



Planning Commission **STAFF REPORT**

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Matthew Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner
John Hutt, Commissioner
William Pevsner, Commissioner

Vincent Gonzalez, Director –
Planning and Community
Preservation

DATE: June 15, 2017

TO: Planning Commission

FROM: Leticia Cardoso, Planning Manager

SUBJECT: Municipal Code Text Amendment 17-04 (MCTA 17-04) amending Chapter 17.08 Definitions, Chapter 17.20 - R-1 One Family Residential Zone, Chapter 17.28 - R-3 Multiple-Family Residential Zone, Chapter 17.30 – R-C Residential Canyon Zone, Chapter 17.60 - Variances and Conditional Use Permits, and Chapter 17.72 - Signs, and deleting Chapter 17.76 -Condominium and Apartment Projects.

BACKGROUND

In July 2015, the City Council adopted a General Plan Update that included new land use policies and an Implementation Program to guide the adoption of the policies. On September 22, 2015, as part of the Strategic Plan three-year goals, staff received City Council direction to prioritize General Plan Implementation Measures for calendar year 2015-2020; among these were revisions to the R-3 Zone (Multiple Family Residential) identified for implementation in 2016. The R-3 Land Use Implementation Measures (IM) include:

IM-36 The City shall amend the R-3 Zone (Multiple Family Residential) Ordinance as necessary to allow densities of approximately 13 units per acre and establish a maximum allowable floor area.

IM-37 The City shall amend the R-3 (Multiple Family Residential) Zoning Ordinance as necessary to ensure that new development is compatible in scale and character with existing development, including setbacks, building materials, front yard paving, parking, building siting, building orientation, common space, retention of mature trees, façade design, architectural articulation, and small lot zoning requirements.

IM-38 The City shall amend the R-3 (Multiple Family Residential) Zoning Ordinance to improve the safety of individuals with respect to the location of entrances, height of perimeter fencing and landscaping, and parking.

At the regular meeting held on March 17, 2016, the Planning Commission agreed with a recommendation by the Director of Planning & Community Preservation to make the revisions of the R-3 standards a high priority.

On June 2, 2016, at a noticed public hearing, the Planning Commission recommended approval of Ordinance 1377 to the City Council, amending Chapter 17.28 – R-3 Multiple Family Residential Zone, and Section 17.028.060 – Density, to limit the maximum allowable floor area for multi-family projects.

General Plan Policy L23.2 below, provides the policy direction for the referenced Zoning Code amendment.

Ensure that on small or narrow lots (lot area less than 10,000 square feet or street frontage of less than 50 feet), the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean spaces) is limited to 55% of lot area. On other lots, limit floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean spaces) to 5,500 square feet plus 70% of lot area in excess of 10,000 square feet.

General Plan Policy L23.2 is explicit about the requirements for this amendment. Therefore, IM-37 was moved in advance of the subsequent amendments to the R-3 Ordinance. At a noticed public hearing held on July 12, 2016, the City Council adopted Ordinance No. 1377, effective on August 12, 2016 to codify the above mentioned amendment.

APPOINTMENT OF R-3 SUBCOMMITTEE

At the regular meeting held on April 21, 2016, the Planning Commission formed a three-member subcommittee to provide policy direction to staff in updating the R-3 development and design standards specific to IM-37 and IM-38. The subcommittee met on six occasions beginning April 2016 through May 2017.

The Planning Commission reviewed and discussed the draft recommendations from the subcommittee at their meetings on February 16, March 2, April 6, and April 20, 2017; at the May 18, 2017 meeting, the Commission directed staff to return with a draft ordinance incorporating all of the changes agreed upon and a draft resolution for their review and recommendation to the City Council.

PROPOSED REVISIONS

The purpose of the amendments is to revise the development standards of the R-3 Zone Ordinance to implement the 2015 General Plan policies. However, in the process of drafting those revisions, the subcommittee also identified amendments to other ordinances that are needed to ensure consistency of requirements across the City's Zoning Code.

Attached as Exhibit A of the Planning Resolution is the draft ordinance that includes the following changes agreed upon by the Commission:

Chapter 17.08 – Definitions

In the process of discussing revisions to the maximum allowable height in the R-3 ordinance, the Commission agreed that the definition of height in Chapter 17.08 should be revised for purposes of simplifying the reference point on the roof of a structure used to measure its height. The existing definition allows height to be measured using different reference points based on roof styles, whereas the proposed definition provides one reference point for all styles.

Chapter 17.20 - R-1 Zone (One Family Residential)

Similarly to the revisions made to the R-3 zoning ordinance described below, the Commission is also recommending changes to the minor conditional use permit and conditional use permit requirements in the R-1 zoning ordinance to limit their application to the use of property, including those listed in Chapter 17.60 ('Variances and Conditional Use Permits') and swimming pools. In this case, projects that currently require approval of a conditional use permit to exceed a certain floor area threshold, construct a new second story or add to an existing second story, or require additional building height to accommodate features of a particular architectural style, would instead be subject to a design review process with its own specific findings.

Chapter 17.28 - R-3 Zone (Multiple-Family Residential)

The Commission is recommending a number of revisions to include changes to density limits and standards of development, such as maximum building coverage and height, yard setbacks, and site design requirements. In addition, revised requirements for open space, parking, landscaping, and lighting are also proposed as part of this amendment.

Notably, the Commission is also recommending that minor conditional use permits and conditional use permits be limited to addressing certain uses of property rather than regulation of design-related aspects of projects, such as density, bulk and mass, scale, floor area, neighborhood consistency, etc. The Commission believes that these issues are better addressed through a design review permit process that includes specific findings to ensure that projects are designed to meet standards of neighborhood compatibility, coherence of architectural style and site-wide design, in addition to

general plan and zoning requirements; the ordinance specifies which projects would require administrative design review (director-level review) and design review (Planning Commission-level review) permits, and the findings are outlined as part of the amendments to Chapter 17.60 ('Variances and Conditional Use Permits') of the Municipal Code.

It is also important to note that the Commission has included unique requirements for single-family development in the medium/high density zone as part of the changes to the R-3 zoning ordinance. Currently, the ordinance requires that single-family development in the R-3 Zone comply with the requirements of the R-1 zoning ordinance.

Finally, the Commission is also recommending a revision to the title of the ordinance to 'R-3 Medium/High Density Residential Zone'.

Chapter 17.30 - R-C Zone (Residential Canyon)

Consistent with the changes proposed to the R-3 and R-1 zoning ordinances with respect to minor conditional use permits and conditional use permits, the Commission is proposing revisions to the R-C zoning ordinance to limit their application to the use of property; the revisions include the requirement for approval of a design review permit for the alignment of second stories with existing non-conforming side yard setbacks and to allow floor areas exceeding 3,000 square feet, previously allowed pursuant to the approval of a conditional use permit. Also, going forward, projects requiring approval of a minor conditional use permit would instead require an administrative design review permit.

Chapter 17.60 - Variances and Conditional Use Permits

The Commission is recommending that the title of the ordinance be revised to 'Variances and Discretionary Permits' as a broader title that would allow the inclusion of the proposed administrative design review permit and design review permit requirements.

These requirements are codified as revisions to Code Section 17.60.041. This section, which currently outlines the additional findings required for the approval of conditional use permits for single-family development in the R-1 and R-C, has been modified by the Commission to provide the required findings for administrative design review permits and design review permits.

The Commission also included a new section to require that projects that are subject to multiple discretionary applications with different reviewing authorities should be reviewed by the highest required authority.

In addition, the Commission is also proposing to eliminate the current requirement for approval of a conditional use permit to allow any development in the R-3 Zone.

Chapter 17.72 - Signs

The Commission is recommending that the requirements for signage in Section 17.28.270 of the R-3 zoning ordinance be eliminated as the Sign Ordinance (Chapter 17.72) already addresses signage requirements for all zones, including the R-3 Zone.

As part of this amendment, the Commission is also proposing revisions to the existing signage requirements in Sections 17.72.050 ('Sign regulations – R-3) to clarify when non-illuminated signs require a sign permit; since the R-P Zone also allows R-3 uses, the Commission is recommending the same change to Section 17.72.060 ('Sign regulations – R-P). Other minor changes are also being recommended to these code sections as shown in the attached redlined ordinance.

Chapter 17.76 - Condominium and Apartment Projects

While the purpose of this ordinance is to address construction of condominium and apartment projects, it does not provide any development standards regulating these types of projects. As such, the Commission is recommending that it be deleted rather than amended since in reality, these types of multi-family projects are already subject to the requirements of the R-3 Ordinance and Chapter 16.12 ('Tentative Maps') or Chapter 16.52 ('Vesting Tentative Maps'). Furthermore, the definitions provided in this ordinance are either already provided in Chapter 17.08 ('Definitions'), not used elsewhere in the code, or in the case of "community apartment project", unlikely to be applicable to projects in Sierra Madre.

Attached for reference as Exhibit B is the redlined version of the City Council ordinance showing the changes noted above.

Purpose of Amendments and Consistency with General Plan

The proposed amendments are required out of public necessity, convenience and general welfare (SMMC 17.64.010) as they would further the goals of preserving the small town character of the community by promoting single-family and multifamily development that are compatible in scale and character with existing development. Furthermore, the amendments are generally consistent with the goals, policies, and objectives of the General Plan in that it would help regulate the development of low-density single-family uses and medium-high density multi-family residential uses in the City.

ENVIRONMENTAL

The adoption of this ordinance qualifies for an exemption from the California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the

environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts.

PUBLIC NOTICE PROCESS

This item has been noticed through the regular agenda notification process. Notice of the hearing was published consistent with the requirements of Government Code Section 65090. Notice of the hearing was also published through the City's Village News electronic newsletter, on the City's website and Facebook page. Copies of this report are available at the City Hall public counter, on the City of Sierra Madre website, and the Sierra Madre Public Library.

ALTERNATIVES

The Planning Commission can consider the following alternatives:

1. Recommend approval of MCTA 17-04, pursuant to Resolution 17-05.
2. Recommend approval of MCTA 17-04, with modifications.
3. Recommend denial of MCTA 17-04.
4. Continue the matter and provide direction to Staff.

RECOMMENDATION

Staff recommends approval of Municipal Code Text Amendment 17-04 (MCTA 17-04) pursuant to Planning Commission Resolution 17-05.

Attachment:

- Exhibit A: Planning Commission Resolution 17-05
- Exhibit B: City Council Ordinance – Redlined Version

EXHIBIT A

Planning Commission Resolution 17-05

PC RESOLUTION 17-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE RECOMMENDING APPROVAL OF ORDINANCE NO. _____ TO AMEND CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.20 (R-1 ONE FAMILY RESIDENTIAL ZONE), CHAPTER 17.28 (R-3 MULTIPLE FAMILY RESIDENTIAL ZONE), CHAPTER 17.30 (R-C RESIDENTIAL CANYON ZONE), CHAPTER 17.60 (VARIANCES AND CONDITIONAL USE PERMITS), AND CHAPTER 17.72 (SIGNS), AND DELETE CHAPTER 17.76 (CONDOMINIUM AND APARTMENT PROJECTS) OF THE SIERRA MADRE MUNICIPAL CODE.

WHEREAS, the R-3 Multiple Family Residential Zoning Ordinance (Chapter 17.28 of the Municipal Code) was adopted to classify and set standards for the orderly development of residential medium-density areas to encourage development that preserves the small town character of the community while meeting demand for multi-family housing in the city and maintaining neighborhood consistency;

WHEREAS, the City Council adopted a General Plan Update in July 2015 and as part of the General Plan Implementation Program, the City is currently in the process of amending various ordinances in the Municipal Code, including the R-3 Multiple Family Residential zoning ordinance, to translate the new goals and policies of the updated document into specific zoning standards;

WHEREAS, in the process of amending the R-3 Multiple Family Zone Ordinance, it became necessary to amend other ordinances of the Zoning Code to ensure consistency of zoning requirements throughout the code;

WHEREAS, the proposed amendments to Chapters 17.08, 17.20, 17.28 and 17.30, 17.60, and 17.72 of the Municipal Code have been drafted to revise the definition of height, revise development standards in the R-3 Zone, revise conditional use permit findings, establish administrative design review and design review procedures and findings, identify the types of projects that would require conditional use permits and design review permits in the R-1, R-3 and R-C Zones, and revise sign permit requirements for projects in the R-3 and R-P Zones;

WHEREAS, the Condominium and Apartment Projects Ordinance (Chapter 17.76 of the Municipal Code) was intended to regulate multi-family residential projects but does not include any development standards to regulate construction of these types of projects in the City. Furthermore, since the R-3 Zoning Ordinance already includes standards regulating the development of medium/high density projects, Chapter 17.76 is duplicative and can therefore be deleted;

WHEREAS, the Planning Commission discussed these revisions at four meetings and wish to recommend to the City Council the subject municipal code text amendment as the

proposed changes will help preserve the City's neighborhoods characterized by single-family and multiple-family residential dwellings;

WHEREAS, the amendments are generally consistent with the goals, policies, and objectives of the General Plan in that it would help regulate and protect low-density and medium/high-density residential uses in the City.

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, the amendment qualifies for an exemption from the California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts; and

WHEREAS, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on June 15, 2017, with all testimony being received being made part of the public record;

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now resolves as follows:

Recommend that the City Council approve the ordinance attached hereto as Exhibit A amending Chapters 17.08, 17.20, 17.28, 17.30, 17.60, 17.72 and deleting Chapter 17.76 of the Municipal Code.

APPROVAL RECOMMENDED, the 15th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Gina Frierman-Hunt, Chair
Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning and Community Preservation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA AMENDING TITLE 17 ("ZONING") OF THE SEIRRA MADRE MUNICIPAL CODE BY AMENDING CHAPTER 17.08.020 ("WORDS, TERMS, PHRASES DEFINED"); AMENDING CHAPTER 17.20 ("R-1 ONE FAMILY RESIDENTIAL ZONE") SUBSECTIONS 1 AND 3 OF SECTION 17.20.015 ("DEFINITIONS") SECTION 17.20.025 ("CONDITIONALLY PERMITTED USES), ADDING SECTION 17.20.027 ("DESIGN REVIEW PERMIT"), AMENDING SUBSECTION 17.20.050.A.3.C ("PROJECTIONS INTO THE FRONT YARD"), SUBSECTION 17.20.050.B.2.A ("SINGLE STORY ADDITIONS OF LESS THAN FIFTY PERCENT"), SUBSECTION 17.20.050.B.2.B ("SINGLE STORY ADDITIONS GREATER THAN FIFTY PERCENT"), SUBSECTION 17.20.050.B.3.A ("NEW CONSTRUCTION"), SUBSECTION 17.20.050.B.3.B ("ONE OR TWO ADDITIONS OF FIFTY PERCENT OR LESS"), SUBSECTION 17.20.050.B.3.C ("ONE OR TWO ADDITIONS OF GREATER THAN FIFTY PERCENT") SECTION 17.20.053 ("ANGLE PLANE"), SUBSECTION 17.20.060.A ("DETACHED ACCESSORY STRUCTURES"), and SECTION 17.20.060.A.1 ("MINOR CONDITIONAL USE PERMIT"); AMENDING CHAPTER 17.28 (R-3 MULTIPLE FAMILY RESIDENTIAL ZONE); AMENDING CHAPTER 17.30 (R-C RESIDENTIAL CANYON ZONE) SECTION 17.30.040 ("CONDITIONALLY PERMITTED USES"), ADDING SECTION 17.30.045 ("DESIGN REVIEW PERMIT"), AMENDING SUBSECTION 17.30.060.B ("ANGLE PLANE HEIGHT"), SUBSECTION 17.30.070.A.1 ("FRONT AND REAR YARD SETBACKS"), SUBSECTION 17.30.080.A.1 ("MINOR CONDITIONAL USE PERMIT"), AND SECTION 17.30.140 ("NEW CONSTRUCTION AND ADDITION ONTO EXISTING STRUCTURES"); AMENDING CHAPTER 17.60 ("VARIANCES AND CONDITIONAL USE PERMITS") TO REVISE THE TITLE AND AMENDING SUBSECTION 17.60.030.D ("CONDITIONAL USES – ALL DEVELOPMENT IN THE R-3 ZONE"), SUBSECTION 17.60.030.E ("CONDITIONAL USES – H ZONE. DEVELOPMENT, STRUCTURES, GRADING, OR SUBDIVSIONS"), SUBSECTION 17.60.030.F ("CONDITIONAL USES - R-P (R-3 WITH RESIDENTIAL ENTREPRENEURIAL OVERLAY) ZONE AND C (COMMERCIAL) ZONE ONLY IN THE PORTIONS OF THE C ZONE WHERE RESIDENTIAL USES ARE ALLOWED"), DELETING SUBSECTION 17.60.030.G ("WIRELESS COMMUNICATIONS FACILITIES, AS PROVIDED IN CHAPTER 17.93 OF THIS TITLE."), AMENDING SECTION 17.60.041 ("ADDITIONAL BURDEN OF PROOF FOR PERMITS FOR CERTAIN NOTED PROJECTS"), AND ADDING SECTION 17.60.058 ("PROJECTS WITH MULTIPLE APPLICATIONS"); AMENDING CHAPTER 17.72 ("SIGNS") SECTION 17.72.050 ("SIGN REGULATIONS – R-3 ZONE") AND SECTION 17.72.060 ("SIGN REGULATIONS – R-P ZONE"), AND DELETING CHAPTER 17.76 ("CONDOMINIUM AND APARTMENT PROJECTS").

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 17.08.020 (“Words, terms, phrases defined”) of Chapter 17.08 (“Definitions”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.08.020 - Words, terms, phrases defined.

"Height" of building is the vertical distance above a reference datum measured to the highest point of the roof structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The lowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The lowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

SECTION 2. Subsection 1 of Section 17.20.015 (“Definitions”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”), is amended herein to read as follows:

1. Roof eaves up to four feet in projection. Roof eaves that exceed four feet in projection but not more than six feet in projection may be excluded from the total floor area calculation subject to approval of an administrative design review permit pursuant to Chapter 17.60.

SECTION 3. Subsection 3 of Section 17.20.015 (“Definitions”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

3. Partial basements, subject to the approval of an administrative design review permit pursuant to the requirements of Chapter 17.60.

SECTION 4. Section 17.20.025 (“Conditionally permitted uses”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.20.25 – Conditionally permitted uses.

The following uses shall be allowed subject to the granting of a conditional use permit pursuant to the provisions of Chapter 17.60 of this title:

- A. Conditional uses allowed under Section 17.60.030.
- B. Swimming Pools. Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet, and is visible to or from a public or private street or alley pursuant to the provisions of Chapter 17.60 of this title. If the swimming pool, hot tub, spa and similar recreational facility are enclosed by a six-foot-tall, which on sloping terrain may deviate a maximum of

eight inches above or below the six-foot height, solid fence or wall, then the provisions of Section 17.20.060 shall apply.

SECTION 5. Section 17.20.027 entitled “Design Review Permit” is added herein to Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) to read as follows:

17.20.027 – Design review permit.

The following projects shall be allowed subject to the granting of a design review permit pursuant to the provisions of Chapter 17.60 of this title:

A. Houses requiring additional height to accommodate an architectural feature (such as a roof), that is characteristic of the style of architecture that is used for the house or for other particular design purposes with a maximum height of thirty feet, zero inches pursuant to the findings listed in Section 17.60.040.

B. Except for replacement of an existing two story structure lost due to a fire or other casualty event, any second-story addition to an existing single-family house or any new construction proposed to include a second story.

C. Allowable gross floor area for all structures on a single lot that exceeds, either by addition or new construction, the amounts indicated below:

1. Lot areas up to seven thousand five hundred square feet: two thousand five hundred square feet of floor area;
2. Lot areas from seven thousand five hundred one to eleven thousand square feet: three thousand square feet of floor area;
3. Lot areas from eleven thousand one and up: three thousand five hundred square feet of floor area.

SECTION 6. Subsection 17.20.050.A.3.c (“Projections into the front yard”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- 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 an administrative design review permit pursuant to the provisions of Chapter 17.60.

SECTION 7. Subsection 17.20.050.B.2.a (“Single Story Additions of Less than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- a. Single Story Additions of Less than Fifty Percent. Single story additions onto existing primary structures, which results in an increase in gross floor area of fifty percent or less of the original structure, and which is consistent in height and character with the original structure, may be aligned with the existing legally constructed side yard setback of the primary structure, subject to the approval by the director of an administrative design review permit, pursuant to Section 17.60.025.

SECTION 8. Subsection 17.20.050.B.2.b (“Single Story Additions Greater than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- b. Single Story Additions Greater than Fifty Percent. Single story additions onto existing primary structures, which result in an increase in gross floor area of greater than fifty percent of the original structure, may be aligned with existing legally constructed side yard setback of the primary structure, subject to the approval of a design review permit pursuant to the provisions of Chapter 17.60 of this title.

SECTION 9. Subsection 17.20.050.B.3.a (“New Construction”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- a. New Construction. New construction of primary structures may have a reduced cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, provided that the total lot coverage does not exceed forty percent and pursuant to the approval of a design review permit subject to the provisions of Chapter 17.60.

SECTION 10. Subsection 17.20.050.B.3.b (“One or Two Additions of Fifty Percent or Less”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- b. One or Two Story Additions of Fifty Percent or Less. One or two story additions onto existing primary structures, where the floor area of the addition does not exceed fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width

of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of an administrative design review permit pursuant to the provisions of Chapter 17.60.

SECTION 11. Subsection 17.20.050.B.3.c (“One or Two Additions of Greater than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- c. One or Two Story Additions of Greater than Fifty Percent. One or two story additions onto existing primary structures, where the floor area of the addition is greater than fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of a design review permit pursuant to the provisions of Chapter 17.60.

SECTION 12. Section 17.20.053 (“Angle plane”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

17.20.053 - Angle Plane.

A. Notwithstanding the provisions under Section 17.20.050(B) (“Side Yards”), no portion of a building, except a chimney but only to the extent necessary to meet code and no higher than 6 feet from the point where it penetrates the roof, shall exceed the height of a forty-five 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 four 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 ten linear feet may be allowed subject to the approval of an administrative design review permit; encroachments exceeding ten linear feet may be allowed pursuant to the approval of a design review 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.

SECTION 13. Subsection 17.20.060.A (“Detached Accessory Structures”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

A. Detached Accessory Structures. Workshops and storage sheds shall be located behind the street-facing building line of the primary structure on the property, unless authorized with the approval of an administrative design review use permit pursuant to Chapter 17.60. Single-story detached accessory structures, such as gazebos, workshops, storage sheds and similar uses which measure six hundred square feet or less, and with a maximum height of fifteen feet from finished grade to top of ridge as follows:

SECTION 14. Subsection 17.20.060.A.1 (“Minor Conditional Use Permit”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

1. Administrative Design Review Permit. May be located five feet from the side and/or rear property lines subject to the approval of an administrative design review permit pursuant to Chapter 17.60.

SECTION 15. Chapter 17.30 (“R-3 Multiple Family Residential Zone”) of Title 17 (“Zoning”) is hereby amended to read as follows:

Chapter 17.28

R-3 MEDIUM/HIGH DENSITY RESIDENTIAL ZONE

17.28.010	Purpose
17.28.020	Legal, non-conforming R-3 sites
17.28.030	Rezoned, newly created or reconfigured lots
17.28.040	Development of lots or parcels with existing single-family structures
17.28.050	Permitted uses
17.28.060	Conditional use permit required
17.28.070	Design review required
17.28.075	Other uses and construction activities
17.28.080	Standards of development
17.28.090	Open Space
17.28.100	Off-street parking requirements
17.28.110	Landscaping
17.28.120	Lighting
17.28.130	Submittal requirements and plan review process

17.28.010 – Purpose.

The purpose of the R-3 zone is to classify and set standards for orderly development of residential-medium/high density areas in a manner that will be compatible with Sierra Madre's residential character and general community image. It is intended that this zone be utilized in areas where the City's circulation system will serve adequately these higher densities and most importantly in locations adjacent to the commercial facilities of the downtown area.

17.28.020 - Legal, non-conforming R-3 sites.

Parcels, structures and land uses on R-3 lots which were legally established under previous zoning and building codes may be continued indefinitely unless otherwise deemed to be discontinued or found to be in violation of public safety codes. (Also see Chapter 17.20 Nonconformities)

17.28.030 - Rezoned, newly created or reconfigured lots.

- A. The City retains the authority to initiate a rezoning of any parcel of land in order to comply with the Land Use Element of the General Plan.
- B. Every lot in the R-3 zone which is not being rezoned pursuant to Section A and is hereafter created or reconfigured by lot line adjustment or otherwise, or rezoned to R-3, shall have:
 - 1. Minimum lot dimensions/size: 90 feet in width; 140 feet in depth; 12,600 square feet;
 - 2. Location. Medium/high density-multiple family development shall be located with primary access to either the major or collector streets and in such an area that traffic generations attributed to such developments do not severely conflict with other community functions;
 - 3. Housing need/compliance with the General Plan. A demonstrated public need shall be established based upon determined demand, existing vacancy factor, and availability of land as determined by the City's adopted Housing Element;
 - 4. Utilities. It shall be determined if the existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium/high density multiple family residential developments.

17.28.040 - Development of lots or parcels with existing single-family structures.

A. Reuse of existing single-family homes for single or multiple units on R-3 zoned parcels is encouraged. Applications that include the conversion of an existing structure or structures from fewer units on a lot to a greater number of units requires a conditional use permit.

B. Preservation: Preservation and renovation of existing single-family units of historical character or of quality design is encouraged. Where existing homes are preserved and incorporated into the development, the design of the development should respect the character and siting of the home to minimize impact on the neighborhood. The planning commission may consider some relaxation of setback and other zoning requirements for developments that incorporate existing units, providing that the development is not materially detrimental to adjoining properties.

17.28.050 - Permitted uses.

A. In the R-3 zone only such uses are permitted as are hereinafter specifically provided and allowed:

1. Dwelling units (attached or detached) according to the following maximum number of units per lot as follows:
 - a. Tier 1: Lot area of up to 5,000 square feet – one dwelling unit
 - b. Tier 1.5: Lot area of 5,001 to 6,750 square feet– one dwelling unit plus one “second unit” as defined in and in accordance with Chapter 17.22 – Second Unit Ordinance;
 - c. Tier 2: Lot area if 6,751 to 8,500 square feet – two dwelling units
 - d. Tier 3: Lot area of 8,501 to 11,000 square feet – three dwelling units
 - e. Tier 4: Lot area of 11,001 square feet and over – four dwelling units plus one unit for every 3,350 square feet of lot area in excess of 11,000 square feet.
2. One-story accessory buildings and uses customarily incidental to residential uses allowed in the R-3 zone , such as parking garages for residents, recreational facilities, guest houses, laundry-rooms, storage sheds, gazebos, etc.;
3. A trailer used as a construction office or as a residence of the owner and his/her family during construction, but only while a building permit for the construction of one or more permanent residences is in full force and effect and in no event longer than one year.
4. Transitional and supportive housing, subject to the same standards as may be required for dwellings in this zone.
5. Residential Care Facilities (up to 6 residents).

17.28.060 - Conditional use permit required.

A. The following uses shall only be permitted with a conditional use permit, obtained in accordance with Chapter 17.60:

1. Public parking areas not serving residential uses at the same site;
2. Large family day care center (nine or more children)
3. Residential care facility, including drug and alcohol rehabilitation, recovery and treatment services (seven or more residents); and
4. In R-P overlay zone only, small entrepreneurial businesses, service and professional offices.

B. The following uses shall only be permitted with a minor conditional use permit, obtained in accordance with the procedures listed in Chapter 17.60:

1. Swimming pools and sport courts; and
2. Conversion of existing structures from fewer to more units.

17.28.070 - Design review permit required.

A. The following construction activities shall only be permitted with a design review permit, obtained in accordance with Chapter 17.60:

1. For sites with fewer than two full dwelling units (i.e., with one dwelling unit or with one dwelling unit and a second unit), projects that result in aggregate floor area of all structures exceeding 3,000 square feet (including new construction and additions);
2. New construction or addition of one or more dwelling units that result in a site with three or more dwelling units (in other words, construction of three or more dwelling units on a vacant site, addition of two or more dwelling units on a site with one existing dwelling unit, or addition of any dwelling units on a site with two or more existing dwelling units);
3. For sites with three or more existing dwelling units, additions of floor area in excess of 1,000 square feet; and
4. In R-P overlay zone only, new construction of primary structures for small entrepreneurial businesses, service and professional offices.

B. The following construction activities shall only be permitted with an administrative design review permit, obtained in accordance with Chapter 17.60:

1. Construction in excess of either one story or 18 feet in height;
2. New construction or addition of one or more dwelling units that result in a site with two full dwelling units (in other words, construction of two dwelling units on a vacant site, or addition of one dwelling unit to a site with one existing dwelling unit); and
3. For sites with two or more existing dwelling units, additions of floor area in excess of 500 square feet.

17.28.075 - Other uses and construction activities.

In addition to those specified in this chapter, a number of other uses and construction activities are allowed in the R-3 zone pursuant to, and in accordance with, other provisions of this title. Such uses and construction activities may be permitted of right or require discretionary review and approval in accordance with such other provisions. A subset of such uses and construction activities and their corresponding code references are listed below for reference purposes only.

1. Demolitions – Section 15.04.115 & Section 17.60.056;
2. Certain conditionally permitted uses - Section 17.60.030;
3. Signs – Chapter 17.72;
4. Bed and breakfast inns in historic landmarks – Section 17.82.065 (Note that except for the foregoing, tenancies shorter than 30 days are not permitted in the R-3 zone.);
5. Home occupations – Chapter 17.85.
6. Temporary uses – Chapter 17.88; and
7. Wireless communication facilities – Chapter 17.93

17.28.080 - Standards of development.

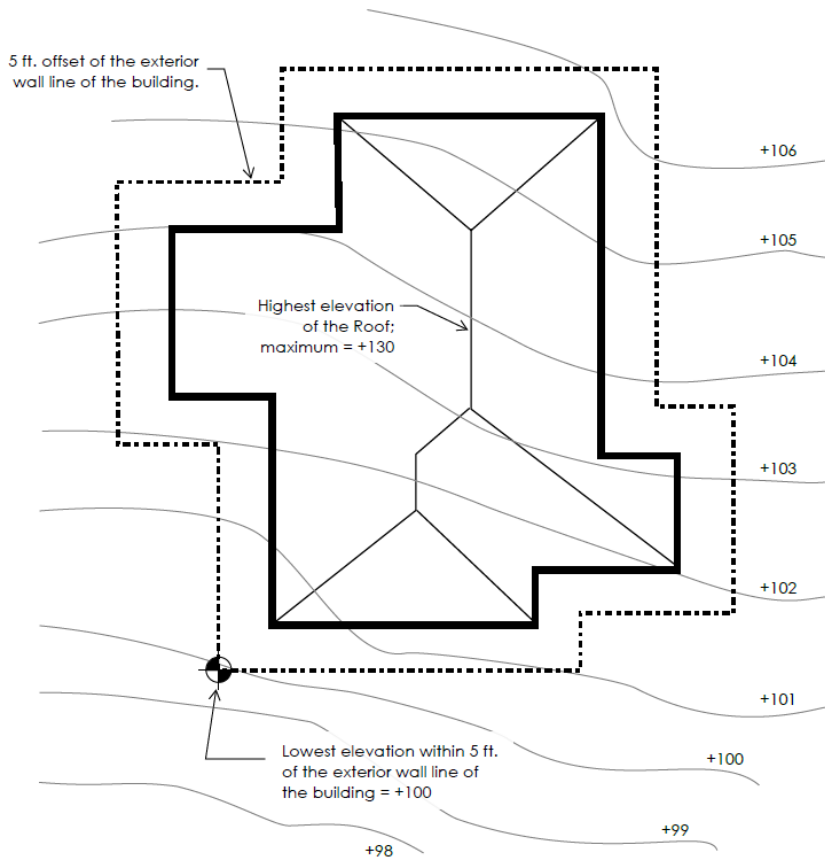
A. Floor area ratio:

1. On lots with a gross lot area of less than 10,000 square feet or street frontage of less than 50 feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 55% of the gross lot area.
2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70% of gross lot area in excess of 10,000 square feet.
3. Notwithstanding paragraphs 1 and 2 above, on lots with (i) one dwelling unit, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 35% of the gross lot area, (ii) one dwelling unit and one second unit, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 40% of the gross lot area, and (iii) two dwelling units, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 45% of the gross lot area.

B. Maximum building coverage.

1. Building coverage shall not exceed an aggregate of 45% of the lot area. Covered area shall be considered to be the total amount of land covered by residential structures, garages, driveways, and other impermeable surfaces.
2. Decks, permeable patios, porous paving areas, vegetated roof areas, recreational areas, pedestrian walkways and terraces shall not be considered covered areas for the purpose of this standard. An additional 15%in covered area may be added to the aggregate, increasing it to 60% with the use of porous surfaces and/or vegetated roof areas.

C. Maximum Building Height. No building shall exceed either thirty feet in height or two stories above grade (see illustration below).



D. Yard and Building Setbacks:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK (feet)
Front		First floor Second floor	15 feet 25 feet
Rear			10 feet
Side or Rear	R-1 zoned lots	Structures over one-story in height	10 feet for height below 20 feet, plus use of "angle-plane" in accordance with Subsection F.7 below
Side	An alley or lots zoned other than R-1	Main or accessory	10% of lot width 5 minimum 15 maximum
Side	Public street	Main or accessory	10% of lot width 10 minimum 15 maximum

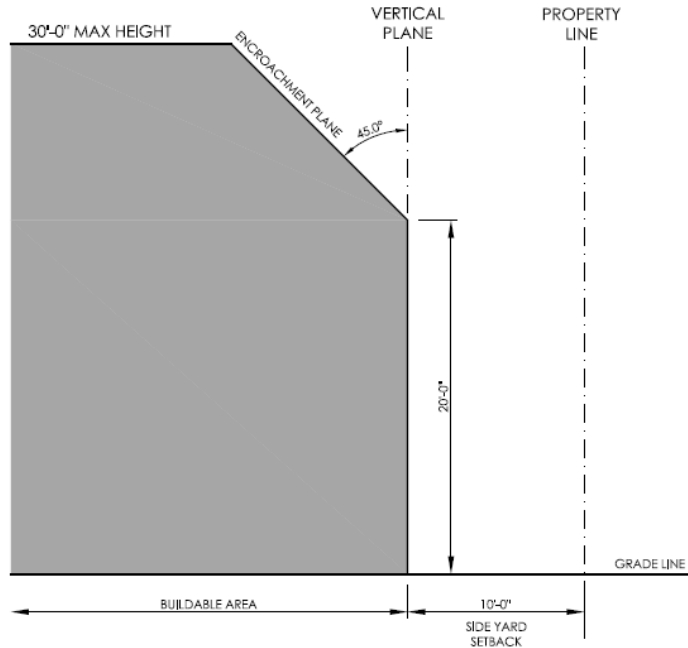
Side	An alley	Garages opening to alley	25 from opposite side of alley
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E. Encroachments into setback areas:

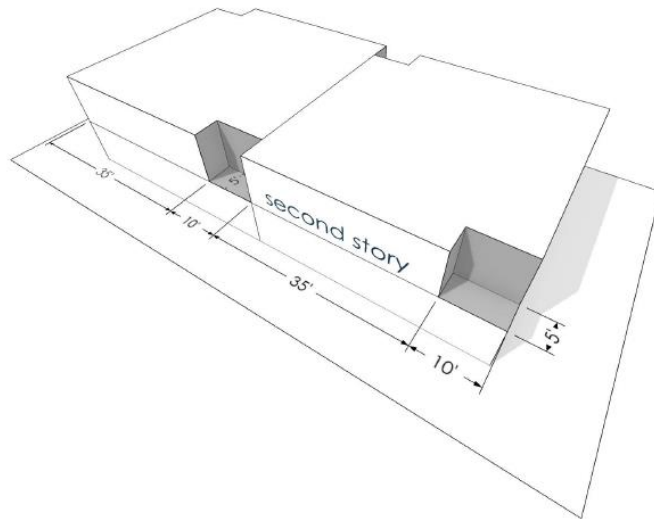
1. Garages and other one-story accessory structures may be constructed within five feet of a side or rear property line where the difference between adjoining grades does not exceed one foot and is not adjoining an R-1 zoned property.
2. Walls and fences in accordance with Section 17.48.130.
3. Balconies and Exterior Stairways. No more than one half of the balconies and exterior stairways shall be permitted to project more than fifty percent of the minimum setback requirement into any required setback areas. The minimum setback from any property line abutting R-1 zoned property shall be ten feet.
4. Swimming pools, hot tubs, spas and similar recreational facilities may be located no closer than five feet from the rear or side property lines, or 25 feet from the front property line.

F. Site Design Requirements

1. Siting: Building siting should:
 - a. Maximize privacy through placement of windows, balconies, landscaping, and design of outdoor spaces;
 - b. Be related to nearby buildings as well as adjacent parcels;
 - c. Be oriented to face the street, avoiding views from the street of parking garages and alleys;
 - d. Minimize negative impact on views from adjacent properties;
 - e. Be oriented to encourage use of outdoor areas and to be compatible with adjoining building orientation; and
 - f. Cluster buildings and modulate architectural elements to provide pleasing and useful ground level and above ground spaces.
2. Utilities: All utilities shall be placed underground.
3. Landscaping: Landscaping should be designed to minimize impact of development on surrounding properties. Tree preservation and landscaping with specimen trees are encouraged.
4. Contextual design: Building forms and details should be in keeping with adjacent neighborhood character, where appropriate. Where possible, existing single-family houses should be preserved.
5. Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood.
6. Paving: Use of decorative and permeable materials is encouraged.
7. Angle-plane: For yards abutting an R-1 zoned lot, an encroachment limit shall be established which is determined at the point where the wall height is 20 feet, and using a 45 degree angle inwards toward the property to create additional setback (see illustration below).



8. **Articulation:** Articulation of exterior walls is encouraged. In no event shall a linear wall of a second story extend longer than 35 feet without an offset of a minimum of five feet for a minimum linear distance of ten feet (see illustration below).



9. **Screening:** Parking areas, refuse storage, mechanical equipment and the like shall be screened by some combination of walls, plantings or earthworks.

10. Design Guidelines: From time to time, the planning commission may promulgate and maintain site design and massing guidelines for use by applicants and the City to guide appropriate development in the R-3 zone.

17.28.090 - Open Space.

500 square feet per dwelling unit of on-site open space shall be provided for use by residents. Such open space may be located on the ground floor or above, and may be met with a combination of common open space and private open space. In order to be counted toward the open space requirement, the minimum width and length of each space shall be ten feet for common spaces and five feet for private spaces. Driveways and other vehicular access areas shall not count toward the open space requirement.

17.28.100 - Off-street parking requirements.

- A. Off-street parking shall be provided as follows:
 1. One enclosed or covered space for each studio or 1-bedroom unit;
 2. Two enclosed or covered spaces for all units with two or more bedrooms;
 3. For sites with five or more dwelling units, guest parking shall be required at a ratio of one unenclosed parking space for every increment of five units;
 4. On-street parking shall not be used to satisfy any of the above open parking requirements.
- B. Parking and Vehicular Storage. The following standards shall apply to automobile parking facilities and vehicular storage:
 1. Automobile parking facilities:
 - a. Fully enclosed garages shall be provided for any required covered parking space that is entered directly from any public alley.
 - b. Open parking compounds shall be screened from adjacent property lines.
 - c. The arrangement of garage facilities shall be such that they do not face toward any public street or that they shall be screened from view.
 - d. Each dwelling unit shall have an assigned, enclosed parking space within five hundred feet walking distance of such unit.
 2. Paving. A minimum of fifty percent of those areas normally covered with an impermeable surface shall be required to be covered or paved with a permeable surface.
- C. Except as herein specified, parking shall be designed in accordance with Chapter 17.68 generally and Chapter 17.22 for second units.
- D. Driveway Requirements.
 1. Each driveway to a garage or parking space shall be at least twelve feet uniform width and shall be totally unobstructed from the pavement upward.

- a. If any driveway serves as access to more than twelve dwelling units, such driveway shall be not less than twenty feet uniform width and shall be totally unobstructed from the pavement upward; provided, however, that utility poles, guy wires and anchors may be located within two feet of the property line.
 - b. Eaves, no portion of which are less than thirteen feet above the pavement, may overhang any such driveway a distance of not more than three feet; and utility pole cross-arms and utility service wires may be located not less than thirteen feet in height above the paved surface of any driveway.
 - c. Two 12-foot driveways may be provided in lieu of a required 20-foot driveway, in which event one shall be marked "entrance" and one "exit" and all regulations herein before provided with respect to ten and one-half foot driveways shall apply to each of such driveways.
 - d. Every driveway shall be surfaced in a manner that is acceptable to the Fire Department.
 - e. On shared driveways, "No Parking" signs with lettering not less than two inches in height shall be placed conspicuously at the entrance to and at intervals of not less than one hundred feet along every required driveway.
2. No person shall park, stand, or leave any vehicle in any portion of a shared driveway except for the purpose of and during the process of loading or unloading passengers or merchandise, and then only while such vehicle is attended by the operator thereof.
 3. Parking height: Structures used principally for parking shall not be higher than one story. Parking shall not be permitted above ground level.

17.28.110 - Landscaping.

A. All open areas with the exception of vehicular access-ways and parking areas, pedestrian walkways and paved and/or covered recreational facilities shall be landscaped and permanently maintained in an attractive manner. For new construction, on-site trees equivalent to one fifteen-gallon tree for each dwelling unit shall be provided. Additional trees and shrubs shall also be planted to provide a well-balanced landscape plan. For the purpose of this section other specimen material as approved by the planning department may be considered as equivalent to a fifteen-gallon tree.

B. Landscaping must adhere to the City's adopted Water Efficient Landscape Standards pursuant to Chapter 15.60.

C. Street trees shall be provided to city standards and in accordance with the Master Plan for Street Trees, or with current practices established by the Director of Public Works.

D. For all projects that are required to comply with Water Efficient Landscape Standards, a conceptual landscape plan prepared by a licensed landscape architect shall be submitted to the planning department together with the project's first application and shall be drawn to a scale of not less than one inch equals twenty feet. Said plan shall include the following information:

1. Square footage of each landscaped area;

2. Total square footage of all landscaped areas;
3. Percentage of the total site devoted to landscaping;
4. Type of plant materials, i.e., the botanical and common names;
5. Location of all plant materials;
6. Container size and number of all plant materials;
7. A tree inventory and tree protection report prepared by a licensed arborist shall be submitted. No protected tree shall be removed or substantially trimmed, except as authorized by Chapter 12.20. Specimen trees shall be replaced within the submitted landscaping plan with a minimum of twenty-four-inch box trees.
8. The project approval may include additional landscape requirements. Final plans, including irrigation and required usage calculations will be reviewed during construction plan check.

17.28.120 - Lighting.

All lighting of the building, landscaping, parking area, or similar facilities shall be in compliance with the City's "Dark Sky" program. Lighting shall be hooded and directed downward to reflect away from adjoining properties.

17.28.130 - Submittal requirements and plan review process.

Projects in the R-3 zone require submittal of an application and additional materials as listed on the application. The plan review process for discretionary permits such as conditional use permits, minor conditional use permits, design review permits, and administrative design review permits is set forth in Chapter 17.60.

SECTION 16. Section 17.30.040 ("Conditionally-permitted uses") of Chapter 17.30 ("R-C Residential Canyon") of Title 17 ("Zoning") is hereby amended to read as follows:

17.30.040 - Conditionally-permitted uses.

Notwithstanding Section 17.60.030 (Conditional use permits - When required) to the contrary, the following are the only conditionally permitted uses:

- A. **Swimming Pools.** Swimming pools, hot tubs, spas and similar recreational facilities, subject to the approval of a minor conditional use permit pursuant to Section 17.60.055 (Minor conditional use permit). Swimming pools, hot tubs, spas and similar recreational facilities shall be located no closer than five feet to the property lines.
- B. **Utilities.** Public utilities or utilities operated by mutual agencies consisting of water wells, or power boosters with the necessary buildings, apparatus, or appurtenances incident thereto.
- C. **Wireless communications facilities,** as provided in Chapter 17.93 (Standards and Criteria for Wireless Communications Facilities).
- D. **Large Family Day Care Homes.** Consistent with the requirements of Health & Safety Code § 1597.46, such homes shall be permitted if:

1. No other family day care home is located within three hundred feet of the proposed large family day care home.
2. The facility has at least two off-street parking spaces that, during business hours, will be used only by patrons of the large family day care home.
3. Reasonable traffic control measures have been instigated.
4. The facility will comply with the city's noise ordinance.
5. The facility will comply with Health & Safety Code § 1597.46(e), any regulations adopted by the state fire marshal pursuant to that subdivision, and any applicable amendments to those regulations.

SECTION 17. Section 17.30.045 (“Design review permit”) is hereby added to Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) to read as follows:

17.30.045 – Design review permit.

The following projects shall be allowed subject to the granting of a design review permit pursuant to the provisions of Chapter 17.60 of this title:

- A. Encroaching Second Stories. A second story addition to a single-family house which does not meet setback requirements contained herein, but does align with existing side yard setbacks.
- B. Three Thousand Square Feet. Floor areas that exceed three thousand square feet on a single lot.

SECTION 18. Subsection 17.30.060.B (“Angle plane height”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

B. Angle Plane Height. No portion of a building, except a chimney, shall exceed the height of a forty-five degree plane drawn from a height of ten feet above existing natural or pre-existing grade at the side lot line boundaries of the lot (see Diagram A). Roof eaves projecting a maximum four feet out from the vertical plane of the exterior wall surface are exempted. Any other encroachments exceeding the angle plane height are allowed only if authorized by an administrative design review issued pursuant to Chapter 17.60. This section shall not prevent the applicability of Section 17.48.120 (Permissible projection of structures into yards).

SECTION 19. Subsection 17.30.070.A.1 (“Front and Rear Setbacks”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

1. Front and Rear Setbacks. Each lot shall have a minimum combined front and rear yard setback of thirty-five feet. The front yard setback must be at least fifteen feet. The rear yard setback must be at least ten feet, unless an

administrative design review permit is obtained, in which case the minimum required setback shall be as stated in the administrative design review permit, which amount shall be no less than five feet.

SECTION 20. Subsection 17.30.080.A.1 (“Minor Conditional Use Permit”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

1. Administrative Design Review Permit. May be located five feet from the side and/or rear property lines subject to the approval of an administrative design review permit pursuant to Chapter 17.60.

SECTION 21. Section 17.30.140 (“New construction and additions onto existing structures”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.30.140 - New construction and additions onto existing structures.

Where the floor area of all structures is greater than three thousand square feet, a design review permit pursuant to the provisions of Chapter 17.60 shall be required.

SECTION 22. The title of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

Chapter 17.60 - VARIANCES AND DISCRETIONARY PERMITS

SECTION 23. Subsection 17.60.030.D (“Conditional Uses – All developments in the R-3 zone”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

D. Conditional Uses - H Zone. Development, structures, grading, or subdivisions;

SECTION 23. Subsection 17.60.030.E (“Conditional Uses – H Zone. Development, structures, grading, or subdivisions”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

E. Conditional Uses—R-P (R-3 with Residential Entrepreneurial Overlay) Zone and C (Commercial) Zone only in the portions of the C Zone where residential uses are allowed;

Child Care Center / Nursery School,

Community Care Facilities, 7 beds or more,

Drug and Alcohol Recovery and Rehabilitation Facilities,

Drug and Alcohol Treatment Facilities,
Facilities for Preparole Adjustment/Rehabilitation,
Residential Care Facility for the Elderly with 7 beds or more,
Residential Health Care Facilities (Chronically Ill) with 7 beds or more.

SECTION 24. Subsection 17.60.030.F (“Conditional Uses - R-P (R-3 with Residential Entrepreneurial Overlay) Zone and C (Commercial) Zone only in the portions of the C Zone where residential uses are allowed”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

F. Wireless communications facilities, as provided in Chapter 17.93 of this title.

SECTION 25. Subsection 17.60.030.G (“Wireless communications facilities, as provided in Chapter 17.93 of this title.”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby deleted. .

SECTION 26. Subsection 17.60.041 (“Additional burden of proof for permits for certain noted projects”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.60.041 - Design review permit

A. Purpose. The purpose of an administrative design review permit and a design review permit is to ensure that an applicable project incorporates good design principles and is compatible with its neighborhood and natural surroundings.

B. Reviewing Authority. Except as otherwise provided by this chapter, the reviewing authority for an administrative design review permit application shall be the director and the reviewing authority for a design review permit application shall be the planning commission. The reviewing authority shall approve, conditionally approve, or deny an application for an administrative design review permit or a design review permit in writing.

C. Review Procedure. An administrative design review permit shall be noticed, processed and may be appealed in compliance with the requirements for a minor conditional use permit; provided however, that the director may refer any application for an administrative design review permit to the planning commission at the director's sole discretion. A design review permit shall be noticed, processed and may be appealed in compliance with the requirements established for a conditional use permit.

D. Findings. Before an administrative design review permit or a design review permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

1. The proposed project is consistent with the general plan, zoning code and any applicable design standards.
2. The proposed project will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties.
3. The height, bulk, scale, mass and siting of the proposed project be compatible with the existing neighborhood, landforms and surroundings.
4. The proposed project reflects the scale of the neighborhood in which it is proposed and 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.
5. The proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.
6. The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publicly visible.
7. For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.027(A)), the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publicly visible.
8. For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections 17.20.027(C), 17.30.045(B), 17.28.070(A)1 or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:
 - a. Innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or "cookie-cutter" plans;
 - b. Where applicable, adaptive reuse or other preservation and restoration of historic structures;

- c. Preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;
- d. Siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;
- e. High quality architectural details and building materials compatible with the overall project design; and
- f. Sustainable building and landscaping practices, especially water-saving features.

E. Compatibility. As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean 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 an applicant's thoughtful response to them within the design.

F. Applicability in Relation to other Standards. This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to ensure compatibility with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to ensure compatibility with landforms, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than setback standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

G. Additional Application Materials. As standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is recommended that applicants provide materials in addition

to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

SECTION 27. Section 17.60.058 (“Projects with multiple applications”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby added to read as follows:

17.60.058 – Projects with multiple applications

If multiple concurrent applications that call for different reviewing authorities are made for the same project, the applications shall be noticed and processed together and reviewed by the highest required authority. For example, if a project requires a design review permit and a minor conditional use permit, both such applications shall be noticed and processed together, and reviewed together in a public hearing by the planning commission. Before the project could move forward, the planning commission would need to make the required findings for the design review permit set forth in Section 17.60.041(D) and those for the minor conditional use permit set forth in Section 17.60.055(C). The action of the planning commission could then be appealed to the city council pursuant to Section 17.60.120 (note that Sections 17.60.055(F) and 17.60.115 would not apply to an appeal of the minor conditional use permit as the matter would have already been reviewed by the planning commission).

SECTION 28. Section 17.72.050 (“Sign regulations – R-3 zone”) of Chapter 17.72 (“Signs”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.72.050 - Sign regulations—R-3 zone.

A. The following types and sizes of non-illuminated signs are permitted without a permit, provided that they are installed flat against an onsite building or structure and shall not extend above the top of the wall to which they are affixed:

1. One nameplate per unit not exceeding one square foot in area containing the name and address of occupant of the premises;
2. One sign with the name and address of the building not to exceed two and one-half square feet in area; and

3. One sign not to exceed nine square feet in area, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.
- B. A sign permit shall, however, be required for illuminated signs and signs in excess of the size limits set forth in, or otherwise inconsistent with, Subsection A above.
- C. Signs exceeding twenty square feet per side are prohibited.

SECTION 29. Section 17.72.060 (“Sign regulations – R-P zone”) of Chapter 17.72 (“Signs”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.72.060 - Sign regulations—R-P zone.

- A. The following types and sizes of non-illuminated signs are permitted without a permit, provided that they are installed flat against an onsite building or structure and shall not extend above the top of the wall to which they are affixed:
1. One nameplate per unit not exceeding one square foot in area containing the name and address of occupant of the premises;
 2. One sign with the name and address of the building and business not to exceed five square feet in area; and
 3. One sign not to exceed nine square feet in area, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.
- B. A sign permit shall, however, be required for illuminated signs and signs in excess of the size limits set forth in, or otherwise inconsistent with, Subsection A above.
- C. Signs exceeding twenty square feet per side are prohibited.

SECTION 30. Chapter 17.76 (“Condominium and Apartment Projects”) of Title 17 (“Zoning”) is hereby deleted in its entirety.

SECTION 31. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts. The adoption of this ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 32. Effective Date. This Ordinance is adopted by the City Council and shall take effect 30 days after approval by the City Council. This Ordinance and the City

Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

SECTION 33. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ___ day of _____, 2017

Rachelle Arizmendi, Mayor

ATTEST:

Melinda Carrillo, City Clerk

I, Melinda Carrillo, City Clerk of the City of Sierra Madre, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the ___ day of _____ 2017, and was adopted at its regular meeting of _____, 2017 by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT:

EXHIBIT B

City Council Ordinance – Redlined Version

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA AMENDING TITLE 17 ("ZONING") OF THE SEIRRA MADRE MUNICIPAL CODE BY AMENDING CHAPTER 17.08.020 ("WORDS, TERMS, PHRASES DEFINED"); AMENDING CHAPTER 17.20 ("R-1 ONE FAMILY RESIDENTIAL ZONE") SUBSECTIONS 1 AND 3 OF SECTION 17.20.015 ("DEFINITIONS") SECTION 17.20.025 ("CONDITIONALLY PERMITTED USES), ADDING SECTION 17.20.027 ("DESIGN REVIEW PERMIT"), AMENDING SUBSECTION 17.20.050.A.3.C ("PROJECTIONS INTO THE FRONT YARD"), SUBSECTION 17.20.050.B.2.A ("SINGLE STORY ADDITIONS OF LESS THAN FIFTY PERCENT"), SUBSECTION 17.20.050.B.2.B ("SINGLE STORY ADDITIONS GREATER THAN FIFTY PERCENT"), SUBSECTION 17.20.050.B.3.A ("NEW CONSTRUCTION"), SUBSECTION 17.20.050.B.3.B ("ONE OR TWO ADDITIONS OF FIFTY PERCENT OR LESS"), SUBSECTION 17.20.050.B.3.C ("ONE OR TWO ADDITIONS OF GREATER THAN FIFTY PERCENT") SECTION 17.20.053 ("ANGLE PLANE"), SUBSECTION 17.20.060.A ("DETACHED ACCESSORY STRUCTURES"), and SECTION 17.20.060.A.1 ("MINOR CONDITIONAL USE PERMIT"); AMENDING CHAPTER 17.28 (R-3 MULTIPLE FAMILY RESIDENTIAL ZONE); AMENDING CHAPTER 17.30 (R-C RESIDENTIAL CANYON ZONE) SECTION 17.30.040 ("CONDITIONALLY PERMITTED USES"), ADDING SECTION 17.30.045 ("DESIGN REVIEW PERMIT"), AMENDING SUBSECTION 17.30.060.B ("ANGLE PLANE HEIGHT"), SUBSECTION 17.30.070.A.1 ("FRONT AND REAR YARD SETBACKS"), SUBSECTION 17.30.080.A.1 ("MINOR CONDITIONAL USE PERMIT"), AND SECTION 17.30.140 ("NEW CONSTRUCTION AND ADDITION ONTO EXISTING STRUCTURES"); AMENDING CHAPTER 17.60 ("VARIANCES AND CONDITIONAL USE PERMITS") TO REVISE THE TITLE AND AMENDING SUBSECTION 17.60.030.D ("CONDITIONAL USES – ALL DEVELOPMENT IN THE R-3 ZONE"), SUBSECTION 17.60.030.E ("CONDITIONAL USES – H ZONE. DEVELOPMENT, STRUCTURES, GRADING, OR SUBDIVSIONS"), SUBSECTION 17.60.030.F ("CONDITIONAL USES - R-P (R-3 WITH RESIDENTIAL ENTREPRENEURIAL OVERLAY) ZONE AND C (COMMERCIAL) ZONE ONLY IN THE PORTIONS OF THE C ZONE WHERE RESIDENTIAL USES ARE ALLOWED"), DELETING SUBSECTION 17.60.030.G ("WIRELESS COMMUNICATIONS FACILITIES, AS PROVIDED IN CHAPTER 17.93 OF THIS TITLE."), AMENDING SECTION 17.60.041 ("ADDITIONAL BURDEN OF PROOF FOR PERMITS FOR CERTAIN NOTED PROJECTS"), AND ADDING SECTION 17.60.058 ("PROJECTS WITH MULTIPLE APPLICATIONS"); AMENDING CHAPTER 17.72 ("SIGNS") SECTION 17.72.050 ("SIGN REGULATIONS – R-3 ZONE") AND SECTION 17.72.060 ("SIGN REGULATIONS – R-P ZONE"), AND DELETING CHAPTER 17.76 ("CONDOMINIUM AND APARTMENT PROJECTS").

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 17.08.020 (“Words, terms, phrases defined”) of Chapter 17.08 (“Definitions”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.08.020 - Words, terms, phrases defined.

"Height" of building is the vertical distance above a reference datum measured to the highest point of ~~copings of a flat~~ the roof ~~or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof structure.~~

The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The averagelowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The averagelowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

SECTION 2. Subsection 1 of Section 17.20.015 (“Definitions”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”), is amended herein to read as follows:

1. Roof eaves up to four feet in projection. Roof eaves that exceed four feet in projection but not more than six feet in projection may be excluded from the total floor area calculation subject to approval of ~~a minor conditional use~~ an administrative design review permit pursuant to ~~Section~~ Chapter 17.60.055.

SECTION 3. Subsection 3 of Section 17.20.015 (“Definitions”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

3. Partial basements, subject to the approval of ~~a minor conditional use~~ an administrative design review permit pursuant to the requirements of Chapter 17.60.

SECTION 4. Section 17.20.025 (“Conditionally permitted uses”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.20.25 – Conditionally permitted uses.

The following uses shall be allowed subject to the granting of a conditional use permit pursuant to the provisions of Chapter 17.60 of this title:

~~A. Houses requiring additional height to accommodate an architectural feature (such as a roof), that is characteristic of the style of architecture that is used for the house or for other particular design purposes with a maximum height of thirty feet, zero inches pursuant to the findings listed in Section 17.60.040.~~

~~B. Except for replacement of an existing two story structure lost due to a fire or other casualty event, any second-story addition to an existing single-family house or any new construction proposed to include a second story.~~

~~C. Allowable gross floor area for all structures on a single lot that exceeds, either by addition or new construction, the amounts indicated below:~~

~~1. Lot areas up to seven thousand five hundred square feet: two thousand five hundred square feet of floor area;~~

~~2. Lot areas from seven thousand five hundred one to eleven thousand square feet: three thousand square feet of floor area;~~

~~3. Lot areas from eleven thousand one and up: three thousand five hundred square feet of floor area.~~

AD. Conditional uses allowed under Section 17.60.030.

BE. Swimming Pools. Swimming pools, hot tubs, spas and similar recreational facilities which are located within twenty-five feet, and is visible to or from a public or private street or alley pursuant to the provisions of Chapter 17.60 of this title. If the swimming pool, hot tub, spa and similar recreational facility are enclosed by a six-foot-tall, which on sloping terrain may deviate a maximum of eight inches above or below the six-foot height, solid fence or wall, then the provisions of Section 17.20.060 shall apply.

SECTION 5. Section 17.20.027 entitled "Design Review Permit" is added herein to Chapter 17.20 ("R-1 One Family Residential") of Title 17 ("Zoning") to read as follows:

17.20.027 – Design review permit.

The following projects shall be allowed subject to the granting of a design review permit pursuant to the provisions of Chapter 17.60 of this title:

A. Houses requiring additional height to accommodate an architectural feature (such as a roof), that is characteristic of the style of architecture that is used for the house or for other particular design purposes with a maximum height of thirty feet, zero inches pursuant to the findings listed in Section 17.60.040.

B. Except for replacement of an existing two story structure lost due to a fire or other casualty event, any second-story addition to an existing single-family house or any new construction proposed to include a second story.

C. Allowable gross floor area for all structures on a single lot that exceeds, either by addition or new construction, the amounts indicated below:

1. Lot areas up to seven thousand five hundred square feet: two thousand five hundred square feet of floor area;

2. Lot areas from seven thousand five hundred one to eleven thousand square feet: three thousand square feet of floor area;

3. Lot areas from eleven thousand one and up: three thousand five hundred square feet of floor area.

SECTION 6. Subsection 17.20.050.A.3.c (“Projections into the front yard”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- 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~~ an administrative design review permit pursuant to the provisions of ~~Section~~ Chapter 17.60.055.

SECTION 7. Subsection 17.20.050.B.2.a (“Single Story Additions of Less than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- a. Single Story Additions of Less than Fifty Percent. Single story additions onto existing primary structures, which results in an increase in gross floor area of fifty percent or less of the original structure, and which is consistent in height and character with the original structure, may be aligned with the existing legally constructed side yard setback of the primary structure, subject to the approval by the director ~~of development services~~ of ~~an minor variance~~ administrative design review permit, pursuant to Section 17.60.025.

SECTION 8. Subsection 17.20.050.B.2.b (“Single Story Additions Greater than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- b. Single Story Additions Greater than Fifty Percent. Single story additions onto existing primary structures, which result in an increase in gross floor area of greater than fifty percent of the original structure, may be aligned with existing legally constructed side yard setback of the primary structure, subject to the approval of a ~~conditional use~~ design review permit pursuant to the provisions of Chapter 17.60 of this title.

SECTION 9. Subsection 17.20.050.B.3.a (“New Construction”) of Chapter 17.20 (“R-1 One Family Residential”) of Title 17 (“Zoning”) is amended herein to read as follows:

- a. New Construction. New construction of primary structures may have a reduced cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel,

with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, provided that the total lot coverage does not exceed forty percent and pursuant to the approval of a [conditional usedesign review](#) permit subject to the provisions of Chapter 17.60.

SECTION 10. Subsection 17.20.050.B.3.b (“One or Two Additions of Fifty Percent or Less”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- b. One or Two Story Additions of Fifty Percent or Less. One or two story additions onto existing primary structures, where the floor area of the addition does not exceed fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of ~~a minor conditional usean administrative design review~~ permit pursuant to the provisions of ~~SectionChapter 17.60.055, except that when a conditional use permit is required under Section 17.20.025, the request for the abovementioned reduction of the cumulative side yard setback shall be included as part of the conditional use permit.~~

SECTION 11. Subsection 17.20.050.B.3.c (“One or Two Additions of Greater than Fifty Percent”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

- c. One or Two Story Additions of Greater than Fifty Percent. One or two story additions onto existing primary structures, where the floor area of the addition is greater than fifty percent of the gross floor area of the existing primary structure, may be constructed with cumulative side yard setback dimension (both side yard setbacks combined) of not less than twenty percent of the width of the lot or parcel, with a minimum required side yard setback of any one side of not less than five feet or ten percent of the width of the lot or parcel width, whichever is greater, up to a maximum side yard setback of ten feet on that side, pursuant to the approval of a [conditional usedesign review](#) permit pursuant to the provisions of Chapter 17.60.

SECTION 12. Section 17.20.053 (“Angle plane”) of Chapter 17.20 (“R-1 One Family Residential) of Title 17 (“Zoning”) is amended herein to read as follows:

17.20.053 - Angle Plane.

A. Notwithstanding the provisions under Section 17.20.050(B) ("Side Yards"), no portion of a building, except a chimney but only to the extent necessary to meet code and no higher than 6 feet from the point where it penetrates the roof, shall exceed the height of a forty-five 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 four 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 ten linear feet may be allowed subject to the approval of ~~a minor conditional use~~ an administrative design review permit; encroachments exceeding ten linear feet may be allowed pursuant to the approval of a ~~conditional use~~ design review 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.

SECTION 13. Subsection 17.20.060.A ("Detached Accessory Structures") of Chapter 17.20 ("R-1 One Family Residential) of Title 17 ("Zoning") is amended herein to read as follows:

A. Detached Accessory Structures. Workshops and storage sheds shall be located behind the street-facing building line of the primary structure on the property, unless authorized with the approval of ~~a minor conditional use~~ an administrative design review use permit pursuant to ~~Section Chapter~~ 17.60.055. Single-story detached accessory structures, such as gazebos, workshops, storage sheds and similar uses which measure six hundred square feet or less, and with a maximum height of fifteen feet from finished grade to top of ridge as follows:

SECTION 14. Subsection 17.20.060.A.1 ("Minor Conditional Use Permit") of Chapter 17.20 ("R-1 One Family Residential) of Title 17 ("Zoning") is amended herein to read as follows:

1. ~~Minor Conditional Use~~ Administrative Design Review Permit. May be located five feet from the side and/or rear property lines subject to the approval of ~~a minor conditional use~~ an administrative design review permit pursuant to ~~Section Chapter~~ 17.60.055.

SECTION 15. Chapter 17.30 ("R-3 Multiple Family Residential Zone") of Title 17 ("Zoning") is hereby amended to read as follows:

Chapter 17.28
~~R-3 MULTIPLE FAMILY RESIDENTIAL ZONE~~ R-3 MEDIUM/HIGH DENSITY
RESIDENTIAL ZONE

Sections:

- 17.28.010 Purpose
- 17.28.020 Legal, non-conforming R-3 sites
- 17.28.030 Rezoned, newly created or reconfigured lots
- 17.28.040 Development of lots or parcels with existing single-family structures
- 17.28.050 Permitted uses
- 17.28.060 Conditional use permit required
- 17.28.070 Design review required
- 17.28.075 Other uses and construction activities
- 17.28.080 Standards of development
- 17.28.090 Open Space
- 17.28.100 Off-street parking requirements
- 17.28.110 Landscaping
- 17.28.120 Lighting
- 17.28.130 Submittal requirements and plan review process

17.28.010 – Purpose.

The purpose of the R-3 zone is to classify and set standards for orderly development of residential-medium/high density areas in a manner that will be compatible with Sierra Madre's residential character and general community image. It is intended that this zone be utilized in areas where the City's circulation system will serve adequately these higher densities and most importantly in locations adjacent to the commercial facilities of the downtown area.

17.28.020 - Criteria Legal, non-conforming R-3 sites.

~~The following general criteria are established for reclassification of land to the R-3 zone:~~

- ~~A. General Plan. Compliance with the General Plan;~~
- ~~B. Location. Medium density multiple family areas shall be located with primary access to either the major or collector streets and in such an area that traffic generations attributed to such developments do not severely conflict with other community functions;~~
- ~~C. Need. A demonstrated public need shall be established based upon determined demand, existing vacancy factor, and availability of land;~~
- ~~D. Utilities. It shall be determined if the existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium density multiple family residential developments;~~
- ~~E. Minimum Lot Width. There shall be a minimum lot width of ninety feet for all R-3 lots hereafter created.~~

Parcels, structures and land uses on R-3 lots which were legally established under previous zoning and building codes may be continued indefinitely unless otherwise deemed to be discontinued or found to be in violation of public safety codes. (Also see Chapter 17.20 Nonconformities)

17.28.030 - Permitted uses Rezoned, newly created or reconfigured lots.

~~In the R-3 zone only such uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of this title governing off-street parking requirements:~~

- ~~A. Multiple family dwellings;~~
- ~~B. Accessory buildings and uses customarily incidental to apartment house or condominium development. Architectural styling of such accessory buildings shall be the same as that of the main structure or structures;~~
- ~~C. A public parking area;~~
- ~~D. Any use permitted in the R-2 zone. The R-3 development standards of Sections 17.28.040 through 17.28.330 shall apply for any use other than R-1 development.~~
- ~~E. Transitional and supportive housing, subject to the same standards as may be required for dwellings in this zone.~~

- A. The City retains the authority to initiate a rezoning of any parcel of land in order to comply with the Land Use Element of the General Plan.
- B. Every lot in the R-3 zone which is not being rezoned pursuant to Section A and is hereafter created or reconfigured by lot line adjustment or otherwise, or rezoned to R-3, shall have:
 - 1. Minimum lot dimensions/size: 90 feet in width; 140 feet in depth; 12,600 square feet;
 - 2. Location. Medium/high density-multiple family development shall be located with primary access to either the major or collector streets and in such an area that traffic generations attributed to such developments do not severely conflict with other community functions;
 - 3. Housing need/compliance with the General Plan. A demonstrated public need shall be established based upon determined demand, existing vacancy factor, and availability of land as determined by the City's adopted Housing Element;
 - 4. Utilities. It shall be determined if the existing utilities systems (water, sewer, drainage, electrical, gas and communications facilities) are adequate or new systems shall be constructed to adequately serve medium/high density multiple family residential developments.

17.28.040 - Conditional use permit required. Development of lots or parcels with existing single-family structures.

~~Reference is made to Section 17.60.030, where a list of uses permitted by conditional use permit is contained.~~

A. Reuse of existing single-family homes for single or multiple units on R-3 zoned parcels is encouraged. Applications that include the conversion of an existing structure or structures from fewer units on a lot to a greater number of units requires a conditional use permit.

B. Preservation: Preservation and renovation of existing single-family units of historical character or of quality design is encouraged. Where existing homes are preserved and incorporated into the development, the design of the development should respect the character and siting of the home to minimize impact on the neighborhood. The planning commission may consider some relaxation of setback and other zoning requirements for developments that incorporate existing units, providing that the development is not materially detrimental to adjoining properties.

17.28.050 - Standards of development – Generally Permitted uses.

~~The standards set out in the following sections shall apply to all R-3 and condominium construction within the R-3 zone.~~

A. In the R-3 zone only such uses are permitted as are hereinafter specifically provided and allowed:

1. Dwelling units (attached or detached) according to the following maximum number of units per lot as follows:
 - a. Tier 1: Lot area of up to 5,000 square feet – one dwelling unit
 - b. Tier 1.5: Lot area of 5,001 to 6,750 square feet– one dwelling unit plus one “second unit” as defined in and in accordance with Chapter 17.22 – Second Unit Ordinance;
 - c. Tier 2: Lot area if 6,751 to 8,500 square feet – two dwelling units
 - d. Tier 3: Lot area of 8,501 to 11,000 square feet – three dwelling units
 - e. Tier 4: Lot area of 11,001 square feet and over – four dwelling units plus one unit for every 3,350 square feet of lot area in excess of 11,000 square feet.
2. One-story accessory buildings and uses customarily incidental to residential uses allowed in the R-3 zone , such as parking garages for residents, recreational facilities, guest houses, laundry-rooms, storage sheds, gazebos, etc.;
3. A trailer used as a construction office or as a residence of the owner and his/her family during construction, but only while a building permit for the construction of one or more permanent residences is in full force and effect and in no event longer than one year.
4. Transitional and supportive housing, subject to the same standards as may be required for dwellings in this zone.
5. Residential Care Facilities (up to 6 residents).

17.28.060 - Density Conditional use permit required.

A. ~~Floor area ratio (gross dwelling/lot area).~~

1. ~~On lots with a gross lot area of less than ten thousand square feet or street frontage of less than fifty feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to fifty-five percent of the gross lot area.~~

2. ~~On lots with a gross lot area of ten thousand square feet or greater and with a street frontage of fifty feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be five thousand five hundred square feet plus seventy percent of gross lot area in excess of ten thousand square feet.~~

B. ~~The maximum number of dwelling units permitted shall be as follows:~~

1. ~~Two units: minimum lot area shall be nine thousand square feet for two such units.~~

2. ~~Additional unit: an additional lot area of three thousand square feet shall be required for each additional dwelling unit.~~

C. ~~Density Bonuses. The maximum number of dwelling units permitted, using the criteria established herein for density bonuses, shall be as follows:~~

~~Two units: minimum lot area shall be seven thousand five hundred square feet for two such units, when a density bonus is granted.~~

~~Additional units: an additional lot area of two thousand five hundred square feet shall be required for each additional unit, when a density bonus is granted.~~

1. ~~Purpose: To encourage quality design of R-3 development in Sierra Madre by providing an incentive of increased density;~~

2. ~~Basis of evaluation: Applications for development under the density bonus section shall be evaluated by the planning commission using the criteria established herein. Approval of increased density requires finding by the commission that the design of the development as proposed would not be materially detrimental to adjoining properties and would result in a substantially superior overall development than required to meet R-3 development standards.~~

3. ~~Criteria: The planning commission shall use the following criteria in evaluating an application for density bonus:~~

a. ~~Siting: Building siting should maximize privacy through placement of windows, balconies, landscaping, and design of outdoor spaces. Building siting should be related to nearby buildings as well as adjacent parcels. Buildings should be oriented to face the street, avoiding views from the street of parking garages and alleys. Building design and siting should minimize negative impact on views from adjacent properties. Buildings should be oriented to encourage use of outdoor areas and to be compatible with adjoining building orientation. Clustering of buildings and modulation of architectural elements are encouraged to provide pleasing and useful ground level and above ground spaces.~~

b. ~~Grading: Alterations to natural grade, except for minor grading for landscaping purposes, are discouraged.~~

c. ~~Trees: Tree preservation and landscaping with specimen trees are encouraged.~~

~~d. — Preservation: Preservation and renovation of existing single-family units of historical character or of quality design is encouraged. Where existing homes are preserved and incorporated into the development, the design of the development should respect the character and siting of the home to minimize impact on the neighborhood. The planning commission may consider some relaxation of setback and other zoning requirements for developments that incorporate existing units, providing that the development is not materially detrimental to adjoining properties.~~

~~e. — Contextual design: Building forms and details should be in keeping with adjacent neighborhood character, where appropriate. Where possible, preservation of existing single-family homes.~~

~~f. — Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood. Materials, while not limited to, should predominantly be masonry, stucco, or wood.~~

~~g. — Paving. Use of quality materials, such as brick and exposed aggregate concrete, and use of porous materials (grass-crete) are encouraged.~~

A. The following uses shall only be permitted with a conditional use permit, obtained in accordance with Chapter 17.60:

1. Public parking areas not serving residential uses at the same site;
2. Large family day care center (nine or more children)
3. Residential care facility, including drug and alcohol rehabilitation, recovery and treatment services (seven or more residents); and
4. In R-P overlay zone only, small entrepreneurial businesses, service and professional offices.

B. The following uses shall only be permitted with a minor conditional use permit, obtained in accordance with the procedures listed in Chapter 17.60:

1. Swimming pools and sport courts; and
2. Conversion of existing structures from fewer to more units.

17.28.070 - ~~Site area~~Design review permit required.

~~A. — Any R-3 site hereafter created shall consist of not less than twelve thousand six hundred square feet of usable land. Any R-3 site heretofore existing shall consist of the square footage existing on the date of the adoption of this chapter.~~

~~B. — Demolition permits must be included within the conditional use process, a structure may not be removed without approval of the conditional use permit and demolition.~~

A. The following construction activities shall only be permitted with a design review permit, obtained in accordance with Chapter 17.60:

1. For sites with fewer than two full dwelling units (i.e., with one dwelling unit or with one dwelling unit and a second unit), projects that result in aggregate floor area of all structures exceeding 3,000 square feet (including new construction and additions);

2. New construction or addition of one or more dwelling units that result in a site with three or more dwelling units (in other words, construction of three or more dwelling units on a vacant site, addition of two or more dwelling units on a site with one existing dwelling unit, or addition of any dwelling units on a site with two or more existing dwelling units);
3. For sites with three or more existing dwelling units, additions of floor area in excess of 1,000 square feet; and
4. In R-P overlay zone only, new construction of primary structures for small entrepreneurial businesses, service and professional offices.

B. The following construction activities shall only be permitted with an administrative design review permit, obtained in accordance with Chapter 17.60:

1. Construction in excess of either one story or 18 feet in height;
2. New construction or addition of one or more dwelling units that result in a site with two full dwelling units (in other words, construction of two dwelling units on a vacant site, or addition of one dwelling unit to a site with one existing dwelling unit); and
3. For sites with two or more existing dwelling units, additions of floor area in excess of 500 square feet.

17.28.075 - Other uses and construction activities.

In addition to those specified in this chapter, a number of other uses and construction activities are allowed in the R-3 zone pursuant to, and in accordance with, other provisions of this title. Such uses and construction activities may be permitted of right or require discretionary review and approval in accordance with such other provisions. A subset of such uses and construction activities and their corresponding code references are listed below for reference purposes only.

1. Demolitions – Section 15.04.115 & Section 17.60.056;
2. Certain conditionally permitted uses - Section 17.60.030;
3. Signs – Chapter 17.72;
4. Bed and breakfast inns in historic landmarks – Section 17.82.065 (Note that except for the foregoing, tenancies shorter than 30 days are not permitted in the R-3 zone.);
5. Home occupations – Chapter 17.85.
6. Temporary uses – Chapter 17.88; and
7. Wireless communication facilities – Chapter 17.93

17.28.080 - ~~Minimum site width~~Standards of development.

The minimum width of any R-3 site hereafter created shall be ninety feet at the front property line. The minimum width of any R-3 site heretofore established shall be the minimum width existing on the date of the adoption of this chapter.

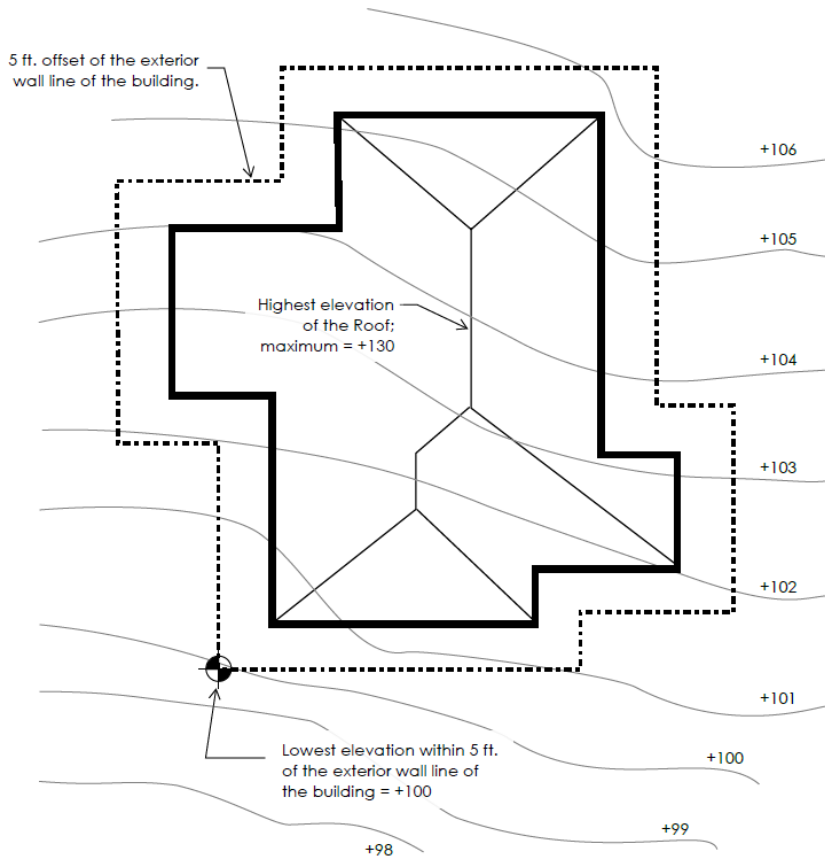
A. Floor area ratio:

1. On lots with a gross lot area of less than 10,000 square feet or street frontage of less than 50 feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 55% of the gross lot area.
2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70% of gross lot area in excess of 10,000 square feet.
3. Notwithstanding paragraphs 1 and 2 above, on lots with (i) one dwelling unit, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 35% of the gross lot area, (ii) one dwelling unit and one second unit, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 40% of the gross lot area, and (iii) two dwelling units, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 45% of the gross lot area.

B. Maximum building coverage.

1. Building coverage shall not exceed an aggregate of 45% of the lot area. Covered area shall be considered to be the total amount of land covered by residential structures, garages, driveways, and other impermeable surfaces.
2. Decks, permeable patios, porous paving areas, vegetated roof areas, recreational areas, pedestrian walkways and terraces shall not be considered covered areas for the purpose of this standard. An additional 15% in covered area may be added to the aggregate, increasing it to 60% with the use of porous surfaces and/or vegetated roof areas.

C. Maximum Building Height. No building shall exceed either thirty feet in height or two stories above grade (see illustration below).



D. Yard and Building Setbacks:

<u>LOT LINE</u>	<u>BOUNDED BY</u>	<u>BUILDING TYPE</u>	<u>REQUIRED SETBACK (feet)</u>
<u>Front</u>		<u>First floor</u> <u>Second floor</u>	<u>15 feet</u> <u>25 feet</u>
<u>Rear</u>			<u>10 feet</u>
<u>Side or Rear</u>	<u>R-1 zoned lots</u>	<u>Structures over one-story in height</u>	<u>10 feet for height below 20 feet, plus use of "angle-plane" in accordance with Subsection F.7 below</u>
<u>Side</u>	<u>An alley or lots zoned other than R-1</u>	<u>Main or accessory</u>	<u>10% of lot width</u> <u>5 minimum</u> <u>15 maximum</u>
<u>Side</u>	<u>Public street</u>	<u>Main or accessory</u>	<u>10% of lot width</u>

			<u>10 minimum</u> <u>15 maximum</u>
<u>Side</u>	<u>An alley</u>	<u>Garages opening to alley</u>	<u>25 from opposite side of alley</u>

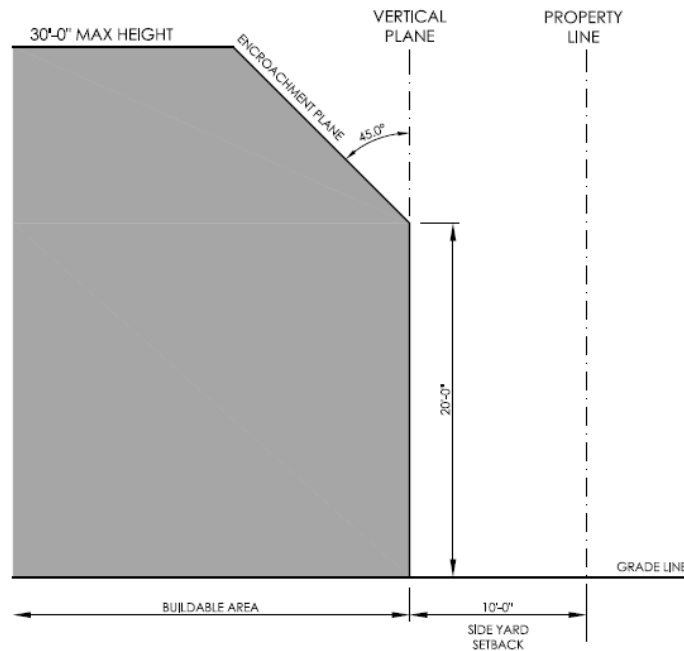
E. Encroachments into setback areas:

1. Garages and other one-story accessory structures may be constructed within five feet of a side or rear property line where the difference between adjoining grades does not exceed one foot and is not adjoining an R-1 zoned property.
2. Walls and fences in accordance with Section 17.48.130.
3. Balconies and Exterior Stairways. No more than one half of the balconies and exterior stairways shall be permitted to project more than fifty percent of the minimum setback requirement into any required setback areas. The minimum setback from any property line abutting R-1 zoned property shall be ten feet.
4. Swimming pools, hot tubs, spas and similar recreational facilities may be located no closer than five feet from the rear or side property lines, or 25 feet from the front property line.

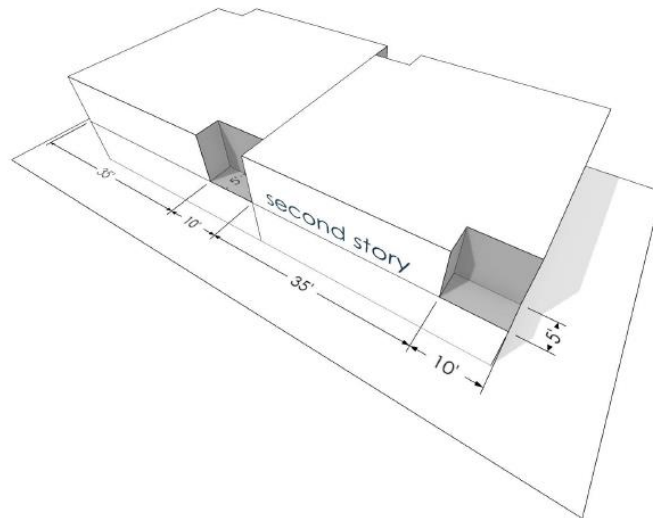
F. Site Design Requirements

1. Siting: Building siting should:
 - a. Maximize privacy through placement of windows, balconies, landscaping, and design of outdoor spaces;
 - b. Be related to nearby buildings as well as adjacent parcels;
 - c. Be oriented to face the street, avoiding views from the street of parking garages and alleys;
 - d. Minimize negative impact on views from adjacent properties;
 - e. Be oriented to encourage use of outdoor areas and to be compatible with adjoining building orientation; and
 - f. Cluster buildings and modulate architectural elements to provide pleasing and useful ground level and above ground spaces.
2. Utilities: All utilities shall be placed underground.
3. Landscaping: Landscaping should be designed to minimize impact of development on surrounding properties. Tree preservation and landscaping with specimen trees are encouraged.
4. Contextual design: Building forms and details should be in keeping with adjacent neighborhood character, where appropriate. Where possible, existing single-family houses should be preserved.
5. Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood.
6. Paving: Use of decorative and permeable materials is encouraged.

7. Angle-plane: For yards abutting an R-1 zoned lot, an encroachment limit shall be established which is determined at the point where the wall height is 20 feet, and using a 45 degree angle inwards toward the property to create additional setback (see illustration below).



8. Articulation: Articulation of exterior walls is encouraged. In no event shall a linear wall of a second story extend longer than 35 feet without an offset of a minimum of five feet for a minimum linear distance of ten feet (see illustration below).



9. Screening: Parking areas, refuse storage, mechanical equipment and the like shall be screened by some combination of walls, plantings or earthworks.
10. Design Guidelines: From time to time, the planning commission may promulgate and maintain site design and massing guidelines for use by applicants and the City to guide appropriate development in the R-3 zone.

17.28.090 - ~~Minimum average site depth~~ Open Space.

~~The minimum average depth of any R-3 site hereafter created shall be one hundred forty feet. The minimum average depth of any R-3 site heretofore established shall be the minimum average depth existing on the date of the adoption of this chapter.~~

500 square feet per dwelling unit of on-site open space shall be provided for use by residents. Such open space may be located on the ground floor or above, and may be met with a combination of common open space and private open space. In order to be counted toward the open space requirement, the minimum width and length of each space shall be ten feet for common spaces and five feet for private spaces. Driveways and other vehicular access areas shall not count toward the open space requirement.

17.28.100 - ~~Yards and building setbacks~~ Off-street parking requirements.

~~A. Setback from a Public Right-of-Way. The minimum setback from any public right-of-way shall be twenty-five feet for any structure exceeding forty-two inches in height, or whenever existing structures adjoining the site represent similar setbacks for fifty percent of the lots on the same side of the street, the building may not exceed the adjoining structure.~~

~~B. Setback for Interior Property Line.~~

~~1. Minimum setbacks from interior property lines shall be ten feet for single-story construction; however, garages may be constructed along the property line where the difference between adjoining grades do not exceed one foot and is not adjoining an R-1 property line of R-1 use, subject to approval by the planning commission.~~

~~2. The wall along the property line shall be constructed of solid masonry and shall not exceed twelve feet in height from said grade.~~

~~3. The minimum setback for two-story structures shall be fifteen feet; however, when such building is over seventy-five feet in length and is adjacent to property zoned for single-family residential use as well as designated for such in the General Plan, its setback shall be increased one foot for every five feet in excess of seventy-five feet. Such setback need not, however, exceed thirty feet.~~

~~4. The minimum setback for the first floor of a two-story structure shall be ten feet providing the second story is fifteen feet from the property line, and not more than fifty percent of the first floor structure, and is used as an uncovered patio or deck.~~

~~5. The minimum setback for two-story structures and the second story thereof shall be increased to a minimum of twenty feet as the site abuts the rear of a property zoned R-1, along the property line.~~

~~C. Balconies and Exterior Stairways. One-half of the balconies and exterior stairways shall not project more than fifty percent of the minimum setback requirement into any required setback areas. The minimum projection from any property line abutting R-1 Zone property shall be ten feet.~~

~~A. Off-street parking shall be provided as follows:~~

~~1. One enclosed or covered space for each studio or 1-bedroom unit;~~

~~2. Two enclosed or covered spaces for all units with two or more bedrooms;~~

~~3. For sites with five or more dwelling units, guest parking shall be required at a ratio of one unenclosed parking space for every increment of five units;~~

~~4. On-street parking shall not be used to satisfy any of the above open parking requirements.~~

~~B. Parking and Vehicular Storage. The following standards shall apply to automobile parking facilities and vehicular storage:~~

~~1. Automobile parking facilities:~~

~~a. Fully enclosed garages shall be provided for any required covered parking space that is entered directly from any public alley.~~

~~b. Open parking compounds shall be screened from adjacent property lines.~~

~~c. The arrangement of garage facilities shall be such that they do not face toward any public street or that they shall be screened from view.~~

~~d. Each dwelling unit shall have an assigned, enclosed parking space within five hundred feet walking distance of such unit.~~

~~2. Paving. A minimum of fifty percent of those areas normally covered with an impermeable surface shall be required to be covered or paved with a permeable surface.~~

~~C. Except as herein specified, parking shall be designed in accordance with Chapter 17.68 generally and Chapter 17.22 for second units.~~

D. Driveway Requirements.

1. Each driveway to a garage or parking space shall be at least twelve feet uniform width and shall be totally unobstructed from the pavement upward.
 - a. If any driveway serves as access to more than twelve dwelling units, such driveway shall be not less than twenty feet uniform width and shall be totally unobstructed from the pavement upward; provided, however, that utility poles, guy wires and anchors may be located within two feet of the property line.
 - b. Eaves, no portion of which are less than thirteen feet above the pavement, may overhang any such driveway a distance of not more than three feet; and utility pole cross-arms and utility service wires may be located not less than thirteen feet in height above the paved surface of any driveway.
 - c. Two 12-foot driveways may be provided in lieu of a required 20-foot driveway, in which event one shall be marked "entrance" and one "exit" and all regulations herein before provided with respect to ten and one-half foot driveways shall apply to each of such driveways.
 - d. Every driveway shall be surfaced in a manner that is acceptable to the Fire Department.
 - e. On shared driveways, "No Parking" signs with lettering not less than two inches in height shall be placed conspicuously at the entrance to and at intervals of not less than one hundred feet along every required driveway.
2. No person shall park, stand, or leave any vehicle in any portion of a shared driveway except for the purpose of and during the process of loading or unloading passengers or merchandise, and then only while such vehicle is attended by the operator thereof.
3. Parking height: Structures used principally for parking shall not be higher than one story. Parking shall not be permitted above ground level.

17.28.110 - Placement of buildings-Landscaping.

~~The minimum distance between main buildings shall be twenty-five feet unless there are no openings on the exteriors of the two opposing building walls, in which case such distance shall be not less than fifteen feet.~~

A. All open areas with the exception of vehicular access-ways and parking areas, pedestrian walkways and paved and/or covered recreational facilities shall be landscaped and permanently maintained in an attractive manner. For new construction, on-site trees equivalent to one fifteen-gallon tree for each dwelling unit shall be provided. Additional trees and shrubs shall also be planted to provide a well-balanced landscape plan. For the purpose of this section other specimen material as approved by the planning department may be considered as equivalent to a fifteen-gallon tree.

B. Landscaping must adhere to the City's adopted Water Efficient Landscape Standards pursuant to Chapter 15.60.

C. Street trees shall be provided to city standards and in accordance with the Master Plan for Street Trees, or with current practices established by the Director of Public Works.

D. For all projects that are required to comply with Water Efficient Landscape Standards, a conceptual landscape plan prepared by a licensed landscape architect shall be submitted to the planning department together with the project's first application and shall be drawn to a scale of not less than one inch equals twenty feet. Said plan shall include the following information:

1. Square footage of each landscaped area;
2. Total square footage of all landscaped areas;
3. Percentage of the total site devoted to landscaping;
4. Type of plant materials, i.e., the botanical and common names;
5. Location of all plant materials;
6. Container size and number of all plant materials;
7. A tree inventory and tree protection report prepared by a licensed arborist shall be submitted. No protected tree shall be removed or substantially trimmed, except as authorized by Chapter 12.20. Specimen trees shall be replaced within the submitted landscaping plan with a minimum of twenty-four-inch box trees.
8. The project approval may include additional landscape requirements. Final plans, including irrigation and required usage calculations will be reviewed during construction plan check.

17.28.120 - Maximum building coverages Lighting.

~~Building coverage shall not exceed an aggregate of fifty-five percent of the lot or parcel area. Covered area shall be considered to be the total amount of land covered by residential structures, garages, and driveways.~~

~~Decks, patios, porous paving areas, recreational areas, pedestrian walkways and terraces need not be considered covered areas for the purpose of this standard. An additional five percent in covered area may be added to the aggregate, increasing it to sixty percent with the use of porous surfaces.~~

All lighting of the building, landscaping, parking area, or similar facilities shall be in compliance with the City's "Dark Sky" program. Lighting shall be hooded and directed downward to reflect away from adjoining properties.

17.28.130 - Building length.

~~No building shall exceed a length of one hundred fifty feet and no wall of such building shall extend a distance greater than fifty feet of length.~~

17.28.140 - Building height Submittal requirements and plan review process.

~~No building shall exceed thirty feet in height or two stories above finish exterior grade, whichever is less.~~

~~A. The roof line must be to within twenty-six feet of a level graded area of at least ten feet in depth over twenty-five percent of the perimeter of the building.~~

~~B. Exterior grade resulting from back filling shall extend a minimum of ten feet and be free of fences or barriers.~~

Projects in the R-3 zone require submittal of an application and additional materials as listed on the application. The plan review process for discretionary permits such as conditional use permits, minor conditional use permits, design review permits, and administrative design review permits is set forth in Chapter 17.60.

~~17.28.150 – Building material.~~

~~Wood shingles are prohibited and flammable siding may only be used on the side of structures with one hour fire rating construction. Openings and windows are permitted. (Ord. 1084 § 1 (part), 1992; prior code § 9354(j))~~

~~17.28.160 – Floor area, private patios and balconies.~~

~~The minimum areas measured in square feet and minimum dimensions measured in lineal feet for use floor area, private patios, and balconies shall be as follows:~~

~~A. Private patios shall be provided for each ground floor dwelling unit in accordance with the schedule below.~~

Unit Type	Unit Floor Area	Patio Area	Minimum Dimension
Bachelor and Single	450	100	9
One bedroom	650	100	9
Two bedroom	900	150	10
Three bedroom	1,100	150	10
Four bedroom	1,300	200	10

~~-~~

~~B. Balconies shall be provided for each dwelling unit above the ground floor, in accordance with the schedule below. At least fifty percent of the railing around the open sides of the balcony shall be screened from view for its full height.~~

Unit Type	Patio Area	Minimum Dimension
Bachelor and Single	60	6
One bedroom	60	6
Two bedroom	60	6
Three bedroom	60	6
Four bedroom	60	6

~~-~~

~~(Ord. 1031 § 1 (part), 1987; prior code § 9354(k))~~

~~17.28.170 – Off-street parking requirements.~~

~~A. Off-street parking for projects having a density of one to eight units per acre shall provide two enclosed spaces per unit plus one open parking space per unit.~~

~~B. Off-street parking for projects having a density greater than eight units per acre shall be provided at the following ratios:~~

~~Each dwelling unit with two or more bedrooms shall be provided with two enclosed or covered off-street parking spaces.~~

~~Guest parking shall be required at a ratio of one parking space for every three units. Said guest parking spaces shall be distributed throughout the development. Such parking areas shall be designated and conveniently accessible for guest parking. On-street parking shall not be used to satisfy any of the above open parking requirements.~~

~~C. — Parking and Vehicular Storage. The following standards shall apply to automobile parking facilities and vehicular storage:~~

~~1. — Automobile parking facilities:~~

~~a. — Fully enclosed garages shall be provided for any required covered parking space that is entered directly from any public alley.~~

~~b. — Open parking compounds shall be screened from adjacent property lines.~~

~~c. — The arrangement of garage facilities shall be such that they do not face toward any public street or that they shall be screened from view.~~

~~d. — Each dwelling unit shall have an assigned, enclosed parking space within two hundred feet walking distance of such unit.~~

~~e. — The arrangement and access for parking lots or parking spaces shall conform to Chapter 17.68.~~

~~2. — Paving. A minimum of twenty-five percent of those areas normally covered with a nonabsorbent surface (concrete, asphalt, brick, flagstone, etc.) shall be required to be covered or paved with absorbent material.~~

~~D. — Except as herein specified, parking shall be in accordance with Chapter 17.68 hereof.~~

~~E. — Driveway Requirements.~~

~~1. — Each driveway to a garage or parking space shall be at least ten and one-half feet uniform width and shall be totally unobstructed from the pavement upward.~~

~~a. — If any driveway serves as access to more than twelve dwelling units, such driveway shall be not less than eighteen feet uniform width and shall be totally unobstructed from the pavement upward; provided, however, that utility poles, guy wires and anchors may be located within two feet of the property line.~~

~~b. — Eaves, no portion of which are less than thirteen feet above the pavement, may overhang any such driveway a distance of not more than three feet; and utility pole cross-arms and utility service wires may be located not less than thirteen feet in height above the paved surface of any driveway.~~

~~c. — Two ten and one-half foot driveways may be provided in lieu of a required eighteen foot driveway, in which event one shall be marked "entrance" and one "exit" and all regulations herein before provided with respect to ten and one-half foot driveways shall apply to each of such driveways.~~

~~d. — Every driveway shall be paved full width with asphaltic or cement concrete, or fully improved in a manner approved by the planning commission.~~

~~e. — "No Parking" signs with lettering not less than two inches in height shall be placed conspicuously at the entrance to and at intervals of not less than one hundred feet along every required driveway.~~

~~2. — No person shall park, stand, or leave any vehicle in any portion of a required driveway except for the purpose of and during the process of loading or unloading passengers or merchandise and then only while such vehicle is attended by the operator thereof.~~

3. — ~~Parking height: Structures used principally for parking shall not be higher than one story. Parking shall not be permitted above ground level.
(Ord. 1084 § 1 (part), 1992; prior code § 9354(l))~~

~~17.28.180 – Common usable recreational leisure areas.~~

A. — ~~A minimum of four hundred square feet of common usable recreational-leisure space shall be provided for each dwelling. This space shall be conveniently located and readily accessible to all dwelling units. Such space may extend into the required setback areas of the development. Only that portion which is utilized for recreational-leisure space shall be included in calculating the total area. Swimming pools, putting greens, court game facilities, recreational buildings and other similar facilities may be included in this area. At least one-half of this required area shall be devoted to usable open landscaped areas.~~

B. — ~~Private patios or enclosed yards may be calculated and added together as an offset to this requirement.~~

~~(Ord. 1031 § 1 (part), 1987; prior code § 9354(m))~~

~~17.28.190 – Landscaping.~~

A. — ~~All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways and paved and/or covered recreational facilities shall be landscaped and permanently maintained in an attractive manner. On-site trees equivalent to one fifteen gallon tree for each residential unit shall be provided. Additional trees and shrubs shall also be planted to provide a well balanced landscape plan. For the purpose of this section other specimen material as approved by the planning department may be considered as equivalent to fifteen gallon tree.~~

B. — ~~A minimum twenty four square feet of planting area shall be provided for every ten, or fraction thereof, open single row or twenty, or fraction thereof, open double row parking stalls.~~

C. — ~~All planted areas shall be surrounded by a curb of concrete or comparable materials six inches minimum above final grade or above asphalt level of the parking lot, except when such planted areas lie adjacent to a concrete sidewalk, masonry wall or a building.~~

D. — ~~Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability and adaptability to existing soil and climate conditions.~~

E. — ~~Street trees shall be provided to city standards and in accordance with the Master Plan for Street Trees with fifteen gallon trees planted approximately twenty five feet on center on local streets and at approximately thirty five foot intervals within a ten foot setback from the right-of-way line where parkway trees cannot be planted within the public right-of-way.~~

F. — ~~A landscape plan shall be submitted to the planning department and shall be drawn to a scale of not less than one inch equals twenty feet. Said plan shall include the following information:~~

- ~~1. — Square footage of each landscaped area;~~
- ~~2. — Total square footage of all landscaped areas;~~
- ~~3. — Percentage of the total site devoted to landscaping;~~

4. ~~Type of plant materials, i.e., the botanical and common names;~~
5. ~~Location of all plant materials;~~
6. ~~Container size and number of all plant materials;~~
7. ~~Type, size and location of a permanent irrigation system;~~
8. ~~A tree conservation plan shall be submitted. No native Oak tree shall be removed without approval of the planning commission. Specimen trees shall be replaced within the submitted landscaping plan with a minimum of twenty-four inch box trees.~~
(Ord. 1031 § 1 (part), 1987; prior code § 9354(n))

17.28.200 - Walls.

A. ~~A minimum thirty-inch-high decorative masonry wall shall be provided and maintained on the outside perimeter of all off-street parking areas except at those points of ingress and egress for either vehicular or pedestrian traffic.~~

~~A plant screen may be substituted for the above provided (i) it is of a species satisfactory for sight screening purposes; (ii) is specimen stock at time of planting; (iii) is planted within a minimum four (4) foot planter area; (iv) is provided with a permanent sprinkling system; and (v) meets all other provisions of this section for landscaping including being an integral part of the required landscaping plan.~~

B. ~~Landscaped earth mounds (thirty-inch-high minimum) may be substituted for required plant screening provided such is approved in design, location, scale and landscape treatment by the planning commission.~~

C. ~~A minimum six-foot-high decorative concrete, or masonry wall with units not to exceed six inches in height shall be provided and maintained on the boundary of any R-3 premises which abuts or which lies across a public alley from a single-family zone except where the front yard faces the street; such wall shall not be higher than thirty-six inches.~~

~~(Ord. 1031 § 1 (part), 1987; prior code § 9354(o))~~

17.28.210 - Refuse storage.

~~All outdoor trash, garbage and refuse storage shall be screened on all sides from public view by a minimum five and one-half-foot-high permanent wall in conformance with the architectural design of the related buildings, including a solid gate of durable wood or comparable material. All bins and containers within the enclosure shall be maintained with lids closed, except for placement of material within such containers.~~

~~(Ord. 973 § 3, 1980; prior code § 9354(p))~~

17.28.220 - Storage.

A. ~~Each dwelling unit shall be provided with a minimum of one hundred fifty cubic feet of private securable storage space. The minimum dimension of this storage space shall be thirty inches. This storage space shall also be in addition to that normally provided within the dwelling unit. This storage space may be located in a maximum of two different locations.~~

B. ~~All storage of furniture, appliance and other similar equipment shall be within permanent buildings and completely screened from public view.~~

~~C. No recreational vehicle or equipment, materials, lumber, crates, bottles, trash or garbage or their containers, mechanical equipment, auto parts, or similar items, shall be stored in the front yard or any portion of the lot visible from a public street.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(q))~~

~~17.28.230 – Clothes drying areas.~~

~~All outside clothes drying areas shall be screened on all sides by a fence or wall not less than six feet high.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(r))~~

~~17.28.240 – Underground utilities.~~

~~All utilities shall be placed underground.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(s))~~

~~17.28.250 – Lighting.~~

~~All lighting of the building, landscaping, parking area, or similar facilities shall be so hooded and directed as to reflect away from adjoining properties.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(t))~~

~~17.28.260 – Mechanical equipment.~~

~~All mechanical equipment shall be completely screened from view from ground level by means of a permanent wall or structure.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(u))~~

~~17.28.270 – Signs.~~

~~Signs. Notwithstanding to provisions of Chapter 17.72, the following signs and conditions thereto will be allowed:~~

~~A. One nameplate per unit, not exceeding one square foot in area, containing the name and address of the occupant of the premises;~~

~~B. One unlighted sign attached to a main building, not to exceed twelve square feet of surface area, pertaining only to the sale, lease or rental of only the particular building, property or premises upon which displayed;~~

~~C. One unlighted double faced or two unlighted single face ground signs, not to exceed sixty square feet per face, may be allowed on the premises advertising the sale of five or more new dwelling units or lots under common ownership either adjacent or within close proximity to each other;~~

~~D. All attached signs must be flat against the building or structure and shall not extend above the top of the wall to which it is affixed; must be constructed of metal, wood or comparable weatherproof material; and must be enclosed and bird-proof and vermin-proof.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(v))~~

~~17.28.280 – Nonconversion.~~

~~No single-family residential structure may be used for multifamily residential uses.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(w))~~

~~17.28.290 – Development of lots or parcels with existing single-family structures.~~

~~A. — No R-3 development shall take place on a lot or parcel on which a single-family structure is located until such structure is removed, unless included within the conditional use permit application.~~

~~B. — Submittal with appropriate rehabilitation and improvement plans for planning commission review and approval is required.~~

~~C. — Rehabilitation of building structures of historical character is encouraged. Upon submittal of rehabilitation plans to the planning commission and appropriate approval by the planning commission, fees for rehabilitation of the building structure shall be waived by the city.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9354(x))~~

~~17.28.300 - Preliminary plans.~~

~~A. — Prior to the submission of building plans for plan review or application for issuance of a building permit for any structure to be erected in the R-3 or R-P zones, three copies of accurately dimensioned architectural drawings and plot plans for all proposed construction shall first be submitted to the planning department. Such plans shall show the elevations and location of all proposed buildings; the location and type of landscaping; the proposed use and treatment of the land area of the lot around which buildings and structures; including off-street parking, trees, hydrants, telephone poles, floodlights, driveways, fences, signs and proposed poles, drainage facilities and any other proposed improvements required by the planning department. Calculation of open space, front, rear and side yards, open parking areas and driveways must be included. Such preliminary plans shall likewise show to scale the location of all structures, driveways and parking areas on each lot abutting any portion of the proposed building site.~~

~~B. — Submittal Requirements.~~

~~1. — Site plan(s), showing buildings, paving, grading, trees, landscaping, and existing structures to remain or to be removed;~~

~~2. — Floor plans of typical units;~~

~~3. — Exterior elevations (rendered) or rendering, showing heights, materials, and exterior treatment;~~

~~4. — Material and color samples;~~

~~5. — Photos of existing property and structures, and adjoining structures in neighborhood.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9355)~~

~~17.28.310 – Plan review.~~

~~The planning department shall review all such plans submitted, and shall endorse its approval on a copy thereof if it determines that the same comply with all of the provisions of this code. If it determines that the plans thus submitted do not conform with one or more provisions of this code, it shall endorse its disapproval thereof together with a statement of the sections with which such plans do not conform.~~

~~(Ord. 1031 § 1 (part), 1987: prior code § 9356)~~

~~17.28.320 - Plan review engineering.~~

~~The planning department shall transmit to the city engineer and building department a copy of all such preliminary plans. The plans thus submitted shall be reviewed by the city engineer and building inspector and a written report thereon prepared and returned to the planning department. The city engineer shall evaluate such plans as to drainage, grading, curb cuts, driveways, street dedications, lighting and improvements and may require additional engineering plans to be submitted and approved prior to its approval of such preliminary plans. The conditions of approval of preliminary plans by the planning department shall include the recommendations of the city engineer and building department.~~

~~(Ord. 1031 § 1 (part), 1987; prior code § 9357)~~

~~**17.28.330 – Plan review appeal.**~~

~~Any person aggrieved by the decision of the planning department made pursuant to this chapter may, in writing, appeal such decision to the planning commission. Any person aggrieved by the decision of the planning commission on any such appeal may, in writing, appeal to the city council within the time and manner prescribed by Chapter 17.66 of this title. Appeals to the commission and council shall be limited to the issue of whether or not the plans conform to this code and other applicable law.~~

SECTION 16. Section 17.30.040 (“Conditionally-permitted uses”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.30.040 - Conditionally-permitted uses.

Notwithstanding Section 17.60.030 (Conditional use permits - When required) to the contrary, the following are the only conditionally permitted uses:

~~A. Encroaching Second Stories. A second story addition to a single family house which does not meet setback requirements contained herein, but does align with existing side yard setbacks.~~

~~B. Three Thousand Square Feet. Floor areas that exceed three thousand square feet on a single lot.~~

AG. Swimming Pools. Swimming pools, hot tubs, spas and similar recreational facilities, subject to the approval of a minor conditional use permit pursuant to Section 17.60.055 (Minor conditional use permit). Swimming pools, hot tubs, spas and similar recreational facilities shall be located no closer than five feet to the property lines.

BD. Utilities. Public utilities or utilities operated by mutual agencies consisting of water wells, or power boosters with the necessary buildings, apparatus, or appurtenances incident thereto.

CE. Wireless communications facilities, as provided in Chapter 17.93 (Standards and Criteria for Wireless Communications Facilities).

DF. Large Family Day Care Homes. Consistent with the requirements of Health & Safety Code § 1597.46, such homes shall be permitted if:

1. No other family day care home is located within three hundred feet of the proposed large family day care home.
2. The facility has at least two off-street parking spaces that, during business hours, will be used only by patrons of the large family day care home.
3. Reasonable traffic control measures have been instigated.
4. The facility will comply with the city's noise ordinance.
5. The facility will comply with Health & Safety Code § 1597.46(e), any regulations adopted by the state fire marshal pursuant to that subdivision, and any applicable amendments to those regulations.

SECTION 17. Section 17.30.045 (“Design review permit”) is hereby added to Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) to read as follows:

17.30.045 – Design review permit.

The following projects shall be allowed subject to the granting of a design review permit pursuant to the provisions of Chapter 17.60 of this title:

- A. Encroaching Second Stories. A second story addition to a single-family house which does not meet setback requirements contained herein, but does align with existing side yard setbacks.
- B. Three Thousand Square Feet. Floor areas that exceed three thousand square feet on a single lot.

SECTION 18. Subsection 17.30.060.B (“Angle plane height”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

B. Angle Plane Height. No portion of a building, except a chimney, shall exceed the height of a forty-five degree plane drawn from a height of ten feet above existing natural or pre-existing grade at the side lot line boundaries of the lot (see Diagram A). Roof eaves projecting a maximum four feet out from the vertical plane of the exterior wall surface are exempted. Any other encroachments exceeding the angle plane height are allowed only if authorized by ~~a minor CUP~~ an administrative design review issued pursuant to ~~Section~~ Chapter 17.60.055 ~~(Minor conditional use permit)~~. This section shall not prevent the applicability of Section 17.48.120 (Permissible projection of structures into yards).

SECTION 19. Subsection 17.30.070.A.1 (“Front and Rear Setbacks”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

1. Front and Rear Setbacks. Each lot shall have a minimum combined front and rear yard setback of thirty-five feet. The front yard setback must be at least fifteen feet. The rear yard setback must be at least ten feet, unless ~~a minor~~

~~conditional use~~ an administrative design review permit is obtained, in which case the minimum required setback shall be as stated in the ~~minor conditional use~~ administrative design review permit, which amount shall be no less than five feet.

SECTION 20. Subsection 17.30.080.A.1 (“Minor Conditional Use Permit”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

1. ~~Minor Conditional Use Permit.~~ Administrative Design Review Permit. May be located five feet from the side and/or rear property lines subject to the approval of ~~a minor conditional use~~ an administrative design review permit pursuant to ~~Section~~ Chapter 17.60.055.

SECTION 21. Section 17.30.140 (“New construction and additions onto existing structures”) of Chapter 17.30 (“R-C Residential Canyon”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.30.140 - New construction and additions onto existing structures.

Where the floor area of all structures is greater than three thousand square feet, a ~~conditional use~~ design review permit pursuant to the provisions of Chapter 17.60 (~~Variances and Conditional Use Permits~~) shall be required.

SECTION 22. The title of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

Chapter 17.60 - VARIANCES AND ~~CONDITIONAL USE~~ DISCRETIONARY PERMITS

SECTION 23. Subsection 17.60.030.D (“Conditional Uses – All developments in the R-3 zone”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

D. Conditional Uses ~~--All developments in the R-3 zone~~ H Zone. Development, structures, grading, or subdivisions;

SECTION 23. Subsection 17.60.030.E (“Conditional Uses – H Zone. Development, structures, grading, or subdivisions”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

E. ~~Conditional Uses—H Zone. Development, structures, grading, or subdivisions;~~ Conditional Uses—R-P (R-3 with Residential Entrepreneurial Overlay) Zone and C (Commercial) Zone only in the portions of the C Zone where residential uses are allowed;

Child Care Center / Nursery School,

Community Care Facilities, 7 beds or more,

Drug and Alcohol Recovery and Rehabilitation Facilities,

Drug and Alcohol Treatment Facilities,

Facilities for Preparole Adjustment/Rehabilitation,

Residential Care Facility for the Elderly with 7 beds or more,

Residential Health Care Facilities (Chronically III) with 7 beds or more.

SECTION 24. Subsection 17.60.030.F (“Conditional Uses - R-P (R-3 with Residential Entrepreneurial Overlay) Zone and C (Commercial) Zone only in the portions of the C Zone where residential uses are allowed”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

~~F. Conditional Uses—R-P (R-3 with Residential Entrepreneurial Overlay) Zone and C (Commercial) Zone only in the portions of the C Zone where residential uses are allowed;~~

~~—Child Care Center / Nursery School,~~

~~Community Care Facilities, 7 beds or more,~~

~~Drug and Alcohol Recovery and Rehabilitation Facilities,~~

~~Drug and Alcohol Treatment Facilities,~~

~~Facilities for Preparole Adjustment/Rehabilitation,~~

~~Residential Care Facility for the Elderly with 7 beds or more,~~

~~Residential Health Care Facilities (Chronically III) with 7 beds or more.~~

~~Wireless communications facilities, as provided in Chapter 17.93 of this title.~~

SECTION 25. Subsection 17.60.030.G (“Wireless communications facilities, as provided in Chapter 17.93 of this title.”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby deleted.

~~G. Wireless communications facilities, as provided in Chapter 17.93 of this title.~~

SECTION 26. Subsection 17.60.041 (“Additional burden of proof for permits for certain noted projects”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby amended to read as follows:

17.60.041 - Additional burden of proof for permits for certain noted projects. Design review permit

~~For projects described in Sections 17.20.025, 17.30.040, or others referencing this section, before any permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:~~

~~A. Purpose. The purpose of an administrative design review permit and a design review permit is to ensure that an applicable project incorporates good design principles and is compatible with its neighborhood and natural surroundings.~~

~~B. Reviewing Authority. Except as otherwise provided by this chapter, the reviewing authority for an administrative design review permit application shall be the director and the reviewing authority for a design review permit application shall be the planning commission. The reviewing authority shall approve, conditionally approve, or deny an application for an administrative design review permit or a design review permit in writing.~~

~~C. Review Procedure. An administrative design review permit shall be noticed, processed and may be appealed in compliance with the requirements for a minor conditional use permit; provided however, that the director may refer any application for an administrative design review permit to the planning commission at the director's sole discretion. A design review permit shall be noticed, processed and may be appealed in compliance with the requirements established for a conditional use permit.~~

~~D. Findings. Before an administrative design review permit or a design review permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:~~

- ~~1. The proposed project is consistent with the general plan, zoning code and any applicable design standards.~~
- ~~2. The proposed project will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties.~~

- ~~A.3.~~ ~~That t~~The height, bulk, scale, mass and siting of the proposed project be compatible with the existing neighborhood, landforms and surroundings.
- ~~B.4~~ ~~That t~~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.
- ~~C.5~~ ~~That t~~The proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.
- ~~D.6~~ The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publicly visible.
- ~~E.7.~~ For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.020027(A)), ~~that~~ the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publicly visible.
- ~~F.8~~ For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections ~~17.20.025C., 17.30.040B., or similar~~17.20.027(C), 17.30.045(B), 17.28.070(A)1 or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:
- ~~1a.~~ Innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or "cookie-cutter" plans;
 - ~~2b.~~ Where applicable, adaptive reuse or other preservation and restoration of historic structures;
 - ~~3c.~~ Preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;
 - ~~4d.~~ Siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;
 - ~~5e.~~ High quality architectural details and building materials compatible with the overall project design; and

- 6f. Sustainable building and landscaping practices, especially water-saving features.

E. Compatibility. As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean 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 an applicant's thoughtful response to them within the design.

F. Applicability in Relation to other Standards. This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to ensure compatibility with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to ensure compatibility with landforms, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than setback standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

G. Additionally Application Materials. As standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is recommended that applicants provide materials in addition to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

SECTION 27. Section 17.60.058 (“Projects with multiple applications”) of Chapter 17.60 (“Variances and Conditional Use Permits”) of Title 17 (“Zoning”) is hereby added to read as follows:

17.60.058 – Projects with multiple applications

If multiple concurrent applications that call for different reviewing authorities are made for the same project, the applications shall be noticed and processed together and reviewed by the highest required authority. For example, if a project requires a design review permit and a minor conditional use permit, both such applications shall be noticed and processed together, and reviewed together in a public hearing by the planning commission. Before the project could move forward, the planning commission would need to make the required findings for the design review permit set forth in Section 17.60.041(D) and those for the minor conditional use permit set forth in Section 17.60.055(C). The action of the planning commission could then be appealed to the city council pursuant to Section 17.60.120 (note that Sections 17.60.055(F) and 17.60.115 would not apply to an appeal of the minor conditional use permit as the matter would have already been reviewed by the planning commission).

SECTION 28. Section 17.72.050 (“Sign regulations – R-3 zone”) of Chapter 17.72 (“Signs”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.72.050 - Sign regulations—R-3 zone.

A. The following types and sizes of non-illuminated signs are permitted without a permit, provided that they are installed flat against an onsite building or structure and shall not extend above the top of the wall to which they are affixed:

1. One nameplate per unit not exceeding one square foot in area containing the name and address of occupant of the premises;
2. One sign with the name and address of the building not to exceed two and one-half square feet in area; and
3. One sign not to exceed nine square feet in area, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;
4. ~~One sign not to exceed twelve square feet in area per side giving information on availability of rentals on multiple dwellings, hotels, clubs, lodges, churches, schools, parks.~~

B. ~~A sign permit shall, however, be required for signs up to twenty square feet in area per side for multiple dwellings, hotels, clubs, lodges, churches, schools, parks and signs approved under a conditional use permit. A sign permit shall, however, be required for illuminated signs and signs in excess of the size limits set forth in, or otherwise inconsistent with, Subsection A above.~~

C. Signs exceeding twenty square feet per side are prohibited.

SECTION 29. Section 17.72.060 (“Sign regulations – R-P zone”) of Chapter 17.72 (“Signs”) of Title 17 (“Zoning”) is amended herein to read as follows:

17.72.060 - Sign regulations—R-P zone.

A. The following types and sizes of non-illuminated signs are permitted without a permit:

~~1. No Sign Permit. One nameplate per dwelling unit, provided that they are installed flat against an onsite building or office structure and shall not extend above the top of the wall to which they are affixed:~~

~~1. One nameplate per unit not exceeding one square foot in area containing the name and address of the occupant of the premises;~~

~~2. One sign with the name and address of the building and business not to exceed two and one-half five square feet in area; and~~

~~3. One sign not to exceed nine square feet in area, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;~~

~~4. One sign not to exceed twelve square feet in area per side, giving information on availability of rentals on multiple dwellings, professional offices.~~

~~B. A sign permit shall, however, be required for signs up to twenty square feet in area per side for multiple dwellings, hotels, clubs, lodges, churches, schools, parks and signs approved under a conditional use permit. A sign permit shall, however, be required for illuminated signs and signs in excess of the size limits set forth in, or otherwise inconsistent with, Subsection A above.~~

C. Signs exceeding twenty square feet per side are prohibited.

SECTION 30. Chapter 17.76 (“Condominium and Apartment Projects”) of Title 17 (“Zoning”) is hereby deleted in its entirety.

~~**17.76 - Condominium And Apartment Projects**~~

~~Sections:~~

~~17.76.010 - Condominium and apartment projects.~~

~~These multiple family regulations are intended to provide criteria and guidelines for condominium and apartment construction as defined herein. The standards~~

~~include density, parking, open space, light and air, pedestrian and vehicular traffic circulation, and are intended to create condominium projects that are well designed, aesthetically pleasing, compatible with the surrounding community, of a pleasing and desirable character, and so as to harmonize with adjacent residential use. The city council has found that these regulations are consistent with and necessary to carry out, the goals and objectives of the General Plan.~~

~~(Ord. 995 § 1 (part), 1981: prior code § 9150)~~

~~17.76.020 – Definitions.~~

~~For the purposes of this chapter, the words set forth in this section shall have the following meanings:~~

~~"Apartments" means multiple family projects as defined in Chapter 17.08.~~

~~"Community apartment project" means joint ownership of the land by the various owners with an exclusive right to occupy a given dwelling unit.~~

~~"Condominium" means joint ownership of the land by the purchasers with ownership of a defined area of air space where the dwelling unit is located as more fully defined in the California Civil Code.~~

~~"Multiple family construction," as used in this chapter, means the construction of a condominium, community apartment project, stock cooperative, or apartments as defined in this section. (Condominiums and community apartment projects are required to comply with the Subdivision Map Act while stock cooperatives are not, unless made so by the California Department of Real Estate).~~

~~(Ord. 995 § 1 (part), 1981: prior code § 9151)~~

~~17.76.030 – Construction procedures.~~

~~Construction of condominium, stock cooperatives, community apartment, or apartment projects shall be subject to the following:~~

~~The approval of a conditional use permit, pursuant to the provisions of the variances and conditional use permits chapter of this title.~~

~~(Ord. 995 § 1 (part), 1981: prior code § 9152)~~

SECTION 31. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby

serving to reduce potential significant adverse environmental impacts. The adoption of this ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 32. Effective Date. This Ordinance is adopted by the City Council and shall take effect 30 days after approval by the City Council. This Ordinance and the City Clerk's certification, together with proof of publication, shall be entered in the Book of Ordinances of the City Council.

SECTION 33. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2017

Rachelle Arizmendi, Mayor

ATTEST:

Melinda Carrillo, City Clerk

I, Melinda Carrillo, City Clerk of the City of Sierra Madre, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sierra Madre held on the ____ day of _____ 2017, and was adopted at its regular meeting of _____, 2017 by the following vote:

AYES:
NOES
ABSTAIN:
ABSENT: