

ORDINANCE NO. 27-20 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTION 15.04.104.020, DEFINITIONS, AMENDING SECTION 15.04.201.020, LAND USE REGULATIONS, AMENDING SECTION 15.04.201.030.A, ACCESSORY BUILDING HEIGHT, AMENDING SECTION 15.04.201.050.B, ACCESSORY BUILDING HEIGHT, AMENDING SECTION 15.04.202.020, LAND USE REGULATIONS, AMENDING SECTION 15.04.607.040, CALCULATION OF PARKING REQUIREMENTS, REPEALING SECTION 15.04.610.020 ACCESSORY DWELLING UNITS AND ADOPTING SECTION 15.04.610.020, ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS, AND AMENDING SECTION 15.04.610.030, ACCESSORY SHORT-TERM RENTALS ("HOME-SHARES") OF THE RICHMOND MUNICIPAL CODE REGARDING ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

WHEREAS, pursuant to Article XI, section 7 of the California Constitution and sections 36931 et seq. of the California Government Code, the City may make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the general plan is the City's constitution for future development and any decision by a City affecting land use and development must be consistent with the general plan; and

WHEREAS, Housing Element Program H-1.4.3 aims to continue the facilitation of secondary dwelling unit production in part to provide a balanced supply of housing types, densities, and prices to meet the needs of all income groups residing or wishing to reside in the City and to comply with state law; and

WHEREAS, in order to encourage the construction of additional dwelling units to provide more housing for California residents, the State of California has enacted California Government Code sections 65852.2 and 65852.22 to encourage the construction of accessory dwelling units and junior accessory dwelling units that went into effect on January 1, 2020;

WHEREAS, Government Code sections 65852.2 and 65852.22 require the City to adopt zoning regulations in compliance with state law provisions regarding accessory dwelling units and junior accessory dwelling units;

WHEREAS, the City Council finds that the amendment is consistent with the purposes of the General Plan, the purposes of the Municipal Code, and other applicable City ordinances; and

WHEREAS, on June 18, 2020, the Planning Commission held a public hearing to consider a recommendation to the City Council regarding the proposed amendments; and

WHEREAS, the Planning Commission adopted Resolution No. 20-09 recommending City Council approval of the amendments; and

WHEREAS, on the basis of the application, plans, materials, and testimony at or before the public hearing, the City Council adopts the following findings and statements of fact in approving the proposed amendments:

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

The proposed amendment is consistent with General Plan Housing Element Program H-1.4.3 which aims to continue the facilitation of secondary dwelling unit production in part to provide a balanced supply of housing types, densities, and prices to meet the needs of all income groups and to comply with state law.

2. The proposed amendment is necessary for public health, safety, and general welfare or will be of benefit to the public.

The proposed amendment will benefit the public by increasing housing production within the City of Richmond. California's housing production is not keeping pace with demand and the lack of housing impacts affordability. ADUs and JADUs are critical forms of infill development that can be affordable and offer important housing choices within existing neighborhoods.

3. The proposed amendment has been reviewed in compliance with the requirements of the California Environmental Quality Act.

The proposed amendments to the Municipal Code are statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Section 65852.2 of the Government Code. The proposed amendments are also exempt from environmental review pursuant to General Rule, Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines since it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Regardless of whether the City adopts this Ordinance, accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with the standards set forth in state law. Therefore, it can be seen with certainty that the project will not cause any significant impacts.

4. For a change to the Zoning Maps, that the subject property is suitable for the uses permitted in the proposed zone in terms of access, size of parcel, relationship to similar or related uses, and other relevant considerations, and that the proposed change of zoning district is not detrimental to the use of adjacent properties.

The proposed Zoning Text Amendments will not change the Zoning maps.

NOW, THEREFORE, the Council of the City of Richmond, California does hereby ordain as follows:

Section 1. Chapter 15.04.104.020 of the City of Richmond Municipal Code, "Definitions," is hereby amended to include Accessory Dwelling Unit and Junior Accessory Dwelling Unit, as defined below:

15.04.104.020 - Definitions.

Accessory Dwelling Unit. An attached or detached residential dwelling that provides complete independent living facilities for one or more persons, including living, sleeping, eating, cooking, and sanitation facilities, on the same lot as a proposed or existing single-family dwelling or existing multifamily dwelling. An accessory dwelling unit may be within the same structure as the primary dwelling, in an attached structure, or in a separate detached structure on the same lot. An accessory dwelling unit also includes the following: (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (ii) a manufactured home as defined in Section 18007 of the Health and Safety Code. This use is distinguished from a duplex. See also Junior Accessory Dwelling Unit.

Junior Accessory Dwelling Unit. An accessory dwelling unit that is no more than 500 square feet in size, includes an efficiency kitchen consistent with building code standards, and is contained entirely within a proposed or existing single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities that are within the existing structure.

Section 2. Chapter 15.04.201.020 of the City of Richmond Municipal Code is hereby amended to read as follows:

15.04.201.020 - Land Use Regulations.

Table 15.04.201.020 prescribes the land use regulations for the Residential Districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

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

"L#" designates numbered limitations listed at the end of the table.

"x" designates uses that are not permitted.

Use classifications are defined in Article 15.04.104 (Key Terms and Definitions). In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this article.

| TABLE 15.04.201.020: LAND USE REGULATIONS—RESIDENTIAL DISTRICTS | | | | | | |
|--|------------------------------|-----|-----|-----|-----|--|
| Uses | RH | RL1 | RL2 | RM1 | RM2 | Additional Regulations |
| RESIDENTIAL | | | | | | |
| Single Family | See subclassifications below | | | | | See § 15.04.201.070 Residential Development Types; § 15.04.610.020 Accessory Dwelling Units and Junior Accessory Dwelling Units |
| <i>Detached</i> | L7 | P | P | P | P | |
| <i>Attached</i> | L7 | P | P | P | P | |
| Accessory Dwelling Unit | P | P | P | P | P | |
| Junior Accessory Dwelling Unit | P | P | P | P | P | |
| Duplex | x | A | A | P | P | |
| Multi-Unit Dwelling | L8 | L1 | L1 | P | P | |
| Group Residential | See subclassifications below | | | | | See § 15.04.610.210 Group Residential |
| <i>Congregate Housing</i> | L6 | L6 | L6 | L6 | L6 | |
| <i>Senior Group Residential</i> | L6 | L6 | L6 | L6 | L6 | |
| Elderly and Long Term Care | x | x | x | C | C | |

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|--|------------------------------|---|---|---|---|---|
| Family Day Care, Large | P | P | P | P | P | See § 15.04.610.190 Family Day Care, Large |
| Family Day Care, Small | P | P | P | P | P | |
| Planned Residential Groups | C | C | C | C | C | |
| Residential Facility | See subclassifications below | | | | | |
| <i>Residential Care, General</i> | x | x | x | C | C | See § 15.04.610.360 Residential Care, General |
| <i>Residential Care, Limited</i> | P | P | P | P | P | |
| <i>Residential Care, Senior</i> | x | x | x | C | C | |
| <i>Hospice, General</i> | x | x | x | C | C | |
| <i>Hospice, Limited</i> | P | P | P | P | P | |
| Supportive Housing | P | P | P | P | P | |
| Transitional Housing | P | P | P | P | P | |
| COMMERCIAL | | | | | | |
| Animal Sales and Services | See subclassifications below | | | | | See § 15.04.610.070 Animal Keeping |
| <i>Riding Schools and Stables</i> | L11 | x | x | x | x | |
| Auto/Vehicle Sales Services | See subclassifications below | | | | | |
| <i>Alternative Fuels and Recharging Facility</i> | x | x | x | C | C | |
| Food and Beverage Sales | See subclassifications below | | | | | |
| <i>Convenience Market</i> | x | C | C | C | C | See § 15.04.610.150 Convenience Markets |
| <i>Farmers Market</i> | x | x | x | C | C | See § 15.04.610.200 Farmers Markets |
| Offices, Business and Professional | x | x | x | C | C | |

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|---|------------------------------|----|----|----|----|--|
| <i>Medical and Dental</i> | L12 | L5 | L5 | L5 | L5 | See § 15.04.610.240 Hospitals and Clinics |
| <i>Walk-in Clientele</i> | L12 | x | x | L2 | L2 | |
| Personal Services | L12 | x | x | x | x | See § 15.04.610.340 Personal Services |
| <i>General Personal Services</i> | x | x | x | C | C | |
| <i>Health/Fitness Facility</i> | x | x | x | x | x | |
| Retail Sales | See subclassifications below | | | | | |
| <i>General Retail Sales, Small-scale</i> | L12 | x | x | x | x | |
| Transient Lodging | See subclassifications below | | | | | |
| <i>Bed and Breakfast</i> | C | C | C | C | C | See § 15.04.610.110 Bed and Breakfast Lodging |
| <i>Hotel and Motel</i> | x | x | x | L9 | L9 | See § 15.04.610.420 Transient Lodging |
| INSTITUTIONAL AND COMMUNITY FACILITIES | | | | | | |
| College and Trade School | x | C | C | C | C | |
| Community Assembly | C | C | C | C | C | See § 15.04.610.140 Community Assembly |
| Community Garden | P | P | P | P | P | See § 15.04.610.290 Nurseries and Garden Centers |
| Cultural Facility | C | C | C | C | C | |
| Day Care Centers | A | A | A | A | A | See § 15.04.610.190 Day Care Center |
| Emergency Shelter | L4 | L4 | L4 | L4 | L4 | See § 15.04.610.180 Emergency Shelters |
| Government Buildings | x | x | x | C | C | |
| Hospitals and Clinics | x | x | x | C | C | See § 15.04.610.240 Hospitals and Clinics |
| <i>Hospital</i> | x | x | x | C | C | |

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| <i>Clinic</i> | x | x | x | L2 | L2 | |
| <i>Skilled Nursing Facility</i> | x | x | x | C | C | |
| Park and Recreation Facility | C | C | C | C | C | |
| Public Safety Facility | C | C | C | C | C | |
| Schools | L10 | L10 | L10 | L10 | L10 | See § 15.04.610.020 Schools |
| INDUSTRIAL | | | | | | |
| Artist's Studio | See subclassifications below | | | | | |
| <i>Studio-Light</i> | x | x | x | P | P | |
| <i>Studio-Heavy</i> | x | x | x | C | C | |
| Recycling Facilities | See subclassification below | | | | | See § 15.04.610.350 Recycling Facilities |
| <i>Collection Facilities</i> | x | x | x | P | P | |
| TRANSPORTATION, COMMUNICATION AND UTILITIES | | | | | | |
| Communication Facilities | | | | | | |
| Antennas and Transmission Towers | C or A depending on facility type | | | | | See § 15.04.614 Wireless Communications Facilities |
| Utilities, Major | C | C | C | C | C | |
| Utilities, Minor | P | P | P | P | P | |
| AGRICULTURE | | | | | | |
| Agricultural Production and Services | C | C | C | C | C | |
| Animal Husbandry | L3 | L3 | L3 | x | x | See § 15.04.610.430 Urban Agriculture |
| Indoor Agriculture | A | A | A | A | A | |
| Outdoor Agriculture | C | C | C | C | C | |
| OTHER | | | | | | |
| Accessory Uses and Structures | See § 15.04.601.010 Accessory Uses and Structures | | | | | |

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| Home Occupations | P | P | P | P | P | See § 15.04.610.230 Home Occupations |
| Nonconforming Uses | See Article 15.04.606, Nonconforming Uses, Structures, and Lot | | | | | |
| Temporary Use | See Article 15.04.807, Temporary Use Permits | | | | | |
| NOTES: | | | | | | |
| <p>L1 Existing multifamily residential structures may be improved, subject to the nonconforming provisions of Article 15.04.606, if applicable. No new residential structures allowed except for accessory dwelling units consistent with Section 15.04.610.020.</p> <p>L2 Only allowed on the ground floor in mixed-use buildings; a conditional use permit is required for more than 3,000 sq. ft.</p> <p>L3 The Contra Costa County animal keeping regulations, which are incorporated by reference, apply; an administrative use permit is required to increase up to 10 percent in the number of animals allowed in these regulations. No slaughtering of animals is allowed.</p> <p>L4 Permitted with 10 or fewer beds only. All of the standards of Section 15.04.610.180 (Emergency Shelters), or Ordinance 15-15 N.S., adopted on May 19, 2015, are hereby incorporated by reference and apply.</p> <p>L5 Allowed as a temporary use within a residential structure with a conditional use permit.</p> <p>L6 Permitted if the primary use of the property remains residential; requires a conditional use permit if it is the primary use.</p> <p>L7 Only attached and detached single-family housing on subdivided parcels and clustered multi-family residential are allowed with design review on developable portions of hillside parcels below the 400-foot elevation. Hillside development standards and density controls in Section 15.04.201.100 of the Zoning Ordinance apply.</p> <p>L8 Up to 10 units allowed with a conditional use permit in a neighborhood mixed-use development at a neighborhood node.</p> <p>L9 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.</p> <p>L10 An administrative use permit is required if a new school will be located in an existing building and any new space added to the building will not exceed 20 percent of existing floor area, excluding space in portable classrooms. A conditional use permit is required for construction of new schools and for additions to existing buildings in which new schools will be located that exceed 20 percent of existing floor area.</p> <p>L11 Allowed with a conditional use permit on lots of two acres or more.</p> <p>L12 Commercial-only development is not allowed, and this use is only permitted in a mixed use building with a conditional use permit. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area or 50 percent if it's a corner store with one or more dwelling units above the store.</p> | | | | | | |

A. **Limitations on Commercial Development.** Commercial-only development is not allowed. The area devoted to commercial uses cannot exceed 30 percent of the total building floor area.

Section 3. Section 15.04.201.030.A of the City of Richmond Municipal Code, "Accessory Building Height," is hereby amended to read as follows:

A. **Accessory Building Height.** The 14-foot height limit applies to accessory buildings or structures, except that the height may be increased to 16 feet for an accessory dwelling unit.

Section 4. Section 15.04.201.050.B of the City of Richmond Municipal Code, "Accessory Building Height," is hereby amended to read as follows:

B. **Accessory Building Height.** If a peak roof is used, the height limit may be increased to 14 feet, except that the height may be increased to 16 feet for an accessory dwelling unit.

Section 5. Chapter 15.04.202.020 of the City of Richmond Municipal Code is hereby amended to read as follows:

15.04.202.020 - **Land Use Regulations.**

Table 15.05.202.020 prescribes the land use regulations for all CM Districts and for the Live-Work District. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"A" designates use classifications that are permitted after review and approval of an administrative use permit by the Zoning Administrator.

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

"L#" designates numbered limitations listed at the end of the table.

"x" designates uses that are not permitted.

Use classifications are defined in Article 15.04.104 (Key Terms and Definitions). In cases where a specific land use or activity is not defined, the Zoning Administrator shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and subclassifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Section numbers in the right hand column refer to other sections of this Ordinance.

| TABLE 15.04.202.020: LAND USE REGULATIONS—CM MIXED-USE DISTRICTS | | | | | | | |
|---|------------------------------|-------------|-------------|-------------|-------------|-----------|--|
| <i>Uses</i> | <i>CM-1</i> | <i>CM-2</i> | <i>CM-3</i> | <i>CM-4</i> | <i>CM-5</i> | <i>LW</i> | <i>Additional Regulations</i> |
| RESIDENTIAL | | | | | | | |
| Single Family | See subclassifications below | | | | | | See § 15.04.201.070 Residential Development Types |
| <i>Attached</i> | P | P | P | A | L14 | x | |
| Multi-Unit Dwelling | P | L1 | P | L1 | L1 | x | |
| Accessory Dwelling Units | P | P | P | P | P | L20 | Permitted on lots where proposed or existing single family dwellings or existing multi-unit dwellings are a permitted use. |
| Junior Accessory Dwelling Units | P | P | P | P | P | L20 | Permitted on lots where proposed or existing single family dwellings are a permitted use. |
| Group Residential | C | C | C | x | x | x | See § 15.04.610.210 Group Residential |
| <i>Congregate Housing</i> | C | C | C | x | L15 | x | |

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|----------------------------------|------------------------------|----|----|----|-----|---|---|
| <i>Senior Group Residential</i> | C | C | C | x | L15 | x | |
| Elderly and Long Term Care | L1 | L1 | L1 | C | L15 | x | |
| Family Day Care, Large | P | P | x | x | x | x | See § 15.04.610.190 Family Day Care, Large |
| Family Day Care, Small | P | P | P | P | x | x | |
| Planned Residential Groups | C | x | x | x | x | x | |
| Residential Facility | See subclassifications below | | | | | | |
| <i>Residential Care, General</i> | C | x | C | C | L15 | x | See § 15.04.610.360 Residential Care, General |
| <i>Residential Care, Limited</i> | P | P | P | P | L13 | x | |
| <i>Residential Care, Senior</i> | C | C | C | x | L15 | x | |
| <i>Hospice, General</i> | C | C | x | x | x | x | |
| <i>Hospice, Limited</i> | P | P | x | x | x | x | |
| Supportive Housing | P | P | P | P | L13 | x | |
| Transitional Housing | P | P | P | P | L13 | x | |
| COMMERCIAL | | | | | | | |
| Adult Business | x | x | x | L3 | L3 | x | See § 15.04.610.050 Adult Businesses |
| Animal Sales and Services | See subclassifications below | | | | | | |
| <i>Clinic/Hospital</i> | x | x | L2 | L2 | L2 | x | See § 15.04.610.070 Animal Keeping |
| <i>Grooming</i> | x | x | L2 | L2 | L2 | x | |
| <i>Retail Sales (Pet Shops)</i> | L2 | L2 | L2 | L2 | L2 | x | |
| <i>Veterinary Services</i> | x | x | L2 | L2 | L2 | x | |

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| Auto/Vehicle Sales Services | See subclassifications below | | | | | | |
| <i>Alternative Fuels and Recharging Facility</i> | x | x | L5 | L5 | L5 | p | |
| <i>Automobile Rentals</i> | x | x | L5 | L5 | L5 | x | |
| <i>Automobile/Vehicle Sales and Leasing, New</i> | x | x | L6 | L6 | L6 | x | See § 15.04.610.080 Automobile/Vehicle Sales and Leasing |
| <i>Automobile/Vehicle Sales and Leasing, Used</i> | x | x | x | x | A | x | |
| <i>Automobile/Vehicle Repair, Minor</i> | x | x | L5 | L5 | L5 | x | |
| <i>Service Stations</i> | x | x | C | x | C | x | See § 15.04.610.380 Service Stations |
| Banks and Financial Institutions | See subclassifications below | | | | | | |
| <i>Bank and Savings and Loan</i> | L2 | L2 | L2 | L2 | L2 | L10 | |
| <i>- With Drive-through Service</i> | x | x | C | C | C | x | See § 15.04.610.170 Drive-In and Drive-Through Facilities |
| <i>Non-traditional Financial</i> | x | x | C | x | C | x | See § 15.04.610.280 Nontraditional Financial Institutions ("Check-cashing") |
| Business Services | L2 | L2 | P | P | P | L10 | |
| Catering Service | L1 | x | L1 | L1 | L1 | x | |
| Commercial Entertainment and Recreation | See subclassifications below | | | | | | |
| <i>Cinema</i> | x | x | x | C | C | x | See § 15.04.610.130 Commercial/Recreation and Entertainment |
| <i>Theatre</i> | x | C | C | C | C | x | |
| <i>Large-scale Facility</i> | x | x | C | C | C | x | |
| <i>Small-scale Facility</i> | x | L1 | A | A | A | p | |

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|--|------------------------------|----|----|----|----|-----|---|
| Eating and Drinking Establishments | See subclassifications below | | | | | | See § 15.04.610.300 Outdoor Dining and Seating |
| <i>Bars/Night Clubs/Lounges</i> | C | C | C | C | C | x | |
| <i>Restaurant, Full Service</i> | L2 | L2 | L2 | L2 | L2 | C | |
| <i>Restaurant, Limited Service</i> | L2 | L2 | L2 | L2 | L2 | L2 | |
| <i>Restaurant with Drive Through Service</i> | x | x | C | x | C | x | See § 15.04.610.170 Drive-In and Drive-Through Facilities |
| Finance, Insurance and Real Estate Services | L2 | L2 | P | L2 | P | L10 | |
| Food and Beverage Sales | See subclassifications below | | | | | | |
| <i>Convenience Market</i> | C | C | C | C | L2 | P | See § 15.04.610.150 Convenience Markets |
| <i>Farmers Market</i> | x | A | x | x | A | L2 | See § 15.04.610.200 Farmers Markets |
| <i>General Market</i> | P | P | P | P | P | x | |
| <i>Liquor Store</i> | x | x | C | C | C | x | See § 15.04.610.060 Alcoholic Beverage Sales |
| Funeral and Interment Service | x | x | C | x | C | x | |
| Instructional Services | L2 | L2 | L1 | L1 | P | x | |
| Live-Work | x | x | x | x | x | P | See § 15.04.610.250 Live-Work Units |
| Media Production | A | x | L1 | L1 | A | L2 | |
| Maintenance and Repair | L2 | C | L2 | P | P | L2 | |
| Mobile Vending Unit | x | A | A | x | A | x | See § 15.04.610.320 Outdoor Vendors (Mobile Food Vendors) |
| Nursery and Garden Center | x | x | x | x | P | x | See § 15.04.610.290 Nurseries and Garden Centers |

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| Offices, Business and Professional | L2 | L1 | P | L1 | L1 | A | |
| <i>Medical and Dental</i> | L2 | L1 | P | L1 | L1 | L2 | See § 15.04.610.240 Hospitals and Clinics |
| <i>Walk-in Clientele</i> | P | P | P | P | P | L2 | |
| Parking Facilities, Commercial | A | A | A | A | P | x | |
| Personal Services | L2 | L2 | P | P | P | L2 | See § 15.04.610.340 Personal Services |
| <i>General Personal Services</i> | L2 | P | L2 | L2 | P | L2 | |
| <i>Health/Fitness Facility</i> | L2 | P | L2 | L2 | P | L2 | |
| <i>Massage Establishment</i> | L3 | x | L3 | L3 | C | x | |
| <i>Tattoo or Body Modification Parlor</i> | x | x | C | C | C | x | |
| Printing and Publishing | x | x | L1 | L1 | L1 | A | |
| Retail Sales | See subclassifications below | | | | | | |
| <i>General Retail Sales, Small-scale</i> | L2 | P | L2 | L2 | P | L2 | |
| <i>General Retail Sales, Large-scale</i> | x | x | P | L2 | P | x | |
| <i>Pawn Shop; Secondhand Store</i> | x | x | L3 | L3 | L3 | x | See § 15.04.610.330 Pawn Shops; Secondhand Dealers |
| <i>With Drive-Through Service</i> | x | x | C | C | C | x | See § 15.04.610.170 Drive-In and Drive-Through Facilities |
| Transient Lodging | See subclassifications below | | | | | | |
| <i>Bed and Breakfast</i> | A | P | x | x | x | x | See § 15.04.610.110 Bed and Breakfast Lodging |
| <i>Hotel and Motel</i> | C | L4 | C | C | C | x | See § 15.04.610.420 Transient Lodging |
| INSTITUTIONAL AND COMMUNITY FACILITIES | | | | | | | |

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|-----------------------------------|------------------------------|----|-----|----|-----|----|--|
| College and Trade School | C | x | C | x | L15 | x | |
| Community Assembly | L2 | x | C | C | C | x | See § 15.04.610.140 Community Assembly |
| Community Garden | x | P | C | x | C | P | See § 15.04.610.290 Nurseries and Garden Centers |
| Cultural Facility | P | C | P | P | P | x | |
| Day Care Centers | A | A | A | A | L14 | x | See § 15.04.610.190 Day Care Center |
| Emergency Shelter | P | C | L11 | x | L13 | x | See § 15.04.610.180 Emergency Shelters |
| Government Buildings | P | P | P | P | P | C | |
| Hospitals and Clinics | C | C | C | C | C | x | See § 15.04.610.240 Hospitals and Clinics |
| <i>Hospital</i> | C | x | C | C | C | x | |
| <i>Clinic</i> | L2 | L2 | L2 | L2 | L2 | L2 | |
| <i>Skilled Nursing Facility</i> | C | x | C | C | C | x | |
| Park and Recreation Facility | L1 | L1 | C | C | C | x | |
| Public Safety Facility | C | C | C | P | P | x | |
| Schools ¹ | x | x | x | x | x | | |
| Social Service Center | x | x | L2 | L2 | L1 | x | See § 15.04.610.160 Domestic Violence Shelters |
| INDUSTRIAL | | | | | | | |
| Artisan/Small-scale Manufacturing | x | x | L8 | x | C | P | |
| Artist's Studio | See subclassifications below | | | | | | |
| <i>Studio-Light</i> | L2 | P | L2 | x | L2 | P | |
| <i>Studio-Heavy</i> | C | C | C | x | C | C | |
| Commercial Kitchen | x | x | x | x | C | A | |

| | | | | | | | |
|--|--|----|-----|-----|-----|-----|--|
| Limited Industrial | x | x | L9 | L9 | x | A | |
| Marijuana Cultivation Facility | x | x | x | L10 | x | x | See § 15.04.610.270 Medical Marijuana Uses |
| Micro-brewery | x | C | L15 | L15 | L15 | L19 | See § 15.04.610.120 Breweries and Wineries |
| Recycling Facilities | See subclassifications below | | | | | | See § 15.04.610.350 Recycling Facilities |
| <i>Collection Facilities</i> | P | P | A | A | A | A | |
| Research and Development | x | x | L1 | L1 | L1 | L16 | |
| Winery, Small | x | x | L18 | L18 | L18 | L19 | |
| TRANSPORTATION, COMMUNICATION AND UTILITIES | | | | | | | |
| Communication Facilities | See subclassifications below | | | | | | See Article 15.04.614 Wireless Communications Facilities |
| <i>Antennas and Transmission Towers</i> | L7 | L7 | L7 | L7 | L17 | L17 | |
| <i>Equipment within Buildings</i> | x | x | L1 | L1 | L1 | L16 | |
| Transportation Facilities | See subclassifications below | | | | | | |
| <i>Transportation Passenger Terminal</i> | x | x | x | P | P | x | |
| Utilities, Major | C | C | C | C | C | C | |
| Utilities, Minor | P | P | P | P | P | P | |
| OTHER | | | | | | | |
| Accessory Uses and Structures | See § 15.04.601.010 Accessory Uses and Structures | | | | | | |
| Home Occupations | P | P | P | P | P | P | See § 15.04.610.230 Home Occupations |
| Nonconforming Uses | See Article 15.04.606, Nonconforming Uses, Structures, and Lot | | | | | | |
| Temporary Use | See Article 15.04.807, Temporary Use Permits | | | | | | |
| NOTES: | | | | | | | |

- L1 Permitted above the ground floor or behind an allowed ground floor use, but not within the Industrial Buffer Zone shown on the Zoning Map.
- L2 Only allowed on the ground floor in mixed-use buildings; an administrative use permit is required for 1,500 to 3,000 square feet and for any establishment serving beer and/or wine occupying less than 1,500 square feet, and a conditional use permit is required for more than 3,000 sq. ft. A full service restaurant requires a conditional use permit for 1,500 square feet or more.
- L3 Requires a conditional use permit and cannot be located within 500 feet of a school or park.
- L4 Allowed with a conditional use permit if the hotel has no more than 20 guest rooms.
- L5 Only allowed on arterial streets, occupying 2,500 sq. ft. or less unless greater floor area, up to 5,000 square feet may be approved with an administrative use permit.
- L6 Must be within an enclosed structure.
- L7 Allowed with a conditional use permit if the Planning Commission finds that there are no feasible alternative locations and all other requirements of the Zoning Ordinance are met.
- L8 Only allowed on the ground floor of a building; a conditional use permit is required for more than 25,000 square feet.
- L9 Within the area established for the Richmond Bay Specific Plan, limited industrial development is permitted only in an existing building. Minor additions to such buildings of up to 10 percent of existing floor area are allow without discretionary review beyond that required for a building permit. Repairs and maintenance also is allowed as may be necessary to comply with existing City codes and ordinances or to strengthen or restore to a safe condition any building, structure, or part thereof declared to be unsafe by the Director of Planning and Building Services or any other City official charged with the responsibility of protection of public health, safety and welfare. *(This limitation will be superseded by the adopted plan.)*
- L10 Permitted above the ground floor or behind an allowed ground floor use and with approval of a conditional use permit.
- L11 Up to 25 beds are permitted; for more than 25 beds, a conditional use permit is required. See Section 15.04.610.180 (Emergency Shelters).
- L13 Permitted if not within the Industrial Buffer Zone shown on the Zoning Map.
- L14 Allowed with an administrative use permit if not within the Industrial Buffer Zone shown on the Zoning Map.
- L15 Allowed with a conditional use permit if not within the Industrial Buffer Zone shown on the Zoning Map.
- L16 Allowed with an administrative use permit on sites with existing, potential, and potential environmental cleanup obligations pursuant to the requirements of the California Department of Toxic Substances Control and/or the Regional Water Quality Control Board, which do not permit residential uses.
- L17 A conditional use permit is required unless the criteria for an administrative use permit listed in Section 15.04.614.030 (B) are met.
- L18 A conditional use permit is required with on-sale consumption. Not allowed with production only.
- L19 A conditional use permit is required without on-sale consumption only. Not allowed with a tasting room.
- L20 Permitted as required pursuant to Section 15.04.610.020.

Section 6. Table 15.04.607.040. of the City of Richmond Municipal Code, "Calculation of Parking Requirements," is hereby amended to read as follows:

TABLE 15.04.607.040: ESTIMATED PARKING DEMAND BY USE TYPE

| <i>Use Type</i> | <i>Number of Spaces</i> | <i>Per</i> |
|--|-------------------------|---|
| Residential Use Types | | |
| Single Unit | 2 | dwelling unit |
| <i>Duplexes or 2 or more attached units</i> | 1.5 | dwelling unit |
| <i>Junior accessory dwelling unit</i> | none | |
| <i>Accessory dwelling unit</i> | 1 | dwelling unit or bedroom, whichever is less, unless no parking may be required as specified in section 15.04.610.020. |
| Multi-Unit Dwelling except senior ² and long term care ³ | | |
| <i>One bedroom</i> | 1 | dwelling unit |
| <i>Two bedroom</i> | 1.5 | dwelling unit |
| <i>Three or more bedrooms</i> | 2 | dwelling unit |
| <i>Efficiency Unit</i> | 0.5 | dwelling unit |
| <i>Guest parking for developments with five or more dwelling units</i> | 0.2 | dwelling unit |
| Senior ² housing | | |
| <i>Resident parking</i> | 0.5 | dwelling unit plus 1 per employee |
| <i>Guest parking for developments with five or more dwelling units</i> | 0.2 | dwelling unit |
| Domestic Violence Shelter | 0.25 | bed |
| Elderly and Long Term Care | TBD ¹ | |
| Group Residential | | |
| <i>Small (6 or fewer persons)</i> | none | |
| <i>Large</i> | 0.25 | bed |
| Mobile Home Park | 1 | mobile home |
| Planned Residential Group | TBD ¹ | |
| Residential Facility | | |

| | | |
|---|------------------|-------------------------------------|
| <i>Limited</i> | none | |
| <i>General, Senior</i> | 0.25 | bed |
| Supportive Housing | 0.25 | bed |
| Transitional Housing | 0.25 | bed |
| Commercial and Institutional Use Types | | |
| Adult Businesses | | |
| <i>Retail</i> | 3 | 1,000 gross square feet |
| <i>Performance</i> | 5 | 1,000 gross square feet |
| Animal Sales and Services | | |
| <i>Clinic/Hospital</i> | TBD ¹ | |
| <i>Grooming</i> | TBD ¹ | |
| <i>Retail Sales (Pet Stores); Veterinary Services</i> | 3 | 1,000 gross square feet |
| Auto/Vehicle Sales and Services | | |
| <i>Rentals</i> | 1 | rental vehicle to be stored on-site |
| <i>Sales and Leasing</i> | 1 | 1,000 gross square feet |
| <i>Repair and Service</i> | 1 | service bay |
| <i>Service station</i> | 1.2 | fueling station |
| Banks and Financial Institutions | 3 | 1,000 gross square feet |
| Business Services | 3 | 1,000 gross square feet |
| Commercial Entertainment and Recreation | | |
| <i>Cinema</i> | 0.25 | seat |
| <i>Large-scale and Small-scale</i> | TBD ¹ | |
| <i>Theatre</i> | 0.33 | seat |
| Eating and Drinking Establishments | | |
| <i>Bars/Nightclubs/Lounges</i> | 8 | 1,000 gross square feet |

| | | |
|---|------------------|---|
| <i>Restaurants, Full Service</i> | 5 | 1,000 gross square feet |
| <i>Drive-in, fast food, take-out</i> | 7 | |
| <i>Mobile Food Vendors</i> | TBD ¹ | |
| Finance, Insurance and Real Estate Services | 2.5 | 1,000 gross square feet |
| Food and Beverage Sales | 3 | 1,000 gross square feet |
| Funeral Homes, Mortuaries and Mausoleums | | |
| <i>With fixed seats</i> | 0.2 | seat ⁴ |
| <i>Without fixed seats</i> | 10 | 1,000 gross square feet of indoor assembly area |
| Instructional Services | 0.2 | student |
| Live-Work | 1.0 | dwelling unit |
| Maintenance and Repair | 2 | 1,000 gross square feet |
| Media Production | 2.5 | 1,000 gross square feet |
| Offices, Business and Professional | | |
| <i>Medical and Dental</i> | 2.25 | 1,000 gross square feet |
| <i>General</i> | 2.0 | 1,000 gross square feet |
| <i>Walk-in Clientele</i> | 2.25 | 1,000 gross square feet |
| Personal Services | | |
| <i>General Personal Services; Massage; Tattoo</i> | 2.0 | 1,000 gross square feet |
| <i>Health/Fitness Facility</i> | 5 | 1,000 gross square feet |
| Printing and Publishing | 1 | 1,000 gross square feet |
| Repair Services | 3 | 1,000 gross square feet |
| Retail less than 60,000 square feet | 3 | 1,000 gross square feet |
| Retail 60,000 square feet or more | 4 | 1,000 gross square feet |
| Transitional Lodging | 0.5 | |

| | | |
|---|------------------|---|
| <i>Bed and Breakfast</i> | TBD ¹ | |
| <i>Hotel and Motel</i> | 0.5 | room |
| Institutional and Community Facilities | | |
| Colleges and Trade Schools | 0.2 | population on site at any one time, including students, teachers, and staff |
| Community Assembly | | |
| <i>Small</i> | none | 2,000 square feet or less in floor area |
| <i>Large</i> | | |
| <i>-With fixed seats</i> | 0.2 | |
| <i>-Without fixed seats</i> | 10 | 1,000 gross square feet of indoor assembly area |
| <i>-Youth or Senior Centers</i> | 0.2 | youth or senior |
| Community Garden | TBD ¹ | |
| Cultural Facility | 1 | 1,000 gross square feet |
| Day Care Centers | 3 | 1,000 gross square feet |
| Emergency Shelters | TBD ¹ | |
| Hospitals and Clinics | 3 | 1,000 gross square feet |
| <i>Clinic</i> | 5 | 1,000 gross square feet |
| <i>Hospital</i> | 3 | bed |
| Schools | | |
| <i>Nursery School; Elementary School</i> | 0.17 | student |
| <i>Middle School; Jr. High; High School</i> | 0.09 | student |
| Social Service Center | 3 | 1,000 gross square feet |
| Industrial Use Types | | |
| Artisans/Small-scale Manufacturing | 0.75 | 1,000 gross square feet |
| Artist's Studio | 1 | 1,000 gross square feet |

| | | |
|---|------------------|--|
| Commercial Kitchens | 1 | 1,000 gross square feet |
| Limited Industrial | 1 | 1,000 gross square feet |
| Industrial | | |
| <i>Limited, Light</i> | 0.75 | 1,000 gross square feet |
| <i>General</i> | 1 | 1,000 gross square feet |
| <i>Water-related</i> | 0.5 | 1,000 gross square feet |
| Recycling Facilities - <i>All</i> | TBD ¹ | |
| Research and Development | 1.5 | 1,000 gross square feet |
| Salvage and Wrecking | TBD ¹ | |
| Storage and Distribution | | |
| <i>Indoor</i> | 0.5 | 1,000 gross square feet |
| <i>Outdoor</i> | TBD ¹ | |
| Warehousing, Wholesaling, Storage and Distribution | 0.5 | 1,000 gross square feet |
| <i>Mini-Storage</i> | 0.15 | 1,000 gross square feet |
| Agricultural Use Types | | |
| Indoor and Outdoor Agriculture | TBD ¹ | |
| Communication, Transportation, and Utilities Use Types | | |
| Communications Facilities | | |
| <i>Transmission Towers</i> | none | |
| <i>Equipment within Buildings</i> | 0.5 | maximum number of employees on site at any one time |
| Transportation and Delivery Services | | |
| Freight/Truck Terminal and Warehouse | 0.5 | maximum number of employees on site at any one time |
| Light Fleet-Based Services | 1 | maximum number of fleet vehicles on site at any one time |
| <i>plus</i> | 0.5 | maximum number of employees on site at |

| | | |
|---|------------------|--------------|
| | | any one time |
| Utility Services | TBD ¹ | |
| Notes: | | |
| 1 TBD = To be determined by the Zoning Administrator or Planning Commission. | | |
| 2 Senior housing means housing that is restricted to older adults in which at least one resident of each unit must be a "senior citizen" as defined in the Civil Code Section 51.3. | | |

Section 7. Chapter 15.04.610.020 of the City of Richmond Municipal Code, "Accessory Dwelling Units," is hereby repealed and Article 15.04.610.020, "Accessory Dwelling Units and Junior Accessory Dwelling Units," is hereby adopted to read as follows:

15.04.610.020 - Accessory Dwelling Units and Junior Accessory Dwelling Units.

Accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) must be located, developed, and operated in compliance with the standards of this Chapter 15.04.610.020 in zones where single-family or multi-family dwellings are permitted.

- A. **Zoning Compliance Review.** An applicant for an accessory dwelling unit or junior accessory dwelling unit must submit the application fee and all of the information contained on the application forms provided by the City to the Zoning Administrator for ministerial approval or as part of a building permit application. No discretionary review may be permitted unless the application includes other work unrelated to the accessory dwelling unit, in which case discretionary review shall be limited to the work unrelated to the application for the accessory dwelling unit. The decision of the Zoning Administrator is final and no appeal may be filed.
- B. **Time Limit to Act.** All accessory dwelling unit and junior accessory dwelling unit applications shall be approved or disapproved within 60 days of receiving a completed application if there is an existing dwelling on the lot. The City shall grant a delay in processing if requested by the applicant. Action for an accessory dwelling unit or junior accessory dwelling unit application in connection with a proposed new single-family dwelling may be delayed until the City acts on the permit application for the primary building. Occupancy of the junior or accessory dwelling unit shall not be allowed until the City approves occupancy of the primary dwelling.
- C. **General Requirements**
 - 1. **Relation to Main Dwelling Unit.** An accessory dwelling unit shall be located behind the primary dwelling. The accessory dwelling unit shall be either attached to the primary dwelling, located within the primary dwelling, or detached from the primary dwelling and located on the same lot as the primary dwelling. Detached or attached accessory dwelling units shall have exterior designs that are consistent with the primary dwelling and incorporate the same or similar building materials, colors, and exterior surfaces and finishes as those on the primary dwelling.
 - 2. **Kitchen Facility.** An accessory dwelling unit and junior accessory dwelling unit must contain its own kitchen.
 - 3. **Objective Design standards.**
 - a. The materials and colors of the exterior walls, roof, eaves, and windows and doors shall match the appearance and architectural design of those of the primary dwelling.
 - b. The roof slope shall match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
 - c. The exterior lighting shall be limited to down-lights or as otherwise required by the building or fire code.

- d. All windows that are located 12-feet in height above the finished floor shall be clerestory windows and must be frosted or obscure glass.
 - e. A new detached ADU shall not be located closer to the front property line than the primary residence unless it would not be physically feasible to construct an 800 square foot attached or detached ADU not exceeding 16 feet in height with 4 foot side and rear setbacks anywhere else on the property.
 - f. The architectural treatment of an ADU to be constructed on a lot that has an identified historical resource listed on the federal, state, or local register of historic places shall comply with all applicable ministerial requirements imposed by the Secretary of the Interior.
4. **Parking.** The minimum parking requirements for an accessory dwelling unit shall be as prescribed in Article 15.04.607 (Parking and Loading Standards), subject to the following additional provisions. Parking for an accessory dwelling unit may be provided as tandem parking on an existing driveway or in a setback area. No additional parking shall be required if the accessory unit is located: (1) within one-half mile walking distance of public transit; (2) in an architecturally and historically significant historic district; (3) in part of a proposed or existing primary residence or an accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the occupant of the second unit; or (5) within one block of a car-share pick up/drop-off location. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, the parking spaces need not be replaced.
5. **Deed Restriction.** Prior to obtaining building permits for an accessory dwelling unit or junior accessory dwelling unit, a property owner shall file with the Contra Costa County Recorder a deed restriction, in a form approved by the City Attorney, which shall include the following provisions. This deed restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded deed restriction shall be filed with the Zoning Administrator stating that:
- a. The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary dwelling unit unless consistent with the provisions of Government Code section 65852.26 or successor provision;
 - b. The accessory dwelling unit or junior accessory dwelling unit is restricted to the size and attributes approved by the Zoning Administrator in its Zoning Compliance review per Article 15.04.804;
 - c. The accessory dwelling unit or junior accessory dwelling unit shall not be rented for a period shorter than 30 days;
 - d. For a junior accessory dwelling unit, the junior accessory dwelling unit or the remaining portion of the single-family structure must be owner occupied;
 - e. The restrictions shall be binding upon any successor in owner of the property and lack of compliance with any provisions of the Municipal Code may result in legal action against the property owner, including revocation of any right to maintain an accessory dwelling unit or junior accessory dwelling unit on the property.

D. Development Standards.

- 1. *Accessory Dwelling Units.*
 - a. **Setbacks.** Side and rear setbacks shall be no less than four feet. No setback shall be required for the conversion of an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU.
 - b. **Floor Area.** The maximum floor area for an accessory dwelling unit attached to or detached from a dwelling shall not exceed 850 square feet for a studio or one bedroom or 1,000 square feet for a unit that contains two or more bedrooms. No accessory dwelling unit shall be smaller than the size required to allow an efficiency unit pursuant to Health and Safety Code Section 17958.1. Additional limitations apply to junior accessory dwelling units; see paragraph (3) below.

- c. Height. The maximum height of a detached or attached ADU shall be 16 feet.
 - d. Limits on lot coverage, floor area ratio, open space, and size must permit or shall be waived to allow an 800 square foot detached or attached accessory dwelling unit 16 feet high with four-foot side and rear yards, if the proposed accessory dwelling unit is in compliance with all other development standards, including but not limited to front yard setbacks. Front yard setbacks shall be waived if it would not be physically feasible to construct an 800 square foot ADU not exceeding 16 feet in height with 4 foot side and rear setbacks anywhere on the property except within the front setback.
 - e. An accessory dwelling unit must comply with all development standards for the applicable zoning districts, including setbacks, maximum floor area, and building height, unless they are inconsistent with the provisions of this Section, in which case the provisions of this Section shall apply.
 - f. A portion of a single family dwelling or detached accessory structure legally in existence may be converted into an accessory dwelling unit or a structure may be constructed in the same location and to the same dimensions as the existing detached accessory structure, regardless of any existing zoning nonconformity if the existing structure is not modified or added to in any way that increases the level of nonconformity with all applicable zoning regulations.
2. *Supplemental Standards for Attached Accessory Dwelling Units.*
- a. An attached accessory dwelling unit must share at least one common wall or roofline with the living area of the primary dwelling.
 - b. An attached accessory dwelling unit shall have a separate entrance, located on the side or the rear of the primary dwelling; provided, however, that in no event shall any external stairwell be placed within the side yard setback.
3. *Supplemental Standards for Detached Accessory Dwelling Units.*
- a. The distance between the primary dwelling and a detached accessory dwelling unit must be at least 5 feet provided, however, that this requirement shall not be applied to prohibit construction of a detached accessory dwelling unit with a total floor area not greater than 800 square feet, not more than 16 feet high, and with side and rear yard setbacks of at least four feet.
4. *Supplemental Standards for Exempt Accessory Dwelling Units.*
- a. Notwithstanding any other standard provided in Sections (C) and (D), one of the following categories of accessory dwelling units shall be permitted on a lot with a proposed or existing single family dwelling if they meet the standards of this subsection (D)(4)(a):
 - i. One accessory dwelling unit per lot within the proposed or existing space of a single-family dwelling or existing space of an accessory structure. The accessory dwelling unit within the existing space of an accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress. The accessory dwelling unit shall have exterior access from the single family home. The setbacks must be sufficient for fire and safety; or
 - ii. One new detached accessory dwelling unit per lot with a proposed or existing single-family dwelling up to 800 square feet, up to 16 feet in height, and up to four foot side and rear setbacks;
 - b. Notwithstanding any other standard provided in Sections (C) and (D), one of the following categories of accessory dwelling units shall be permitted on a lot with an existing multifamily dwelling if they meet the standards of this subsection (D)(4)(b):
 - i. Accessory dwelling units within the portions of an existing multifamily dwelling structure that are not used as livable space, provided that each unit complies with state building standards for dwellings. An accessory

dwelling unit shall not be created within any portion of the habitable area of an existing dwelling unit in a multifamily structure. Up to 25 percent of the number of existing multifamily units in the building, but at least one unit, shall be allowed per lot; or

- ii. Up to two detached accessory dwelling units per lot, provided that the height of the accessory dwelling units does not exceed 16 feet and that four-foot side and rear yard setbacks are maintained.

5. *Junior Accessory Dwelling Units.* Junior accessory dwelling units shall comply with the following standards:

- a. *Number of Units Allowed:* Only one junior accessory dwelling unit may be located on any lot zoned for and containing a proposed or existing single-family dwelling. A junior accessory dwelling unit is not permitted on a lot with an accessory dwelling unit unless the accessory dwelling unit is:
 - i. a detached, new construction accessory dwelling unit up to 800 square feet, up to 16 feet in height, and with up to 4 foot side and rear setbacks; or
 - ii. an accessory dwelling unit within the proposed or existing space of a single-family dwelling or existing space of an accessory structure. The accessory dwelling unit within the existing space of an accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodate ingress and egress. The accessory dwelling unit shall have exterior access from the single family home. The setbacks must be sufficient for fire and safety
- b. *Unit Size:* No junior accessory dwelling unit shall contain more than 500 square feet of floor space and shall be contained entirely within an existing or proposed single-family. An efficiency unit (a single room that includes sleeping and kitchen functions) shall not contain less than 150 square feet of floor space, exclusive of a bathroom.
- c. *Owner Occupancy:* The owner of a lot proposed for a junior accessory dwelling unit shall occupy as a principal residence either the primary dwelling or the accessory dwelling unless the owner is a government agency, a land trust, or a housing organization.
- d. *Separate Sale Prohibited:* A junior accessory dwelling unit shall not be sold independently of the primary dwelling on the parcel.
- e. *Deed Restriction:* A deed restriction shall be completed and recorded, in compliance with paragraph D(5) above.
- f. *Location of Junior Accessory Dwelling Unit:* A junior accessory dwelling unit must be created within the existing walls of a proposed or existing single-family dwelling.
- g. *Separate Entry Required:* A separate exterior entry shall be provided to serve a junior accessory dwelling unit.
- h. *Kitchen Required:* The junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components:
 - i. A cooking facility with appliances; and
 - ii. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the junior accessory dwelling unit.
- i. *Bathroom Required:* Access to a bathroom is required, which may be part of the junior accessory dwelling unit or located in the existing primary dwelling. If provided as part of the primary dwelling, the junior accessory dwelling unit shall have direct access to the main living area of the primary dwelling so a resident does not need to go outside to access the bathroom.

- j. *No Additional Parking Required.* No additional parking is required for a junior accessory dwelling unit.

E.. Utilities and Impact Fees.

1. Except as provided in subsection (2) below, an accessory dwelling unit may be required to have a new or separate utility connection, including a separate sewer lateral, between the accessory dwelling unit and the utility. A connection fee or capacity charge may be charged that is proportionate to the size in square feet of the accessory dwelling unit or its drainage fixture unit (DFU) values. Separate electric and water meters shall be required for the accessory dwelling unit.
2. Junior accessory dwelling units and accessory dwelling units converted from the proposed or existing space of a single-family dwelling or existing space of an accessory structure are exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges.
3. All utility extensions shall be placed underground.
4. Junior and accessory dwelling units shall comply with all applicable building code requirements. However, fire sprinklers shall not be required in a junior or accessory dwelling unit if they are not required for the primary dwelling unit.
5. No impact fees may be imposed on a junior or accessory dwelling unit that is less than 750 square feet in size. For purposes of this Section, "impact fees" include the fees specified in Section 66000 and 66477 of the Government Code, but do not include utility connection fees or capacity charges. For accessory dwelling units that have a floor area of 750 square feet or more, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

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

Section 8. Chapter 15.04.610.030 of the City of Richmond Municipal Code, "Accessory Short-Term Rentals ("Home-shares")," is hereby amended to read as follows:

15.04.610.030 - **Accessory Short-Term Rentals ("Home-shares").**

Accessory Short-Term Rentals must be located, developed, and operated in compliance with the following standards, where allowed by the 200 Series, Base Zoning Districts:

- A. **Where Allowed.** Accessory short-term rentals of one or two bedrooms in a dwelling unit are allowed in Residential and Commercial Mixed-Use zoning districts, subject to the standards of this Section and applicable license requirements of the Municipal Code, provided they do not detract from neighborhood character and the primary use of the dwelling remains residential. Accessory dwelling units and junior accessory dwelling units may not be rented for periods shorter than 30 days.
- B. **Resident Occupancy Required.** A resident must occupy the dwelling unit for at least 200 days during each calendar year, and at least one of the unit's primary residents, acting as the host must be on-site, meaning the host is living in one of the bedrooms in the primary structure or in an accessory dwelling unit on the site.
- C. **No Limitation on Number of Short-term Rentals.** There are no limitations on the annual number of home shares permitted by this Section, provided all of standards of this Code are met.
- D. **Habitable Space Required.** A home-share may only offer space for short-term rentals that qualifies as habitable space, as defined by the Building Code. This means that a host may not rent space in an accessory structure, such as a storage shed or a garage, as a "home-share" space.
- E. **Business License Required and Transient Occupancy Tax Required.** A valid business license is required to conduct a home-share business, and the applicable transient occupancy tax, as established by the Chapter 7.88 of the Municipal Code, must be paid by the guest when paying the rental. The collected transient occupancy tax must then be remitted to the City within 30 days of receipt.

- F. **Hired Services.** Hired services for normal maintenance, repair and care of the residence or the site, such as yard maintenance and house cleaning, are allowed.
- G. **Permit Number in All Advertising.** In any advertisement of the home-share service, a host must include the Business License number issued by the City.
- H. **Emergency Exits.** A host must provide guests with information related to emergency exits if the unit is part of a multi-unit complex of more than one story.

Section 9. California Environmental Quality Act: Pursuant to Public Resources Code section 21080.17, the adoption of this ordinance implementing Government Code section 65852.2 is exempt from the California Environmental Quality Act. The adoption of the ordinance implementing Government Code sections 65852.2 and 65852.22 is also exempt under CEQA Guidelines Section 15061(b)(3), the common sense exemption, in that accessory dwelling units and junior accessory dwelling units must be allowed in the City in accordance with state law standards regardless of whether the City adopts this ordinance.

Section 10. Effective Date: The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 11. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

First read at a meeting of the Council of the City of Richmond held on October 20, 2020, and finally passed and adopted at a regular meeting thereof held on November 10, 2020, by the following vote:

- AYES: Councilmembers Choi, Johnson III, Martinez, Myrick, Vice Mayor Bates, and Mayor Butt.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: Councilmember Willis.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:
TOM BUTT
Mayor

Approved as to form:
TERESA STRICKER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 27-20 N.S.** passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 10, 2020.



Pamela Christian, City Clerk of the City of Richmond