

Exhibit A to Ordinance 24-xx

(deleted text is shown in ~~double strike through~~, new text is italic underline):

17.24.010 Specific purposes.

- A. In addition to the general purposes listed in Chapter 17.04 BMC, the specific purposes of residential districts are to:
1. Provide appropriately located areas for residential development that are consistent with the general plan and with standards of public health and safety established by the municipal code;
 2. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects;
 3. Promote development of housing affordable by low- and moderate-income households by providing a density bonus for projects in which a portion of the units are affordable for such households;
 4. Protect residential areas from fires, explosions, landslides, toxic fumes and substances, and other public safety hazards;
 5. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development;
 6. Achieve design compatibility with surrounding neighborhoods;
 7. Provide sites for public and semipublic land uses needed to complement residential development or requiring a residential environment;
 8. Ensure the provision of public services and facilities needed to accommodate planned population densities.
- B. The additional purposes of each R residential district are:
1. RS Single-Family Residential District. To provide opportunities for single-family residential land use, either in neighborhoods or in conjunction with agricultural pursuits, subject to appropriate standards. Duplexes, triplexes and fourplexes existing as of July 1, 1977, are allowed to remain, but all new residential construction shall be single-family dwellings or approved accessory structures.
 2. RM Medium-Density Residential District. To provide opportunities for multiple residential uses with low land coverage, including older residences converted to duplexes and new townhouses or cluster housing with landscaped open space for residents' use.
 3. RH High-Density Residential District. To provide opportunities for an intensive form of residential development, including apartments and townhouses with relatively high land coverage, at appropriate locations in the vicinity of First Street, along the waterfront, and near convenience commercial nodes at Southampton Road, East Fifth Street and West Seventh Street.
 4. HZ, Housing Opportunity Zone District. To provide an opportunity for high density multiple family residential development at higher land coverage and density than other residential districts in close proximity to stores, services, schools, and public transportation.

17.24.020 RS, RM, RH and HZ districts – Land use regulations.

In the following schedules, the letter “P” designates use classifications permitted in residential districts. The letter “L” designates use classifications subject to certain limitations prescribed under the “Additional Use Regulations” which follow. The letter “U” designates use classifications permitted on approval of a use permit, as provided in Chapter 17.104 BMC. The letters “P/U” designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the “Additional Regulations” column refer to the “Additional Use Regulations” following the schedule.

Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

RS, RM, RH and HZ Districts: Land Use Regulations

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- - Not Permitted

	RS	RM	RH	<u>HZ</u>	Additional Regulations
Residential				-	(A)(B)(C)(N)
Family Day Care, Large	P	P	P	<u>P</u>	(P)
Family Day Care, Small	P	P	P	<u>P</u>	
Group Residential	-	U	U	<u>U</u>	(D)(E)
Multifamily Residential	-	P	P	<u>P</u>	(E)
Residential Care, Limited	P	P	P	<u>P</u>	
Single-Family Residential	P	P	P	=	(M)
Supportive Housing	P	P	P	<u>P</u>	
Transitional Housing	P	P	P	<u>P</u>	
Commercial Uses					
Conference and Meeting Facilities	U	U	U	=	
Eating and Drinking Establishments	-	-	-	<u>P</u>	(S)
Food and Beverage Sales	-	-	-	<u>P</u>	(S)
Horticulture, Limited	L1	L1	L1	<u>L1</u>	(Q)
Personal Services	-	-	-	<u>P</u>	(S)

RS, RM, RH and HZ Districts: Land Use Regulations

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	RS	RM	RH	<u>HZ</u>	Additional Regulations
Public and Semipublic					
Adult Day Health Care	U	U	U	<u>U</u>	
Bed and Breakfast Inns	L3	L3	L3	=	
Clubs and Lodges	L6	U	U	<u>U</u>	
Convalescent Facilities	-	U	U	<u>U</u>	
Cultural Institutions	-	U	U	<u>U</u>	
Day Care Center	U	U	U	<u>P</u>	(S)
Emergency Shelter	-	L4	-	=	
Park and Recreation Facilities	L2	L2	L2	<u>L2</u>	(F)
Public Safety Facilities	U	U	U	<u>U</u>	
Religious Assembly	U	U	U	<u>U</u>	(O)
Residential Care, General	P	P	P	<u>P</u>	
Schools, Public or Private	U	U	U	=	
Utilities, Major				-	
Waste Facility	-	-	-	=	
Utilities, Minor	P	P	P	<u>P</u>	
Visitor Accommodation				-	(E)
Accessory Uses	P/U	P/U	P/U	<u>P/U</u>	(A)(G)(H)(I)(J)(K)(Q)
Donation and Collection Bins	L5	L5	L5	<u>L5</u>	(R)
Temporary Uses					
Commercial Filming, Limited	P	P	P	<u>P</u>	
Personal Property Sales	P	P	P	<u>P</u>	
Street Fairs	U	U	U	<u>U</u>	

RS, RM, RH and HZ Districts: Land Use Regulations

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- - Not Permitted

	RS	RM	RH	<u>HZ</u>	Additional Regulations
Nonconforming					
					(N)
Other Uses					
Cultivation of Cannabis for Personal Use, Indoors or Outdoors	P	P	P	<u>P</u>	(Q)

RS, RM, RH and HZ Districts: Additional Use Regulations

- L-1 Use permit required, and no on-site retail sales permitted. Shall not include cannabis cultivation.
- L-2 Use permit required for private noncommercial facilities, including swim clubs and tennis clubs.
- L-3 Community development director use permit required.
- L-4 See BMC 17.70.390, Emergency shelter.
- L-5 Only permitted when accessory to a duly permitted club, lodge, cultural institution, religious assembly or school.
- L-6 Only youth centers may be permitted with approval of a use permit, if operated by a public or non-profit organization and located within a half-mile of a secondary school.
 - (A) See BMC 17.70.020, Relocated buildings (use permit required).
 - (B) Residential use shall be allowed by right for housing development projects on vacant sites designated in two consecutive prior housing elements and nonvacant sites designated in one prior housing element, as described in Chapter III, Sites Inventory, and shown in Appendix D, Table A of the housing element, pursuant to Government Code Section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.
 - (C) Approval of a use permit shall require a finding that (1) the proposed use will have no significant unmitigated environmental impacts; and (2) the building design is compatible with surrounding buildings.

- (D) Design review shall be required; see Chapter 17.108 BMC.
- (E) For visitor accommodations accessory to a dwelling unit, see BMC 17.70.450, Short-term rentals.
- (F) Limited to facilities on sites of fewer than two acres.
- (G) See BMC 17.70.370, Cottage food operations, and BMC 17.70.070, Home occupations.
- (H) See BMC 17.70.050, Nonresidential accessory structures, and BMC 17.70.060, Accessory dwelling units.
- (I) See BMC 17.74.190, Driveways and carports – Design and location in R districts.
- (J) See BMC 17.70.080, Swimming pools and hot tubs.
- (K) See Chapter 17.104 BMC, Use Permits and Variances.
- (L) See BMC 17.70.280, Manufactured homes.
- (M) See BMC 17.70.300, Animals.
- (N) See Chapter 17.98 BMC, Nonconforming Uses and Structures.
- (O) See BMC 17.70.040, Religious assembly yard requirements.
- (P) Community development director shall issue a permit for large family day care homes caring for nine to 14 children, as defined in Chapter 3.4 of the California Health and Safety Code, upon determining that the proposed large family day care complies with the requirements below. If the proposed large family day care will not be able to conform to the following requirements, the community development director shall refer the application to the planning commission for a use permit as provided in Chapter 17.104 BMC, except that the public notification radius shall be reduced to 300 feet:
 - (1) A minimum 300-foot separation is required between all large family day care facilities located on the same street. The separation shall be measured from the closest property lines. For corner properties, the separation shall be measured from the property line of all street frontages.
 - (2) No signs, name plates or other advertising shall be affixed to the premises.
 - (3) The hours of operation shall not exceed 6:00 a.m. to 8:00 p.m. Monday through Friday.
 - (4) The applicant shall maintain a valid state license for a large family day care.
 - (5) Noise. The location of the facility, including outdoor play areas, shall be sited to minimize noise impacts on neighboring properties. Noise levels shall comply with the standards identified in the general plan.
 - (6) Outdoor Play Areas. Outdoor play areas shall be:
 - a. Fully enclosed by a natural barrier, wall, solid fence, or other solid structure having a maximum height of six feet; and
 - b. Physically separated from driveways, streets, and parking.
 - (7) Adequate parking shall be provided for employees of the large family day care and for pick-up and drop-off of children at the home in accordance with the following standards:
 - a. Parking shall comply with BMC 17.74.030, Off-street parking and loading spaces required;
 - b. Adequate space shall be available for the safe pick-up and delivery of children to the day care home; and
 - c. Vehicles for all day care employees, visitors, and potential clients associated with the day care shall not block driveway entrances and shall park in a legal parking space along the street.

The criteria above shall be incorporated as required operational standards for all large family day care homes.

A permit for a large family day care that is not operated in compliance with these regulations or that is in violation of any law or ordinance in connection with large family day care homes or has a currently suspended or revoked state license, shall be revoked by the community development director after 30 days' written notice unless the large family day care is altered to comply.

- (Q) See Chapter 9.60 BMC, Cannabis Public Safety License, and Chapter 17.84 BMC, Cannabis.
- (R) See BMC 17.70.410, Donation and collection bins.
- (S) Uses are permitted on ground floor of multifamily residential building when not exceeding 20% of gross floor area.

17.24.030 RS, RM, RH and HZ districts - Property development regulations.

The following schedules prescribe development regulations for residential districts. The first ~~three~~ four columns establish basic requirements for permitted and conditional uses; letters in parentheses in the "Additional Regulations" column refer to the "Additional Development Regulations" following the schedule.

RS, RM, RH, and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	<u>HZ</u>	(T)
Site Area per Unit (sq. ft.)	6,000	3,000	2,000	<u>580</u>	
With density bonus for:					
Low- or Moderate-Income Housing	4,800	2,400	1,600	=	(A)
Elderly Housing	-	2,000	1,300	=	(A)
Low-Income Elderly Housing	-	1,500	1,000	=	(A)
Minimum Site Area (sq. ft.)	6,000	6,000	7,500	<u>20,000</u>	(B)(C)(D)
Minimum Site Width (ft.)	60	60	60	<u>60</u>	(R)(S)
Minimum Yards:					
Front (ft.)	20	20	20	<u>10</u>	(E)(F)
Side (ft.)	5	6; 10	6; 10	<u>10</u>	(E)(G)(H)
Corner Side (ft.)	10	15	15	<u>10</u>	(E)
Rear (ft.)	15	15	15	<u>15</u>	(E)(G)

RS, RM, RH, and HZ Districts: Property Development Regulations

	Districts				Additional Regulations
	RS	RM	RH	HZ	(T)
Courts					(I)
Maximum Height (ft.)	30	35	35	<u>72</u>	(J)(K)(U)
Maximum Coverage	40%	45%	50%	<u>75%</u>	
Maximum Nonresidential (FAR)	0.4	0.45	0.5	=	(L)
Open Space					(M)
Minimum Site Landscaping	35%	30%	30%	<u>10%</u>	(N)(O)
Fences and Walls					(P)
Off-Street Parking and Loading					(Q)
Signs	See Chapter <u>17.78</u> BMC				
Outdoor Facilities	See BMC <u>17.70.200</u> , Outdoor facilities, and BMC <u>17.70.250</u> , Satellite antennas and microwave equipment				
Screening of Mechanical Equipment	See BMC <u>17.70.210</u> and <u>17.70.250</u>				
Refuse Storage Areas	See BMC <u>17.70.220</u>				
Underground Utilities	See BMC <u>17.70.230</u>				
Performance Standards	See BMC <u>17.70.240</u>				
Nonconforming Structures	See Chapter <u>17.98</u> BMC				

- (A) See BMC 17.70.270, Affordable housing density bonus.
- (B) See BMC 17.70.130, Development on substandard lots.
- (C) See BMC 17.70.140, Development on lots divided by district boundaries.
- (D) The minimum site area shall be 12,000 square feet for use classifications requiring a use permit; see BMC 17.24.020.
- (E) Permitted Projections into Required Yards.
 - (1) In All Districts. See BMC 17.70.150, Building projections into yards and courts.
 - (2) Accessory Structures. See BMC 17.70.050, Nonresidential accessory structures; BMC 17.70.060, Accessory dwelling units; and BMC 17.74.190, Driveways and carports – Design and location in R districts.
- (F) See BMC 17.70.160, Front yards in R districts.
- (G) Building Height and Required Yards. The width of a required interior side or rear yard adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, shall be increased five feet over the basic requirement.

- (H) In the RM and RH districts, the average yard width shall be 10 feet, and the minimum width six feet.
- (I) Courts Opposite Windows (RM and RH Districts).
 - (1) Opposite Living Room Windows. The minimum width of a court opposite a living room window shall equal the height of the opposite wall, but shall not be less than 20 feet if there is a required window of a habitable room in the opposite wall.
 - (2) Opposite Other Habitable Rooms. The minimum width of a court opposite a window of a habitable room other than a living room shall be 14 feet if there is a required window of a habitable room in the opposite wall.
 - (3) Dimensions of Courts. Required courts shall extend horizontally 20 feet in both directions from the vertical centerline of a required window, and shall extend upward from the window sill.
- (J) See BMC 17.70.180, Exceptions to height limits.
- (K) Any structure constructed in any Benicia residential area (R district) located west of First Street, and further located within the first 150 feet of the shoreline behind the highest tide mark, shall not exceed 24 feet in height (two stories). The height measurement of the structure shall be the maximum vertical dimension measured from the lowest outside surface ground contact with the structure perimeter to the highest structure point. If the structure is to be built upon fill placed on the site after April 10, 1980, the 24-foot dimension shall include the average depth of fill at the structure perimeter. Pursuant to California Elections Code Section 4013, this requirement shall not be repealed or amended except by a vote of the people. If any portion of a structure is located within the first 150 feet of the shoreline behind the highest tide mark, the whole structure shall conform with the 24-foot height limit.
- (L) In the RM, and RH districts up to 10 percent additional floor area may be allowed for mixed-use projects with 25 percent affordable residential units; see BMC 17.70.270.
- (M) Open Space.
 - (1) Basic Requirement. Total open space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit. *In the HZ district, units with at least 36 square feet of private open space (e.g., balconies, courtyards) are excluded from the required open space calculation, whether private or shared.*
 - (2) Private Open Space. Private open space meeting a portion of the requirement shall be on patios or balconies within which a horizontal rectangle has no dimension less than six feet.
 - (3) Shared Open Space, Outside. Shared open space, provided by nonstreet side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.
 - (4) Shared Open Space, Inside. Shared interior open space, provided by gymnasiums, common rooms and lobbies, shall be designed so that a cube within it has no dimension less than 10 feet, shall not include corridors or stairwells, and shall not consist of more than 10 percent of the required open space.
- (N) Planting Areas.

- (1) Yards Adjoining Streets. All visible portions of a required yard adjoining a street shall be planting area or hard scape that includes parking areas, driveways and walks, as well as areas covered by ornamental gravel, crushed rock or similar materials.
 - (2) Interior Yards. In the RM, RH, and HZ districts, at least 50 percent of each required interior side yard and rear yard shall be planting areas having a minimum width of five feet adjoining a side or rear property line; provided, that the width of a required planting area may be reduced to two feet in one side or rear yard adjoining a driveway and an accessory structure may occupy a portion of the planting area in a rear yard.
 - (3) Notwithstanding subsection (N)(2) of this section, a continuous planting area having a minimum width of five feet shall adjoin an RS district.
- (O) See BMC 17.70.190, Landscaping, irrigation and hydroseeding.
- (P) Fences and Walls. The maximum heights of a fence or wall shall be six feet except within 15 feet of the front property line abutting a street, where the maximum height shall be three feet. In addition, all fences and walls shall be subject to the driveway and intersection visibility requirements of BMC 17.74.150. For reversed corner lots, a fence placed on the rear and side property lines may be six feet in height; provided, that the driveway visibility requirements of BMC 17.74.150 are met. Where the difference in elevation between two adjacent lots is more than 10 feet, the maximum height shall be three feet to protect views from the upper lot, unless the community development director approves a higher height. The director's decision shall be subject to appeal to the planning commission under the provisions of Chapter 1.44 BMC.
- (Q) No portion of a driveway located in a front setback area shall be used for required parking. See Chapter 17.74 BMC, Off-Street Parking and Loading Regulations.
- (R) Reduction of Lot Width. In an RS district, the community development director may approve a tentative parcel map containing up to four lots, and the planning commission may approve a tentative subdivision with five or more lots, with lot widths of less than 60 feet, but not less than 50 feet, if the following criteria are met:
- (1) The applicant shall provide documented evidence to the planning commission or community development director that property within 300 feet of the original parcel is developed or subdivided; and
 - (2) The applicant shall provide documented evidence of the existing lot width of properties within 300 feet of the original parcel. Minimum lot width of new parcels shall be the average of all lot widths within the 300 feet comparison area, or at least 50 feet wide, whichever is greater; and
 - (3) The applicant must show that the land falls naturally into a pattern of lots containing less than 60-foot lot widths; and
 - (4) Flag lots shall comply with subsection (S) of this section, Flag Lots; and
 - (5) The reduction of lot width will not be detrimental to the public welfare nor injurious to other property in the vicinity; and
 - (6) The planning commission or community development director must be satisfied that the applicant has not sold or transferred land, or taken any other steps to create the artificial result that the lot or lots will not meet the 60-foot lot width requirement.

The planning commission or community development director may attach additional requirements to the subdivision to ensure that the reduction in lot width is not injurious to property or detrimental to the public welfare, such as by providing for adequate distance between buildings and between driveways. The criteria above shall be incorporated into the findings of approval for any such subdivision.

- (S) Flag Lots. A tentative parcel map with four or fewer lots that contains up to two flag lots in the RS district may be approved, if the following criteria are met:
- (1) Parcel map and flag lot configuration shall require planning commission review and approval;
 - (2) The original parcel's shape, location or topography creates areas that could be developed with a residence that would not front on public streets;
 - (3) The portion of the lot providing the access corridor shall not be counted towards meeting minimum lot size requirements for the flag lot;
 - (4) Flag lot shall have a minimum street frontage of 25 feet;
 - (5) Driveway accessing flag lot shall be paved with a minimum 16-foot width to access one lot;
 - (6) Up to two lots may be accessed via one access driveway, provided the street frontage is increased to 30 feet and the paved driveway is increased to 19 feet;
 - (7) Width of lot shall measure at least 60 feet where the access corridor ends;
 - (8) Side and rear yard setbacks for flag lot and adjoining lots shall be measured from the access corridor;
 - (9) Front yard setback for flag lots shall be measured from where the access corridor ends;
 - (10) The community development director shall be satisfied the applicant has not sold or transferred land, or taken any other steps to create the artificial result that the original parcel is shaped irregularly; and
 - (11) Further subdivision of flag lots shall not be allowed.

The planning commission may attach additional requirements to the parcel map to ensure that the creation of a flag lot is not injurious to property or detrimental to the public welfare. The criteria above shall be incorporated into the findings of approval for any such subdivision.

- (T) Additional design standards are required for all housing projects in the Housing Opportunity Sites (-HOS) Overlay District pursuant to in the Chapter 17.64 BMC, Housing Opportunity Sites Overlay District.
- (U) Upper Story Massing. In the HZ district, a third story must be stepped back from the primary street at least 10 feet for a minimum of 35 percent of the facade length. Recessed area may be used as a balcony, terrace, or other usable open space.

17.24.040 Review of plans.

A. Certain projects shall require design review (see Chapter 17.108 BMC); all projects shall require development plan review (see Chapter 17.112 BMC).

B. Multifamily residential, transitional housing, and supportive housing development projects are subject to the city's objective planning and design standards for mixed use residential and multifamily development. (See BMC 17.70.430, Objective planning and design standards for mixed use residential and multifamily development projects.)