



NORTH OF MONTANA DEVELOPMENT GUIDE



A Homeowner's Guide to Construction in the North of Montana Neighborhood



Prepared by the City of Santa Monica City Planning Division, July 2000



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City of Santa Monica Municipal Codes on-line:

www.santa-monica.org

<http://pen2.ci.santa-monica.ca.us/city/municode/codemaster/index.html>

R-1 District North of Montana Avenue

The R-1 District is bounded by Montana Avenue, the northern City limits, Twenty-sixth Street, and Ocean Avenue.



A

INTRODUCTION

Why were changes made to the existing Zoning Ordinances?

In 1999, changes were made to the ordinances governing construction in the neighborhood known as “North of Montana.” In recent years, development in this area paid little attention to the scale and character of existing homes, which resulted in a negative impact on residents in terms of access to light and air, and privacy. Rising property values accelerated applications for demolition of older, single-family houses, and the structures that replaced them pushed the limits of existing ordinances. Many new houses exceeded 5000 square feet, with lofts and mezzanines between floors, giving the appearance of three-story structures. Recognizing that the original character of the neighborhood was being lost, the City Council acted to stem rampant development and modify ordinances to protect the quality of life for residents of the North of Montana neighborhood.

What’s the purpose of this guide?

This guide presents an accessible, user-friendly summary of the main changes to the Zoning Ordinances that affect anyone planning to build a new house or remodel an existing one in the North of Montana neighborhood. While there are no changes to the General Plan in terms of basic intensity of use, the ordinance modifications do ensure that future development will be compatible with the character and scale of the existing neighborhood.

How does the guide work?

As seen in the Contents (pgs. iii–iv), the guide is divided into sections that consider, in detail, various aspects, elements, and processes that go into building or remodeling a house or accessory structure (e.g., height and size; garages, driveways, and basements; use permits and variances). The information is presented in a “Frequently Asked Questions” (FAQs) format with questions drawn from actual requests for information. Santa Monica Municipal Code Section numbers are provided in the right-hand margin of each page so that users may refer to the Code itself (available at the Planning Counter at City Hall or on-line via the City’s web site: www.santamonica.org, see pg. iv) to read the full text of each ordinance.

This guide is an overview only and does not presume to cover every question that may arise. Each answer is a summary of the wording in the Municipal Code and is not intended as the final authority on specific projects.

B DEVELOPMENT GUIDELINES

1 FAQs: BUILDING AND LOT SIZE

What is the smallest lot I can build a house on?

MINIMUM SIZE The minimum lot size in an R1 district is 100 feet deep and 50 feet wide 9.04.08.02.070 (c)

Note: the words "lot" and "parcel" are used interchangeably.

The minimum lot size in an R1 district is 100 feet deep and 50 feet wide (5,000 sq ft). Most lots, however, are 50 feet by 150 feet or 60 feet by 150 feet. An exception to this minimum are lots in the area bounded by the centerline of First Court Alley to the west, Seventh Street to the east, Montana Place North Alley to the south, and Adelaide Drive to the north, which must be a minimum of 175 feet deep and 100 feet wide.

What can I build on my lot?

One single-family dwelling can be built on each lot. However, use permits can be approved for the following exceptions: 9.04.08.02.070 (b)

- ACCESSORY BUILDINGS**
 - a one- or two-story accessory building that conforms to development standards (see "Accessory Buildings," pgs. 13–14) 9.04.08.02.040
 - a duplex, if the parcel is 6,000 sq ft or larger and is separated by an alley from an R2, R3, or R4 district
- DUPLEXES**

How big a house can I build? 9.04.08.02.070 (d)

CALCULATING COVERAGE

Parcel coverage: the area of a lot that is covered by all buildings on the lot.

The maximum size (square footage area) of a dwelling is determined by the size of the lot. If the house (and any other structure) is one story and does not exceed 18 feet in height, the parcel coverage allowed is 50% (Fig. 1). 9.04.02.030.585

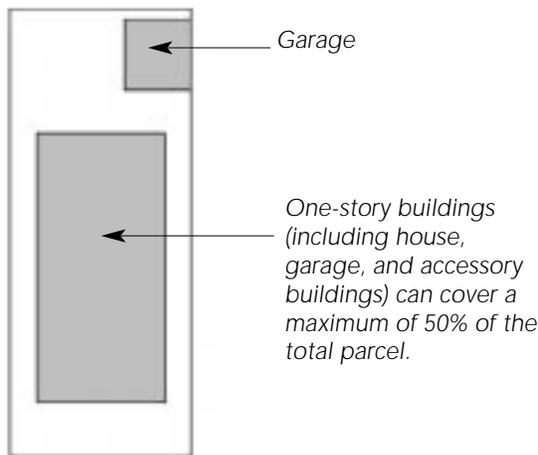


Figure 1. One-story parcel coverage.

TWO-STORY COVERAGE For a two-story house, the first floor area can cover 35% of the total parcel area and the second floor area can cover 26% of the total parcel area (Figs. 2a, 2b). 9.04.08.02.075 (a)

However, the allowable parcel coverage for a two-story house is flexible. The second floor area may increase from 26% to a maximum of 30% if the first floor area is decreased by an equivalent amount (i.e., from 35% to 31%). Conversely, the ground floor can be increased from 35% to a maximum of 40% if the second floor is decreased by an equivalent amount (i.e., from 26% to 21%). Remember that the garage and any accessory buildings must be included when calculating parcel coverage.

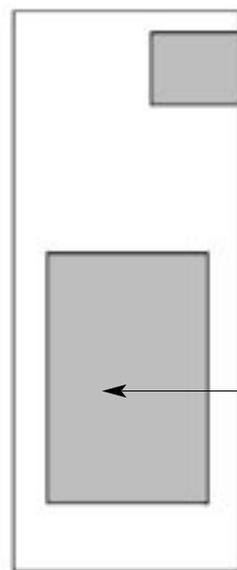


Figure 2a. Ground floor coverage of two-story structure.

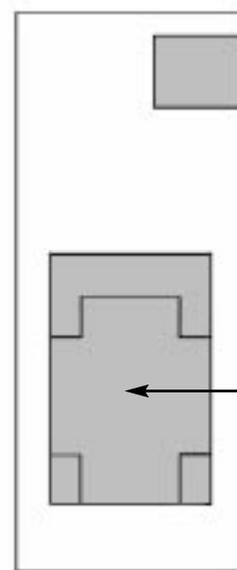


Figure 2b. Second floor coverage of two-story structure.

ALLEYS Sites with an alley abutting the rear property line may count one half the width of the alley as part of the total parcel size, provided that there are no curb cuts on the public street for access to on-site parking.

2 FAQs: SETBACKS

Are there other restrictions on house size?

There are required setbacks from the front, rear, and side property lines.

FRONT YARD

The Planning Counter is located in Room 111 in City Hall.

Front yard setback. The house must be set back from the street in accordance with the distance indicated on the Official Districting Map of the City (at the Planning Counter). If no setback is specified on the map, the setback will be 20 feet (Fig. 3).

9.04.08.02.070 (e)

Setback: the distance from the property line where structures may be located.

Additional front setback above 14 feet. Any portion of the building above 14 feet that exceeds the 70% maximum buildable front elevation, must be stepped back from the front setback line. The setback is calculated as 8% of the parcel depth, but need not exceed 12 feet (Fig. 4).

9.04.08.02.070 (f)

Stepback: the portion of a facade (elevation) that recedes back from the setback

Maximum buildable elevation: the maximum potential length of elevation permitted, which includes parcel width or length (as applicable), minus required minimum setbacks.

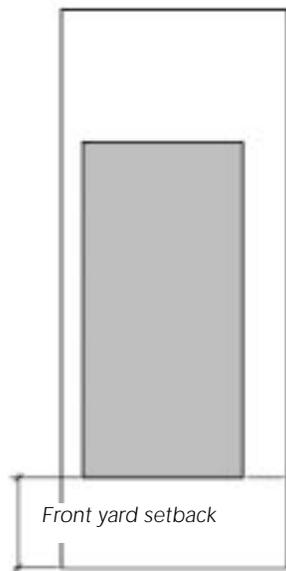


Figure 3. Front yard setback.

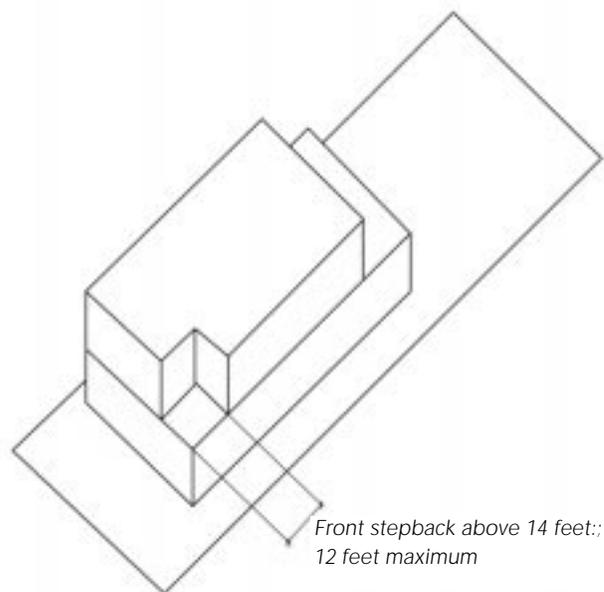


Figure 4. Front stepback above 14 feet.

REAR YARD **Rear yard setbacks.** Rear setbacks must be 25 feet from the property line (Fig. 5a). When the property abuts an alley, the setback may be measured from the centerline of the alley (Fig. 5b). 9.04.08.02.070 (g)

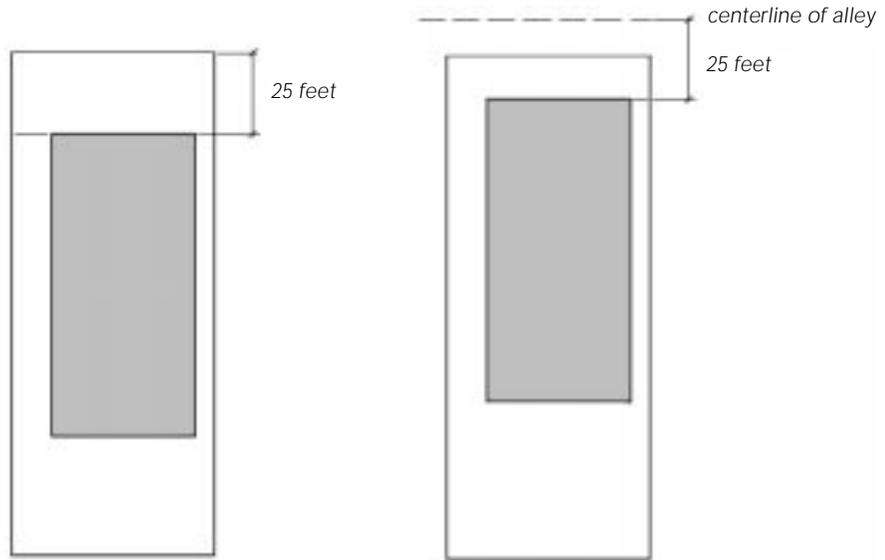


Figure 5a. Rear setback with no alley.

Figure 5b. Rear setback with alley.

REAR STEPBACK ABOVE 14 FEET **Additional rear stepback above 14 feet.** The portion of the rear elevation of a building that exceeds 14 feet in height must be stepped back in its entirety. The distance of the stepback is calculated as 30% of the parcel depth, but in no case exceeding 40 feet from the rear property line (Fig. 6a). 9.04.08.02.070 (h)

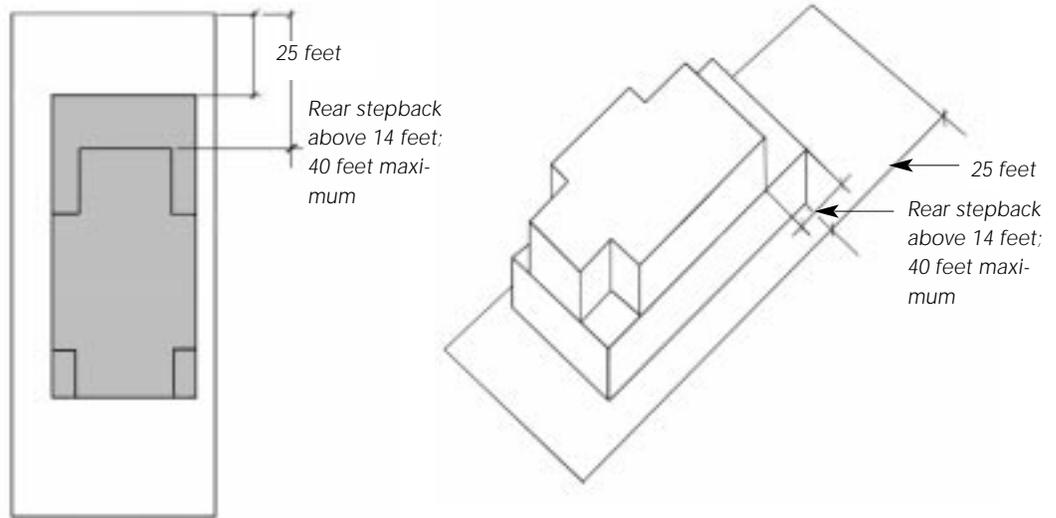


Figure 6a. Rear stepback above 14 feet.

Figure 6b. Rear stepback above 14 feet.

SIDE YARD SETBACK **Side yard setbacks.** The minimum setback for each side yard shall be 10% of the width of the parcel or 3'-6", whichever is greater, but in no case more than 15 feet (Fig. 7a). For buildings over 18 feet in height (including all building elements except chimneys and required vents), the combined side yard setback shall be 30% of the parcel width, not to exceed a total of 45 feet. 9.04.08.02.070 (i)

SIDE STEPBACK ABOVE 14 FEET **Additional side setback above 14 feet.** Any portion of the side elevation which is above 14 feet that exceeds 50% of the maximum buildable area side elevation must be stepped back from the side setback line. The distance of the setback is calculated as 1 foot of setback for every 2'-4" above 14 feet of building height to a maximum of 21 feet (Figs. 7b,c). 9.04.08.02.070 (j)

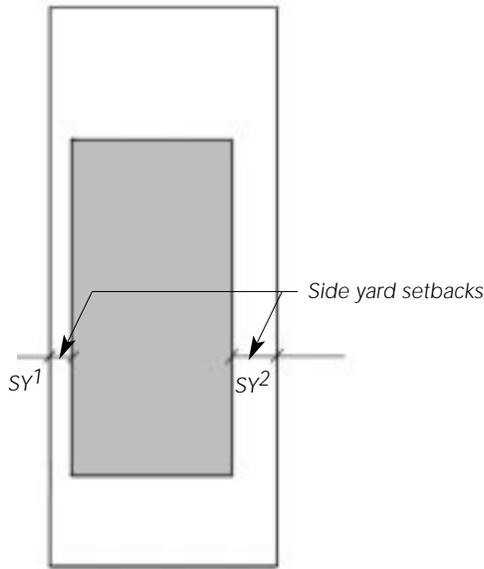


Figure 7a. Side yard setbacks ($SY^1 + SY^2 = 30\%$ parcel width).

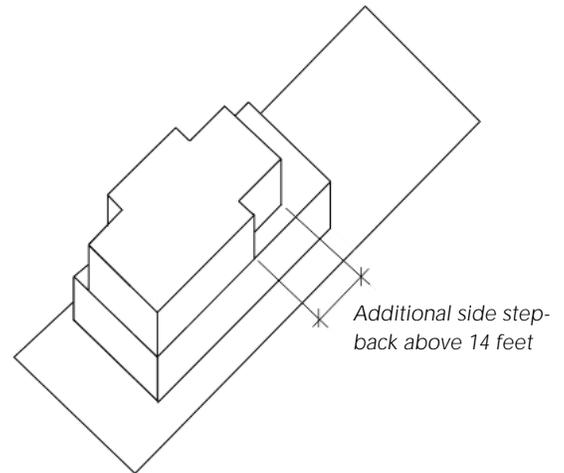
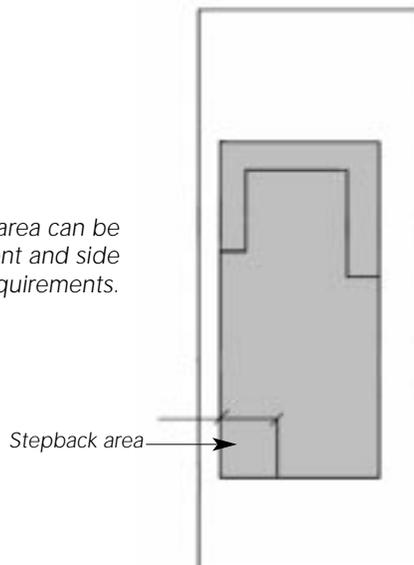


Figure 7b. Side setback above 14 feet.

Figure 7c. Stepback area can be used to meet front and side setback requirements.



**ADDITIONAL SIDE
STEPBACK ABOVE
21 FEET**

Additional side stepback above 21 feet. No portion of the building, except permitted projections, shall intersect the plane beginning 21 feet in height at the minimum side yards and extending at an angle of 30 degrees from the vertical toward the interior of the site (Fig. 8).

9.04.08.02.070 (k)

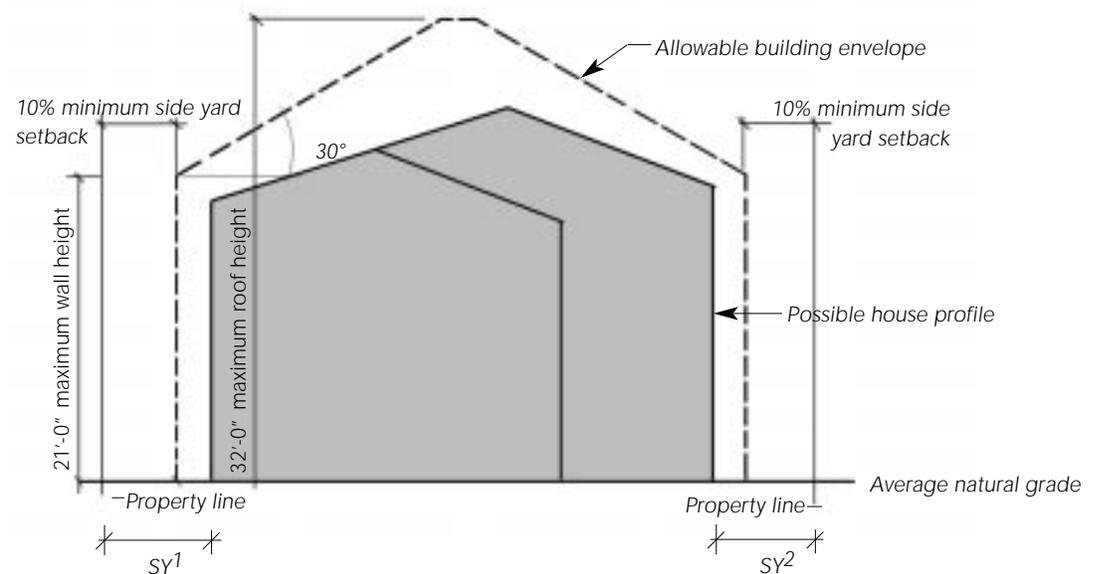


Figure 8. Additional side yard setback above 21 feet. (See Fig. 7a for side yard setback requirements.)

Can I add on to my house if it doesn't conform to the required setbacks?

An addition to an existing building should conform to all required setbacks. However, a building may extend into the required side yard if the proposed addition:

9.04.10.02.190 (a-f)

- is one story and is less than 14 feet in height
- continues the front elevation setback of the existing building
- is no more than 15 feet in depth
- does not extend into both side yards

Can building elements, such as bay windows and chimneys, extend into required setbacks?

Projections may be permitted, but they may not extend closer than 4 feet to any property line (Fig. 9).

9.04.10.02.180
9.04.08.02.075(g-j)

Figure 9. Permitted projections

	Front yard	Street side yard	Interior side yard	Rear yard
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other architectural features	30"	30"	18"	4'
Flues, chimneys, water heater enclosures, and similar vertical architectural projections not more than 5 feet wide parallel to the side and that do not exceed 20% of the facade width	18"	18"	18"	18"
	12"	12"	12"	12"
Patios, porches, platforms, decks, unexcavated side yard areas, and other unenclosed areas not covered by roofs or canopies, and that may be raised above the level of the adjacent grade, but do not extend more than 3 feet above the average natural grade	6'	6'	No limit	6'
Balconies and front porches open on two or more sides, no more than 14 feet high (including parapets and railings, and not exceeding 50% of the width of the front facade (see "Front Porches," pg. 15)	6'	0	0	0
Balconies and stairways that are open or unenclosed on at least two sides	0	30"	0	4'
Greenhouses, windows, and bay windows that are not greater than 6 feet wide parallel to the side yard	18"	18"	18"	18"
Recreational vehicle storage, central air conditioning, swimming pool, or spa equipment	Not permitted in front yard areas; permitted anywhere in rear yard areas, but must comply with Noise Ordinance location restrictions.			

3 FAQs: BUILDING HEIGHT

How tall can I build my house?

Buildings can be no more than two stories tall and cannot exceed 28 feet in height, with the following exceptions (Fig. 10): 9.04.08.02.070 (a)

- | | |
|------------|--|
| LARGE LOTS | <ul style="list-style-type: none"> On lots larger than 20,000 sq ft, where the minimum width of the front parcel line is 200 feet, the height shall not exceed 35 feet for a pitched roof or 28 feet for other types of roofs. 9.04.08.02.070 (a) (2) |
| SMALL LOTS | <ul style="list-style-type: none"> On lots smaller than 20,000 sq ft, the maximum building height is 32 feet except on lots with parcel coverage greater than 35%, in which case the building may only be one story that does not exceed 18 feet in height (including all building elements, except chimneys and required vents). 9.04.08.02.070 (a) (3) |

HOW TO MEASURE The maximum allowable height is measured vertically from average natural grade elevation to the highest point of the roof. 9.04.10.02.030 (a)

CHIMNEYS, TV AERIALS **Exceptions to the height limit.** Chimneys may extend no more than 5 feet above the permitted height. One standard, receive-only, nonparabolic television antenna and one vertical whip antenna may extend up to 25 feet above the roof line, provided they are not located between the face of the main building and any public street or in any required front or side setback. 9.04.10.02.030 (c)

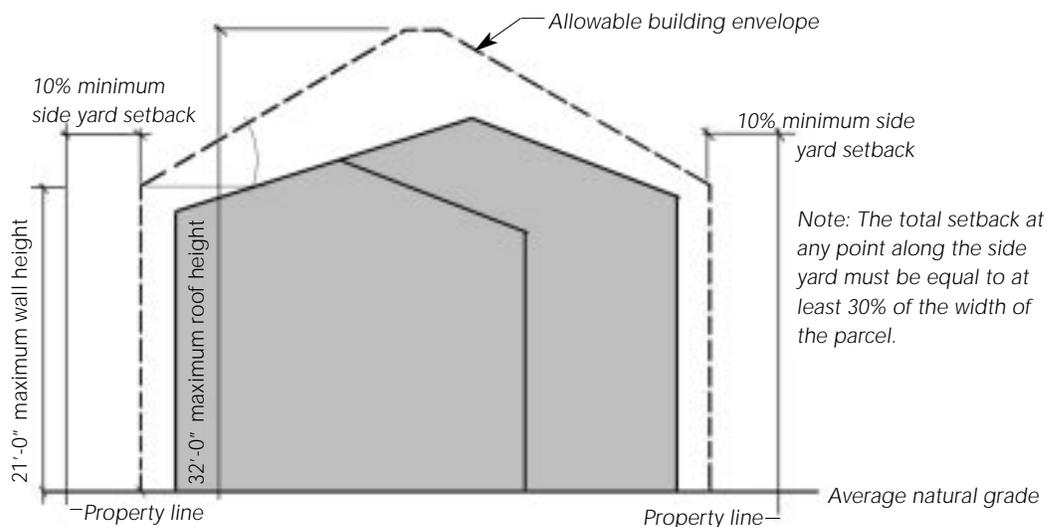


Figure 10. Allowable building envelope.

4 FAQs: GARAGES

How many parking spaces do I need for my house?

NUMBER OF PARKING SPACES For a single-family dwelling, you must have at least two parking spaces within a garage. For houses on narrow lots (30-feet-wide or less), with approval of variance, parking spaces may be in tandem (i.e., one behind the other). All parking *must* be within garages. 9.04.10.08.040

Where can my garage be located?

A garage can be attached to the main structure, facing the front of the lot (see Fig. 11a) or facing an alley, if one exists. Alternatively, a garage can be in an accessory structure on the rear half of the lot. Access to a garage in an accessory building must be from an alley unless a use permit is obtained for a street curb cut. 9.04.10.02.100

GARAGE SIZE, DOORS *Are there minimum size requirements for garages?*

The minimum size for a two-car garage is 18 feet deep and 20 feet wide (clear, interior dimensions). It can have one 16-foot-wide door or two 8-foot-wide doors.

SUBTERRANEAN OR SEMISUBTERRANEAN GARAGES *Can I have a subterranean or semisubterranean garage?*

You can have a subterranean or semisubterranean garage if all of the following conditions are met:

- Semisubterranean: a space that does not cause the ground floor to be raised more than 3 feet above natural grade.*
- it can be accessed from an alley at the rear of the site, and
 - it does not extend into any required yard setback area, and
 - if any excavation (up to 50 sq ft), in the rear or side yards for lightwells or stairways, is setback from the property line at least 10% of the width of the lot.

However, a semisubterranean or subterranean garage can be located beneath a legal accessory building, if it is at least 5 feet from the property line.

Excavation for lightwells or stairways to a subterranean or semisubterranean garage at the front of a property is not permitted, nor can this prohibition be modified by the Architectural Review Board (ARB).

What if I want my garage to be part of the front of the house?

FRONT-ATTACHED GARAGE

If the garage is a part of the front portion of the house, the doors facing the street must be at least 5 feet behind the required setback (see Fig. 11a). Further, the garage door may not exceed 16 feet in width. 9.04.08.02.075 (f)

If the garage is on the front half of the parcel and faces the street, the doors must be setback at least 5 feet from the building facade. The ARB may modify this requirement where there are special circumstances. 9.04.08.02.080 (e)(2)

If a one-story garage attached to the house does not exceed 14 feet in height (including parapets and railings), is no more than 25 feet long, and its doors are perpendicular to the street, and there is no alley, it may project up to 6 feet into the front yard, but it cannot come closer than 20 feet to the property line (see Fig. 11b). 9.04.08.02.080 (e)(2)
9.04.08.02.075 (f)

Does a subterranean garage count as building area or parcel coverage?

Average natural grade: the average elevation of the ground level of the parcel surface in its natural state, measured at the intersection of the rear and front setbacks (if any) with the side setback lines of the parcel.

If the first floor of the structure is not more than 3 feet above average natural grade, the garage does not count as building area or parcel coverage. 9.04.02.030.350

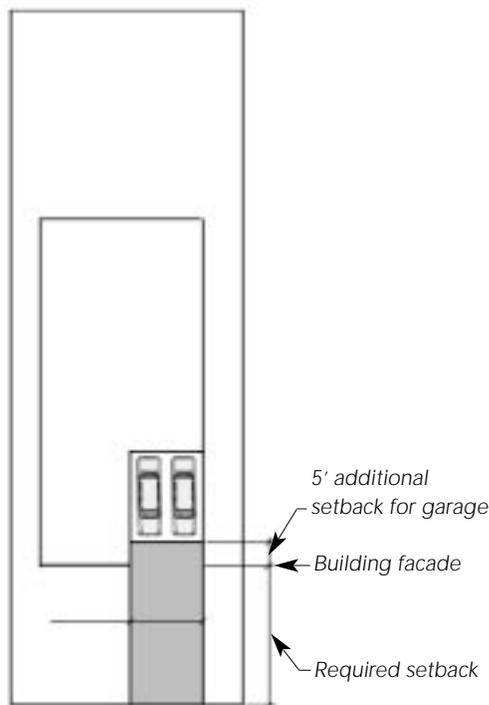


Figure 11a. Garage facing street.

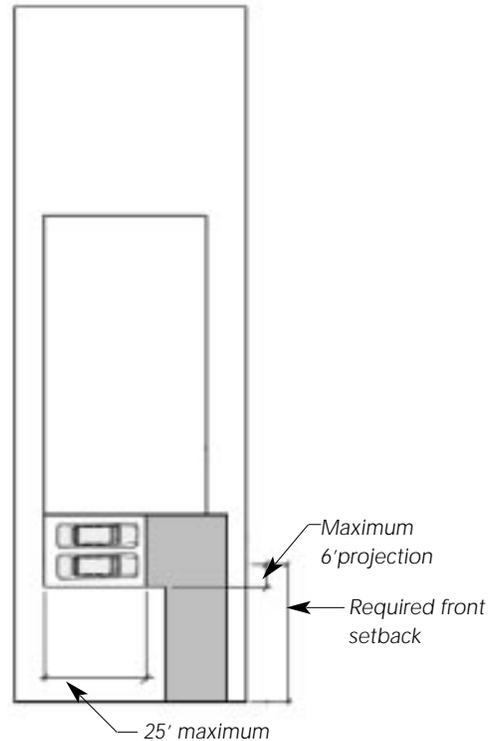


Figure 11b. Garage perpendicular to street.

5 FAQs: DRIVEWAYS

How many driveways can I have?

NUMBER OF DRIVEWAYS On lots less than 100 feet wide, only one driveway is permitted. Lots with a garage and an adjacent side or rear alley with a minimum right-of-way of 15 feet, may only have curb cuts to provide street access with an approved use permit. 9.04.08.02.040 (d)

Is there a maximum amount of paving allowed in the front yard?

PAVING No more than 40% of the front yard area can be paved, including driveways. Exempt from this are lots 25 feet wide or less, which can have up to 60% of the front yard paved. 9.04.08.02.070 (l)

FAQs: BASEMENTS

6 *Can I build a basement on my property?*

Basements are allowed as long as the basement does not extend into any required yard setback area. However, a basement located beneath an accessory building, which is otherwise permitted within a yard setback area, is permitted as long as the basement is at least 5 feet from any property line. 9.04.08.02.070 (o)

Will my basement count towards parcel coverage or building area?

9.04.02.030.335

A basement will not count towards parcel coverage if the finished floor of the first level of the structure is less than 3 feet above natural grade.

BASEMENT ACCESS *What about access to and from my basement?*

Side or rear yards may be used for lightwells or stairways to below-grade areas of the main building or accessory building, provided the excavated area is set back a minimum of 10% of the lot width from the property line.

Can my basement be accessed from the front of my property?

FRONT ACCESS No excavation for a stairway, doorway, lightwell, window, or other such element for a basement is permitted in the front yard setback area. This restriction cannot be modified by the ARB. 9.04.10.02.070 (p)

7 FAQs: ACCESSORY BUILDINGS

What is an accessory building?

An accessory building is a separate structure used for something other than a residence, e.g., a garage, tool storage, workshop, greenhouse, etc. 9.04.02.030.005

Can an accessory building ever be lived in?

USE AS A RESIDENCE An accessory building may not be rented as living quarters, or for any other purpose. In special cases, a dependent family member or caregiver may live in an accessory building, but only with a use permit and deed restriction approved by the city. 9.04.08.02.040 (b)
9.04.13.040
9.04.08.13.050

Can I put a kitchen in my accessory building?

KITCHENS Unless the accessory building has been approved as a secondary living unit for a family member (see above), an accessory building may not contain a kitchen. 9.04.08.02.050 (h)

Where can an accessory building be located?

SETBACKS FOR ONE-STORY BUILDINGS Accessory buildings must be on the rear half of a lot. The garage portion of an accessory building can extend into the rear yard, but it must be at least 5 feet from the rear property line. It can extend to one interior side property line on the rear 35 feet of the lot. 9.04.10.02.100 (a)

The same side yard setback is required for an accessory building as for the main building (see "Side yard setbacks," pg. 5); however, in no case shall the side yard setback be less than 5 feet. 9.04.10.02.100 (e)

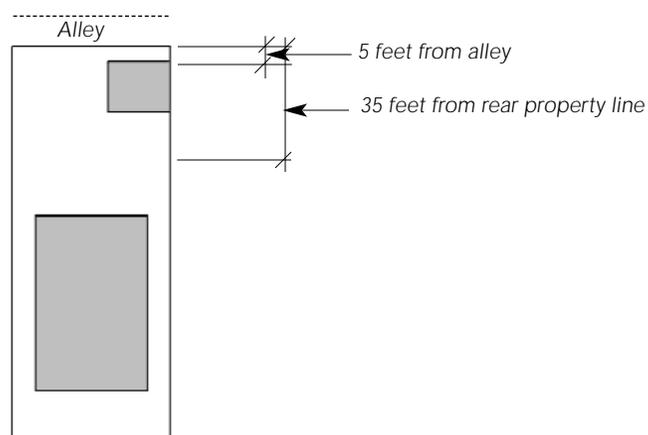


Figure 12. One-story accessory building.

SETBACKS FOR TWO-STORY BUILDINGS The setback for the first floor of a two-story accessory building is the same as for a one-story accessory building. The second story of an accessory building above a garage can extend into the rear yard, but cannot be closer than 15 feet to the rear property line (with no alley), or no closer than 15 feet from the centerline of an alley. The second story may not extend into any side yard. The second story of an accessory building must be at least 20 feet away from the second story of the main building. 9.04.08.13.050 (b)

How large can my accessory building be?

SIZE RESTRICTIONS A one-story accessory building can be any size, as long as it conforms to the development standards of the parcel. The second floor of a two-story accessory building is limited to a maximum of 250 sq ft. 9.04.08.13.050 (g)

What is the maximum height of an accessory building?

HEIGHT RESTRICTIONS The maximum height is 14 feet for a one-story building and 24 feet for a two-story building with an approved use permit. In no case shall an accessory building exceed the height of the principal building. 9.04.08.13.050 (d)

Are there other accessory building requirements?

DECKS, BALCONIES Roof decks, landings, upper level walkways, and balconies are limited to 35 sq ft in area and must be set back as least 25 feet from the side property line closest to the structure, at least 25 feet from the rear property line, or if an alley exists, 25 feet from the centerline of the alley. 9.04.08.13.050 (c)

SINK, TOILET, SHOWER A sink and toilet are allowed in an accessory building with a deed restriction that prohibits rental or use of the space as sleeping quarters. However, it cannot contain a shower or tub enclosure unless specifically permitted under Section 9.04.08.02.040 (b), i.e., when it is used as a second dwelling unit. When there is a swimming pool or spa located on the premises, a shower outside the accessory building is permitted. 9.04.08.13.050 (i)

Do I need a special review for an accessory building?

All one-story accessory buildings over 14 feet in height to height of 24 feet and all two-story accessory buildings up to a maximum of 24 feet in height are required to have an approved use permit prior to the issuance of a building permit. 9.04.08.02.040(c)

8 FAQs: WALLS AND FENCES

Can I build a wall or fence on my property lines?

FENCE, WALL, HEDGE RESTRICTIONS	An 8-foot-high fence or wall can be built on the side and rear property lines, provided that along the depth of the front setback the wall is no higher than 42 inches. Fences and hedges along the front property line may not exceed 42 inches in height, except on corner parcels within 5 feet of an intersection, where the fence, wall, or hedge shall not exceed 36 inches in height. Fence height shall be measured from the existing grade.	9.04.10.02.080
	Fences, walls, or hedges located in a required street side yard shall not exceed 36 inches in height at a point within 5 feet of an intersection of the street side property line and any driveway or alley.	
	Fences, walls, hedges, or other plantings cannot block the view of people using alleys, driveways, or sidewalks in a lawful manner.	9.04.08.02.075 (c)

9 FAQs: ROOF DECKS, BALCONIES, EXTERIOR STAIRS

Can I have a deck on my roof?

ROOF DECK RESTRICTIONS	Roof decks are permitted with some restrictions. They must be set back at least 3 feet from the minimum side yard setback (see pg. 16). Also, the height of any railings or parapets associated with roof decks may not exceed the maximum allowable height for the structure.	9.04.08.02.070 (q)
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Can I have a second-floor balcony?

BALCONY SIZE AND SETBACK	Second-floor balconies are permitted, if they meet the following requirements:	
	<ul style="list-style-type: none"> • The total square footage of second-floor balconies, terraces, or roof decks shall not exceed 400 sq ft. This requirement may be modified upon review and approval of the ARB. 	9.04.08.02.075 (c)
	<ul style="list-style-type: none"> • The area of any patio, balcony, roof deck, or terrace open on only one side shall count towards parcel coverage. If the floor line of any of these building elements is above 14 feet, the area shall count towards second-floor parcel coverage. 	9.04.08.02.075 (d)
	<ul style="list-style-type: none"> • Any individual second-floor balconies, terraces, or roof decks with an area greater than 50 sq ft, and located in the rear 2/3 of the parcel, shall be set back 12 feet from any property line. 	9.04.08.02.075 (e)

Can exterior stairs project into front or side yards?

EXTERIOR STAIR PROJECTION	Exterior stairs and required fire escapes may not project into required front or side yard areas.	9.04.08.02.075 (h)
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10 FAQs: FRONT PORCHES

Can a front porch extend into the front yard?

FRONT PORCH RESTRICTIONS	<p>Balconies and porches can extend into the front yard up to 6 feet if:</p> <ul style="list-style-type: none"> • they are open on two or more sides, and • they are no more than 14 feet in height, including parapets and railings, and • if they do not exceed 50% of the front building width measured at the front facade. However, the front porch may exceed half the width of the structure with ARB review and approval. 	9.04.08.02.075 (j) 9.04.08.02.075 (k)
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PORCH STAIRS Stairs leading up to a front porch, which are less than 3 feet above grade, may project an additional 4 feet into the required front yard (Fig. 13).

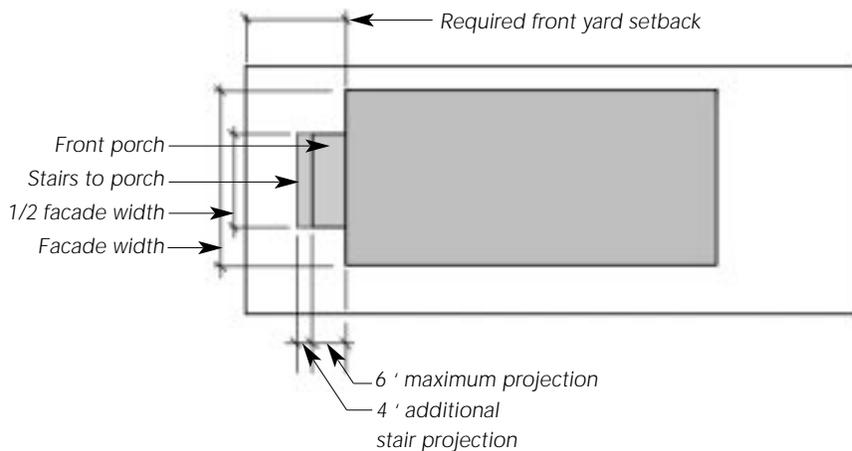


Figure 13. Front porch projections.

11 FAQs: REFUSE AND RECYCLING

Do I need to provide an area for refuse and recycling?

Single-family residences must include a designated area to store refuse and recycling materials screened from public view, or in a garage or accessory structure. 9.04.10.02.151(b)(l)

12 FAQs: SITE AMENITIES

Can a port-cochère be attached to my house?

A port-cochère, or covered driveway area, may be attached to the main structure as long as it is (Figs. 14a, 14b):

- no longer than 20 feet
- no more than 14 feet in height above natural grade (including parapets and railings)
- open on three sides

A port-cochère may project into required rear and side yards.

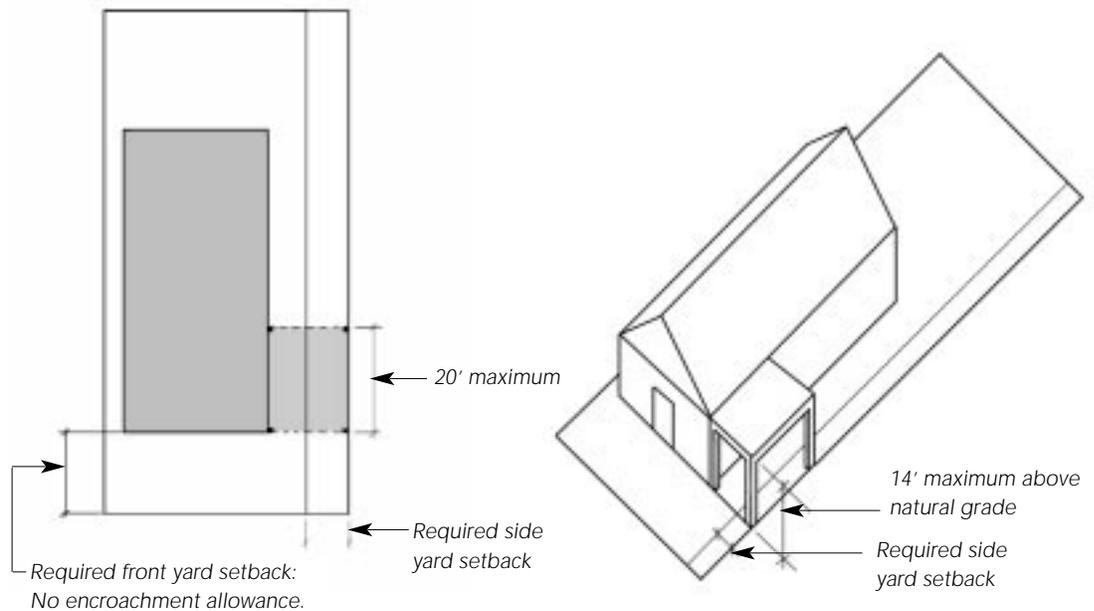


Figure 14a. Port-cochère size and setback.

Figure 14b. Port-cochère height and setback.

C

FAQs: THE USE PERMIT PROCESS

What is a use permit?

USES REQUIRING A USE PERMIT A use permit is a discretionary document that allows for uses with special impact or uses that are so unique that their effect on the surrounding environment cannot be determined in advance, without review for a particular location. Use permits are required for the following:

- duplexes on parcels adjacent to multifamily districts and that meet certain requirements
- second dwelling units
- curb cuts for street access on parcels with an alley
- two-story accessory buildings
- one-story accessory buildings over 14 feet in height

The permit application process allows for the review of the location of the proposed use; the design, configuration, and potential impact on the surrounding area from proposed use; and the evaluation of the use based on fixed and established standards.

Second dwelling units and two-story accessory buildings must also adhere to specific development standards and requirements.

What are the findings (conditions) that must be met for a use permit to be approved?

CONDITIONS FOR APPROVAL The Zoning Administrator may approve a use permit following a public hearing, in whole or in part, with or without conditions, provided the following conditions are met:

- The proposed use is one that is subject to approval within the district and complies with all the applicable provisions of the Zoning Ordinance.
- The parcel is physically suitable for the type of land use being proposed.
- The proposed use is compatible with any of the land uses presently on the parcel, if those land uses are to remain.
- The proposed use is compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located.
- The physical location or placement of the use on the site is compatible with and relates harmoniously to the surrounding neighborhood.
- The proposed use is consistent with the goals, objectives, and policies of the city's General Plan.

- The proposed use would not be detrimental to the public interest, health, safety, or general welfare.

What is the application and review process for a use permit?

HOW AND WHERE TO APPLY If you are planning to apply for a use permit, you should come to the Planning Counter in City Hall to explore the potential for meeting the necessary conditions (findings) for the use permit. It is helpful to bring a site plan, drawn to scale, showing property lines, all trees, all existing buildings, and the proposed building or building addition. Photographs can also be useful.

An application form and fee schedule can be obtained at the Planning Counter, Room 111, City Hall. Following review of the application and a public hearing, the Zoning Administrator will prepare a written decision that will contain the findings of fact upon which the decision is based.

Can conditions be imposed as part of a use permit?

ADDITIONAL CONDITIONS FOR APPROVAL A use permit granted by the Zoning Administrator, or by the Planning Commission on appeal, requires that the use and development of the property conform to the site plan, architectural drawings, or statements submitted in support of the application. Modifications to the use may be regarded as necessary to protect the public health, safety, and general welfare and to secure the objectives of the city's General Plan. On appeal, the Zoning Administrator or the Planning Commission may also impose other conditions considered necessary to achieve the above purposes, affecting, but not limited to, the following:

- Setbacks, yard areas, and open spaces
- Fences, walls, and screening
- Landscaping and maintenance of landscaping and grounds
- Regulation of signs
- Control of noise, vibration, odors, and other potentially dangerous or objectionable elements
- Limits on time for conduct of specific activities
- Time period within which the proposed use shall be developed
- Other conditions as may be determined to assure that development is in accordance with the intent and purposes of the Zoning Ordinance
- Reasonable guarantees of compliance with required conditions, such as a deed restriction or requiring the applicant to furnish security in the form of money or a surety bond in an amount fixed by the administering agency

D

FAQs: THE VARIANCE PROCESS

What is a variance?

A variance is an exception to certain zoning standards. It can modify requirements of development regulations under certain circumstances. Further information about variances is contained in the Zoning Ordinance.

What modifications can be allowed by a variance?

ALLOWABLE VARIANCES TO CODE

The following are the only development standards that can be modified by a variance:

- Minimum lot sizes and minimum parcel dimensions
- Number and dimensions of parking spaces, loading areas, and driveway requirements
- Fence heights
- Yard setbacks or parcel coverage on small, irregularly-shaped, or steep lots, or additions to the floor of an existing building
- Building height, by no more than five feet, under limited circumstances
- Front yard setbacks to allow for a detached garage on lots with existing development
- Addition of second story to an existing structure that is more than three feet above natural grade

What are the findings (conditions) needed to approve a variance?

CONDITIONS AFFECTING VARIANCE APPROVAL

Following a public hearing on the variance application, the Zoning Administrator issues a determination and the findings upon which the decision is based. If the decision is appealed, the Zoning Administrator or the Planning Commission can revisit the prior decision and decide to approve the variance in whole or in part, with or without conditions, providing that additional, relevant information is provided about issues dealing generally with special circumstances or characteristics of the property, the impact on the neighborhood and surrounding properties, or the impact on City policies regarding public health and welfare. The following list includes the findings that must be made when approving a variance:

- (a) There are special circumstances and exceptional characteristics of the property involved such as size, shape, topography, location, or surroundings; or the intended use of the property.

- (b) The granting of the variance will not be detrimental or injurious to the property or negatively affect the general vicinity.
- (c) Not granting the variance would result in practical difficulties and hardships, excluding those of an economic nature.
- (d) The variance will not conflict with the general purpose and intent of the Zoning Ordinance, nor the goals, objectives, and policies of the General Plan.
- (e) The variance will not damage the character or the unity of the district in which the property is located.
- (f) The site should be suitable for the proposed variance.
- (g) Water, sanitation, and public utilities should not be compromised by the variance in any way that would affect public health and safety.
- (h) Adequate public access will not be affected by the variance.
- (i) Variances regarding parking space requirements must take into consideration transportation control measures.
- (j) The enjoyment of the property or some deprivation would occur if the variance was not granted.

The above requirements would not apply to variances that are determined (by the Zoning Administrator) to be essential and desirable to the public welfare and convenience, and which do not conflict with the General Plan, and do not impose problems for any other property or vicinity.

What is the application and review process for a variance?

VARIANCE APPLICATION AND REVIEW

The first step in applying for a variance is visit to the Planning Counter to discuss the modification, whether it requires a variance, and the potential for meeting the necessary conditions should a variance be needed. Questions are more quickly resolved if the discussion is accompanied by a site plan, drawn to scale, showing property lines, trees, all existing buildings, as well as the proposed building or addition. Photographs are also desirable.

Application forms and fee information is available at the Planning Counter, Room 111, in City Hall. Following a review of the application, there is a public hearing, after which the Zoning Administrator returns a written decision and the reasons upon which it is based.

E

FAQs: BUILDING PERMIT REQUIREMENTS AND CHECKLIST

What do I need to submit with my building permit application?

Two sets of plans are required for all single-family dwellings and other minor remodeling and accessory building projects, including pools, fences, and tenant improvements. All plans must include the following:

1 Plot plan

The plot plan must be of an adequate scale to show the dimensions and size of each lot and the size, shape, use, and location of all existing and proposed buildings. Garages, parking areas/spaces, driveways, walkways, patios, walls, fences swimming pools and equipment, streets, alleys, and adjacent buildings must be indicated. Also included must be indications of existing street trees, street lights, sidewalks, and fire hydrants. The following information must be included on the plot plan:

- Property line and lot dimensions with north arrow
- All setback dimensions: front, rear, and sides measured from property lines, and any projections into required setbacks
- Parcel coverage calculation
- Second-floor parcel coverage and setbacks
- Designated area to store refuse and recycling materials
- Landscape area (60% of front yard)

2 Dimensioned plan

Dimensioned plans should show exterior elevations of proposed new buildings, additions to existing buildings, and proposed remodeling or “face-lifting.” Exterior elevations must show the height of each building and must include the following:

- Height referenced to Average Natural Grade (ANG); calculations also to be included on plans or accompanying materials
- Parapets, chimneys, and other projections
- Side yard setback from property line and indication of compliance with second story setbacks and maximum building envelope

- Elevation measurements provided must be certified by a licensed surveyor or engineer
- In the case of additions, both addition elevations and existing building elevations are required
- Cross sections and longitudinal sections with heights and height from ANG

3 Dimensioned floor plan

Fully dimensioned floor plans must be provided, indicating square feet and interior layout. In the case of remodeling or demolition, existing and proposed dimensioned floor plans are required. Plans must indicate which existing walls are to remain, which walls are to remain, and which walls are new construction.

4 Roof plan

Roof plan should show rooftop mechanical equipment.

5 Structural drawings

Structural drawings should include:

- Foundations
- Floors
- Ceiling
- Roof
- Structure
- Connections
- Details

6 Discretionary approval (if required)

- Statement of official action of Zoning Administrator (for variance or use permit)
- Statement of official action of Architectural Review Board (for ARB modifications)

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