



Planning Commission **STAFF REPORT**

Ken Goldstein, Chair
Gina Frierman-Hunt, Vice-Chair
Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
Bob Spears, Commissioner

*Vincent Gonzalez, Planning and
Community Preservation Director*

DATE: October 15, 2015

TO: Planning Commission

FROM: Leticia Cardoso, Planning Manager

SUBJECT: Discussion Regarding Minimum Lot Sizes, Prevailing Front Yard Setbacks, and Angle Plane Encroachment in the R-1 Zone, Minor Conditional Use Permit Noticing Requirements, and Conditional Use Permit Findings.

ISSUES

Minimum Lot Sizes in the R-1 Zone

At the June 4 meeting, the Commission directed staff to provide information regarding the number of lots in the R-1 Zone that could potentially be subdivided so as to inform the discussion on how to discourage lot splits as required by General Plan Policy L1.7.

As directed by the Commission, the criteria used by staff to identify lots that can be subdivided includes 1) front lot line of the new lots must be located along a public right-of-way or private street and 2) new lots must provide the minimum width at the 25-foot front yard setback line pursuant to Code Section 17.20.100 ("Newly created lots – Rear line width"). It is important to note that, based on this criteria, the total number of new lots that can be derived is a conservative estimate since it does not include those lots that could be split using a flag lot configuration or an access easement. If these types of lots were to be included, it could significantly increase the total number of potential subdivisions in the R-1 Zone. Consequently, the Commission may also wish to discuss whether it should continue allowing subdivisions that involve these types of lot configurations.

The following chart shows the number of lots in each of the R-1 subzones that could be split into two or three lots based on the minimum lot size required for new lots in each subzone. In addition, attached Exhibit A was prepared by staff using the zoning map to show the location of these lots. Also, as requested by the Commission, the definition of "Front lot line" has been included herein as Exhibit B.

R-1 Subzone Classification	Minimum Lot Area	Minimum Width of New Lots*	Number of Lots that Can Be Split Into Two Lots**	Number of Lots that Can be Split into Three Lots**
R-1	7,500 sq. ft.	60	58	-
R-1-9,000	9,000 sq. ft.	70	1	-
R-1-11,000	11,000 sq.ft.	80	4	2
R-1-15,000	15,000 sq.ft.	90	2	-
		Total	65	2

*Pursuant to Code Section 17.20.100, the minimum width is measured at the rear line of the 25-foot-wide front yard setback line.

** This assumes that all structures on the subject lot would be demolished to allow subdivision into two or three lots.

Conditional Use Permit Findings

The Commission agreed on revisions to subsections A, B and C of Code Section 17.60.041 ("Additional burden of proof for permits for single-family houses as described in Section 17.20.025"), and the redlined changes are included herein as Exhibit C.

The Commission directed staff to provide examples of conditional use permit (CUP) findings from jurisdictions that do not require design review; attached herein as Exhibit D are the CUP findings for the Cities of Pasadena, La Canada/Flintridge, Glendora and San Gabriel.

The Commission also discussed the possibility of adding more design-related findings to the CUP findings in Section 17.60.041, and directed staff to provide information regarding the design review process in other jurisdictions, and examples of the required findings associated with their design review. Attached herein as Exhibit E is a summary prepared by staff with this information.

In addition, the Commission considered the possibility of requiring elevations of adjacent properties as part of the materials required for a conditional use permit application for new residences or additions to existing residences in the R-1 Zone.

Prevailing Front Yard Setback

The Commission directed staff to revise the language in Code Section 17.20.050.A.2 ("Front Yard Setbacks Greater than Twenty-Five Feet") to clarify the method of determining prevailing setbacks. Exhibit F includes a draft redline showing the language discussed at the June 4 meeting for consideration by the Commission.

The Commission also asked staff to provide a revised version of Diagram E from the R-1 Ordinance that includes the formula used to calculate the prevailing setback and illustrating how to apply the formula. The revised diagram is included herein as Exhibit G.

At the meeting, the Commission asked staff to provide a copy of the code section that addresses how the required front yard setback should be determined on lots located on a cul-de-sac. Attached herein as Exhibit H is Code Section 17.48.080 ("Modified front yard on cul-de-sac"), as well as a sketch prepared by staff to illustrate this requirement.

Angle Plane Encroachment

The Commission discussed revising Code Section 17.20.053 ("Angle Plane") to allow encroachment of chimneys into the required 45-degree angle plane setback for second stories, similar to what is allowed in the Residential Canyon Zone. Commissioner Desai agreed to provide a diagram illustrating building code requirements for minimum chimney height as a reference for further discussion at this meeting; this diagram is included herein as Exhibit I, as well as a draft redline of this code section prepared by staff to include the chimney encroachment exception.

The Commission also considered the possibility of limiting the height of chimneys even as they may be allowed to encroach into the angle plane setback. Code Section 17.48.020 ("Height of penthouses and roof structures"), included herein as Exhibit J, allows chimneys and other roof structures to exceed the maximum height limit of the zone where they are located, but does not provide a maximum allowable height for these structures. As such, the Commission may wish to consider including language in the R-1 Ordinance that is more restrictive than the language under the abovementioned code section. For example, the Hillside Management Zone Ordinance is currently more restrictive than Section 17.48.020 in that it specifically states that no portion of a building is allowed to exceed the height limit in the HMZ.

Minor Conditional Use Permit (Minor CUP) Noticing Requirements

At the meeting on June 4, the Commission agreed to amend Code Section 17.60.055.B ("Public Notice") to require that a notice be posted on the property in addition to the mailed notice. The revised language also includes a statement that any references to the Planning Commission's decision on a CUP shall be interpreted as the Director's decision on the Minor CUP.

General Plan Implementation

At the meeting on September 22, 2015, the City Council approved the 2015-2016 schedule for completion of several implementation measures included in the General Plan Implementation Program. According to the schedule, Implementation Measure No. 9 (IM-9) is scheduled for completion in November 2015 and reads as follows:

IM-9: "The City shall establish a pre-application process to require neighbor notification and appeal opportunities with respect to any new construction and additions that exceed one-story in height or significantly increases the volume and/or footprint of the structure."

On May 12, 2015, the City Council adopted several amendments to the R-1 Zoning Ordinance, including the requirement for a conditional use permit to allow a second-story addition to an existing single-family house or any new construction proposed to include a second story. While this amendment implements IM-9 as it relates to second stories, it does not address it with respect to significant increases in the volume and/or footprint of a structure in the R-1 Zone. Staff recommends that the Commission includes this item as part of the current discussion in compliance with the approved Implementation Program schedule.

Staff seeks further direction from the Planning Commission.

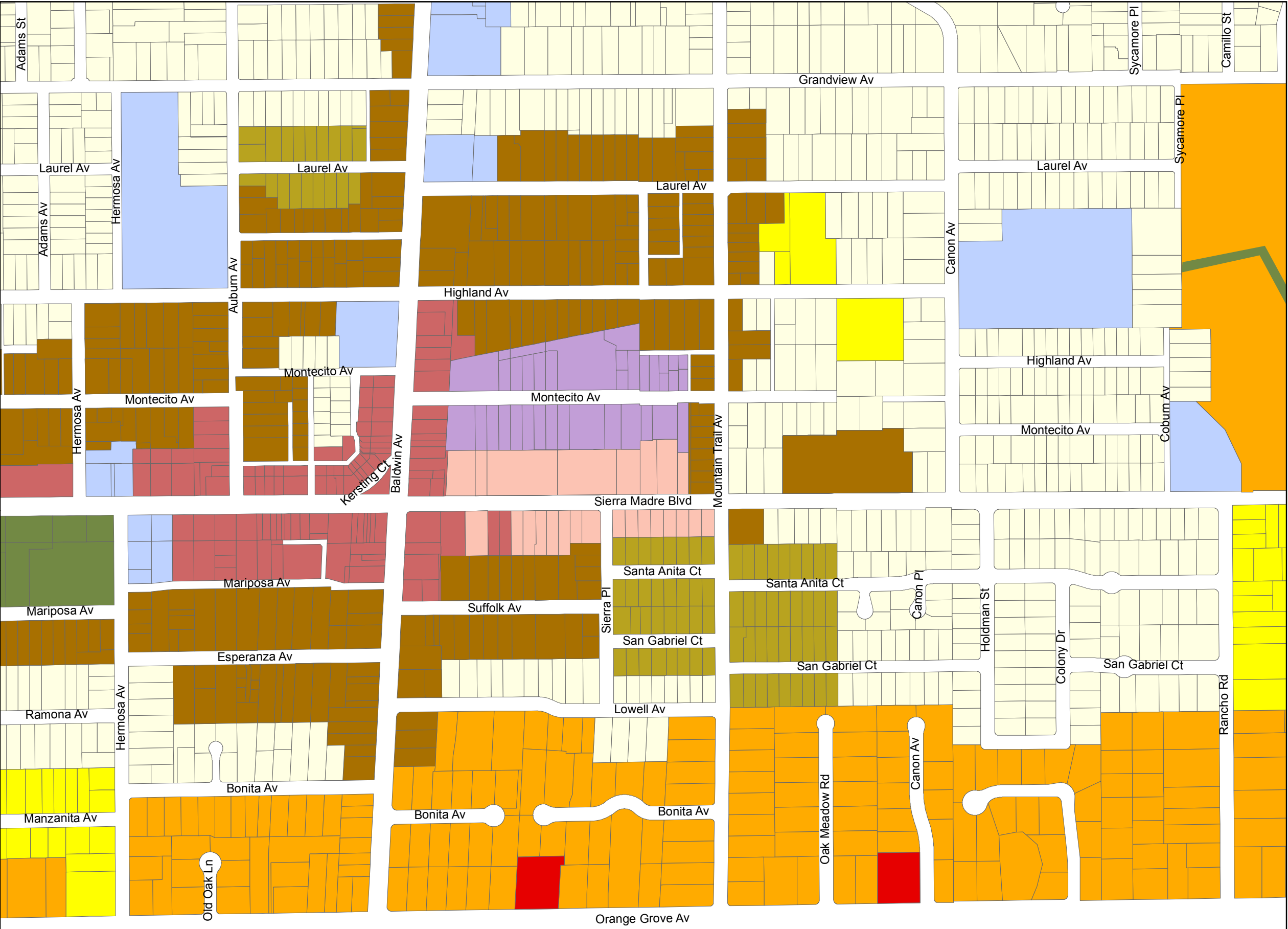
Attachments (10):

- 1) Exhibit A: Zoning Map Showing Location of Potential Lot Splits in the R-1 Zone
- 2) Exhibit B: Definition of Front Lot Line – SMMC Section 17.20.015
- 3) Exhibit C: Conditional Use Permit Findings (No Design Review)
- 4) Exhibit D: Redlined Changes to SMMC Section 17.60.041 ("Additional burden of proof for permits for single-family houses as described in Section 17.20.025")
- 5) Exhibit E: Summary of Design Review Process
- 6) Exhibit F: Draft Redline of SMMC Section 17.20.050.A.2
- 7) Exhibit G: Prevailing Setback Diagram
- 8) Exhibit H: SMMC Section 17.48.080 ("Modified front yard cul-de-sac")
- 9) Exhibit I: Minimum Chimney Height Diagram and Draft Redline of SMMC Section 17.20.053
- 10) Exhibit J: SMMC Section 17.48.020 ("Height of penthouses and roof structures")

EXHIBIT A

Zoning Maps Showing Location of Potential Lot Splits in the R-1 Zone

R-1-15 Parcels That Meet Minimum Subdivision Requirements



Legend

R-1-15 - Subdividable Lots

Parcels

ZONING

One Family Residential (7,500 sqft min.) - R-1

One Family Residential (9,000 sqft min.) - R-1-9

One Family Residential (11,000 sqft min.) - R-1-11

One Family Residential (15,000 min.) - R-1-15

Two Family Residential - R-2

Multiple Family Residential - R-3

Residential Professional - R-P

Hillside Management - H

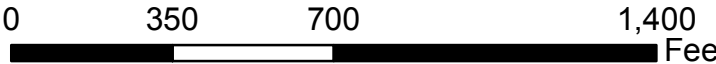
Residential Canyon - RC

Commercial - C

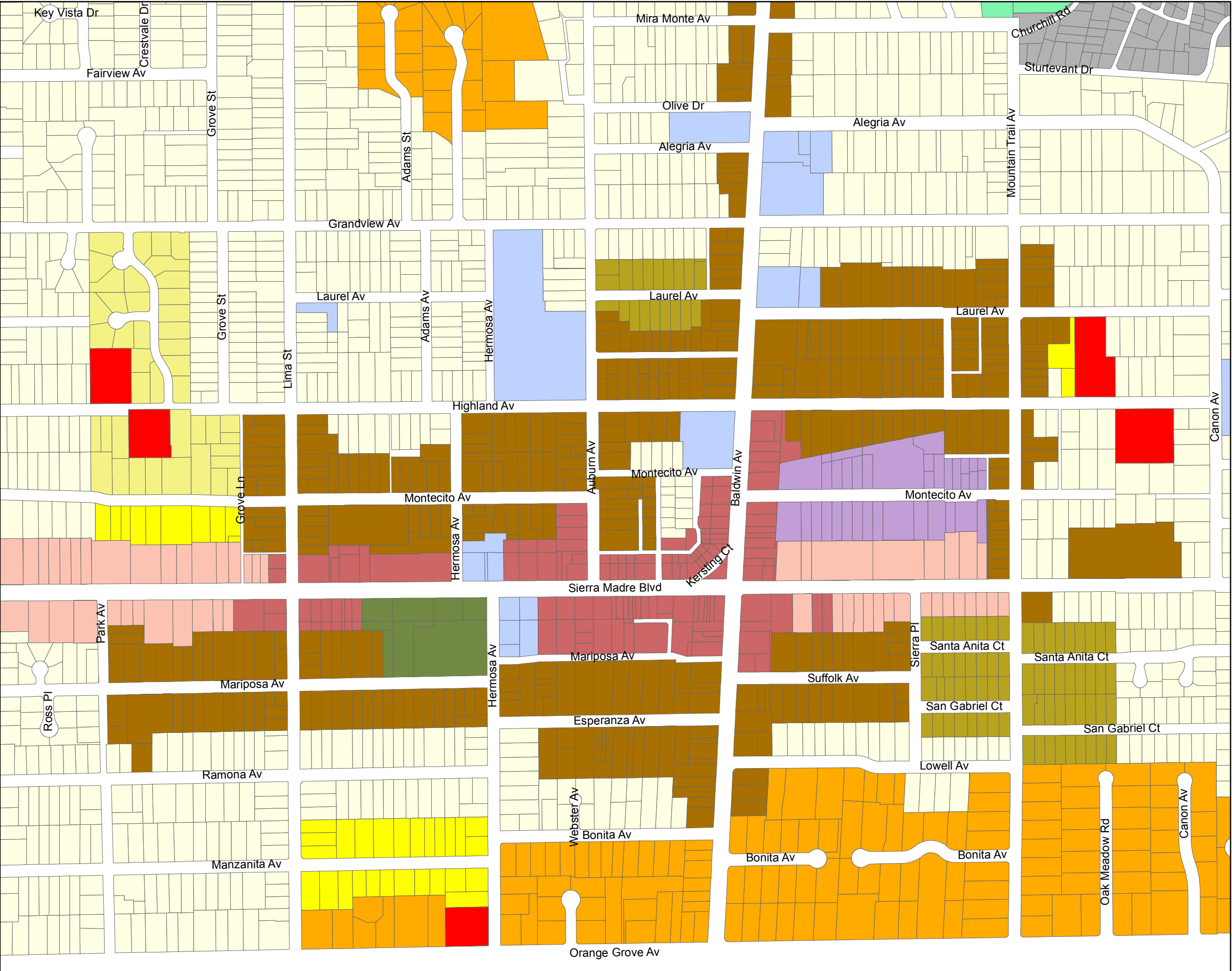
Institutional - I

Manufacture - M

Civic / City Park



R-1-11 Parcels That Meet Minimum Subdivision Requirements



Legend

R-1-11 - Subdividable Lots

Parcels

ZONING

One Family Residential (7,500 sqft min.) - R-1

One Family Residential (9,000 sqft min.) - R-1-9

One Family Residential (11,000 sqft min.) - R-1-11

One Family Residential (15,000 min.) - R-1-15

Two Family Residential - R-2

Multiple Family Residential - R-3

Residential Professional - R-P

Hillside Management - H

Residential Canyon - RC

Commercial - C

Institutional - I

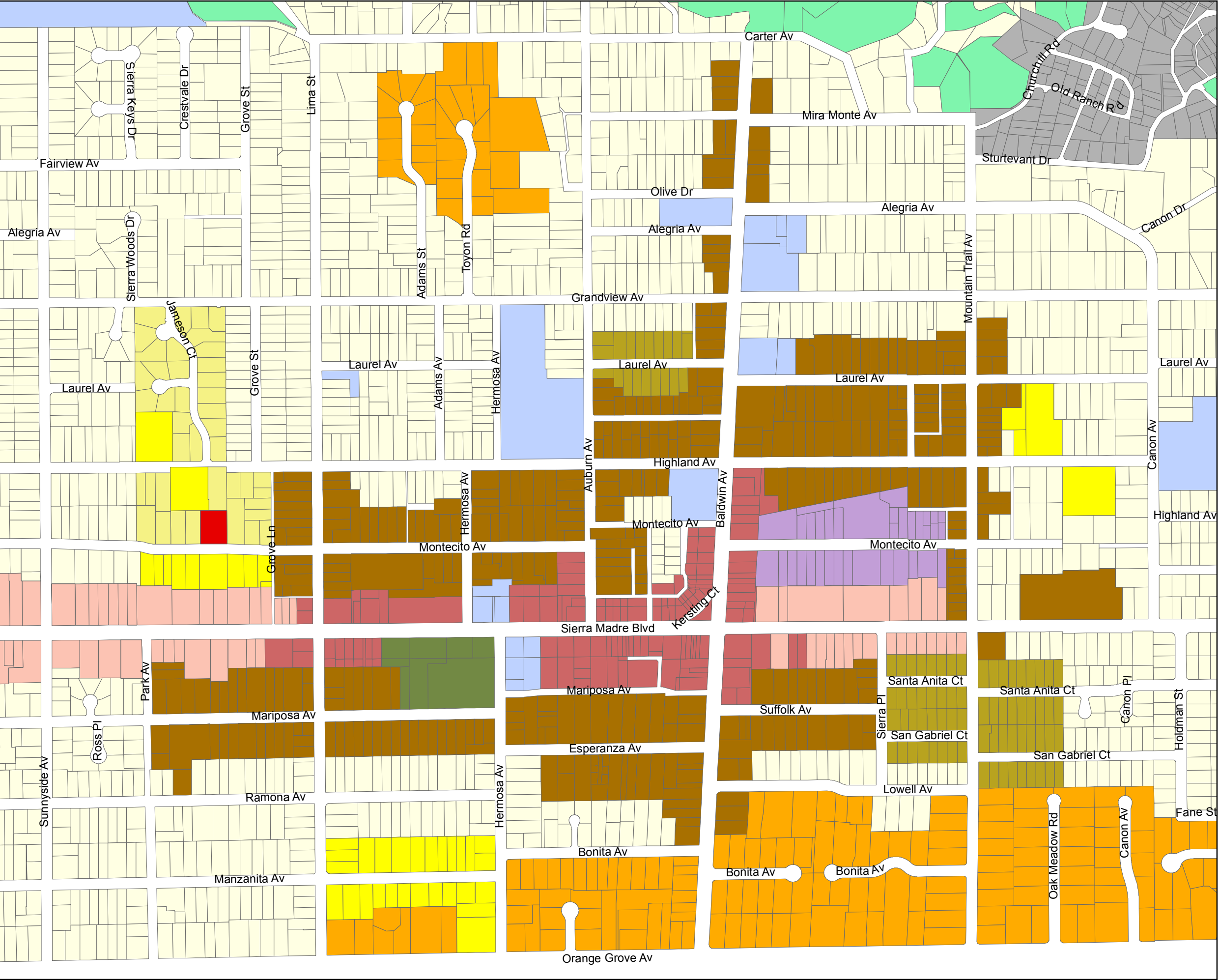
Manufacture - M

Civic / City Park



0 250 500 1,000 Feet

R-1-9 Parcels That Meet Minimum Subdivision Requirements



Legend

R-1-9 - Subdividable Lots

Parcels

ZONING

One Family Residential (7,500 sqft min.) - R-1

One Family Residential (9,000 sqft min.) - R-1-9

One Family Residential (11,000 sqft min.) - R-1-11

One Family Residential (15,000 min.) - R-1-15

Two Family Residential - R-2

Multiple Family Residential - R-3

Residential Professional - R-P

Hillside Management - H

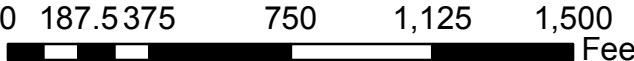
Residential Canyon - RC

Commercial - C

Institutional - I

Manufacture - M

Civic / City Park



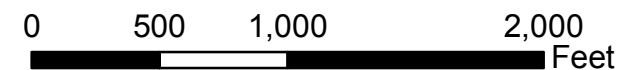
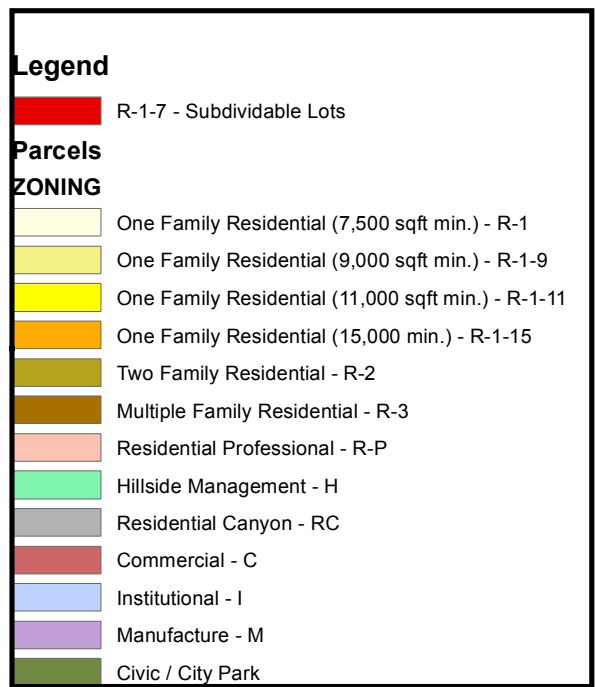


EXHIBIT B

Definition of Front Lot Line SMMC Section 17.20.015

Code Section 17.20.015 - Definitions

"Lot line, front". "Front lot line" means a lot line parallel to, and abutting, the right-of-way providing primary access to the property, except in the case of nonstandard lot configurations such as flag lots, irregularly shaped lots, reverse corner lots, or properties where access is provided by easements or private roads. In such nonstandard instances, the front lot line or lines shall be determined by the director of development services, or his/her designee, based on the character of other improvements in the vicinity; however, in no case, may the front lot line fall within any portion of any recorded easement or access corridor.

EXHIBIT C

Conditional Use Permit Findings (No Design Review)



CONDITIONAL USE PERMIT APPLICATION

C. JUSTIFICATION STATEMENT: The following conditions and findings must be met before a CUP can be granted. Please indicate how the proposed project meets these criteria (attach additional sheets as necessary):

1. The proposed use will not be in substantial conflict with the adopted General Plan for the area:

2. The proposed use at the location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area; be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare:

3. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Ordinance, or as is otherwise required in order to integrate said use with the uses in the surrounding area:

4. The site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate and by other public or private service facilities as are required:

5. The proposed project preserves the existing scale and character of the surrounding neighborhood and protects public views, and aesthetic and other property values in the neighborhood:

[Print](#)

San Gabriel Municipal Code

§ 153.246 GRANTING OR DENIAL OF PERMIT - FINDINGS.

(A) Within 30 days after the conclusion of the public hearing provided for in this subchapter, the Commission shall render its decision for the granting, either with or without conditions, or the denial of the application by resolution, which shall recite the findings of fact upon which the decision was based.

(B) The Commission may approve an application for a conditional use permit either with or without conditions, if it finds all of the following:

- (1) That the proposed use is consistent with the General Plan;
- (2) That the site is adequate in size, shape, topography, and location to accommodate the proposed use;
- (3) That there will be adequate street access to and from the site for the proposed use, and the proposed use will not create hazardous traffic conditions;
- (4) That the proposed use is compatible with surrounding properties and uses; and
- (5) That the proposed use is not detrimental to the public health, safety, or general welfare.

('65 Code, § 9-3.1707) (Ord. 556, passed - - ; Am. Ord. 265-C.S., passed - - ; Am. Ord. 526-C.S., passed 7-16-02)



PASADENA PERMIT CENTER
www.cityofpasadena.net/permitcenter

Supplemental Application for

CONDITIONAL USE PERMIT/ MINOR CONDITIONAL USE PERMIT

Project Address: _____

Case # _____

DESCRIPTION OF REQUEST:

A separate description and set of findings must be submitted if there is more than one Conditional Use Permit / Minor Conditional Use Permit request. This Conditional Use Permit / Minor Conditional Permit is to:

FINDINGS:

The applicant must thoroughly respond to the six (6) directives below to make the required findings for the proposed project. A separate set of findings must be submitted if there is more than one Conditional Use Permit / Minor Conditional Use Permit request. Use additional sheets if more space is necessary to complete your response. The City's Zoning Code and General Plan can be viewed at the Permit Center and online at www.cityofpasadena.net.

- 1) The proposed use is allowed with a Conditional Use Permit (Major and Minor) within the applicable zoning district and complies with all applicable provisions of this Zoning Code (see Section 17.10 of the City's Zoning Code and the zoning district purposes at the introduction to each zoning district regulation);

Supplemental Application for

CONDITIONAL USE PERMIT / MINOR CONDITIONAL USE PERMIT

Project Address: _____

Case # _____

- 2) The location of the proposed use complies with the special purposes of this Zoning Code and the purposes of the applicable zoning district;

- 3) The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan;

- 4) The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

Supplemental Application for

CONDITIONAL USE PERMIT / MINOR CONDITIONAL USE PERMIT

Project Address: _____

Case # _____

- 5) The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

6. The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

PUBLIC HEARING REQUEST:

Section 17.61.050(F) of the Zoning Code specifies that a public hearing need not be held on a "Minor" Conditional Use Permit if no concern is registered with the Zoning Administrator in response to the required public notice. If no concern is registered, however, the applicant may request that a public hearing be held.

Sign here if you wish to have a public hearing held even if no concern is registered.

Signature of Applicant

Date

Glendora Municipal Code							
Up	Previous	Next	Main		Search	Print	No Frames

[Title 21 ZONING](#)

[Chapter 21.02 PERMITS](#)

21.02.020 Conditional use permits.

A. Purpose. One of the principal objectives of planning is to provide for the proper location of all types of land uses. To accomplish this objective, certain types of land use are classified as being permitted as a matter of right in one or more of the various zones established in this title. However, certain other types of land uses require special consideration in a particular zone or in the city as a whole because of the size of area needed for development of such uses; the traffic, noise, vibration, toxic materials, emissions and other factors incidental to their operation; special locational requirements; or the effect they may have on public health, safety and welfare. Such uses, together with the conditions that are imposed through the permit process, are designated as conditional uses and shall be regulated by the provisions of this section.

B. Reviewing Body. Conditional use permit applications shall be considered by the commission.

C. Public Hearing. The reviewing body shall hold a public hearing on each application for a conditional use permit. Notice of the hearing shall be given as prescribed in Section 21.01.030(E).

D. Action by Reviewing Body. The commission shall take action by resolution either granting or denying approval of the conditional use permit. The action of the commission shall be final unless appealed as prescribed in Section 21.01.030(F). When an application for a conditional use permit is processed in conjunction with another application for which council action is required, the commission shall take action by recommending either approval or denial of the application for a conditional use permit. The council shall take action by resolution either granting or denying approval of the application for a conditional use permit.

E. Findings for Approval. The reviewing body shall grant a conditional use permit if all of the following findings are made:

1. The use is authorized by conditional use permit pursuant to this title;
2. The use is consistent with the general plan and other applicable plans;
3. The site can accommodate the development standards of this title or as is otherwise required;
4. The site is adequately served by streets, utilities and other services, facilities and improvements;
5. The use will not adversely affect the character and integrity of the area, the utility and value of properties in the area and the health, safety and welfare of the public.

F. Conditions of Approval. The reviewing body may impose such conditions as it deems necessary to ensure that the use will be established, operated and maintained in accordance with the findings required by this section. In the case of an administrative conditional use permit upon the transfer of ownership of a state-issued alcoholic beverage license, the reviewing body may impose conditions that are consistent with the originally issued conditional use permit.

G. Issuance of Permits. Upon the effective date of any conditional use granted by the reviewing body, subject to the conditions of approval, the conditional use permit shall be issued by the director. The effective date shall be expiration of the fifteen-day appeal period or the date upon which the council takes action on the application.

EXHIBIT D

Redlined Changes to SMMC
Section 17.60.041 (“Additional
Burden of Proof for Permits
for Single-Family Houses”)

17.60.040 - Conditional use permits—Burden of proof.

Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the body hearing such matter, the existence of the following facts:

- A. That the site for the proposed use is adequate in size, shape, and topography;
- B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;
- C. That the proposed use will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;
- D. That there is a demonstrated need for the use requested;
- E. That the use, if permitted, will, as to location and operation, be consistent with the objectives of the general plan; and
- F. That the public interest, convenience, and necessity require that use be permitted at the location requested.

(Ord. 1084 § 1 (part), 1992; prior code § 9811)

17.60.041 - Additional burden of proof for permits for single-family houses as described in Section 17.20.025.

Additional burdens of proof for permits for single-family houses as described in Section 17.20.025 shall be:

- A. That ~~the proposed project be designed in one consistent style and~~ the height, bulk, scale and mass of new construction and reconstruction be compatible with the existing neighborhood and the surroundings.
- B. That the proposed project reflects the scale of the neighborhood in which it is proposed and that it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting and does not cause adverse impacts, included but not limited to privacy and view.
- C. That ~~the proposed project be designed in one consistent style that conditional-use permit is required to accommodate design features which are~~ is characteristic of an identifiable architectural style or a coherent architectural design that is consistent on all sides of the building.

(Ord. 1115 § 17, 1995)

EXHIBIT E

Summary of Design Review Process

COMPARISON MA...X – Design Review October 2015

CITY	DESIGN REVIEW PROCESS	FINDINGS / DESIGN CRITERIA
Beverly Hills	<p>Required for any single-family residence in the Central R-1 Zone that is erected, altered or remodeled.</p> <ul style="list-style-type: none"> • Track 1: Character Based Review—review by Planning Director to determine whether the proposed single-family residential development adheres to a pure architectural style outlined in a style catalogue, in which case development can proceed without further design review. • Track 2: All Other R-1 Review - if single-family residential development does not meet criteria in Track 1, full design review by Design Review Commission is required at a noticed public hearing. The DRC may approve, approve with conditions, or disapprove the issuance of a building permit based on the required findings. 	<p>A. The proposed development's design exhibits an internally compatible design scheme;</p> <p>B. The proposed development's design appropriately minimizes the appearance of scale and mass and enhances the garden-like quality of the city and appropriate maximizes the use of required open space within the proposed architectural style;</p> <p>C. The proposed development will enhance the appearance of the neighborhood.</p> <p>D. The proposed development is designed to balance the reasonable expectation of development for the owner with the reasonable expectation of privacy of neighbors; and</p> <p>The proposed development respects prevailing site design patterns, carefully analyzing the characteristics of the surrounding group of homes, and integrates appropriate features that will ensure harmony between old and new.</p>
San Marino	<p>Review by the Design Review Committee at a noticed public hearing is required for the following:</p> <ul style="list-style-type: none"> • New residential structures • Additions to a residential structure that changes its appearance as viewed from a public street or alley, or adds/expands a second story • Construction, modification or addition of any accessory structure visible from public view which exceeds 600 sq. ft., or construction, modification or addition to a second story of an accessory structure. • Addition of a second story to a garage. • Complete or partial replacement of or addition to an existing residential with a replacement that is not of same or similar material and color. • Fences, gates, pilasters, yard or retaining wall adjacent to a street. • Paving or impervious coverage within the front yard that exceeds 35 percent of the front yard area. 	<p>A. That the proposed structure is compatible with the neighborhood, and</p> <p>B. That the proposed structure is designed and will be developed in a manner which balances the reasonable expectation of privacy of persons residing on contiguous properties with the reasonable expectations of the applicants to develop their property within the restrictions of this code</p> <p>C. In the case of a building addition, the proposal is compatible with the existing building which includes the rooflines;</p> <p>D. That the colors and materials are consistent and match the existing building or structure.</p>
Claremont	<p>Director of Community Development reviews all new construction in the single-family zones, unless referred to the Architectural Committee due to concerns regarding the design. If the Director determines that the development could have an adverse impact on existing development or result in development incompatible with the architectural character of development in the immediate area, notice is mailed to owners of properties that could be affected.</p>	<p>Finding to approve describes how each of the twelve criteria contained in Section 16.300.060.A are being met. If a proposed development does not meet the required review criteria and cannot be conditioned to comply, project is denied. Criteria includes the following:</p> <p>A. Conformity with Development Standards</p> <p>B. General Plan Consistency</p> <p>C. Compatibility of Form with Surrounding Development</p> <p>D. Compatibility of Quality with Surrounding Development</p> <p>E. Internal Consistency of Design</p> <p>F. Privacy</p> <p>G. Internal Circulation</p> <p>H. Sustainability</p> <p>I. Tree Preservation</p> <p>J. Light and Air</p> <p>K. Environmental Protections</p> <p>L. Health and Safety</p>

COMPARISON MATRIX – Design Review

October 2015

CITY	DESIGN REVIEW PROCESS	FINDINGS / DESIGN CRITERIA
San Dimas	<p>Development Plan Review Board reviews all new single-family residences and additions or structural modifications to a historic structure based on extensive criteria that involves the following:</p> <ul style="list-style-type: none"> • Compatibility with character and quality of surrounding development • Harmony of location, configuration, size and design with their sites and surroundings sites and structures. • Harmony of architectural treatment of structures with the natural environment, existing structures and surrounding development. • Innovative and attractive architecture and landscaping • Privacy and views of surrounding buildings • Height and bulk within the scale of surrounding sites, and should not visually dominate the sites and call undue attention. • Harmonious colors. • Lighting should avoid glare and projection over property lines. • Harmony of accessory structures with primary building and other on the site. 	<p>A. The development of the site in accordance with the development plan is suitable for the use or development intended.</p> <p>B. The total development is so arranged as to avoid traffic congestion, ensure the public health, safety and general welfare, prevent adverse effects on neighboring property, and;</p> <p>C. The development is consistent with all elements of the general plan and is in compliance with all applicable provisions of the zoning code and other ordinances and regulations of the City.</p>
South Pasadena	<p>Any SF or MF residential project that requires a building permit is reviewed as follows:</p> <ul style="list-style-type: none"> • Planning Commission if discretionary application is required. • Cultural Heritage Commission if a certificate of appropriateness is required or if project is located in a designated historic district. • Design Review Board reviews projects that are not reviewed by either the Planning Commission or Cultural Heritage Commission 	<p>The design and the layout of the proposed development:</p> <p>A. Is consistent with the General Plan, any adopted design guidelines and any applicable design criteria for specialized areas (e.g., designated historic or other special districts, plan developments, or specific plans);</p> <p>B. Will adequately accommodate the functions and activities proposed for the site, will not unreasonably interfere with the use and enjoyment of neighboring, existing, or future developments, and will not create adverse pedestrian or traffic hazards.</p> <p>C. Is compatible with the existing character of the surrounding neighborhood and that all reasonable design efforts have been made to maintain the attractive, harmonious, and orderly development contemplated by this Section, and the General Plan; and</p> <p>D. Would provide a desirable environment for its occupants and neighbors, and is aesthetically of good composition, materials, and texture that would remain aesthetically appealing with a reasonable level of maintenance and upkeep.</p>

COMPARISON MATRICES – Design Review

October 2015

CITY	DESIGN REVIEW PROCESS	FINDINGS / DESIGN CRITERIA
West Hollywood	<p>New and additions to SFR projects that do not require discretionary approval are subject to design review by the City's Urban Designer and staff based on the City's Residential Design Guidelines. New and additions to SFR projects that require discretionary approval are subject to review by the Design Review Subcommittee (DRS) which makes recommendations prior to PC review of the project. The DRS is a working study session of three members of the Planning Commission that reviews any new SF and MF residential projects, additions and alterations. This is an advisory subcommittee that delivers opinions and gives advice to the applicant, but does not vote or take legal action. The Planning Commission makes the decision to approve or deny a project based on findings pursuant to Code Section 19.48.050.</p>	<p>The development permit shall be approved, with or without conditions, only if the review authority first finds all of the following:</p> <ul style="list-style-type: none"> A. The proposed use or construction is allowed by Article 19-2 within the applicable zoning district, and complies with all other applicable provisions of this Zoning Ordinance and the municipal code; B. The proposed project can be adequately conditioned so as not to endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; and C. The proposed use or construction is consistent with the objectives, policies, general land uses, and programs of the General Plan and any applicable specific plan. D. The new structure is compatible with the scale, bulk and mass of existing structures in the vicinity of the subject property, and does not impair the integrity and character of the zoning district in which it is to be located. <p>For these purposes, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean a repetition of building style, or detailing. Compatibility is based on consideration of a constellation of associated characteristics including building type, the property site plan, building mass and scale, and architectural material and expression. Compatibility comes from an identification of character-defining features of an area, and a designer's thoughtful response to them within the design.</p>

EXHIBIT F

Draft Redline of SMMC
Section 17.20.050.A.2

17.20.050 - Primary structures.

The following development standards shall apply to all primary structures within the R-1 zone as follows:

A. Front Yards. The following standards shall apply to all R-1 zoned property:

1. Standard Front Yard Setback. Every lot in the R-1 zone shall have a front yard of at least twenty-five feet, except as provided in this chapter.

2. Front Yard Setbacks Greater than ~~Thirty~~Twenty-Five Feet – Prevailing Setback. Whenever fifty percent, or greater, of the properties on the same side of the street in the linear any block where as the project site is located have been developed with structures where they have front yard setbacks that are greater than thirty feet, the minimum required front yard setback then for all building and/or structures thereafter constructed, enlarged, erected or established shall be the prevailing setback for the linear block within any such block on the same side of the street as shown on one of the following scenarios under Diagram E which most closely represents the conditions which apply to the project site. The prevailing setback shall be calculated by adding the front yard setbacks that are greater than 30 feet and dividing the total by the number of lots included in the calculation, as illustrated in Diagram E. In no case, shall the required front yard setback exceed fiftyseventy-five feet.

3. Projections Into the Front Yard. Projections into the required front yard setback may occur as follows:

a. A nonhabitable covered front porch, with or without supports, may encroach a maximum of six feet into the required front yard setback. In no case may the encroachment be closer than ten feet to the front property line.

b. An open, uncovered balcony (not covered by a roof or similar structural feature) may project into the required front yard setback a maximum of forty-eight inches.

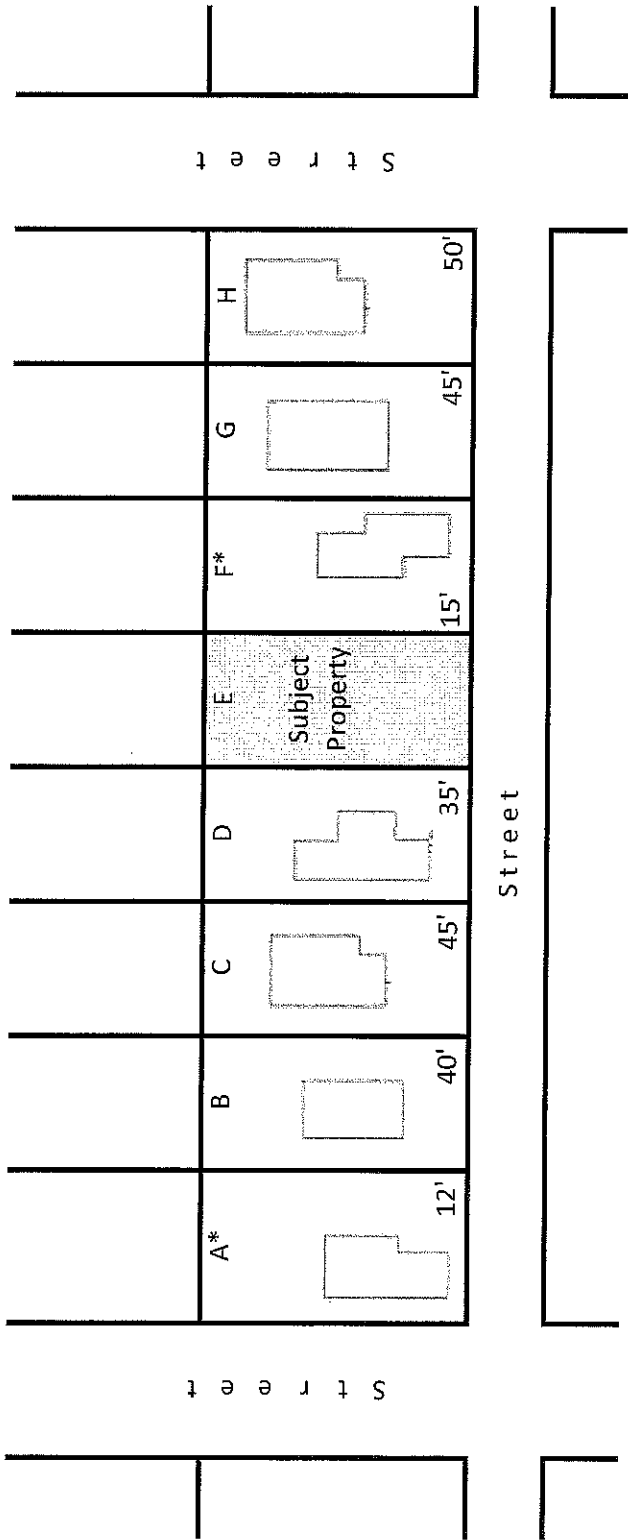
c. An open balcony, covered only with a roof feature and supports, may extend into the required front yard setback a maximum of forty-eight inches, pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055.

EXHIBIT G

Prevailing Setback Diagram

DIAGRAM E

Example of Calculation of Prevailing Front Yard Setback



Prevailing Setback Calculation = Sum of Front Yard Setbacks > 30 feet / # of lots

Prevailing Setback = Lot B + Lot C + Lot D + Lot G + Lot H / 5 lots

$$= 40' + 45' + 35' + 45' + 50' = 215' / 5 = 43 \text{ feet}$$

* Lots A and F are not included in the calculation as their front yard setbacks are < 30 feet.

EXHIBIT H

SMMC Section 17.48.080
("Modified Front Yard
Cul-de-Sac")

17.48.080 - Modified front yard on cul-de-sac.

The depth of the required front yard on lots facing directly upon the arc of a cul-de-sac shall be measured on an arc parallel to the front property lines comprising the arc of the cul-de-sac and being a distance therefrom one-half the required front yard depth as prescribed for each zone. This modified front yard shall extend around the circumference of the cul-de-sac only to the points at which the rear lines of the required front yard, on the portions of the street not located on the cul-de-sac, extended, intersects the arc representing the rear line of the modified required front yard.

(Prior code § 9757)

POINT WHERE
THE 12.5' SETBACK
INTERSECTS WITH
25' SETBACK

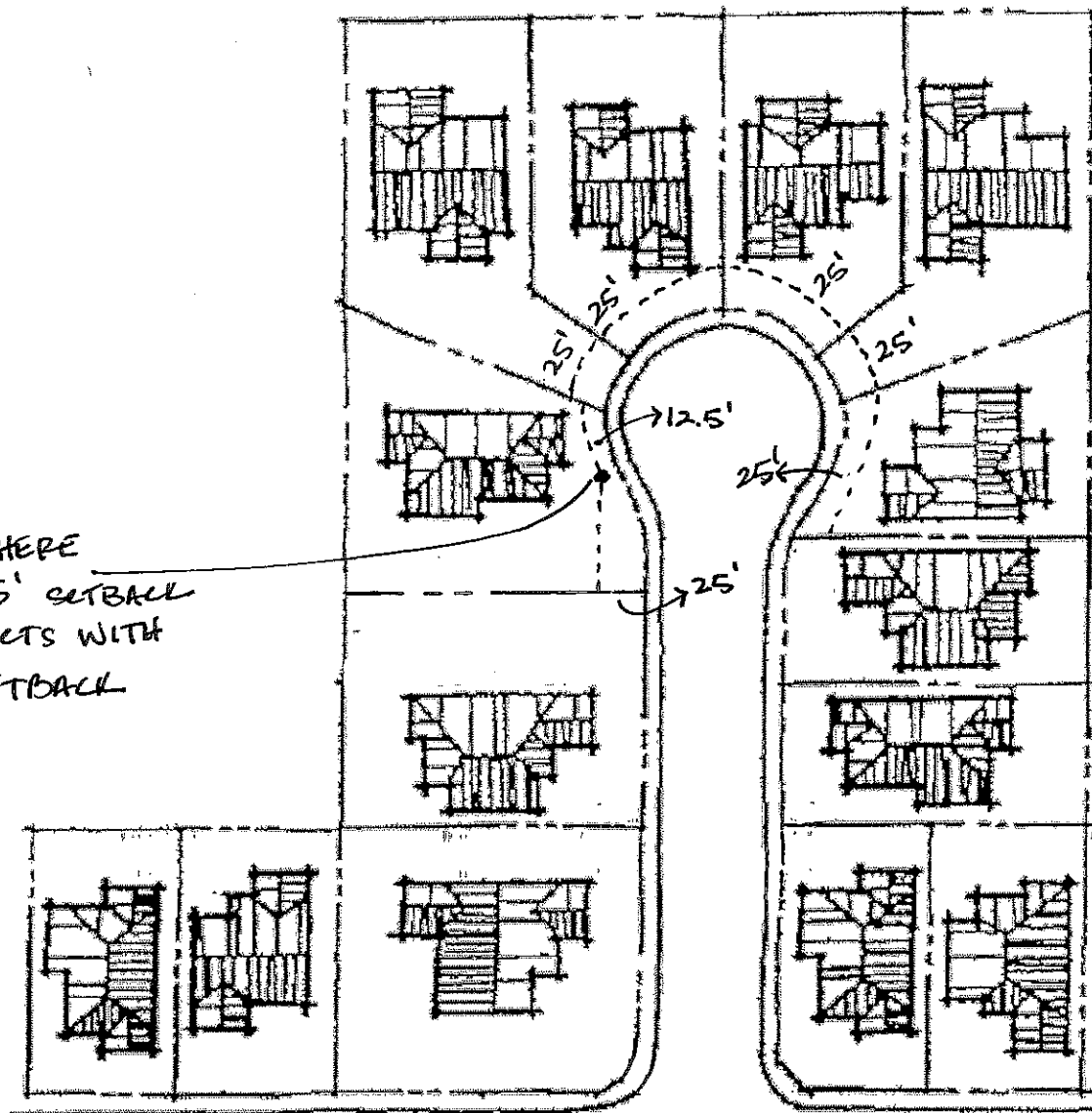
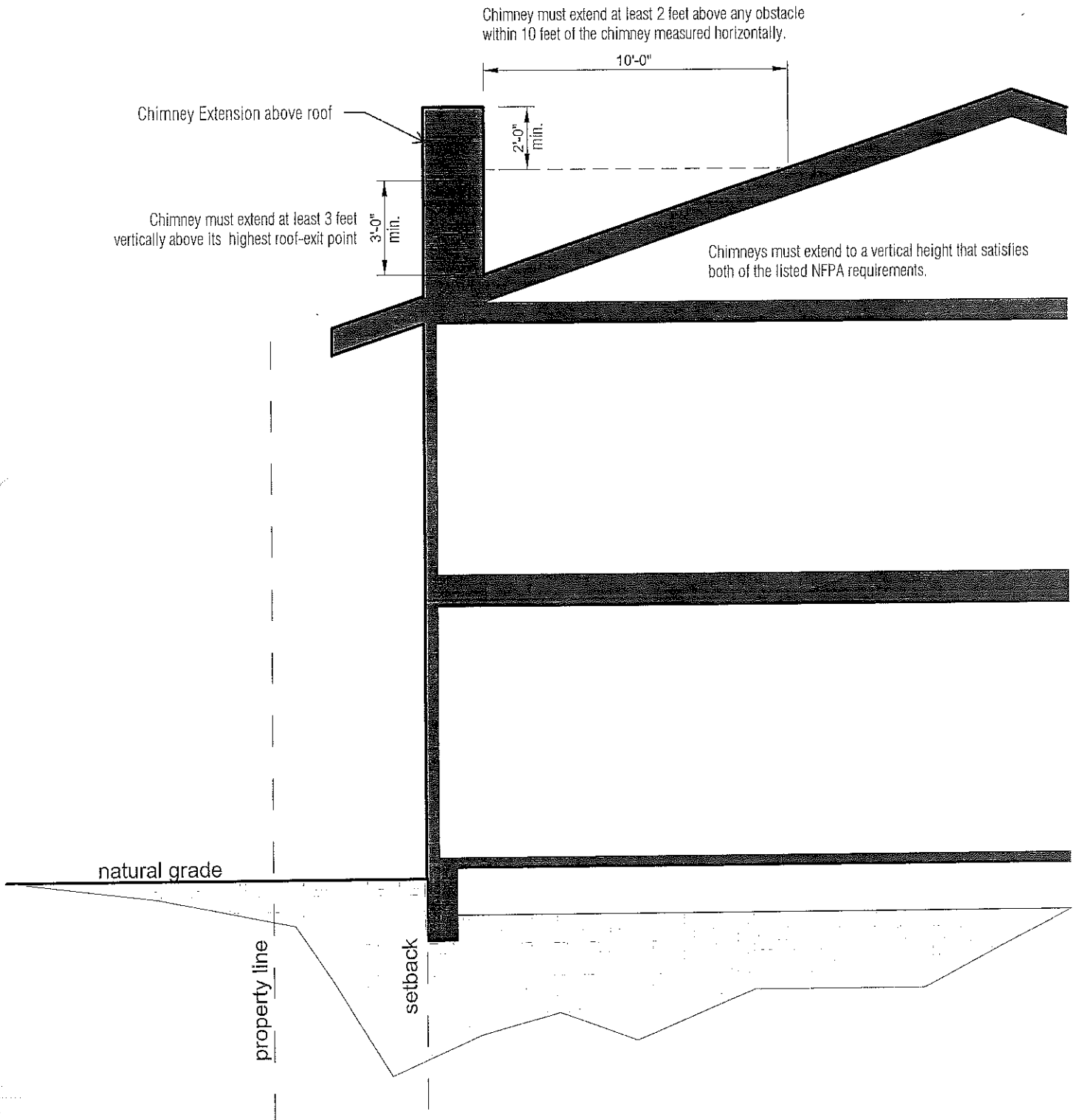


EXHIBIT I

Minimum Chimney Height
Diagram and Draft
Redline of SMMC
Section 17.20.053



Chimney Height at Roof Diagram (draft)

17.20.053. Angle Plane.

Notwithstanding the provisions under 17.20.050(B) Side Yards, no portion of a building, except a chimney, shall exceed the height of a forty-five (45) degree plane drawn from a height of ten feet above existing ground level at the side lot line boundaries of the lot (see Diagram F), provided the second floor shall not be required to be located further than twice the required setback, whichever is less. Roof eaves projecting a maximum 4 feet out from the vertical plane of the exterior wall surface are exempted. Existing ground level shall be the grade elevation of the subject site at the side lot line boundaries prior to start of construction. Encroachments exceeding the angle plane height by not more than 10 linear feet may be allowed subject to the approval of a minor conditional use permit; encroachments exceeding 10 linear feet may be allowed pursuant to the approval of a conditional use permit pursuant to the provisions of Chapter 17.60. Linear feet shall mean the total combined linear feet of encroachment area(s) measured horizontally along the side face of the building.

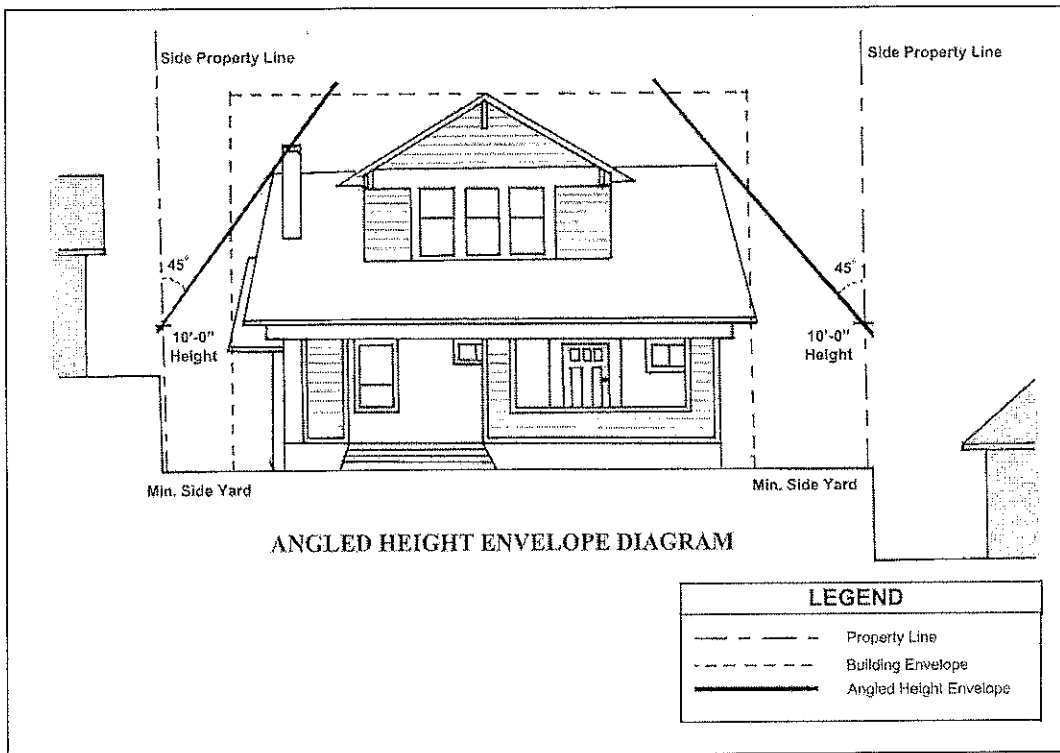


EXHIBIT J

SMMC Section 17.48.020
("Height of Penthouses and
Roof Structures")

17.48.020 - Height of penthouses and roof structures.

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks, and similar structures may be erected above the height limits prescribed by this chapter, but no penthouse or roof structure or any other space above the height limit prescribed for the zone in which the building is located shall be allowed for the purpose of providing additional floor space. The height of antennae is governed by Chapter 17.93 of this code.

(Ord. 1247 § 5, 2006: prior code § 9751)