BILL NO. 1049-C.S.
ORDINANCE NO. ___-C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL CODE TITLE 15, CHAPTER 155 (THE INLAND ZONING CODE), SECTIONS 155.204 (RESIDENTIAL ZONING DISTRICTS), 155.316 (ACCESSORY DWELLING UNITS), AND 155.332.040 (URBAN LOT SPLIT SUBDIVISION) CONSISTENT WITH CURRENT STATE LAW

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XV, Chapter 155, Section 155.204 (Residential Zoning Districts) is hereby amended to read as follows:

155.204 – RESIDENTIAL ZONING DISTRICTS

155.204.010 – Purpose of Residential Zoning Districts

A. General. The purposes of the residential zoning districts are to:

1. Maintain stable neighborhoods offering a range of housing choices for residents with varied incomes and lifestyle needs;
2. Provide sufficient land in a range of residential densities to enable citizens from a wide array of economic levels and stages of life to live in Eureka, and to accommodate the existing and future workforce;
3. Accommodate increased development of high-density housing to balance Eureka's housing inventory and enhance affordability;
4. Encourage the construction of new high-density multi-family housing in zoning districts where multi-family housing is allowed;
5. Promote housing in close proximity to parks, schools, and public services;
6. Promote new development that supports a pedestrian-friendly environment and allows residents to easily walk, bike, and take transit to destinations;
7. Ensure that development protects and enhances the positive qualities of existing neighborhoods and strengthens Eureka's unique sense of place;
8. Encourage the development of vacant lots and the redevelopment of underutilized properties;
9. Allow improvements to existing homes consistent with the historic neighborhood character and the need to produce more housing units;
10. Allow for public and quasi-public uses compatible with a residential setting; and

11. Allow limited neighborhood-serving commercial uses to enhance residents' quality-of-life where allowed by the Neighborhood Market (NMO) overlay zone.

B. Specific.

1. **Residential Estate (RE).** The RE zoning district provides areas for low-density single-family detached homes, accessory dwelling units, and limited agricultural uses with a rural character compatible with adjacent agriculture, timberland, and open space uses. Two attached or detached single-family homes may be allowed on one lot pursuant to California Government Code 65852.21.
2. **Residential Low (R1).** The R1 zoning district contains neighborhoods of single-family homes and accessory dwelling units in a moderately low-density setting, located in proximity to parks, schools, and public services. Two attached or detached single-family homes may be allowed on one lot pursuant to California Government Code 65852.21.
3. **Residential Medium (R2).** The R2 zoning district accommodates a variety of medium-density housing types close to commercial (mixed-use) areas.
4. **Residential High (R3).** The R3 zoning district accommodates high-density multi-family housing in an urban setting close to employment centers, mixed-use zoning districts, and/or public transportation.

C. Coastal Zoning Districts.

1. The following residential zoning districts are located exclusively in Eureka's coastal zone:
   a. Residential Estate - Coastal (RE-CZ).
   b. Residential Low - Coastal (R1-CZ).
   c. Residential Medium - Coastal (R2-CZ).
   d. Residential High - Coastal (R3-CZ).
2. Purpose statements, allowed land uses, and development standards for coastal zoning districts are found in Municipal Code Chapter 156 (Coastal Zoning).

155.204.020 – Allowed Land Uses

A. General. Table 204-1 identifies allowed land uses and required permits in the residential zoning districts.

B. Additional Permits. In addition to permits identified in Table 204-1, proposed projects in the residential zoning districts may require additional permits and approvals as described in 155.412 (Specific Permits and Approvals).

Table 204-1: Allowed Land Uses in Residential Zoning Districts

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited **Land Use**	**Zoning District**				**Additional Standards**
	Residential Estate **RE**	Residential Low **R1**	Residential Medium **R2**	Residential High **R3**	
Residential					
Accessory Dwelling Unit (ADU)	P [1]	P [1]	P	P	155.316
Medical Care Housing	C	C	M	M	
Micro/Shared Housing	-	-	C	C	
Multi-family Dwellings	-	-	P	P	155.304.100
Non-medical Care Housing, Large	-	-	P	P	
Non-medical Care Housing, Small	P	P	P	P	
Single-Family Home, Attached (Townhomes)	P [1]	P [1]	P	P	155.204.040
Single-Family Home, Detached (existing)	P [1]	P [1]	P	P	155.204.040
Single-Family Home, Detached (new)	P [1]	P [1]	P [2]	P [2]	155.204.040
Tiny House on Wheels	P	P	P	P	155.316, 155.304.130
Commercial					
Car Share Facility	-	-	P	P	155.304.040
Day Care Facility	C [3]	C [3]	M [3]	M [3]	
Family Day Care Home, Small or Large [4]	P	P	P	P	155.304.060
Vacation Rental					155.304.150
Proprietor On-Site	P	P	P	P	
No Proprietor On-Site	M	M	M	M	
Agricultural and Natural Resources					
Timber Production and Harvesting	C	C	-	-	
Resource Protection and Restoration	P	P	P	P	
Civic and Recreation					
Civic Institutions	C	C	C	C	
Government Facilities	C	C	C	C	
Non-Commercial Places of Assembly	C	C	C	C	
Parks and Playgrounds	P	P	P	P	
Schools, Public and Private	C	C	C	C	
Instructional Services	-	-	C [5]	C [5]	
Infrastructure and Utilities					
Public Utility	C	C	C	C	

P = Permitted Use M = Minor Use Permit Required C = Conditional Use Permit Required - = Prohibited **Land Use**	**Zoning District**				**Additional Standards**
	Residential Estate **RE**	Residential Low **R1**	Residential Medium **R2**	Residential High **R3**	
Other Uses and Activities					
Accessory Uses	See 155.304.020				
Animal Keeping	See Municipal Code Chapter 91				
Home Occupations	See 155.304.070				
Neighborhood-Serving Commercial	See 155.224.030				
Temporary Uses	See 155.336				
Tree Removal	See 155.304.140				
Wireless Telecommunication Facilities	C	C	C	C	Municipal Code Chapter 159

Notes:
[1] Up to four dwelling units are allowed on one lot in the RE and R1 zoning districts: one single-family home and up to three of the following: a second single-family home (attached or detached); two accessory dwelling units (attached or detached); and/or one junior accessory dwelling unit. Lots resulting from an Urban Lot Split Subdivision (155.332.040) are only allowed three dwelling units: one single-family residence, one junior accessory dwelling unit and either one additional single-family residence or one accessory dwelling unit.
[2] Allowed only on lots 3,000 square feet or less; or if an existing dwelling unit that is part of a multi-family dwelling becomes a single-family residence as a result of a subdivision; or on a lot with a non-residential primary use (i.e., in combination with another primary use on the same lot).
[3] Allowed by-right when located in an existing non-residential facility such as a church or community center. Use Permit required for all other day care facilities.
[4] Allowed only as a secondary use when combined with an allowed primary use. See 155.108.050.C (Types of Uses).
[5] Allowed only on collector and arterial streets as shown in General Plan Figure M-1. Not allowed on local streets.

155.204.030 – Development Standards

A. RE and R1 Zoning Districts.

1. **General Development Standards.** Table 204-2 shows development standards in the RE and R1 zoning districts when the authority contained in 155.332.040 (Urban Lot Split Subdivisions) is not exercised. Standards apply to both primary and accessory buildings unless otherwise noted.

2. **Urban Lot Splits.** Table 204-2.1 1 shows development standards in the RE and R1 zoning districts for lots that are subdivided pursuant to 155.332.040 (Urban Lot Split Subdivisions).

Table 204-2: RE and R1 Development Standards

Standard	Zoning District		Additional Standards
	Residential Estate **RE**	Residential Low **R1**	
Minimum Lot Area [1]	10,000 sq. ft.	5,000 sq. ft.	155.308.010
Maximum Floor Area Ratio (FAR) [2]	0.75	1.0	
Maximum Units per Lot [3][4]	4 du/lot	4 du/lot	
Maximum Site Coverage [2]	35%	60%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Property Line Setbacks [5][6]			
Front			155.204.030.D; 155.308.030
Building Walls	15 ft. [7]	10 ft. [7]	
Porches and Stoops	15 ft. [7]	5 ft. [7]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Exterior Side			155.204.030.D&E; 155.308.030
Building Walls; Porches and Stoops	15 ft. [7][8]	5 ft. [7][8]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line	0 ft. or ≥ 20 ft. [9]	0 ft. or ≥ 20 ft. [9]	155.204.030.F
All other garages	20 ft.	20 ft.	
Interior Side No Alley			155.204.030.E; 155.308.030
All structures	15 ft. [8]	5 ft. [8]	
Interior Side Alley Adjacent [10]			
First story	0 ft. – 4 ft. or ≥ 10 ft.	0 ft. – 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear Alley Adjacent [10][11]			155.204.030.G; 155.308.030
First story	0 ft. – 4 ft. or ≥ 10 ft.	0 ft. – 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear No Alley [11]			155.204.030.G; 155.308.030
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft	

Standard	Zoning District: Residential Estate RE	Zoning District: Residential Low R1	Additional Standards
Notes: [1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard. See 155.332.030 (Conservation Subdivisions) and 155.332.040 (Urban Lot Split Subdivisions) for exceptions to these minimum lot area standards. [2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units). [3] Up to four units are allowed on a single lot (except for lots resulting for Urban Lot Split Subdivisions described in Table 204-2.1 below). The four units must include one single-family home and up to three of the following: a second single-family home (attached or detached); two accessory dwelling units (attached or detached); and/or one junior accessory dwelling unit. [4] For the purpose of calculating the maximum number of lots created through conservation subdivisions, the maximum density in RE is 4 du/acre and maximum in R1 is 8.5 du/acre. [5] The setbacks for accessory dwelling units and SB 9 residential developments shall be the same as those required for primary structures in the applicable zoning district, except as provided by 155.316.060 (for accessory dwelling units) and 155.204.040 (for SB 9 residential developments). [6] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official. [7] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Setback Alternative). [8] A residential addition of habitable floor area may encroach into the setback if extending a nonconforming building wall. See 155.204.030.E (Established Side Setbacks for Building Additions). [9] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports. [10] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit. [11] See Figure 204-5 in 155.204.030.G (Rear Setbacks).			

Table 204-2.1: Urban Lot Split Development Standards

Standard	Zoning District: Estate Residential RE	Zoning District: Residential Low R1	Additional Standards
Minimum Lot Area [1]			155.308.010
Minimum Square Footage	1,200 sq. ft.	1,200 sq. ft.	
Minimum Lot Area as a Percentage of Original Lot Area	40%	40%	
Maximum Floor Area Ratio [1] (FAR)			
Residential Structures Only	1.3	1.3	
Residential Structures and Covered Parking (garage and/or carport)	1.67	1.67	
Maximum Units per Lot [2]	3 du/lot	3 du/lot	
Maximum Site Coverage	100%	100%	
Maximum Building Height	35 ft.	35 ft.	155.308.020
Minimum Property Line Setbacks [3][4]			
New Interior Property Line [5]	0 ft.	0 ft.	
Front			155.204.030.D; 155.308.030

Standard	Zoning District		Additional Standards
	Estate Residential **RE**	Residential Low **R1**	
Building Walls	10 ft. [6]	10 ft. [6]	
Porches and Stoops	5 ft. [6]	5 ft. [6]	
Garage Doors and Carport Entrances	0 ft. or ≥ 20 ft.	0 ft. or ≥ 20 ft.	
Exterior Side			155.204.030.D&E; 155.308.030
Building Walls; Porches and Stoops	4 ft. [6][7]	4 ft. [6][7]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line	0 ft. or ≥ 20 ft. [8]	0 ft. or ≥ 20 ft. [8]	155.204.030.F
All other garages	20 ft.	20 ft.	
Interior Side No Alley			
All structures	4 ft. [7]	4 ft. [7]	155.204.030.E; 155.308.030
Interior Side Alley Adjacent [9]			
First story	0 ft. - 4 ft. or ≥ 10 ft.	0 ft. - 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear Alley Adjacent [9]			155.308.030
First story	0 ft. - 4 ft. or ≥ 10 ft.	0 ft. - 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear No Alley			155.308.030
All structures	4 ft.	4 ft.	

Notes:

[1] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).

[2] A maximum of one single-family home, one junior accessory dwelling unit and either one additional single-family home or one accessory dwelling unit are allowed on a lot that is subdivided using the authority contained in 155.332.040 (Urban Lot Split Subdivisions).

[3] Provided the setback is sufficient for fire and safety as determined by the Building Official.

[4] The setbacks for accessory dwelling units and SB 9 residential developments shall be the same as those required for primary structures in the applicable zoning district, except as provided by 155.316.060 (for accessory dwelling units) and 155.204.040 (for SB 9 residential developments).

[5] "New interior property line" means a property line created pursuant to 155.332.040 (Urban Lot Split Subdivisions) that does not abut an existing parcel outside of the property subject to the urban lot split.

[6] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Setback Alternative).

[7] A residential addition of habitable floor area may encroach into the setback if extending a nonconforming building wall. See 155.204.030.E (Established Side Setbacks for Building Additions).

[8] New garages must be set back either zero feet or 20 feet or more from the lot line. New garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.

[9] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.

B. R2 and R3 Zoning Districts. Table 204-3 shows development standards in the R2 and R3 zoning districts. Standards apply to both primary and accessory buildings unless otherwise noted.

Table 204-3: R2 and R3 Development Standards

Standard	Zoning District		Additional Standards
	Residential Medium	Residential High	
	R2	**R3**	
Minimum Lot Area [1]	2,000 sq. ft.	2,000 sq. ft.	155.308.010
Density [2]			
Maximum units per acre	22 du/acre	44 du/acre	
Minimum lot area per unit	2,000 sq. ft.	1,000 sq. ft.	
Maximum Floor Area Ratio (FAR) [2]	1.25	1.25	
Maximum Site Coverage [2]			
Lots less than 4,000 sq. ft.	50%	60%	
Lots 4,000 – 5,999 sq. ft.	60%	70%	
Lots 6,000 sq. ft. and above	70%	80%	
Maximum Building Height			155.308.020
Primary Building	35 ft. [3]	35 ft. [3]	
Detached accessory building [3]			
Lots less than 4,000 sq. ft.	24 ft.	24 ft.	
Lots 4,000 – 5,999 sq. ft.	28 ft.	28 ft.	
Lots 6,000 sq. ft. and above	35 ft.	35 ft.	
Minimum Property Line Setbacks [4][5][6]			
Front			155.204.030.D; 155.308.030
Building Walls	10 ft. 7]	10 ft. [7]	
Porches and Stoops	5 ft. [7]	5 ft. [7]	
Garage Doors and Carport Entrances	20 ft.	20 ft.	
Exterior Side			155.204.030.D&E; 155.308.030
Building Walls; Porches and Stoops	5 ft. [7][8]	5 ft. [7][8]	
Garages on a corner lot facing a side street and entirely located within 30 ft. of the rear lot line	0 ft. or ≥ 20 ft. [9]	0 ft. or ≥ 20 ft. [9]	155.204.030.F

Standard	Zoning District		Additional Standards
	Residential Medium R2	Residential High R3	
All other garages	20 ft.	20 ft.	
Interior Side No Alley			155.204.030.E; 155.308.030
All structures	5 ft. [8]	5 ft. [8]	
Interior Side Alley Adjacent [10]			
First story	0 ft. – 4 ft. or ≥ 10 ft.	0 ft. – 4 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear Alley Adjacent [10][11]			155.204.030.G; 155.308.030
First story	0 ft. – 2 ft. or ≥ 10 ft.	0 ft. – 2 ft. or ≥ 10 ft.	
Second story and above	0 ft.	0 ft.	
Rear No Alley [11]			155.204.030.G; 155.308.030
First story	5 ft.	5 ft.	
Second story and above	10 ft.	10 ft	

Notes:
[1] Minimum lot area standard applies only to new lots created through the subdivision or lot line adjustment process after June 20, 2019. Lots existing as of June 20, 2019 are not subject to a minimum lot size standard. See 155.332.030 (Conservation Subdivisions) for an exception to these minimum lot area standards.
[2] Excludes accessory dwelling units in conformance with 155.316 (Accessory Dwelling Units).
[3] The maximum height for an accessory building attached to a primary building is the same as the maximum height of the primary building.
[4] The setbacks for accessory dwelling units shall be the same as those required for primary structures in the applicable zoning district, except as provided by 155.316.060.F.
[5] No minimum setback is required from lot lines within a small lot subdivision that do not abut a lot outside of the small lot subdivision. See 155.332.020 (Small Lot Subdivisions).
[6] Provided the setbacks as proposed are sufficient for fire and safety as determined by the Building Official and pursuant to the California Building or Residential Code.
[7] Or average of adjacent lots, whichever is less. See 155.204.030.D (Average Setback Alternative).
[8] A residential addition of habitable floor area may encroach into the setback if extending a nonconforming building wall. See 155.204.030.E (Established Side Setbacks for Building Additions).
[9] Garages must be set back either zero feet or 20 feet or more from the lot line. Garages may not be setback any distance between 0 ft. and 20 feet from the lot line. See Figure 204-4. This applies only to garages, not to carports.
[10] Eaves, gutters, and other building features may project across a lot line into an alley only when allowed by the Building Code and with an easement and/or encroachment permit.
[11] See Figure 204-5 in 155.204.030.G (Rear Setbacks).

C. Lot Area and Dimensions. See 155.308.010 (Lot Standards).

D. Average Setback Alternative. Minimum required front and exterior side setbacks in Tables 204-2, 204.2-1, and 204-3 may be reduced as provided below.

1. **Interior Lots.**

a. For interior lots adjacent to two developed lots, the minimum front setback for building walls, porches, and stoops may be reduced to the average existing front setback of buildings of all developed lots on the same block face. See Figure 204-1.

b. For lots not on a standard block configuration, the minimum setback may be reduced to the setback equal to the adjacent developed lots. New multi-lot subdivisions must comply with the minimum setbacks in Tables 204-2 and 204-3.

2. **Corner Lots.** For corner lots, the minimum front and exterior side setbacks may be reduced to the average setback of all developed lots on the same block face, including alley-separated lots. See Figure 204-2.

Figure 204-1: Alternative Front Setback – Interior Lots

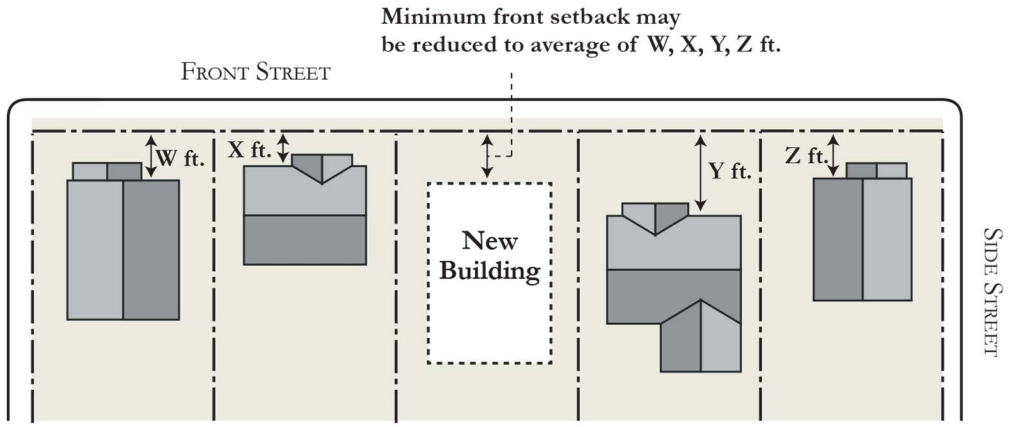
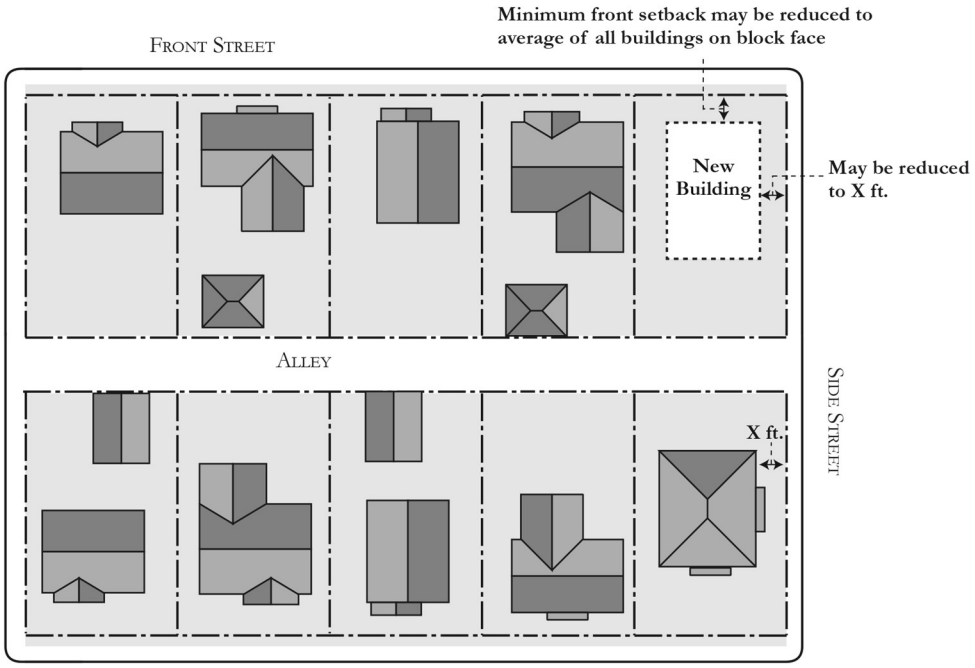


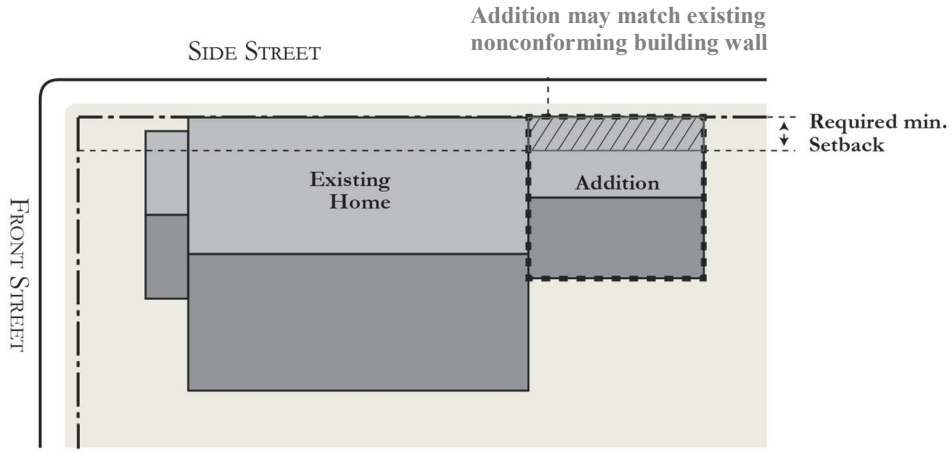
Figure 204-2: Alternative Front and Exterior Side Setback – Corner Lots



E. Established Side Setbacks for Building Additions.

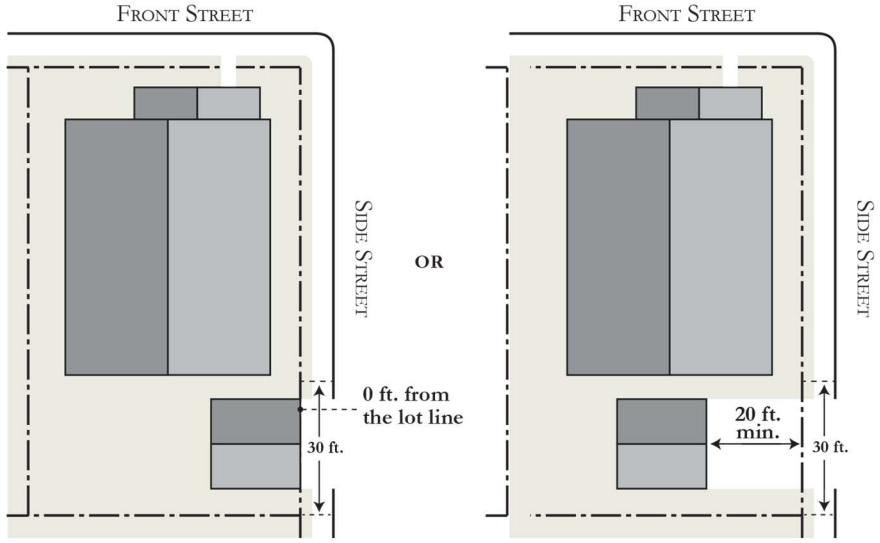
1. A building wall nonconforming to an interior or exterior side setback, if established prior to June 20, 2019, may be extended by-right to accommodate a residential addition of habitable floor area, including accessory dwelling units. See Figure 204-3. This allowance does not apply to garages and other non-habitable buildings or portions of a building.
2. Eaves and other building projections may not extend across a lot line. The Director may require a boundary survey to verify the lot line location.

Figure 204-3: Established Setbacks for Building Additions



F. Exterior Side Setbacks for Garages. As stated in Tables 204-2 and 204-3, if a street-facing garage is entirely located within 30 feet of the rear lot line, the garage must be setback either zero feet or 20 feet or more from the exterior lot line. See Figure 204-4. This provision applies only to garages, not to carports.

Figure 204-4: Exterior Street Garage Setbacks

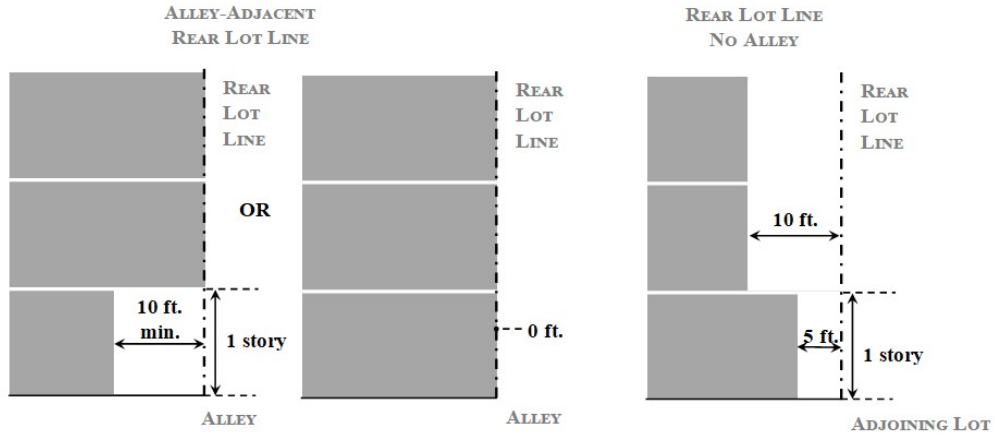


G. Rear Setbacks.

1. As stated in Tables 204-2 and 204-3, the first story of a building must be setback either 0 – 4 ft. or 10 ft. or more from an alley-adjacent rear lot line. No setback is required for the second story and above. See Figure 204-5.

2. For rear lot lines that are not adjacent to any alley, a five-foot setback is required for the first story and a 10-foot setback is required for the second story and above. See Figure 204-5.

Figure 204-5: Minimum Rear Setback Elevations



H. Setback Projections. See 155.308.030.A (Building Features) for building projections and site improvement allowed within minimum setbacks.

I. Accessory Dwelling Units. See 155.316 (Accessory Dwelling Units) for development standards that apply to Accessory Dwelling Units (ADUs).

J. Accessory Structures and Site Features - Setback Encroachments. See 155.308.030.B (Site Features) for site features and accessory structures allowed in minimum setback areas.

K. Subdivision Alternatives. See 155.332 (Residential Subdivision Alternatives) for allowed modifications to development standards for small lot subdivisions, conservation subdivisions, and urban lot split subdivisions.

L. Design Standards. See 155.312 (Design Standards) for building entry, architectural relief, and garage door width standards that apply to new primary buildings except single-family homes.

M. Parking. See 155.324 (Parking).

N. Landscaping. See 155.328 (Landscaping).

155.204.040 – SB 9 Housing Developments

A. Applicability. This subsection establishes standards for SB 9 housing developments in conformance with Government Code 65852.21. SB 9 housing developments consist of applications for two new

single-family homes on one parcel or for a second single-family home on a parcel with an existing single-family home in the RE or R1 zoning districts.

B. Relationship to Urban Lot Split Subdivisions. Applicants may use the multiple dwelling unit provisions of this subsection and the urban lot split provisions of 156.332.030 (Urban Lot Split Subdivisions) either independently or in combination, provided all applicable regulations are met.

C. Eligibility Requirements. Up to two primary dwelling units are allowed on one parcel in the RE or R1 zoning districts provided the following eligibility requirements are met:

1. **Compliance with Zoning Code.** The SB 9 housing development complies with all applicable requirements of this chapter for primary structures, except as modified by the provisions of this subsection. This includes maximum height, FAR, and site coverage standards as outlined in Tables 204-2 and 204-2.1.

2. **Environmental Resources and Hazards.** The parcel satisfies the requirements of Government Code 65913.4(a)(6), subparagraphs (B) to (K), which prohibit development on sites subject to specified environmental resources and hazards.

3. **Affordable and Rental Housing.**

   a. The SB 9 housing development will not require demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;

   b. The SB 9 housing development will not require demolition or alteration of housing that has been occupied by a tenant in the last three years; and

   c. No current or previous parcel owner has exercised the owner's rights under Government Code 7060 et seq. (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date of application for the SB 9 housing development.

4. **Historic Resources.** The parcel is not listed on the State or Local Register of Historic Places or located within a designated historic district.

D. Permitting Process.

1. **Zoning Clearance.** An SB 9 housing development consistent with the requirements of this section is allowed by-right with a Zoning Clearance (i.e., building permit approval).

2. **Time Limit to Act.** An SB 9 housing development shall be approved or denied within 60 days of submission of a complete application.

3. **Nonconforming Zoning Conditions.** Establishing a dwelling unit shall not require the correction of an existing legal nonconforming zoning condition on the property.

E. Development Standards.

1. **Maximum Number of Dwelling Units.**

a. **Project without Urban Lot Split.** Accessory dwelling units in compliance with 155.316 (Accessory Dwelling Units) are allowed in conjunction with an SB housing development, provided the total number of dwelling units does not exceed four on any given lot in the RE or R1 zoning district.

b. **Project with Urban Lot Split.** When a lot split occurs under Government Code 66411.7 and 155.332.040 (Urban Lot Split Subdivisions), each resulting parcel is limited to three dwelling units: one single-family home, one junior accessory dwelling unit, and either one additional single-family home or one accessory dwelling unit.

2. **Density.** Second single-family homes created by SB 9 housing developments are not considered for the purposes of evaluating the density requirements established by the General Plan, but may count as a dwelling unit for purposes of identifying adequate sites for housing.

3. **Minimum Setbacks from Property Lines.** The setbacks for dwelling units created through an SB 9 housing development shall be the same as those required for other primary structures in the applicable zoning district, except as provided below:

a. **Side and Rear Setbacks.** The minimum side or rear setback shall be four feet, unless the applicable zoning district permits a smaller minimum setback for primary structures, in which case that smaller setback applies.

b. **Setback Exception.** No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

4. **Parking.** On-site parking is not required for dwelling units created through an SB 9 housing development.

5. **Separation between Dwelling Units.**

a. No minimum separation is required between dwelling units on a parcel.

b. Dwelling units may be attached if the structures meet building code safety standards and are sufficient to allow separate conveyance.

6. **Guaranteed Allowance.** A standard of this chapter must be waived if the applicant demonstrates it would prohibit up to two single-family homes, each with up to 800 square feet of floor area, as long as the units comply with all other applicable standards.

F. Use Restrictions.

1. **Vacation Rental Prohibition.** Rental of any dwelling unit created through an SB 9 housing development must be for a term longer than 30 days.

2. **Residential Uses Only.**

a. The primary use of dwelling units created through an SB 9 housing development must be residential. A dwelling unit may not be utilized for a non-residential primary use otherwise permitted in the RE or R1 zoning districts as identified in Table 204-1.

b. Home occupations and other accessory uses are permitted in a dwelling unit consistent with 155.304.070 (Home Occupations) and 155.304.020 (Accessory Uses).

Section 2.

Title XV, Chapter 155, Section 155.316 (Accessory Dwelling Units) is hereby amended to read as follows:

155.316 – ACCESSORY DWELLING UNITS

155.316.010 – Purpose

This section establishes standards for accessory dwelling units and junior accessory dwelling units in conformance with Government Code 66310-66324. See 155.304.130 (Tiny Houses on Wheels) for regulations to use a Tiny House on Wheels as an Accessory Dwelling Unit.

155.316.020 – Permitting Process

A. Zoning Clearance. Accessory dwelling units and junior accessory dwelling units consistent with the requirements of this section are allowed by-right with a Zoning Clearance (i.e., building permit approval).

B. Time Limit to Act. On lots with an existing single- or multi-family dwelling, an accessory dwelling unit or junior accessory dwelling unit shall be approved or denied within 45 days of submission of a complete application.

1. If an applicant applies for both a new primary dwelling and an accessory dwelling unit or junior accessory dwelling unit, the City may delay approving or denying the accessory dwelling unit or junior accessory dwelling unit the City approves or denies the primary dwelling.

155.316.030 – Where Allowed

An accessory dwelling unit is permitted on any lot where single- or multi-family dwellings are a permitted use, and where there is an existing or proposed primary dwelling.

155.316.040 – Number of Accessory Dwelling Units

A. Single Family Dwelling.

1. On a lot with an existing or proposed single-family dwelling, the following maximum number of accessory dwelling units are allowed:

a. Two attached or detached accessory dwelling units; and

b. One junior accessory dwelling unit pursuant to Government Code 66333-66339.

2. **Relationship to SB 9 residential developments and urban lot split subdivisions in the RE and R1 zoning districts.**

a. In no case shall the total number of primary dwellings, accessory dwelling units, and junior accessory dwelling units exceed four on any given lot in the RE or R1 zoning districts.

b. When a lot split occurs under Government Code 66411.7 and 155.332.040 (Urban Lot Split Subdivisions), each resulting lot is limited to three dwelling units: one single-family home, one junior accessory dwelling unit, and either one additional single-family home or one accessory dwelling unit.

B. Multi-family Dwelling.

1. On a lot with an existing multi-family dwelling, the following maximum number of accessory dwelling units are allowed:

a. Up to eight detached accessory dwelling units, provided the number of accessory dwelling units does not exceed the number of existing primary dwelling units on the lot (detached accessory dwelling units are not required to be detached from each other but must be detached from the multi-family dwelling); and

b. One or more accessory dwelling units within portions of the existing multi-family dwelling that are not used as liveable space. Examples of such areas include garages, storage rooms, boiler rooms, passageways, attics, and basements that are not used as habitable space. The number of these internal accessory dwelling units may not exceed 25% of the total number of dwelling units in the existing structure, or at least one accessory dwelling unit, whichever is greater.

2. On a lot with a proposed multi-family dwelling, not more than two attached or detached accessory dwelling units are allowed.

155.316.050 – Accessory Dwelling Units as Short-term Rentals

An accessory dwelling unit or junior accessory dwelling unit in a residential or mixed-use zoning district may not be converted to, or utilized as, a short-term, transient, vacation rental or commercial lodging if the accessory dwelling unit or junior accessory dwelling unit was granted a certificate of occupancy after January 1, 2020.

Bill No. 1049-C.S.
Ordinance No. _____C.S.

155.316.060 – Site and Design Standards

A. General Standards.

1. Accessory dwelling units and junior accessory dwelling units are not considered for the purposes of evaluating the density requirements established by the General Plan; are considered residential uses; and may count as a dwelling unit for purposes of identifying adequate sites for housing.
2. Accessory dwelling units may be sold separately from the primary dwelling unit(s) only as permitted by California Government Code 66341 or 66342.
3. Accessory dwelling units and junior accessory dwelling units must comply with the state building standards for dwellings as determined by the Building Official, except as provided by 155.316.060.I.2.
4. The floor area of an accessory dwelling unit or junior accessory dwelling unit may not be less than the floor area required for an efficiency dwelling unit.

B. Height, FAR, and Site Coverage.

1. Accessory dwelling units are subject to the same height standards that apply to primary dwellings on the lot in the applicable zoning district.
2. FAR and site coverage standards do not apply to accessory dwelling unit.

C. Relationship to Residential Structures.

1. An accessory dwelling unit may be within, attached to, or detached from a single- or multi-family residential structure.
2. A junior accessory dwelling unit must be contained entirely within an existing or proposed single-family residence. For purposes of this standard, enclosed uses within the residence, such as attached garages, are considered a part of the residence.
3. An accessory dwelling unit or junior accessory dwelling unit within a proposed or existing primary residence must have its own separate exterior access.
4. An accessory dwelling unit or junior accessory dwelling unit must have kitchen and bathroom facilities that are separate from the primary dwelling, except as allowed by Paragraph (5) of this division.
5. A junior accessory dwelling unit may have an efficiency kitchen as defined in Government Code 66333(f). Bathroom facilities, but not the efficiency kitchen, may be shared with the primary dwelling. If the bathroom is shared with the primary dwelling,

the junior accessory dwelling unit must have an interior entry to the primary dwelling's main living area.

D. Maximum Unit Size.

1. **Junior Accessory Dwelling Unit.** The floor area of a junior accessory dwelling unit may not exceed 500 square feet in size. See 155.112.050.B (Floor Area Calculation for Junior Accessory Dwelling Unit) for rules of measurement.
2. **Accessory Dwelling Unit.** The floor area for an accessory dwelling unit (either attached or detached) may not exceed 1,200 square feet.
    a. Accessory dwelling units that qualify for approval under Government Code 66323(a)(1), (3), or (4) are exempt from this maximum size requirement.
3. **Calculating Size.** The floor area calculation for accessory dwelling units and junior accessory dwelling units does not include covered parking.

E. Existing Home Designated as Accessory Unit. If a lot contains an existing single-family home 1,200 square feet in size or smaller, the existing home may be designated as an accessory dwelling unit as part of a project to construct a new single-family home on the lot.

F. Setbacks.

1. **Minimum Setbacks from Property Lines.** The setbacks for accessory dwelling units shall be the same as those required for primary structures in the applicable zoning district, except as provided below:
    a. **Side and Rear Setbacks.** The minimum side and rear setback for accessory dwelling units is four feet, unless the applicable zoning district permits a smaller minimum setback for primary structures, in which case that smaller setback applies.
    b. **Second Floor or Conversion.** No additional setbacks are required for:
        (1) An existing structure that is converted to an accessory dwelling unit,
        (2) An accessory dwelling unit constructed above an existing structure, or
        (3) An accessory dwelling unit constructed in the same location as an existing structure, provided any modifications to the dimensions do not expand the footprint in the nonconforming setback area.
    c. **Front Setback Exemption.** No minimum front setback is required for:

(1) A new-construction accessory dwelling unit that is 800 square feet or smaller in floor area and complies with minimum four-foot side and rear yard setbacks.

(2) Accessory dwelling units and junior accessory dwelling units that qualify for approval under Government Code 66323(a)(1)–(4).

G. Parking.

1. On-site parking is not required for accessory dwelling units or junior accessory dwelling units.

2. When an existing parking space (covered or uncovered) is eliminated in conjunction with the creation of an accessory dwelling unit or junior accessory dwelling unit, replacement parking is not required for the eliminated parking space.

H. Historic Review.

New construction, exterior alterations or additions for an accessory dwelling unit on a property listed on the Local Register of Historic Places shall comply with Eureka Municipal Code Chapter 157, except the following types of accessory dwelling units are exempt from Historic Preservation Review:

1. A new-construction, detached accessory dwelling unit not located between a historic building and the street.

2. The conversion of an existing interior space or structure to an accessory dwelling unit where no exterior alterations are proposed (interior construction only).

3. A new-construction attached accessory dwelling unit that is not visible from the sidewalk, alley or street because it is blocked from view by permanent structures.

4. Accessory dwelling units that qualify for approval under Government Code 66323(a)(1)–(4).

I. Nonconformities.

1. New construction, exterior alterations or additions for an accessory dwelling unit or junior accessory dwelling unit are not subject to 155.424.030.B (Required Compliance), and do not trigger the need to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do no present a threat to public health and safety and are not affected by the creation of the accessory dwelling unit or junior accessory dwelling unit.

2. An application for an unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020 that violates building or zoning standards shall

be approved unless the Building Official finds that correcting the violation is necessary to protect the health and safety because the building is substandard pursuant to Health and Safety Code 17920.3.

J. Additional Junior Accessory Dwelling Unit Requirements.

1. The owner of the property must reside in either the remaining portion of the single-family residence or the junior accessory dwelling unit, except if the owner is a governmental agency, land trust or housing organization.
2. A deed restriction must be filed including:
    a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence; and
    b. A restriction on the size and attributes of the junior accessory dwelling unit in conformance with Government Code 66333-66339.

155.316.070 – Interpretation

Any ambiguities in this section shall be interpreted to be consistent with state law.

Bill No. 1049-C.S.
Ordinance No. _____C.S.

Section 3.

Title XV, Chapter 155, Section 155.332 (Residential Subdivision Alternatives), Subsection 155.332.040 (Urban Lot Split Subdivisions) is hereby amended to read as follows (the remainder of Section 155.332 is unchanged and is omitted):

155.332.040 – Urban Lot Split Subdivisions

A. Purpose. This subsection allows for subdivision of RE and R1 zoned lots and development of housing pursuant to California Government Code 65852.21 and 66411.7.

B. Where Allowed. Urban lot split subdivisions are permitted on any parcel zoned RE (Residential Estate) or R1 (Residential Low) provided:

1. The original lot area is at least 2,400 square feet;
2. The lot is not listed on the State or Local Register of Historic Places or located within a designated historic district;
3. The parcel satisfies the requirements of Government Code 65913.4(a)(6), subparagraphs (B) to (K), which prohibit development on sites subject to specified environmental resources and hazards;
4. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split subdivision as provided under California Government Code 66411.7;
5. The parcel has not been established through a prior urban lot split subdivision;
6. No parcel owner has exercised the owner's rights under Government Code 7060 et seq. (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date of application for the urban lot split; and
7. The urban lot split would not require demolition or alteration of housing that:
    a. is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income; and/or
    b. has been occupied by a tenant in the last three years.

C. Optional/Not Mandatory. Urban lot split subdivisions are an available option, not a mandatory requirement. Lots in the RE and R1 zoning districts may also be subdivided using generally applicable subdivision requirements. Conventional subdivisions, however, are not eligible for relaxed development standards in 155.332.040.E (Development Standards).

D. Approval Process.

1. **Ministerial Approval.** Urban lot split subdivisions require ministerial City approval of a parcel map as required by the California Subdivision Map Act and Municipal Code Chapter 154 (Subdivision Regulations).
2. **Nonconforming Zoning Conditions.** The Director may not require the correction of nonconforming zoning conditions as a condition of parcel map approval.
3. **Time Limit to Act.** Urban lot splits shall be approved or denied within 60 days of submission of a complete application.
4. **Identification on Parcel Map**. Proposed urban lot split subdivisions must be clearly identified as such on the parcel map.

E. Development Standards.

1. **Number of New Parcels.** The urban lot split creates no more than two resulting parcels.
2. **Resulting Minimum Lot Area.**
    a. The minimum lot area for a lot resulting from an urban lot split subdivision is 1,200 square feet; and
    b. The resulting minimum lot area must be at least 40% of the original lot area. For example, if the original lot is 5,000 square feet, the smallest resulting lot must be at least 2,000 square feet, or 40% of the original lot area. If the original lot is 3,000 square feet, then the smallest resulting lot must be at least 1,200 square feet.
3. **Minimum Setbacks and Other Standards.** No setback is required for an existing structure or a structure in the same location and to the same dimensions as an existing structure. In all other circumstances see Table 204-2.1 for minimum setback and other development standards for urban lot split subdivisions.
4. **Lot Access.** Newly created lots must comply with street frontage and access standards in 155.308.010.C (Street Frontage and Access). For lots without direct vehicle access from a street or alley, utility access easements must be granted to the City. See Figure 332-2.
5. **Parking.** On-site parking is not required. If on-site parking is provided, the parking must be consistent with 155.324 (Parking), and garages and carports must be setback as provided in Table 204-2.1.

6. **Maximum Number of Dwelling Units.** A maximum of one single-family home, one junior accessory dwelling unit and either one additional single-family home or one accessory dwelling unit are allowed on a lot that is subdivided using the authority contained in California Government Code

7. **Guaranteed Allowance.** A standard of this chapter must be waived if the applicant demonstrates it would have the effect of physically precluding the construction of two units on either of the resulting parcels, each with up to 800 square feet of floor area.

F. Other Requirements.

1. **Short-Term Rental.** Rental of any unit created pursuant to an urban lot split subdivision must be for a term longer than 30 days.

2. **Residential Use.** The primary use of the resulting lots must be residential. The resulting lots may not be utilized for any non-residential primary use otherwise permitted in the RE or R1 zoning districts as identified in Table 204-1.

3. **Owner Occupancy.** An applicant for an urban lot split subdivision shall sign an affidavit stating the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split subdivision. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under 214.15 or 402.1 of the Revenue and Taxation Code.

Section 4.

Adoption of the proposed Inland Zoning Code amendment is a discretionary City action subject to environmental review in accordance with the California Environmental Quality Act (CEQA). However, the City, as Lead Agency, has determined the proposed amendment is exempt from the provisions of CEQA. The proposed amendment is intended to ensure compliance with SB 9 (California Government Code [CA Govt. Code] §§65852.21 and 66411.7) and State ADU and JADU law (CA Govt. Code §§66310-66342). CA Govt. Code §65852.21(k) and §66411.7(n) both explicitly state that ordinances adopted to implement SB 9 are not considered a project for the purpose of CEQA. Public Resources Code (CEQA) §21080.17 similarly states that CEQA does not apply to ordinances adopted by a City to implement State ADU or JADU law. Certain proposed modifications do not directly implement State law and instead are proposed as part of the amendment as part of an on-going code cleanup effort to ensure the zoning code is understandable and user-friendly, by both Staff and the public. These non-substantive modifications are also exempt from the provisions of CEQA pursuant to §15061(b)(3), the Common Sense exemption, because it can be seen with certainty there is no possibility the activity in question may have a significant effect on the environment.

Bill No. 1049-C.S.
Ordinance No. _____C.S.

Section 5.
This ordinance becomes effective 30 days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ___ day of ___, 2025 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

_____
Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2025, and hereby approved.

_____
Kim Bergel, Mayor

Approved as to Administration:

_____
Miles Slattery, City Manager

Approved as to form:

_____
Robert Black, Acting City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2025.

_____
Pamela J. Powell, City Clerk