

19. Development Agreements, Chapter 17.94

- B. Where provisions of this chapter conflict with provisions of other applicable laws, the more restrictive provision shall prevail. (Ord. 1006 - 1 (part), 1984: prior code - 9202.5(A))

17.16.010 Density.

A. Determination of Allowed Development.

1. "Density" is the number of dwellings per net acre, measured in density units. In the AG, C/OS, and R-1 zones, each single-family dwelling counts as one density unit. In the other zones, different size dwellings have density unit values as follows: (Ord. 1365 (2000 Series)(part))
 - a. Studio apartment, 0.50 unit;
 - b. One-bedroom dwelling, 0.66 unit;
 - c. Two-bedroom dwelling, 1.00 unit;
 - d. Three-bedroom dwelling, 1.50 units;
 - e. Dwelling with four or more bedrooms, 2.00 units.
2. The following procedure shall be used to determine the maximum development allowed on a given lot or land area:
 - a. Determine the Average Cross-slope of the Site. "Average cross-slope" is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours.
 - i. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping sub-areas, as determined by the Community Development Director.
 - ii. Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future on-site grading necessary to accommodate proposed right-of-way improvements and other on-site improvements.
 - iii. Cross-slope shall be calculated only for the net area as defined in Sub-section A2b below.
 - iv. When the calculation of cross slope results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
 - v. No slope-rated density reduction is required in the C/OS, C-R, C-C or PF zones.
 - vi. The maximum development allowed for each average cross-slope category is as follows:

Table 1: Maximum Residential Density for Cross-Slope Categories

Average Cross-Slope in %	Maximum Density Allowed (density units per net acre)					
	R-1	R-2*, O, C-N, C-T	R-3	R-4	C-R, C-D, C-C	C-S, M
0-15	7	12	18	24	36	24
16-20	4	6	9	12	36	24
21-25	2	4	6	8	36	24
26+	1	2	3	4	36	24

*R-2 zone, see section d.1. below

By approving an administrative use permit, the Director may grant exceptions to the reduction of density with slope where the parcel in question is essentially enclosed on all sides by development at least as dense and within the same cross-slope category as the proposed development. The exception shall not authorize density greater than that allowed for the category of less than 15% slope for the appropriate zone. (See also Section 17.12.020D, Nonconforming Lots - Regulations.)

- b. Determine the Net Area of the Site. "Net area" is all the area within the property lines of the development site, excluding the following:
 1. Street right-of-way dedicated and proposed to be dedicated to the City;
 2. Area between the tops of banks of creeks shown on the Open Space Element "Creeks Map";
 3. Habitat occupied by species listed as "endangered" or "threatened" by the U.S. Fish and Wildlife Service or the California Department of Fish and Game, or as "plants of highest priority" by the California Native Plant Society, unless the Community Development Director determines there is no "practical alternative" as defined by the General Plan;
 4. Area within the drip line of "heritage trees" designated by the City.
- c. Multiply the resulting area (in whole and fractional acres) by the maximum density allowed (in density units per acre) according to Table 1 of this section. (Ord. 1365 (2000 Series)(part))
- d. The resulting number (in density units, carried out to the nearest one-hundredth unit) will be the maximum residential development potential. Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential. (Ord. 1365 (2000 Series)(part))
 1. For a single-family residence (single unit on one lot) located in the Medium-Density Residential Zone (R-2), density unit values may be rounded up to the nearest half (.5) density unit (example: 1.37=1.5). Condominiums and common interest subdivisions shall conform to standard R-2 density requirements where maximum density is calculated by rounding to the nearest one-hundredth unit.

B. Density Transfer.

1. Development potential may be transferred within the area covered by a planned development (PD) zone, in conformance with the requirements of Chapter 17.50.
2. Where a portion of a lot is within a zone or zones that allow residential use and the rest of the lot is in a C/OS zone, and the portion within the C/OS zone is not large enough to allow one dwelling, the fractional dwelling unit potential from the C/OS zone may be transferred to the other portion of the lot, without planned development rezoning.

C. Density Averaging.

Where portions of a lot are within two or more different zones that allow different maximum densities, and any portion is not of the size required for a lot in that zone, density may be averaged over the whole lot, with each portion contributing to the overall maximum development potential in proportion to its area and maximum allowed density.

D. Density Bonus for Low-income and Moderate-income Housing.

Pursuant to California Government Code Section 65915, the City may negotiate a density bonus or other benefits in exchange for provision of housing affordable to households with low or moderate income, as defined in the Government Code, and as stipulated in Chapter 17.90 of these regulations. (Ord. 1085 - 1 Ex. A (part), 1987; Ord. 1006 - 1 (part), 1984; Ord. 941 - 1 (part), 1982: prior code - 9202.5(B))

E. Exceptions for Dwellings Rebuilt After Involuntarily Destroyed. Residences in R-1, R-2, R-3, R-4, O, C-N, C-C, C-R, C-T, C-D and C/OS zones, which have been involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy by more than 50% of their pre-damaged value, may be rebuilt at the same density and up to the same size, under the following circumstances:

1. All construction must conform to current building codes, zoning regulations, and architectural guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.
2. A building permit for the replacement structure(s) must be obtained within three years of the date of the damage or destruction.
3. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the Community Development Director makes one of the following findings:
 - a. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons living or working in the neighborhood.
 - b. The reconstruction, restoration, or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.
 - c. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.
 - d. There no longer exists a zone in which the existing nonconforming use is permitted. (Ord. 1346 (1999 Series))

17.16.015 Recreational Vehicle as Dwelling Unit.

No recreational vehicle, camper shell, automobile or similar device shall be used for living or sleeping quarters on private property, except in a lawfully operated mobile home park, travel trailer park, campground, or safe parking facility, except as provided in Section 17.08.010(C)(4) et seq. Within city streets, areas of the public right-of-way, and city-owned