measured along the uppermost horizontal roofline of the gable or dormer. The gable or dormer intrusion must not extend beyond a triangle in the plane of the building face described as follows:

(i) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(ii) The aggregate length of the bases of all triangles intruding into the daylight planes must not exceed thirty (30) feet, of which no more than twelve (12) feet may occur at an interior side yard;

(iii) The triangle is limited to a maximum peak height of twenty-four (24) feet above grade;

(12) Mechanical equipment, ground mounted: Mechanical equipment may be constructed with or

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subsequent to the construction of a single-family dwelling subject to the following requirements when ground mounted:

(i) The mechanical equipment shall be located in the rear half of the lot, except that equipment that is screened from view may be located in the front half of the lot subject to written approval of the owner(s) of contiguous property abutting the location of the equipment or a use permit in accordance with Chapter 16.82;

(ii) The mechanical equipment shall be located a minimum of five feet (5') from any property line;

(iii) The mechanical equipment shall not exceed fifty (50) dBA as measured at the nearest property line;

(13) Parking: Two (2) spaces per single-family dwelling, at least one (1) of which shall be a covered space in accordance with the following:

(i) A covered space is a paved and accessible space covered by a solid roof for the storage of automobiles including garages and carports. The space shall have clear interior dimensions of nine feet (9') in width by nineteen feet (19') in depth;

(ii) An uncovered space is an accessible space paved or surfaced with an all-weather, weed-free, fire-resistant surface for the parking of an automobile. The space shall be eight feet, six inches (8' 6") in width by eighteen feet, six inches (18' 6") in depth, with a one-foot (1') increase in width if adjacent to an obstruction located less than three feet (3') from the required space;

(iii) Tandem parking within a fully enclosed garage may be used to meet the parking requirement. An uncovered space shall not be in tandem with any other required space;

(iv) The required parking shall not be located in a required front yard;

(v) The required parking shall be located a minimum of three feet (3') from any side or rear property line;

(14) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 1006 § 20, 2014; Ord. 948 § 3 (part), 2006).

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(Menlo Park Supp. No. 48, 8-14)

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INFORMATIONAL PURPOSES