

Residential Infill Project

AN UPDATE TO PORTLAND'S SINGLE-DWELLING ZONING RULES



The goal of the Residential Infill Project is to adapt Portland's single-dwelling zoning rules to meet the needs of current and future generations.

Why is this project important?

Portland is changing and growing. By 2035, the number of households will increase by approximately 123,000. The recently adopted Comprehensive Plan anticipates that about 20 percent of this growth will occur in single-dwelling residential zones. To prepare for this growth, the City is taking a fresh look at the rules affecting development in these neighborhoods to ensure that housing is available in a variety of sizes and prices for future Portlanders.

The composition of our neighborhoods will be different in the future. The city is becoming more diverse, our population is aging, and the number of people per household is getting smaller. Despite shrinking households, there are few options for smaller housing units in single-dwelling neighborhoods, where increasing land costs and market trends have produced mostly larger houses.

The rising cost of housing is a top concern across the city. As Portland's housing prices continue to rise, more people are finding it difficult to afford housing — whether they are buying or renting. There are also concerns about the increase in home demolitions and replacement homes being

larger, more expensive and sited differently than surrounding older homes.

The Residential Infill Project is exploring ways to allow additional units that complement the scale of single-dwelling neighborhoods. By applying better controls on house size and improving how houses relate to each other, additional units in the form of accessory dwelling units (ADUs), duplexes and triplexes can be carefully introduced into single-dwelling neighborhoods while maintaining their distinct character.

FOR MORE INFORMATION

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Project Timeline

In December 2016, City Council directed staff to draft code and map amendments necessary to implement approved concepts.

PHASE I: CONCEPT DEVELOPMENT			PHASE II: CODE AND MAP AMENDMENTS	
JULY 2015–JAN 2016	FEB–SEPT 2016	OCT–DEC 2016	★ JAN–DEC 2017	WINTER 2018
Project Startup/ Explore Options SAC Meetings and Online Survey	Develop Concepts Public Review (Summer)	City Council Review/Approval Public Hearings	Develop Code/Map Amendments Public Review (Fall)	Planning and Sustainability Commission/City Council Public Hearings

Residential Infill Project Topic Areas

In single-dwelling neighborhoods, the project will address the placement and **scale of houses** and home additions. The project will also provide opportunities for more **housing choices** that could help keep costs down by diversifying the city's housing stock and increasing the variety of housing options for Portlanders. Additionally, the project will look at improving **narrow lot development** and make recommendations about where these lots may be appropriate.

1. Scale of houses

The existing single-dwelling zoning rules establish building envelopes (or maximum size) through measurable standards such as:

- Maximum height limits.
- Maximum lot coverage.
- Minimum setbacks and yard area.

This project will explore whether these standards should change, to what extent, and where.



2. Housing choice

To increase the variety of sizes and prices of housing with access to neighborhood amenities, this project will explore the feasibility and appropriate locations for the following alternative housing options:

- Triplexes and duplexes.
- Internal house conversions (creating multiple units inside an existing house).
- Secondary accessory dwelling units (one inside the house and one detached).
- Cottage cluster development (multiple smaller houses on a single, large lot).



3. Narrow lots

Infill development often occurs on lots that are narrower than the traditional development pattern, either because of existing platting or new partitions. This project will explore:

- Minimum lot dimensions for new development.
- Allowing detached vs. attached houses.
- Height, lot coverage, setbacks and garages.
- Appropriate locations for narrow lot development.



In December 2016 City Council provided conceptual guidance on the above topic areas. The Council's Final Concept Report is available at www.portlandoregon.gov/bps/infill.



RESOLUTION No. 37252 As Amended

Accept the Residential Infill Project: Concept Report to Council as general conceptual parameters for subsequent zoning code and zoning map amendments (Resolution)

WHEREAS, Portland is projected to grow by 123,000 new households by 2035 with about 20 percent of new housing units anticipated to be built in single-dwelling residential zones; and

WHEREAS, an increasing range and variety of housing types will be needed over this time period to respond to increasing cultural and racial diversity, smaller average household sizes, a lower proportion of households with children, and increasing numbers of older and elderly residents; and

WHEREAS, community concerns about the size of new houses, demolitions and the rising cost and lack of housing choices throughout the city persists; and

WHEREAS, in 2015 City Council initiated the Residential Infill Project to evaluate and improve the city's single-dwelling development standards with a focus on scale of houses, narrow lot development and alternative housing options; and

WHEREAS, a Stakeholder Advisory Committee (SAC) of neighborhood representatives, advocates for seniors, environmental stewardship and social equity, representatives with knowledge and expertise in residential construction, affordable housing, architecture, urban design, historic preservation, real estate and financing, alternative forms of housing was appointed by Mayor Charlie Hales to inform and advise City staff on identifying and researching key issues, and developing and refining concepts to address them; and

WHEREAS, staff, through local print and social media highlighted the draft concepts and opportunities for public comment via blog posts on the project website; e-updates to the project mailing list; e-newsletters by BPS and Bureau of Development Services; posts on Nextdoor, Facebook and Twitter; articles in local newspapers and broadcasts on local television and radio programs;

WHEREAS, City staff gathered feedback from the public on draft concepts during an eight-week outreach period from June to August 2016, whereby:

- 545 members of the public attended six in-person open houses
- 200 people attended additional meetings in which staff presented the draft proposal
- 8,600 people visited the online open house hosted on the project website
- 2,375 respondents submitted feedback on draft proposed concepts via an online questionnaire
- 1,562 comments were received from questionnaires, comment forms, flip chart notes from open houses, emails and letters; the results of which are summarized in a Public Comment Summary Report; and

WHEREAS, the process of public participation used to develop and refine the concepts of the Residential Infill Project support the goals of Chapter 2 of the 2035 Comprehensive Plan to support a partnership that offers community members accessible and effective participation in planning processes through a lens of social justice and equity; and

WHEREAS, the concepts of the Residential Infill Project support the goals of Chapter 3 of the 2035 Comprehensive Plan to enhance centers and corridors as anchors to complete neighborhoods and provide convenient access to local services via all modes of transportation; and

WHEREAS, the concepts of the Residential Infill Project also support the goals of Chapter 4 of the 2035 Comprehensive Plan to create a healthier, more efficient and more resilient Portland while respecting context; and

WHEREAS, the concepts of the Residential Infill Project also support the goals of Chapter 5 of the 2035 Comprehensive Plan to help Portland meet its need for quality, affordable homes for a growing and socioeconomically diverse population and to ensure equitable access to housing active transportation, jobs, open spaces, high-quality schools, and supportive services and amenities; and

WHEREAS, the concepts of the Residential Infill Project related to housing types furthers Policy 5.6 of the 2035 Comprehensive Plan to enable and encourage development of middle housing, including multi-unit or clustered residential units that provide smaller, less expensive units; more units and a scale transition within a quarter mile of designated centers, corridors with frequent service transit, high capacity transit stations and within the Inner Ring neighborhoods around the Central City;

NOW, THEREFORE, BE IT RESOLVED, that the City of Portland accepts the Residential Infill Project: Concept Report to City Council in concept, attached as Exhibit A as amended, as Non-Binding City Policy; and

BE IT FURTHER RESOLVED, that the City Council directs the Bureau of Planning and Sustainability to develop zoning code language and zone map changes to implement the concepts in the Residential Infill Project: Concept Report to City Council; and

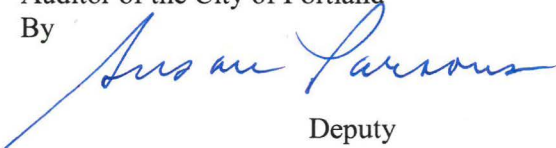
BE IT FURTHER RESOLVED, that by accepting this report, the Council is not making a land use decision within the meaning of ORS 197.015(10) because this direction is not a final determination of the City Council concerning the adoption, amendment, or application of the Statewide Planning Goals, a comprehensive plan, or a land use regulation; and

BE IT FURTHER RESOLVED, that the City Council gratefully acknowledges the excellent work and dedication of community members who attended public meetings and events, or otherwise participated in the development of the Residential Infill Project Concept Report to City Council, as well as members of the Stakeholder Advisory Committee for their time and dedication to the project.

Adopted by the Council: DEC 07 2016

Commissioner Hales
Prepared by: Morgan Tracy
Date Prepared: Oct. 17, 2016

Mary Hull Caballero
Auditor of the City of Portland
By


Deputy

Residential Infill Project

CITY COUNCIL FINAL CONCEPT REPORT

Portland is changing.

By 2035, the city will grow by approximately 123,000 households. About 20 percent of this growth is expected to be in single-dwelling residential zones. The composition and housing needs of the population are also changing. The city is becoming more diverse and older. The average household will be smaller with fewer children per household.

The Residential Infill Project was initiated to address overlapping concerns related to these changes:

- The number of demolitions and the size of infill houses.
- Increasing housing costs and the loss of affordability.
- Lack of housing choices, especially in high-opportunity neighborhoods.
- The impact of narrow lot development rules on both neighborhood character and the loss of opportunities for needed infill housing.

The goal of the Residential Infill Project is to adapt Portland's single-dwelling zoning rules to meet the needs of current and future generations.

City Council held public hearings on the recommendations in November 2016.

This report includes ten amended concept recommendations for changes to the Portland Zoning Code and Zoning Map. Based on this City Council direction, specific code language and map geographies will be developed for consideration through a separate legislative process in 2017 that will include additional required public notice, review and hearings.



January 2017

www.portlandonline.gov/bps/infill



Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

City of Portland, Oregon
Charlie Hales, Mayor • Susan Anderson, Director



ACKNOWLEDGEMENTS

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Residential Infill Project

City Council Final Concept Report

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SCALE OF HOUSES PAGE 4



1. Limit the size of houses while maintaining flexibility.
2. Lower the roofline of houses.
3. Improve setbacks to better match adjacent houses and promote tree retention.

HOUSING CHOICE PAGE 12



4. Allow more housing types in select areas and limit their scale to the size of house allowed.
5. Establish a Housing Opportunity Overlay Zone in select areas.
6. Increase flexibility for cottage clusters on large lots citywide.
7. Provide added flexibility for retaining existing houses.

NARROW LOTS PAGE 18



8. Do not allow historically narrow lots to be built on.
9. Make citywide improvements to the R2.5 zone.
10. Revise parking rules for houses on narrow lots citywide.

BALANCING MULTIPLE OBJECTIVES PAGE 22

PUBLIC INVOLVEMENT PAGE 27

STAY INFORMED PAGE 28

APPENDICES UNDER SEPARATE COVER

- A. Economic Analysis of Proposed Changes to the Single-Dwelling Zone Development Standard, Memorandum from Johnson Economics, October 2016
- B. Internal Conversion Report, DECA Architects, October 2016
- C. Use of Floor Area Ratios (FARs) in Single Family Zoning, Dyett & Bhatia, June 2016

INTRODUCTION

123,000 new households are projected by 2035. Where will new housing be built?

According to Portland's new Comprehensive Plan, most new residential and business growth will be in:

- Mixed-use zones along Centers (like Hollywood and Lents) and Corridors (like Interstate and Barbur).
- Inner Ring neighborhoods adjacent to downtown (like Buckman and Brooklyn).
- Central City (Downtown and the Lloyd District).



The new Comprehensive Plan directs growth in and around Centers and Corridors to best achieve community goals.

The new Comprehensive Plan finds that accommodating growth in and around Centers and Corridors is the best strategy to achieve these community goals:

- Increase access to the benefits of healthy neighborhoods while increasing equity through more housing options.
- Improve the market for local-serving businesses.
- Reduce the need to drive while increasing the use of and access to transit, protecting air and water quality and reducing carbon emissions.

The new Comprehensive Plan strategy guides growth to places where there is already good access to transit, bike facilities and walkable streets. However, more action is needed to fully reach City goals. A greater variety of housing types is needed to successfully meet the needs of households of different sizes, incomes and ages. This is especially so in areas near schools, stores, jobs and parks, which are often in and around Centers and Corridors.

A paradigm shift – middle housing

The 2035 Comprehensive Plan Growth Scenarios Report identifies that the city has adequate capacity to accommodate projected growth of 123,000 new households over the next 20 years. The projected housing mix for 2035 indicates that most of the new housing will be in larger multi-unit apartments and condominiums (about 72 percent). One reason for this mix is that the majority of surplus capacity is located in areas where these housing types are allowed (mixed-use and multi-dwelling zones), given that capacity for additional detached single-dwelling housing units will be nearly full by the end of the 20-year planning period in 2035.

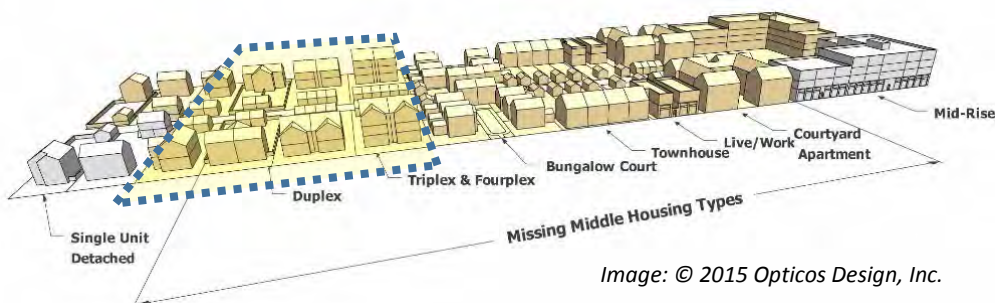


Image: © 2015 Opticos Design, Inc.

The Residential Infill Project recommends allowances for a small segment of the range of middle housing types (shown in the dashed box) that can be achieved at a scale and within a form that is compatible with the character of many of the city's single-dwelling residential neighborhoods.

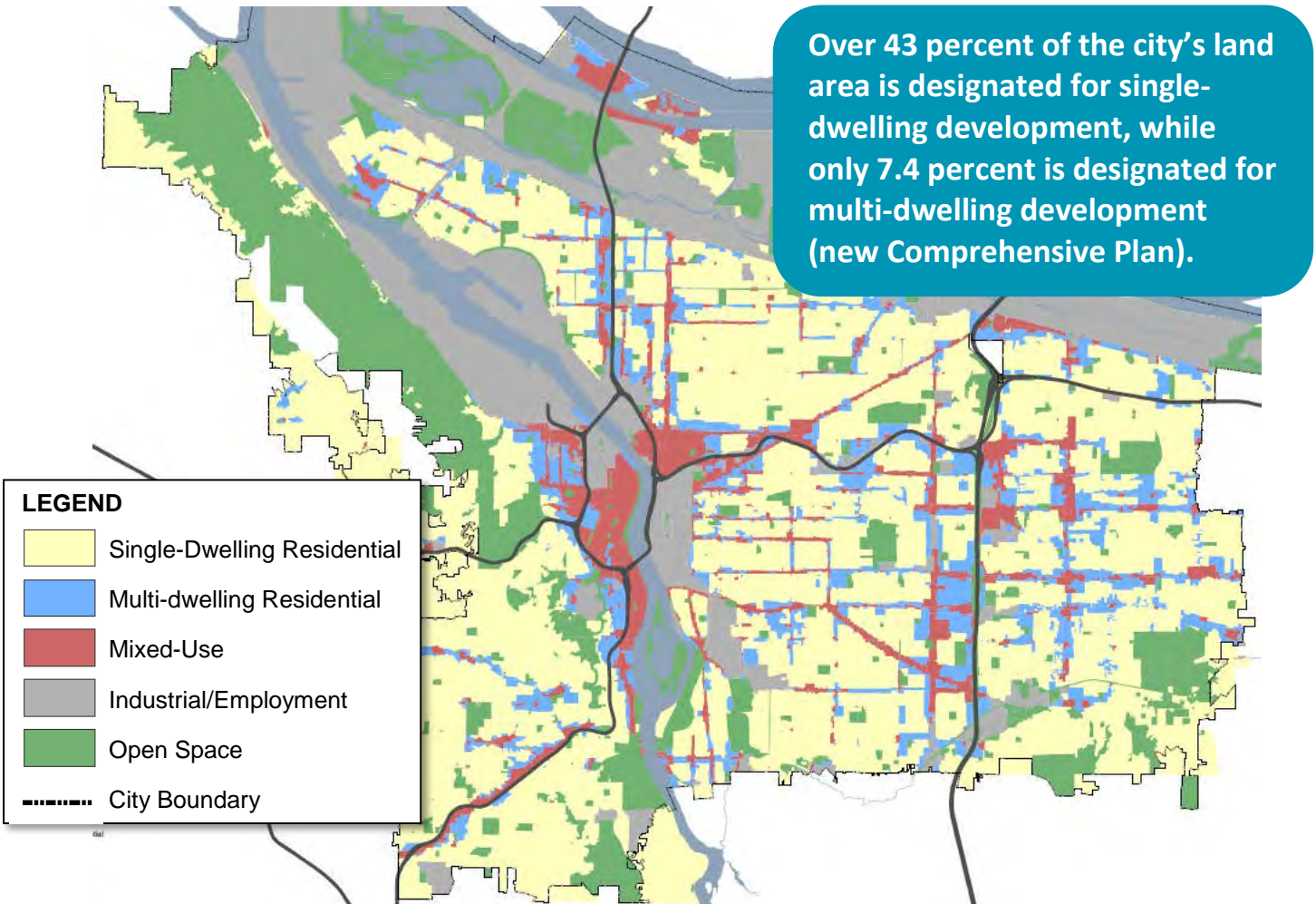
A young couple living in a one-bedroom apartment may not be able to afford the leap to buy a house. But as the family grows, it may look for additional living and yard space within a walkable neighborhood. A duplex or triplex could offer this opportunity. Or consider an “empty nester” couple who no longer wants to take care of its large house and yard but want to remain in their familiar neighborhood with a sense of community and social support structures. Cottage cluster communities and accessory dwelling units (ADUs) could provide desirable alternatives. In both scenarios, more options mean more variety in unit prices and living arrangements.

INTRODUCTION

What is zoning?

Zoning defines the way land within the city can be used and developed. **Zoning maps** specify areas where residential, industrial, recreational and commercial activities can occur. **Zoning standards** regulate the dimensional requirements for lots and buildings, and the number of allowed units.

Housing can be developed in Portland's commercial zones, as well as within two types of residential zones: single-dwelling and multi-dwelling. Single-dwelling zones (R2.5, R5, R7, R10, R20 and RF) generally allow one housing unit per lot; multi-dwelling zones (RX, RH, R3, R2 and R1) allow one or more units per lot.



What is an R5 zone?

R5 is the most common single-dwelling residential zone, comprising more than 1/3 of Portland's single-dwelling residential area. The R stands for residential use and the 5 represents one residential lot allowed for every 5,000 square feet of site area. Numerous code exceptions allow for other uses, including home-based businesses, short term rentals and schools. Exceptions also include limited allowances for additional housing units, such as one ADU per house and duplexes allowed on corner lots.

SCALE OF HOUSES – BACKGROUND

Zoning standards

Portland uses clear and objective (essentially numerical) permit requirements to regulate the scale of structures in single-dwelling residential zones.

These standards are designed to meet City goals to make permit reviews predictable and efficient even during peak development periods. The City reviews approximately 400 new house permits and 5,000 applications for other types of residential work (remodels, additions, repair, etc.) in single-dwelling zones each year.

The City's current zoning standards for the scale of single-dwelling residential development are relatively unchanged since the Portland Zoning Code's last adoption in 1991.

The table below highlights the key zoning standards that currently address the scale of a house in the R5 zone.

STANDARD	CURRENT CODE (R5 ZONE)
Size – area within the house	<p>The maximum amount of square feet of space allowed in a house is equal to the maximum building coverage multiplied by the maximum height allowed on the lot.</p> <p>Building coverage measures the two-dimensional footprint of a structure. The maximum allowed building coverage is expressed as a percent of the total size of the building's lot and varies by lot size (not by zone) and generally ranges from 22 to 50 percent.</p> <p>For example, on a 5,000 square foot R5-zoned lot, up to 45 percent or 2,250 square feet, may be covered by the buildings.</p>
Height	30 feet, measured from highest grade within 5 feet of the house to the midpoint (pitched roof) or top (flat roof)
Setbacks	<p>10 feet front yard; 18 feet garage; 5 feet side yard(s); 5 feet rear yard</p> <p>Eaves and bay windows may project 20 percent (1 foot into side and rear yards)</p>
Outdoor Area	250 square feet (with a minimum 12 feet by 12 feet dimension)

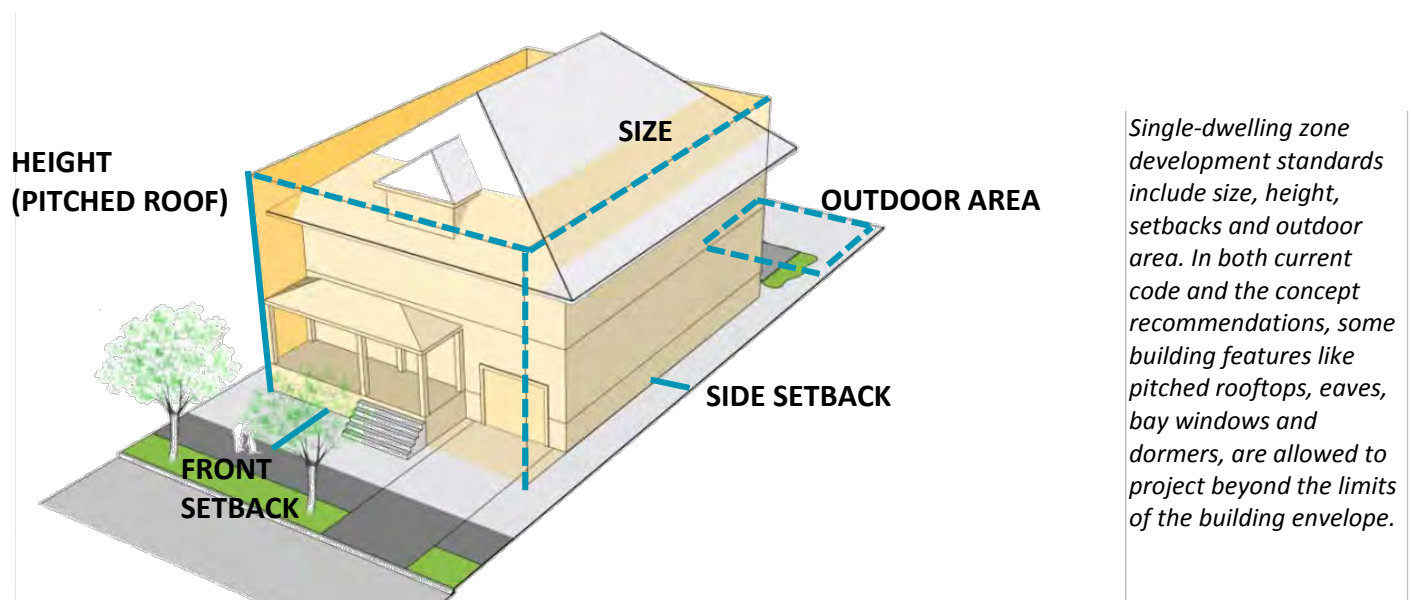
SCALE OF HOUSES – BACKGROUND

House sizes have increased over time

Over the last 40 years, the size of the average U.S. house increased by more than 1,000 square feet (61 percent). The average size was 1,660 square feet in 1973 and 2,679 square feet in 2013. The increase is largely attributed to consumer preference and increases land values. In Portland, the increases raise concerns in some neighborhoods, particularly in ones where the scale of new houses is often significantly larger than existing houses.

The Portland Zoning Code limits house size by measurable standards such as limits for height, lot coverage, setbacks and yard area. Together, these define a “building envelope” (shown as the yellow “box” below) that limits how large a house can be. They often vary based on zone.

New infill houses are generally larger than neighboring older houses. However, the maximum size that *could* be built by code is much larger than the average new infill houses being built today.



The maximum allowed building envelope limits the overall scale of houses. While older houses may differ widely in form, they are generally smaller than houses built today and rarely attain the maximum parameters allowed by code.

SCALE OF HOUSES – SIZE

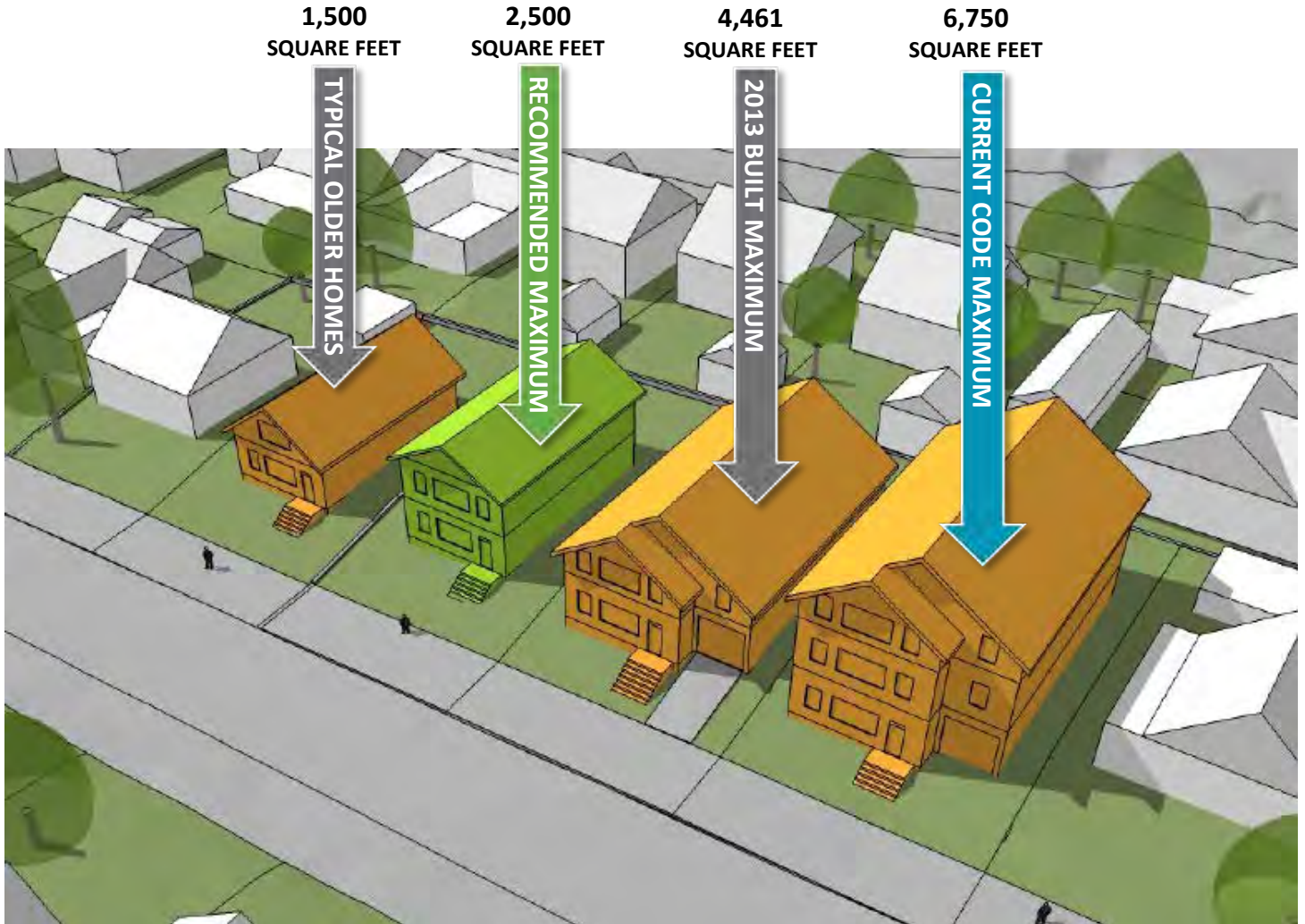
Current allowances for size of houses

The scale of a house is defined through a combination of the space in the house, the size of its building footprint, its height and where it is located on its lot.

The Portland Zoning Code limits the maximum space that can be in a house by multiplying building coverage by the maximum allowed building height on the lot. The building coverage is a percent of the total size of the building's site. Maximum building coverage varies by lot size, not zone.

For example, on a 5,000 square-foot lot, the maximum allowed building coverage is 2,250 square feet and the maximum allowed height is 30 feet (three stories). That makes the maximum size of a new or remodeled house on this size of lot 6,750 square feet (2,250 square feet times three stories).

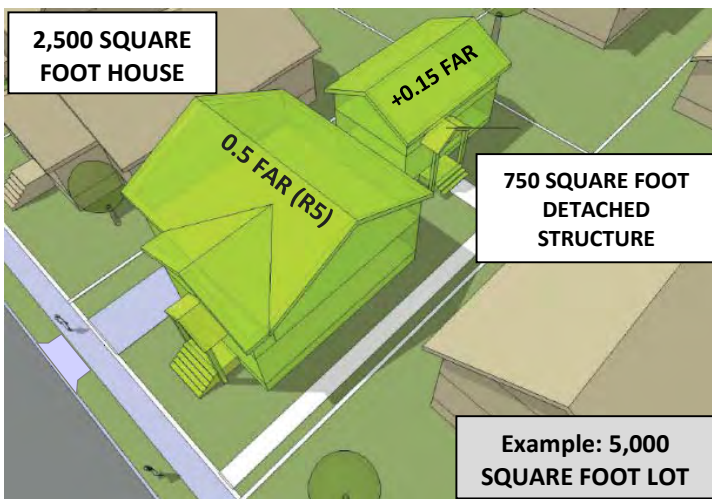
Even though currently allowed by code, new houses typically are not being built to this maximum size. In 2013, the average house built in Portland on a 5,000 square-foot lot was 2,680 square feet, while the largest house built was 4,461 square feet.



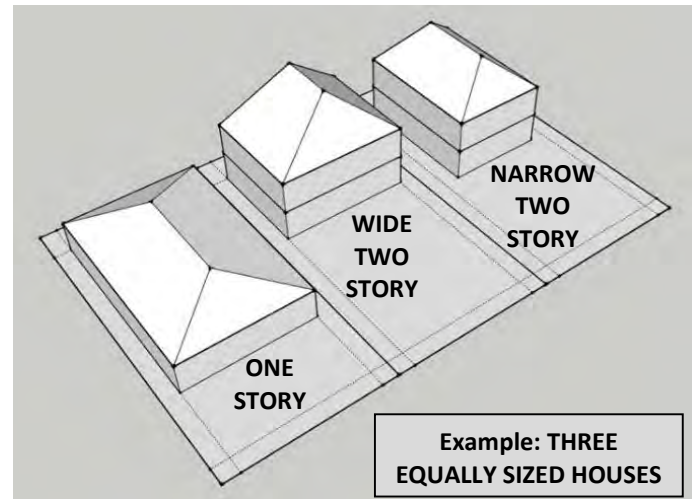
SCALE OF HOUSES – SIZE

Recommendation 1: *Limit the size of houses while maintaining flexibility*

- a) Establish a limit on house size that is proportional to lot size and zone.
 - Outside the Housing Opportunity Overlay Zone (see Pages 12 and 13), apply a maximum size limit to houses in R2.5, R5, and R7 zones.
 - Inside the Housing Opportunity Overlay Zone, apply a smaller maximum size for houses in R2.5, R5 and R7 zones, and allow duplexes and triplexes to be as large as houses outside the overlay.
- b) Exclude basements and attics with low ceiling heights from house size limits.
- c) Allow bonus square footage for detached accessory structures (0.15 bonus FAR).
- d) Explore options for decreasing building coverage and providing adequate private area and pervious surfaces outside of the house, such as larger side or rear yards.



To encourage detached garages and detached accessory dwelling units (ADUs), up to 0.15 FAR extra building area would be allowed for the detached structure. This helps break up the massing of a house by distributing its size throughout the lot.



Three possible configurations of equally sized houses: single level (left), wide two-story (middle) and a narrower, deeper two-story (right).

The size limit closely links building height and building coverage. Houses could either be taller with a larger yard or shorter and more spread out, but not both.

CONCEPTUAL

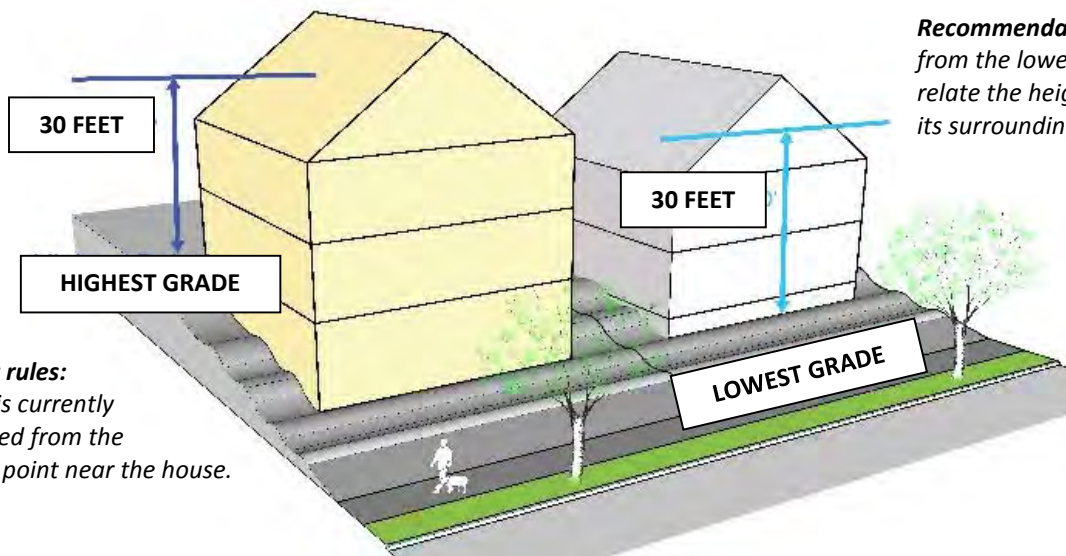
		Outside Overlay	Inside Overlay	
		House Size	House Size	Duplex or Triplex Size
Zone	Lot Size			
		1750	1500	1750
		R2.5	2500	2500
R5	7000	2800	2100	2800

Examples of how the size limits could apply in R2.5, R5 and R7 zones. All sizes are expressed in square feet.

SCALE OF HOUSES – HEIGHT

Current height requirements

Each single-dwelling residential zone has a maximum building height (30 feet in most zones and 35 feet for houses in R2.5). Two reference points are needed to determine a house's height: a bottom base point and a top point, which do not have to be in alignment with one another. The top point is measured at either the highest point (on a flat roof) or the midpoint (on a pitched or "gabled" roof). On most lots, the bottom base point is measured from the highest grade 5 feet away from an exterior wall. This can result in a house that is much taller than the maximum height when viewed from the downhill side.



Recommendation: Measure from the lowest point to better relate the height of a house to its surrounding topography.

Current rules:
Height is currently measured from the highest point near the house.



Portland's current rules specify that height measurements be taken from the highest grade next to the house, allowing for potential manipulations of grades to increase a house's height.

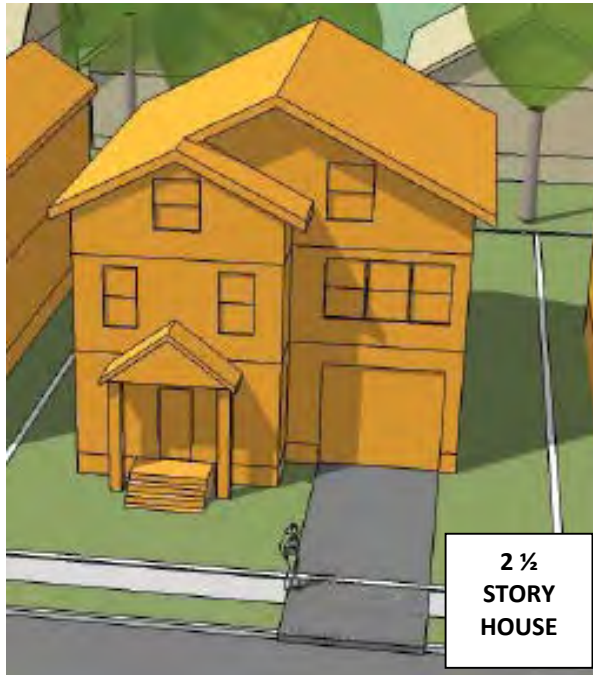


Without limits, dormers (currently not measured when determining a house's height) may begin to look and function like entire additional stories, resulting in a building height that is taller than the maximum allowed.

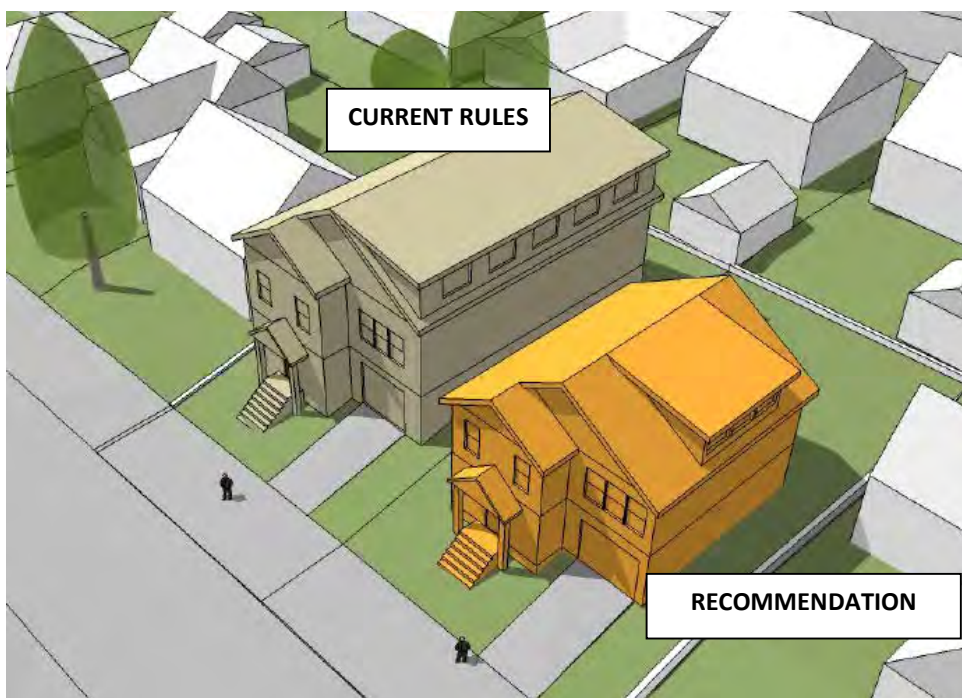
SCALE OF HOUSES – HEIGHT

Recommendation 2: *Lower the roofline of houses*

- Restrict height to 2½ stories on standard lots.
- Measure the bottom base point from the lowest point 5 feet from a house, not from the highest point.
- For down-sloping lots, allow use of the average street grade as a bottom basepoint alternative.
- Ensure that dormers are a secondary roof mass.



Recommendation: Limit the height of houses on standard lots (36 feet and wider) to 2½ stories. A half story could either be a partial basement or contained within the gable of a roof.



Recommendation: Limit the size of dormers to ensure that they appear as secondary roof forms and do not significantly affect the overall scale of the house.

SCALE OF HOUSES – SETBACKS

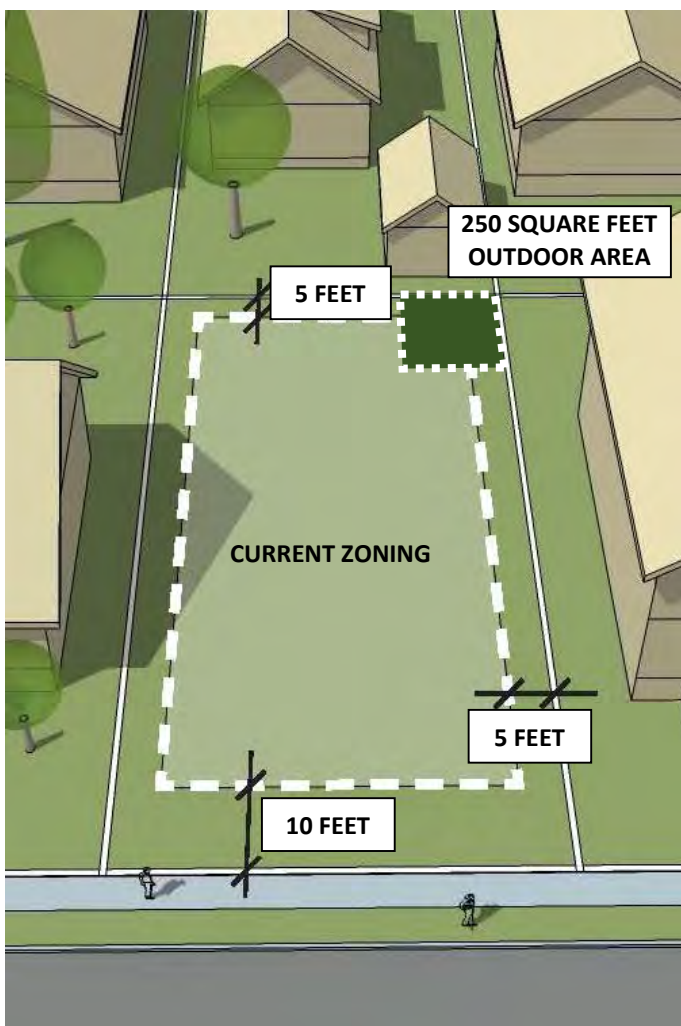
Purpose of setbacks

Setback allowances provide for flexibility when siting a house to better ensure compatibility with the lot's neighborhood character and topography. Setbacks maintain light, air, privacy and separation for fire protection, while reflecting nearby placement patterns of houses. Setback allowances complement building coverage limits and outdoor area requirements to ensure that residential lots are not completely covered by buildings and have sufficient usable outdoor space for recreation and relaxation.

In some areas, established minimum front setbacks are less than those of other existing houses on a block. When houses built to the minimum allowed front setbacks are out of alignment with houses on either side, block patterns can be disrupted. On other blocks, where no uniform front setback pattern exist, front setbacks on new or remodeled houses are less critical.

Projections into setbacks

Certain building features, such as eaves and bay windows, are allowed to project into setbacks to create articulation and accentuation that helps break up the building scale and allows for more diversity of building styles. Current code allows these features to project up to 20 percent (typically 1 foot) into side setbacks.



Current minimum building setbacks and outdoor area in R5 zones.



Narrow eaves, common in many new Portland houses, are often the result of current setback limits.

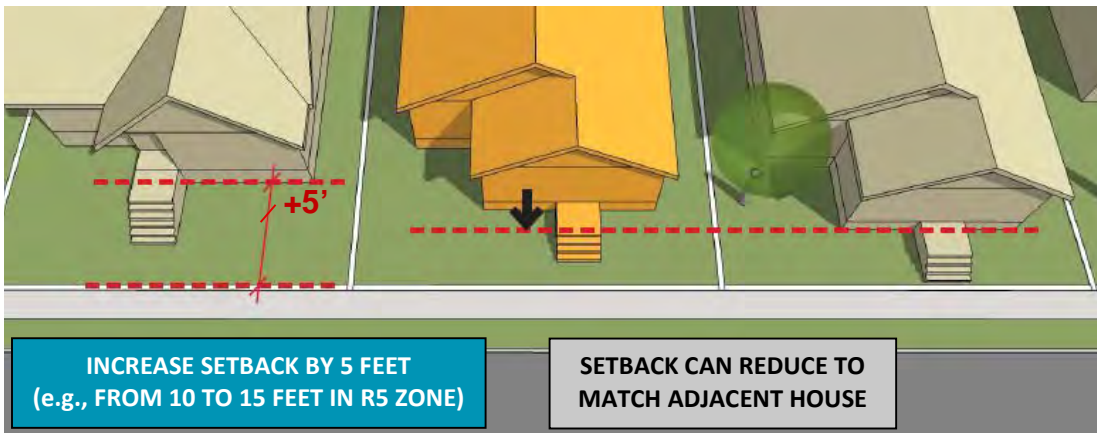


Wider eaves reduce the perceived scale of a house. Bay window projections can also help break up the massing of building walls.

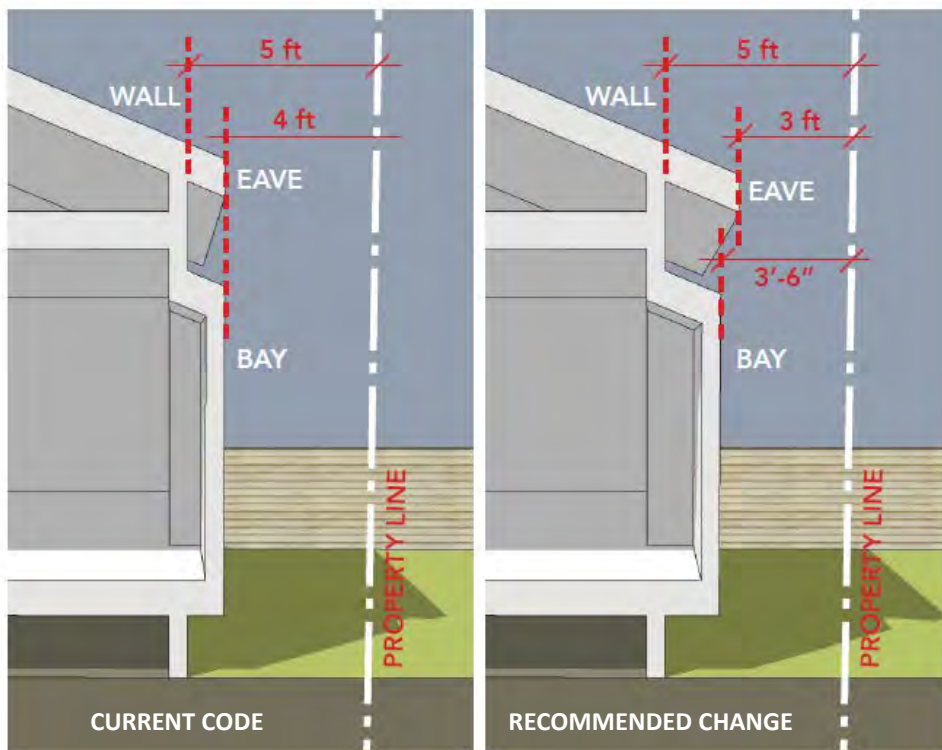
SCALE OF HOUSES – SETBACKS

Recommendation 3: *Improve setbacks to better match adjacent houses*

- a) Increase minimum front setback by 5 feet; provide an exception to reduce setback to match existing, immediately adjacent house. Allow flexibility if tree retention is a consideration.
- b) Encourage building articulation by allowing eaves to project 2 feet into setbacks and bay windows to project 18 inches into setbacks.



Increasing minimum front setbacks for new or remodeled houses generally accommodates larger front yards and more landscaping. Allowing these houses to match the setbacks of existing, immediately adjacent houses also gives flexibility to better ensure compatibility with older houses on a block.



By reducing the required setback for minor building projections, greater roof and building wall articulation is possible.

3 feet from a property line is typically the minimum encroachment distance before additional building code rules apply.

The recommended projections ensure that eaves can still extend past bay window walls to provide weather and sun protection, and add visual interest.

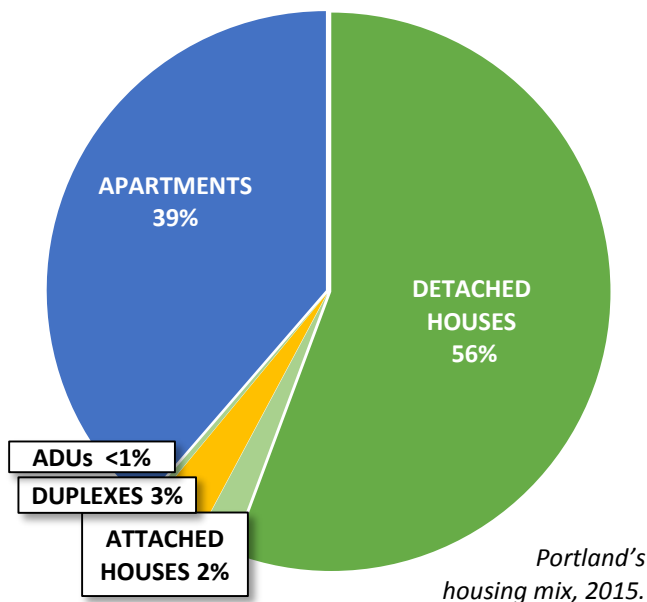
HOUSING CHOICE – BACKGROUND

Housing needs for a growing city

Portland is growing and needs an increasing supply of diverse housing options to keep up with this growth. This is key to mitigating the rapid increase of housing costs. However, increasing housing supply is only part of what is needed to meet the housing demands of a changing city. Greater housing choice in terms of the size, type, location and cost is also critical to meeting City goals. It will help a diversity of households find housing that meets their everyday needs and better accommodates their changing needs over time. This is especially important for older adults seeking to age within their communities.

Portland’s zoning rules once allowed for more types of housing in the city’s residential areas. Wandering through neighborhoods around Hawthorne or Irvington, one can see duplexes, bungalow courtyards and small apartments comfortably mixed among single-dwelling houses. These types of housing are part of what many call “middle housing.” Coined by urban planner Daniel Parolek, the term middle housing refers to housing in between single-family houses and larger multi-family buildings. It can include accessory dwelling units (ADUs), duplexes, triplexes, “small-plexes” and cottage clusters, as well as courtyard apartments and bungalow courts.

Today, only about 5 percent of Portland’s housing stock is in these smaller forms of middle housing. Most of the housing supply is in detached houses (56 percent), many in areas that no longer allow this middle housing mix.



Some middle housing types adaptable to some areas within Portland’s single-dwelling zones include: ADUs (upper left), clustered houses (lower left), duplexes (upper right) and triplexes (lower right).

Why use an overlay zone?

Portland’s Zoning Code uses overlay zones and plan districts to modify the base zone allowances and limitations for specific places with unique needs or goals. Overlay zones and plan districts are identified on official City zoning maps and are part of a property’s zoning.

Overlay zones address specific subjects such as protecting environmental resources. They are applied to locations with similar attributes across the city. Plan districts address specific places, such as the Central City or Portland International Airport. Use of an overlay zone would make it clear to property owners and the public where duplexes, triplexes or additional ADUs are allowed beyond the base zone density.

HOUSING CHOICE – BACKGROUND

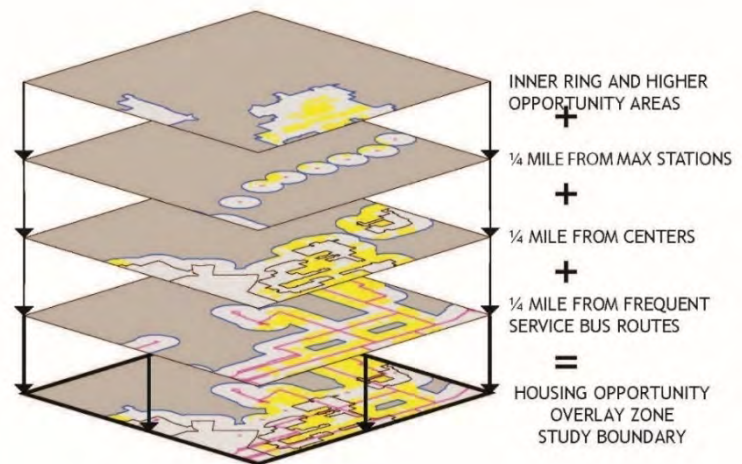
Where to apply the overlay zone?

There is increasing demand for greater housing supply and types within single-dwelling zones. Residents typically balance price, size, number of units, location, homeownership options and accessibility in their housing decisions. In addition to helping accommodate the preferences of current and future residents, a broader range and supply of housing in these zones will increase the availability of more affordable options and help advance City equity goals.

With the adoption of the new Comprehensive Plan, City Council approved a policy to encourage “relatively smaller, less expensive units... within a quarter mile of designated centers, corridors with frequent transit, high capacity transit [MAX] stations, and within the Inner Ring [neighborhoods] around the Central City.” The conceptual overlay boundary is shown as a starting point for discussion; a new Housing Opportunity Overlay Zone could be based on this and other new Comprehensive Plan policies, as explained below.

Development in Centers and along Civic Corridors is the preferred growth scenario in the new Comprehensive Plan. This growth management strategy performed the best across the measures used to evaluate the new Comprehensive Plan scenarios, such as transit and active transportation, reduced carbon emissions and complete neighborhoods.

The new Comprehensive Plan also identifies different housing opportunity areas. Higher opportunity neighborhoods are areas that already have assets that support the health and success of the residents who live there, such as walkability, transit, services, quality schools and parks, and access to employment.



Combining different geographical areas linked to policy direction in the new Comprehensive Plan is one approach to developing an overlay boundary.

City Council expressed interest in evaluating the overall impacts to enrollment in the David Douglas School District resulting from the proposed Housing Opportunity Overlay Zone, once the overlay boundary is further defined.

The Housing Opportunity Overlay Zone map on Page 14 shows a conceptual boundary that encompasses the quarter-mile distance (approximately five blocks or a 5-minute walk) from designated centers, corridors with frequent bus service and MAX stations. Also included are areas with higher opportunity neighborhoods that may be slightly farther from centers and corridors but are still close to downtown, have good transit access, include a well-connected street grid and are near schools, parks and jobs.

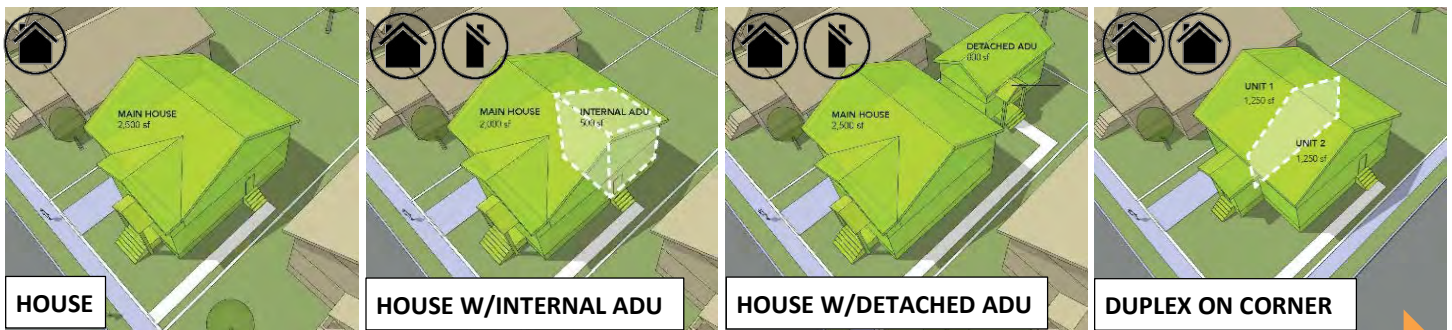
The conceptual boundary on this map represents one option for a study area. Other options may be developed by City staff based on other selection criteria. Further and more detailed evaluation will be necessary to determine a more detailed Housing Opportunity Overlay Zone. The final boundary will also need to consider significant physical barriers that limit convenient connections to Centers and transit corridors, such as poor street connectivity, steep topography and natural features, as well as other practical considerations.

HOUSING CHOICE – ADUs, DUPLEXES AND TRIPLEXES

What is currently allowed in single-dwelling residential zones?

In single-dwelling residential zones, generally only one house is allowed per lot. However, there are multiple exceptions. Any house may have a single accessory dwelling unit (ADU) that is up to 75 percent of the floor area size of the primary house up to 800 square feet. ADUs can be created through a converted basement or attic, added on to an existing house or built as a separate, detached structure.

Additionally, duplexes (two units on a single lot) or attached houses (two units, each on its own lot but sharing a common wall on a property line) may be built on some single-dwelling zoned lots that would otherwise allow only one detached unit. These housing types are currently allowed on corner lots and on lots that border commercially-zoned lots. In the R2.5 zone, duplexes and attached houses are allowed on any lot that is at least 5,000 square feet in size.







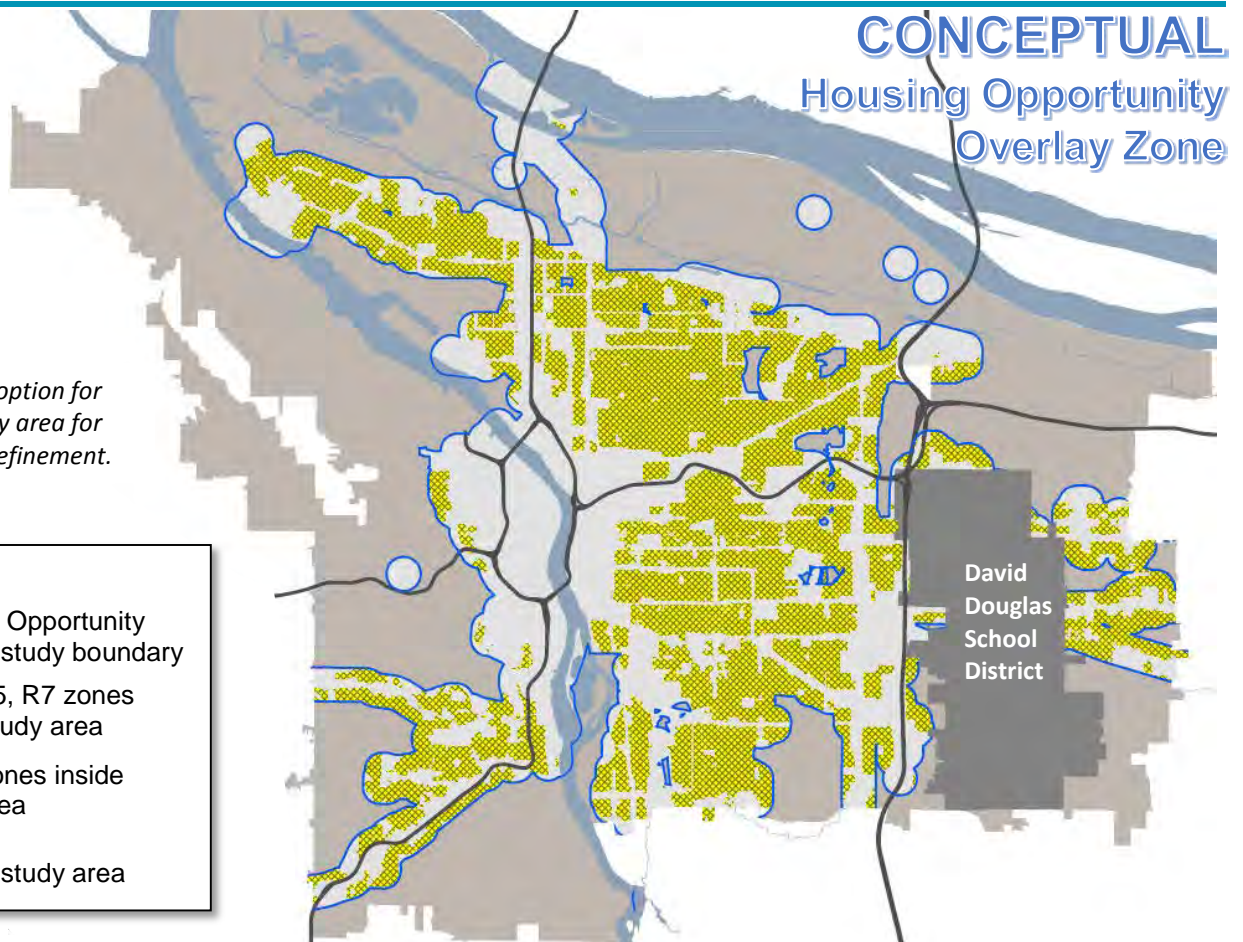
NUMBER OF UNITS CURRENTLY ALLOWED WITHIN HOUSING FORMS IN SINGLE-DWELLING ZONES

These housing types and number of units are currently allowed in Portland's single-dwelling residential zones.

Map showing one option for establishing a study area for further boundary refinement.

LEGEND

-  Housing Opportunity Overlay study boundary
-  R2.5, R5, R7 zones inside study area
-  Other zones inside study area
-  Outside study area

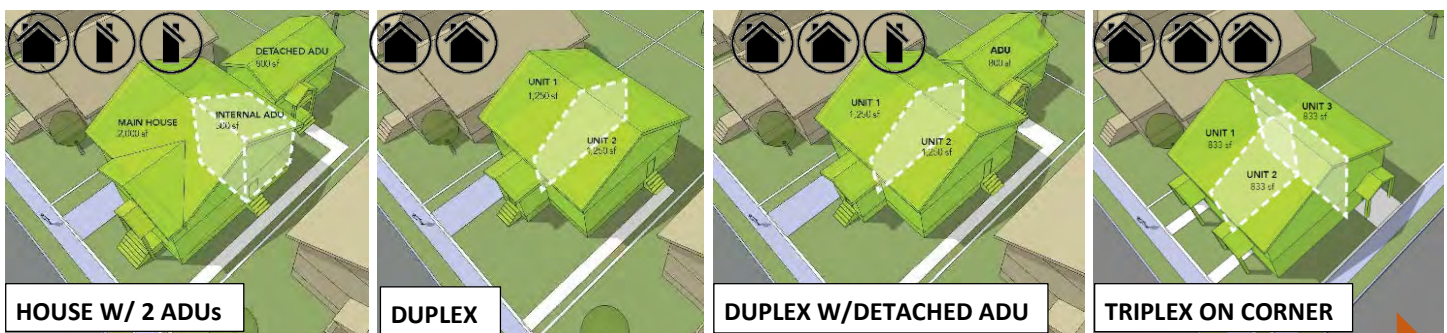


HOUSING CHOICE – ADUs, DUPLEXES AND TRIPLEXES

Recommendation 4: *Allow more housing types in select areas and limit their scale*

Within the Housing Opportunity Overlay Zone in R2.5, R5 and R7 zones:

- a) Also allow a:
 - House with both internal and detached accessory dwelling unit (ADU)
 - Duplex
 - Duplex with detached ADU
 - Triplex on corner lot
- b) Establish minimum qualifying lot sizes for each housing type and zone.
- c) Require design controls for all proposed housing projects seeking additional units.
- d) Explore requirements and bonus units for age-friendliness, affordability and tree preservation (beyond what is minimally required by Title 11, Tree Code).

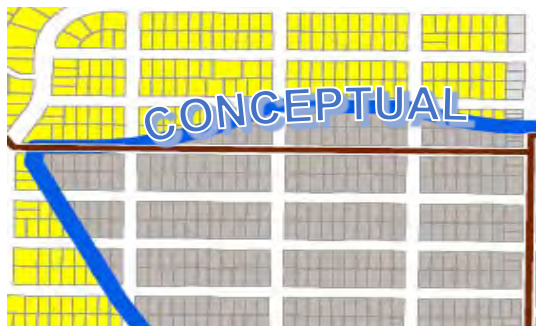


NUMBER OF UNITS WITHIN RECOMMENDED HOUSING FORMS (MORE UNITS PROPOSED)

These additional housing types and number of units would be allowed in select areas of Portland's single-dwelling zones.

Recommendation 5: *Establish a Housing Opportunity Overlay Zone in select areas*

- a) Provide options for a Housing Opportunity Overlay Zone map.
- b) Potentially exclude areas within the David Douglas School District until school district capacity issues have been sufficiently addressed.
- c) Prior to adopting any specific zoning changes, refine the Housing Opportunity Overlay Zone to produce a more detailed boundary that considers property lines, physical barriers, natural features, topography and transportation infrastructure constraints, as well as other practical considerations.



Through subsequent study and analysis, additional refinements to the conceptual Housing Opportunity Overlay Zone boundary will be made to normalize the edge of the proposed overlay zone.

HOUSING CHOICE – COTTAGE CLUSTERS

Recommendation 6: *Increase flexibility for cottage clusters on large lots citywide*

- a) On single-dwelling zoned lots at least 10,000 square feet in size, allow cottage clusters subject to Type Ix land use review.
- b) Cap the total square footage cottage cluster sites to the same FAR limit [see Recommendation 1] and limit each new cottage to 1,100 square feet.
- c) Inside the Housing Opportunity Overlay Zone [see Recommendation 5], the number of cottages allowed equals the same number of units that would otherwise be permitted.
- d) Outside the Housing Opportunity Overlay Zone, allow one ADU for each cottage.
- e) Develop specific cottage cluster rules to ensure that development is integrated with its surrounding neighborhood.
- f) Explore opportunities for additional units when the units are affordable and/or accessible.



Hastings Green – a cottage cluster-like development in Southeast Portland.

What is a cottage cluster?

Cottage clusters are groups of relatively small homes typically oriented around a shared common space such as a courtyard or garden, and with parking often relegated to the fringe. Planned Developments (PDs) provide opportunity for innovative development, while assuring that it is well-designed and complements neighborhood character. PDs are sometimes used in conjunction with a land division to allow lot configurations that preserve open space or create clusters of houses around common green spaces. While current PD allowances give design flexibility for cottage cluster proposals, the criteria are not tailored specifically to achieve cottage clusters. Currently, PDs cannot attain additional density and ADUs cannot currently be built where more than one house shares a lot on a PD site.



Image used with permission from [The Cottage Company – Conover Commons Cottages, Redmond WA](#)

Land use reviews

A discretionary land use review involves judgement or discretion in determining compliance with the approval requirements. Review procedures, in order from least to greatest level of intensity, include Type I, Type Ix, Type II, Type Iix, Type III and Type IV.

Under most circumstances, PDs must go through a Type III land use review process, which is decided by a Hearings Officer and, if appealed, by City Council. By comparison, a Type Iix land use review, which applies to most smaller land divisions, is less expensive and requires less time to process. Both reviews utilize the same approval criteria and provide opportunities for appeals at both the City and State level.

HOUSING CHOICE – EXISTING HOUSES

Recommendation 7: *Provide added flexibility for retaining existing houses*

a) Scale flexibility:

- Allow modest additional floor area for remodels, additions and house conversions.
- Allow modest additional height when an existing house foundation is being replaced or basement is being converted.

b) Housing choice flexibility:

- Allow one additional unit when an older house is converted into multiple units or is retained as part of a new cottage cluster development.
- Pursue additional flexibility for house conversions, such as parking exemptions, system development charge (SDC) waivers or reductions, building code flexibility and City program resources that facilitate conversions.
- Clearly define internal conversions, including explicitly distinguishing between demolition and remodeling, and promote preservation of the exteriors when converting houses to ownership, condominium or rental units.

Encouraging house retention

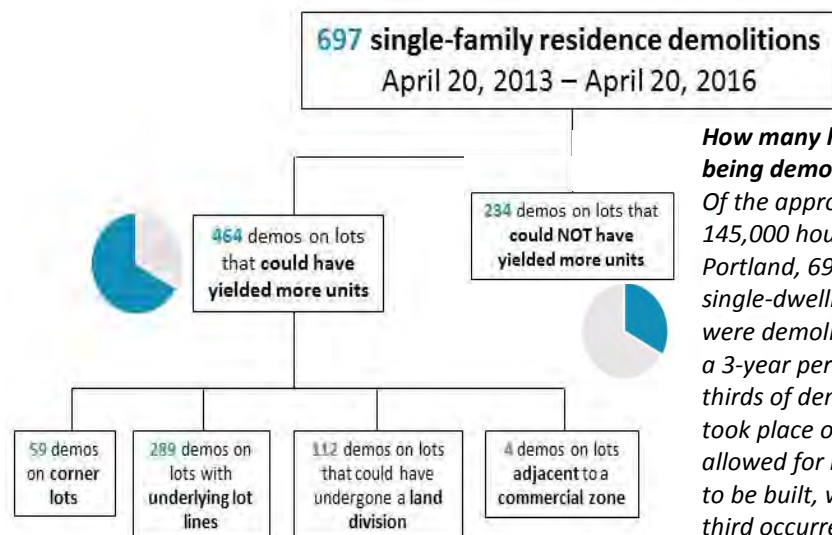
Houses are demolished for many reasons.

Smaller houses may not suit the needs of property owners as families grow or their preferences change. Others may not have been well maintained over time, have been severely damaged by fire or water, or have reached the end of their lifespan, and the cost to repair may be more than the cost to demolish and rebuild. Houses are also sometimes demolished when they cannot compete with new construction for a return on investment.

But options that allow owners to add value by improving existing houses, extending the lifespan of houses and making them more economically competitive in comparison to new construction create incentives to preserve and reuse current housing. Portland's Zoning Code could allow opportunities for greater density and flexibility for reuse of retained and renovated existing houses.

Even so, the Oregon State Building Code can add significant cost and complexity when converting existing houses (see Appendix B). Non-Zoning Code incentives, like those identified in Appendix B, may be especially useful in further encouraging adaptive reuse of existing housing.

To facilitate future additions and provide incentives to continue investment in Portland's current housing stock, the recommendations above allow and encourage homeowners to create additional value in their houses, prolonging their lifespan and making them more competitive against new construction.



How many houses are being demolished?

Of the approximately 145,000 houses in Portland, 697 homes in single-dwelling zones were demolished over a 3-year period. Two-thirds of demolitions took place on lots that allowed for more units to be built, while one-third occurred on lots that did not allow for more units to be built.

NARROW LOTS – BACKGROUND

Origin of historically narrow lots

Like most cities, Portland requires lots to be a minimum size to be developed. Standard residential lots in older parts of Portland are typically 50 feet wide by 100 feet deep. Lots less than 36 feet wide are considered “narrow” lots. But in some neighborhoods, lots were historically created in 25-foot-wide increments. These are referred to as “historically narrow” lots. The land for these lots was originally subdivided long ago into twice as many lots as is currently allowed in the R5 zone and does not meet current minimum lot size or width standards. However, Oregon law requires cities to recognize these lots as “discrete” parcels.

Between 1991 and 2002, the City required no minimum lot size for building on historically narrow lots. In 2003, it established a minimum lot size of 3,000 square feet and a minimum width of 36 feet for existing lots in the R5 zone to be developed. However, an exception was made for lots smaller or narrower than these dimensions, which allows them to be built on when there has not been a dwelling unit on the lot for at least five years. This is sometimes referred to as the 5-year vacancy rule.

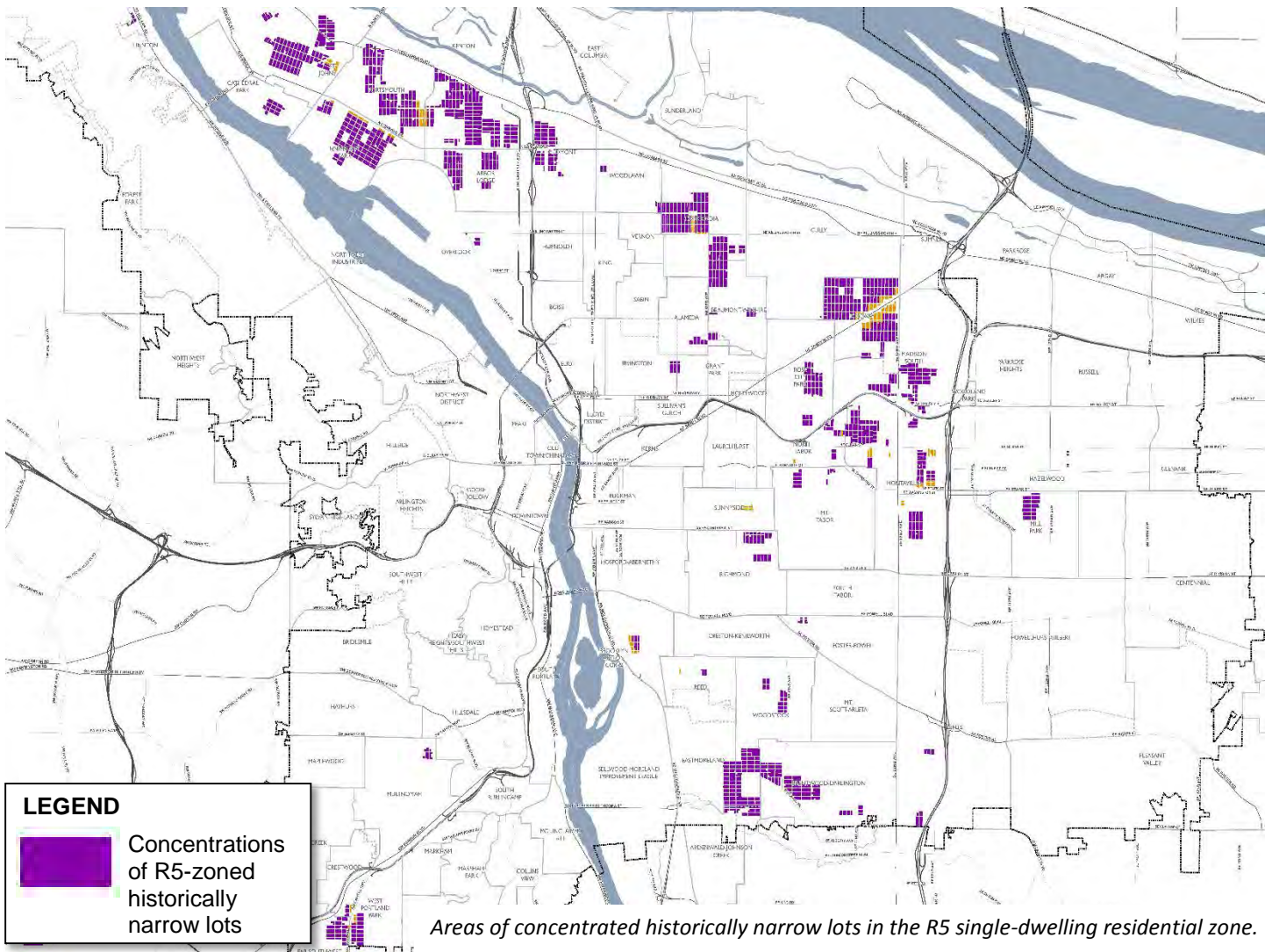
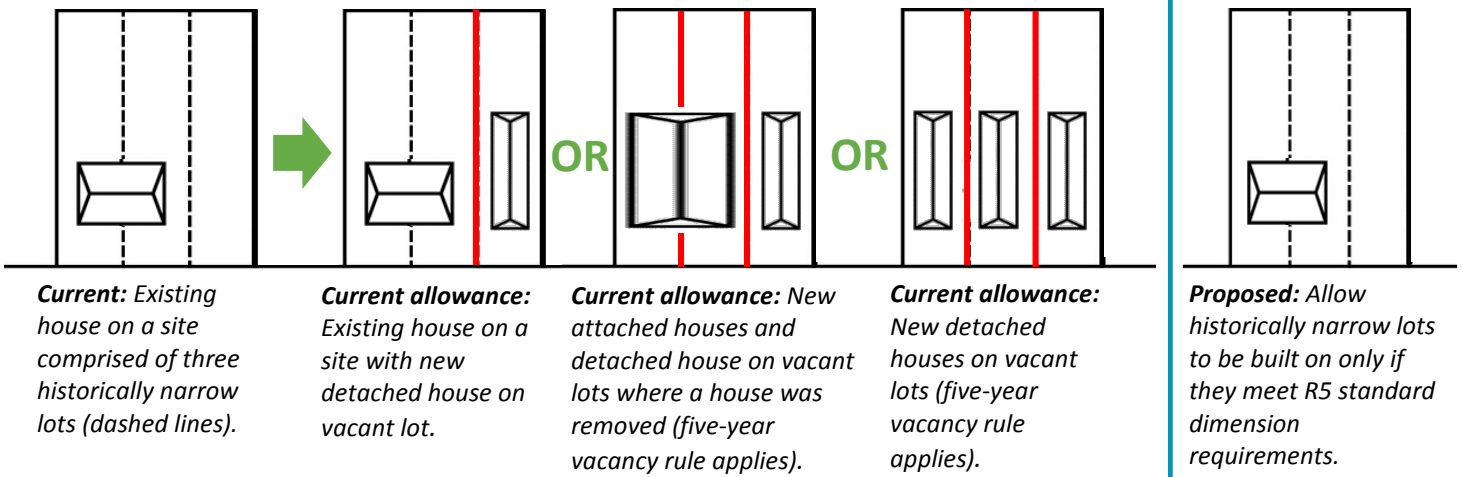
CURRENT LOT CONFIRMATION PROCESS (R5 zoned lots, including adjusted lots)

- *Minimum 3000 square feet and 36 feet wide if the lot has had a dwelling unit on it in the last five years.*
- *Minimum 2400 square feet and 25 feet wide if the lot has **not** had a dwelling unit on it in the last five years.*

OPPORTUNITIES	CHALLENGES
<ul style="list-style-type: none"> • Current five-year vacancy requirement discourages demolitions on side-by-side skinny lots. • On multiple side-by-side skinny lots, property lines can be adjusted to establish conforming lot size and widths. • 5-year vacancy rule allows for lots to be developed over time. • Lot size exception allows for increases to the city’s overall supply of housing units. • Increases opportunities for “fee-simple” homeownership. • Promotes smaller, more energy-efficient houses. • Smaller new homes on smaller lots are generally less expensive than larger new homes on larger lots. 	<ul style="list-style-type: none"> • On sites where a house is demolished (causing disruption), half of the site is left vacant for five years before construction occurs (causing disruption again). • On sites comprised of more than two side-by-side skinny lots, demolitions can give the appearance of “skirting the rules,” since newly configured lots can be built on immediately (no five-year delay). • The City of Portland is still required to acknowledge the existence of substandard lots as saleable parcels, even if they are not immediately developable. • Lack of specific lot confirmation regulations leads to lack of certainty related to application of development standards, including parking, setbacks, building coverage, utilities and/or street improvements. • Future development potential is not clearly and intuitively defined through zoning map designations. • Exceptions that allow development on substandard lots are not intuitive (e.g., “Why is there a new house being built on a 2,500-square foot lot in the R5 zone?”). • Historically narrow lots are not evenly distributed throughout the city. • Narrow houses are often not reflective of the neighborhood character of wider homes.

NARROW LOTS – BACKGROUND

Recommendation 8: *Do not allow historically narrow lots to be built on*



NARROW LOTS – BACKGROUND

Recommendation 9: *Make citywide improvements to the R2.5 zone*

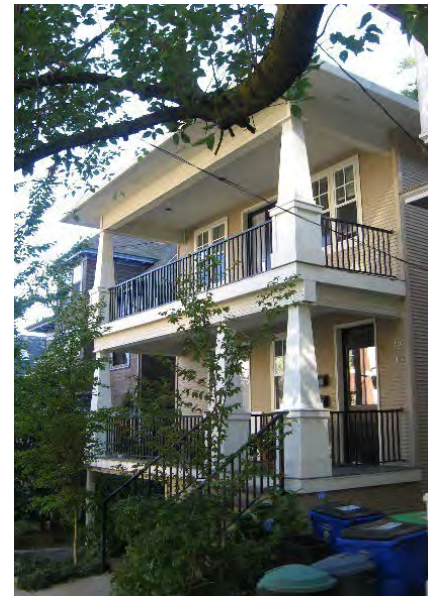
- On vacant R2.5 lots at least 5,000 square feet, require at least two units when new development is proposed. Allow a duplex or a house with an accessory dwelling unit (ADU) to meet this requirement.
- Reduce the minimum lot width from 36 feet to 25 feet for land divisions.
- Allow a property line adjustment to form a flag lot when retaining an existing house.
- Require attached houses when a house is demolished.
- Allow 3-story attached homes and limit detached houses on narrow lots to 2 stories.

More efficient use of land zoned R2.5

While the R2.5 zone has the most flexibility of Portland’s single-dwelling residential zones in terms of allowed housing types, there are not many areas of the city (less than 4 percent) that are currently zoned R2.5.

The R2.5 zone allows one housing unit for each 2,500 square feet of lot area. However, when a single, R2.5-zoned house is demolished on a 5,000 square foot lot (large enough for two housing units), current rules allow it to be replaced with a single house. This is a lost opportunity for adding smaller housing units in high-amenity areas.

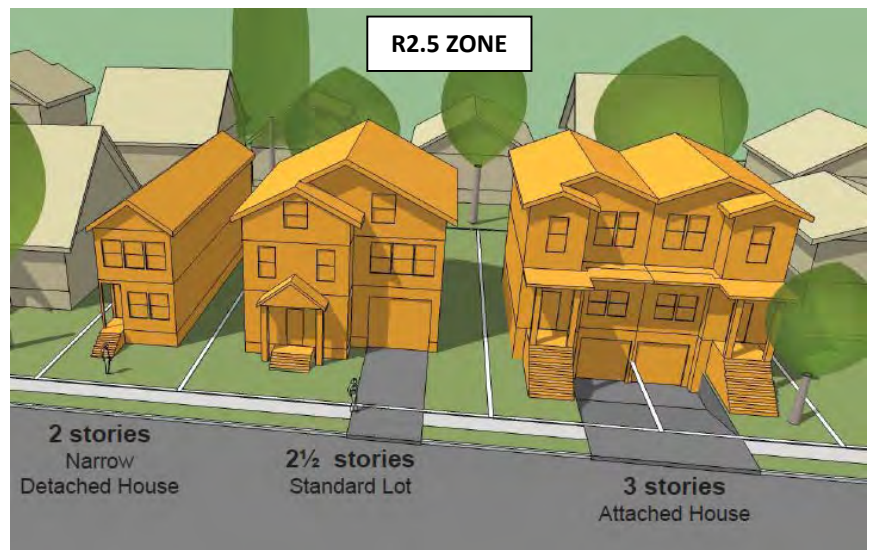
While current rules allow attached houses in the R2.5 zone, lots must be at least 36 feet wide unless an exception can be justified. This can be especially cumbersome for prospective developers of lots that are 50 feet wide and tends to favor the creation of flag lots. However, where there is already a house that straddles two historically narrow lots, the current property line adjustment rules do not allow properties to be configured as flag lots, even if retaining an existing house.



Improved height transitions

The R2.5 zone often functions as a transition between higher intensity zones (commercial or multi-dwelling residential) and lower intensity, single-dwelling residential zones. That is why the current height allowances in R2.5 zones are taller than other single-dwelling zones. However, when detached houses are built on narrow lots, their width to height relationship makes the detached house appear even taller.

Reducing the allowed height for detached houses on narrow lots, as proposed, maintains a better height to width relationship. Maintaining taller height limits for attached houses provides a better transition between higher and lower intensity zones.



Recommended building heights in the R2.5 zone.

NARROW LOTS – PARKING

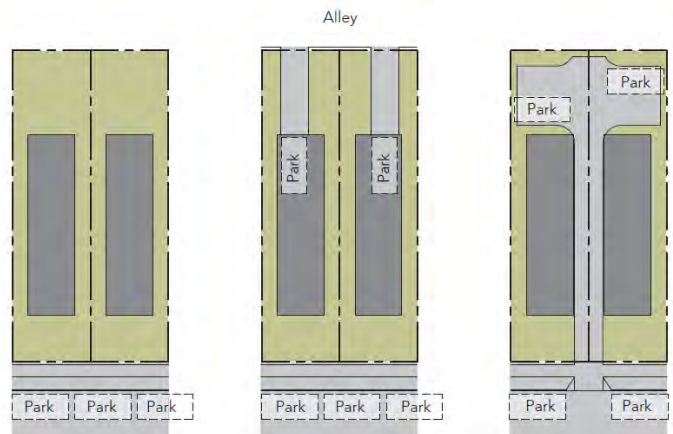
Recommendation 10: *Revise parking rules for houses on narrow lots citywide*

- a) Allow, but don't require parking on narrow lots.
- b) When a lot abuts an alley, parking access must be provided from the alley.
- c) Allow front-loaded garages on attached houses on narrow lots if they are tucked under the first floor of houses and the driveways for each house are combined.

Garages and parking for houses on narrow lots

On 15-foot wide houses, 12-foot wide garages dominate front façades, reducing ground level living space and street facing windows on ground floors. The additional area needed for garages also increases the overall size and depth of narrow houses. Driveway curb cuts also remove space available for on-street parking and increase potential hazards for people walking on sidewalks.

Attached houses can be better suited for garages given their wider building forms. They also present opportunities for shared curb cuts to help retain more on-street parking. However, garages on attached houses on narrow lots may dominate first floors, potentially resulting in long stairways to access main entrances on second floors.



Instead of a series of narrow lot curb cuts that eliminate on street parking, the recommendations encourage other parking arrangements.



Garages and driveways often dominate the front of narrow houses (current code).



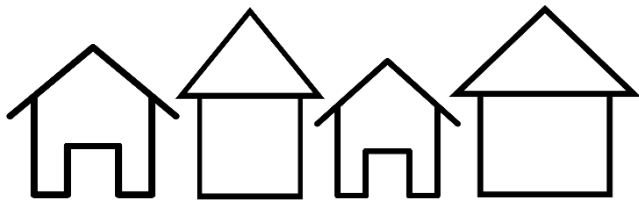
Use of on-street or alley-accessed parking improves street facing façades and leaves more room in the front of houses for pervious surfaces, street trees and landscaping.

BALANCING MULTIPLE OBJECTIVES

Seeking to optimize performance against eight key measures

Portland's new Comprehensive Plan helps define objectives towards achieving the goal of the Residential Infill Project (see accompanying diagram to the right). Each objective includes questions to help assess and optimize project performance.

These objectives show the range of public interests and highlight sometimes inevitable trade-offs. Some objectives work together, such as providing diverse housing opportunities and supporting housing affordability. Other objectives conflict with one another. The Residential Infill Project seeks to define potential impacts of each objective, balancing positive and negative impacts on the whole.



Fit neighborhood context

Would the proposed approach to development standards for infill houses better produce buildings that fit with the form - scale, massing, street frontage, and transitions to adjacent houses – of blocks on which they are located?

This Concept Report aims to significantly limit the potential of new houses from overwhelming neighboring properties. While new residential construction may be larger or taller than nearby, older homes, these proposed size limits offer greater certainty that the scale of new homes and additions will better complement their neighborhood context.

The size limits proposed are also flexible to allow for a variety of home styles and not be impediments to neighborhoods investment. In situations where most houses on a block are larger, current rules provide an adjustment process that can allow house sizes greater than the prescribed limit on a case-by-case basis.

Proposed increases to front setbacks will help situate new houses to better match neighborhood patterns. New front setbacks may also be reduced to match neighboring houses to ensure that the front facades of new houses are not out of the line with existing houses. Flexibility for additional tree retention and preservation will also be allowed.

The proposed changes to height are tailored to have more consistency to the look of a block from the street. In general, the Concept Report allows standard houses up to 2½ stories. Narrow houses are limited to 2 stories. In R2.5 zones, additional height allowances proposed will encourage attached home development, building forms more compatible with intended character of the R2.5 zone.

This Concept Report also recognizes the inherent value of older, existing houses. Related provisions allow their current or increased use as an alternative housing types to further preserve neighborhood context.

BALANCING MULTIPLE OBJECTIVES



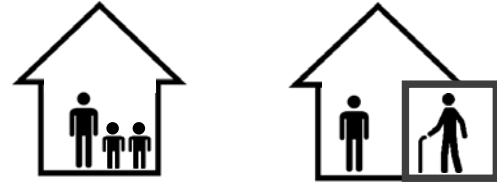
Provide diverse housing opportunities

Would the proposed approach help to produce housing types that accommodate diverse needs and preferences of future and current residents?

Portland's demographics are changing. Yet, the city's housing supply is not necessarily well suited for this change. Its diversity of housing supply is also not sufficient towards successfully responding to Portland's changing housing needs.

Approximately 56 percent of Portland's housing supply is detached single-dwelling buildings. Another 39 percent is multi-dwellings buildings. Middle housing types – multiple units in building forms compatible with existing houses – are in short supply in Portland. Further diversifying the city's housing supply better positions the City to more effectively respond to these changes.

More types of housing in more neighborhoods supports greater household diversity. It gives residents options to stay in their neighborhood as their housing needs change, especially allowing older adults to age amongst familiar resources within their current communities.



Houses should be adaptable over time

Would the approach yield additional housing that can be adapted over time to accommodate changing household needs, abilities and economic conditions, and help older adults “age in place”?

Allowing more accessory dwelling units (ADUs) could benefit homeowners seeking to leverage their home's equity and gain supplemental rental income, make space for other family members or friends or create opportunity to downsize into an ADU while retaining the primary house to rent to a larger household.

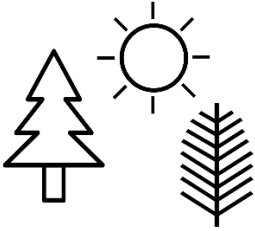
Similarly, allowing opportunities for internal conversions within existing houses to create multiple units could add additional value and longevity to older larger houses while giving greater flexibility towards meeting changing household needs.

Would it provide flexibility within the building envelope for future additions?

Portland residents have repeatedly expressed concerns that restrictions on future additions could result in disinvestment and lead to more demolition of older houses. In response, the proposed rules include some allowance for the expansion of existing houses beyond the proposed limits on house scale. They allow additional floor area for home additions and flexibility when foundations or basements are upgraded or replaced.

The proposed rules balance concerns about house scale and siting with more flexibility for future additions and remodels. They do not prescribe particular house styles (modern, traditional, etc.) or mandate any design uniformity, as such regulation can unnecessarily increase complexity and costs to projects.

BALANCING MULTIPLE OBJECTIVES



Maintain privacy, sunlight, open space and natural features

Would the standards result in development that responds to positive qualities of the natural setting and site conditions? Would they accommodate sustainable stormwater solutions and help meet tree canopy goals?

Tree canopy and stormwater retention can be advanced through the proposed increases to front setbacks and decreases to house footprints. Additional flexibility is also proposed to encourage additional tree retention. Proposed floor area limits and options for increasing yard area and reducing building coverage could result in two-story houses covering less yard area than is currently allowed.

The proposed rules also that govern new cottage cluster development have the added flexibility afforded by smaller footprint houses. The proposed flexibility through discretionary review will better ensure architectural compatibility and site configurations that provide more privacy, sunlight, open space and preservation of a site's natural features.

Would the approach preserve the comfort and privacy of living areas, and provide adequate and usable yard area for gardening and enjoyment of the outdoors?

The proposed rules aim to balance privacy and solar access with retention of open space and natural features. However, retaining open space and trees on a lot often equates to taller and more upright houses, while increasing shade and privacy is best achieved with single-story houses more spread out on a lot. The proposed rules for limiting house size offer builders the flexibility to create either (more upright or spread out) to maximize either privacy or usable outdoor space, but not both concurrently (as is presently allowed).



Be resource-efficient

Would the approach encourage the development and preservation of compact, resource- and energy-efficient homes?

Would it support the use of technologies, techniques, and materials that result in less environmental impact over the life cycle of the structure?

The Concept Report supports resource efficiency in two main ways.

First, it includes provisions that encourage retention and reuse of existing homes, thereby reducing waste going to landfills.

Second, it includes allowances for multiple smaller, less energy- and material-intensive dwelling units to be built in spaces normally occupied by only single houses.

Would it better utilize surplus capacity in existing public infrastructure?

In areas where infrastructure is available and surplus capacity exists, the proposed rules make better use of available capacity by allowing additional dwelling units within building envelopes of most single-dwelling houses.

In areas where surplus capacity does not exist, the proposed approach will allow additional units only in areas where infrastructure is insufficient to handle additional development.

BALANCING MULTIPLE OBJECTIVES



Support housing affordability

Would the standards help to reduce the cost of housing for homeowners and renters by increasing the availability of housing citywide that is affordable to a wide spectrum of household types and sizes?

The proposed rules promote additional housing availability in areas that are highly desirable to many residents due to proximity and good access to services and amenities.

Allowing additional and smaller dwelling units in these areas could increase housing supply and choice citywide, thereby helping reduce long-term pressure from Portland's current imbalance between supply and demand.

Would the approach promote equity and environmental justice by reducing disparities, minimizing burdens, affirmatively furthering fair housing, proactively fighting displacement and improving socio-economic opportunities for underserved and under-represented populations?

Overall, the potential increased supply in housing units of various sizes, types and locations promotes more opportunities for residents to relocate and age within communities that they or their families may have lived in for years or generations.

While there are some areas that may fall outside the Housing Opportunity Overlay Zone and would not be able to utilize this added flexibility, these areas are not typically well served by transit, support services or retailers. While rents and housing prices may be comparatively lower in these areas, the savings would be at least partially offset by increased transportation costs to access needed goods and services.



Be economically feasible

Would the approach allow for a reasonable return on investment for homeowners and developers, allowing the market to produce needed new housing to sufficiently accommodate the city's growing population?

A feasibility analysis on the recommendations on the Concept Report was performed by a project economic consultant (see Appendix A). It confirms that the recommendations on size of houses and additional housing types will still allow for a reasonable return on investment for homeowners and developers and would not stifle the market from producing this needed new housing. The analysis found that existing, single-dwelling-zoned houses will maintain their value as a result of the recommendations. Longer term value increases for existing, larger single-dwelling-zoned houses might occur as the entire market for new single-dwelling zone construction will be subject to the proposed smaller size limits for new houses.

The economic analysis also concludes that the proposed housing choice recommendations will advance the project goal of increasing the supply of diverse housing types. A development feasibility analysis conducted for the alternative housing prototypes indicates that these development types would be more attractive than large lot, new single-dwelling construction. The analysis indicates that these housing types could be delivered to home owners at lower costs than the large single-dwelling prototype.

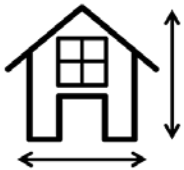
Would it catalyze desired development while minimizing undesired development and demolition of existing sound housing?

A common theme that emerged from public feedback was a concern about potentially increasing demolitions of existing housing. While demolitions will continue to occur (regardless of the project recommendations) in response to ongoing market pressures or as the

BALANCING MULTIPLE OBJECTIVES

consequence of deferred maintenance, the recommendations add more allowances and incentives to encourage home reinvestment and retention, such as additional unit bonuses for converting existing houses, and added flexibility to remodel and expand older houses.

The economic analysis indicates a general reduction in redevelopment activity in a one-for-one single-dwelling redevelopment scenario as the result of the proposed house size limitations. However, the alternative housing type proposal increases housing production opportunity over the long term at a price point lower than is currently being delivered with larger single-dwelling new construction. Additionally, the depth of the market for the lower price point alternative housing types exceeds the amount of buyers that can afford larger single-family houses that are currently being delivered in the market.



Provide clear rules for development

Would the proposed standards be easy to use and understand, and be consistently applied?

Clear and consistent rules are imperative to help facilitate plan preparation and reduce delays in permit reviews. The recommendations make strategic changes to existing, already well-understood clear and objective development requirements relating to building heights and setbacks. While the introduction of a proposed floor area ratio (FAR) standard to limit house sizes is a new standard for Portland's single-dwelling zones, it has for many years been in Portland's Zoning Code in other areas, such as the Central City and commercial zones.

The varied house styles, architectural variations and odd spaces that are more common in single-dwelling zone development introduce a need to be more explicit about how floor area is counted and calculated (see Appendix C). This will be addressed more explicitly during code drafting and refinement.

Additionally, the allowances for additions to and conversions of existing homes as well as incentives for ADUs will add some degree of complexity, which will also need to be further evaluated during the subsequent code drafting phase of the project.

Would the zoning districts be clearly reflective of the neighborhood character they would produce?

"A one size does not fit all" theme emerged during the public outreach phase of the Residential Infill Project, suggesting that the proposed rules do not go far enough in recognizing the unique character attributes of Portland's neighborhoods, blocks or pattern areas.

Yet, zoning and development standards are only one of many ingredients for defining neighborhood character. Street layout, topography, existing vegetation and the mix of zoning (residential, commercial, open space, etc.) also have a strong influence in establishing neighborhood character. In addition, a neighborhood's "historical narrative," such as influences from major infrastructure or institutional investments or changing socio-economic economic compositions also, over time, add significant definition to attributes inherent in different neighborhoods. Thus, the variety and uniqueness within the city that many observe as desirable characteristics was actually developed over time not through fastidious zoning rules, but rather broad parameters that allow for individual innovation and cultural expression.

In recognition of the role that zoning and development standards do play, the proposed rules were revised to differentiate house size limits based on a combination of both lot size and zoning district, and not tied strictly to lot size – which could have resulted in a greater blending of zoning districts than desired. In addition, proposed height limits in the R2.5 zone were retained for attached house and/or rowhouse development, forms more consistent with this zone and serving as a transition between single-dwelling and higher intensity zones. Lastly, certain pattern area characteristics may be reflected in new development through introduction of new design controls - measures that will promote the preservation and future integration of key, iconic architectural features that help define neighborhoods and make these areas special.

PUBLIC INVOLVEMENT

DEVELOPING DRAFT PROPOSALS (DECEMBER 2015 – JUNE 2016)

- **Online questionnaire.** More than 7,200 people participated in an online questionnaire that provided opportunity for Portlanders to share their thoughts about residential infill issues. The questionnaire was not a scientifically-representative survey, but offered an additional way for residents to provide input. Project staff used the results along with information gathered from public meetings, to help identify key community values and focus additional outreach to people not well represented from the questionnaire results. An analysis of the results and a summary of the nearly 8,600 individual comments received is available in the Summary Report on the project website.
- **Public open house after Stakeholder Advisory Committee (SAC) charrette.** After a day-long SAC charrette, the public was invited to view the graphics and flipcharts created, learn more about the project and provide feedback.
- **Ongoing communication.** Regular communications about the Residential Infill Project were made available through the project website, monthly e-mail updates to the project mailing list, Bureau of Planning and Sustainability newsletters, social media sites (Facebook, NextDoor and Twitter) and media releases.

PUBLIC REVIEW OF DRAFT PROPOSALS (JUNE 2016 – AUGUST 2016)

- **Open houses and questionnaire.** Nearly 550 people attended six open houses held in various locations across the city. Additionally, an online version of the open house materials was viewed by over 8,600 people. A questionnaire, which sought feedback on the specific draft proposals, was available for on line and written responses with over 2,375 people responding. An analysis and summary of the results from over 1,500 individual comments received from questionnaires, comment forms, flipchart notes, emails and letters is available in a summary report on the project website.
- **Meetings and hosted forums.** In addition to the open houses, staff met with groups and organizations to gather feedback and help them get the word out about the draft proposals to their networks. Roughly 200 people attended meetings and hosted forums with district neighborhood coalitions, Oregon Opportunity Network, Elders in Action, Anti-displacement PDX, and several city commissions among others.

STAKEHOLDER ADVISORY COMMITTEE (SAC)

A Stakeholder Advisory Committee (SAC) was established from September 2015 through October 2016 to advise project staff on issues related to the project and participate in the development of these draft proposals. Twenty-six SAC members were appointed or approved by Mayor Charlie Hales to represent those who live in the neighborhoods, those involved in construction or selling of houses and those representing interests such as housing equity, historic preservation, seniors and sustainability. SAC members were chosen to ensure the committee provided a balance of age, gender and geographic distribution.

SAC members shared their advice, insight and expertise and provided project updates to their diverse group of networks and organizations. In addition to 16 meetings, SAC members also participated in neighborhood walks (October and November 2015) and an all-day charrette (January 2016). They also exchanged ideas, photos and key articles on a Facebook group page, visible to the public.

The culmination of the SAC's work and discussions is included in detailed meeting minutes and summarized in the SAC Final Report (see project website). All SAC meetings were open to the public and included time for public comment.

STAY INFORMED

Project Timeline:



Summary of City Council Hearing and Vote

The Portland City Council held a public hearing on the Residential Infill Project Concept Report over two days (November 9 and 16, 2016) to consider a resolution supporting recommendations. City Council heard verbal testimony from nearly 120 people and received nearly 550 written testimonies via letters and emails through November 23, 2016.

On December 7, 2016, City Council voted unanimously to approve a resolution that accepted the Residential Infill Project Concept Report, with several amendments to the report recommendations. Council amendments were based on testimony they received during the public hearings. Videos of City Council sessions can be viewed at: <http://www.portlandoregon.gov/28258>

Next Steps

The acceptance of this City Council-amended Concept Report sets the stage for the next phase of the Residential Infill Project: zoning code and map amendment proposals. City Council's vote directs City staff to develop the code language and map amendments needed to implement the concepts in the report. Beginning early 2017, a discussion draft of potential changes will be completed, followed by public hearings at the Planning and Sustainability Commission and City Council before final adoption by City Council.

Regular communications about the Residential Infill Project are available through the project website (see below), monthly e-mail updates to the project mailing list, Bureau of Planning and Sustainability newsletters, social media sites (Facebook, NextDoor and Twitter) and media releases.

Visit www.portlandoregon.gov/bps/infill to:

- Learn more about the project and view maps, reports and documents.
- Review Stakeholder Advisory Committee discussions, including the SAC Summary Report.
- Read about the public feedback received from the earlier draft proposals.
- Sign up to receive future updates and notices of upcoming public hearings.

Contact Bureau of Planning and Sustainability staff:

Morgan Tracy, Project Manager - 503-823-6879

Julia Gisler, Public Involvement - 503-823-7624

Email questions to project staff at: residential.infill@portlandoregon.gov



Concept Recommendations

SCALE OF HOUSES

1. Limit the size of houses while maintaining flexibility

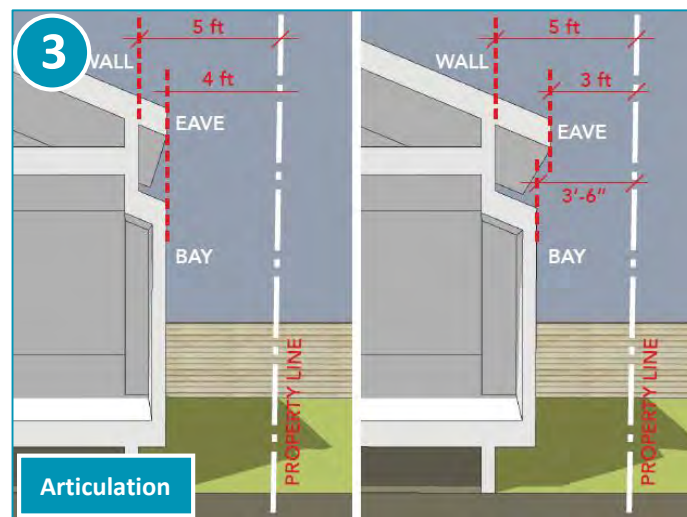
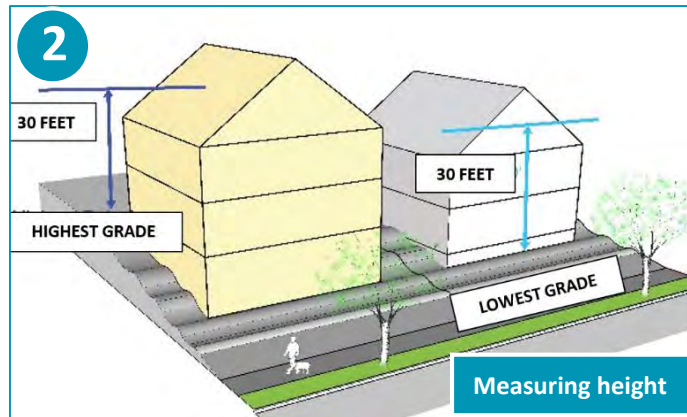
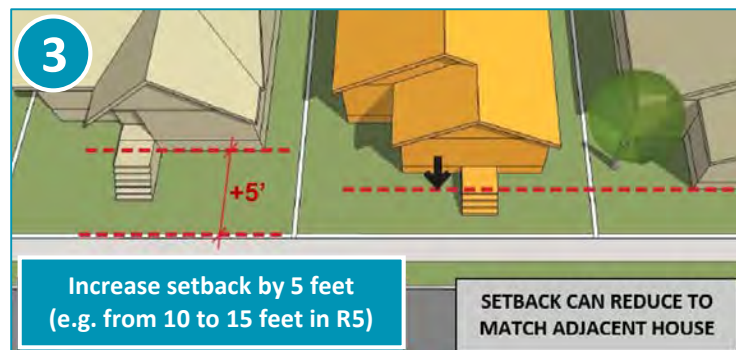
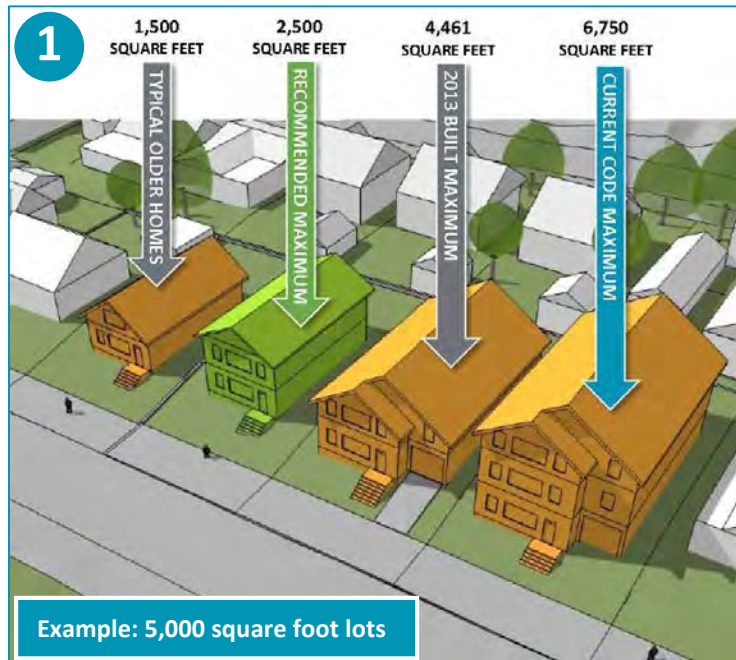
- Establish a limit on house size that is proportional to lot size and zone.
 - Outside the Housing Opportunity Overlay Zone, apply a maximum size limit to houses in R2.5, R5, and R7 zones.
 - Inside the Housing Opportunity Overlay Zone, apply a smaller maximum size for houses in R2.5, R5 and R7 zones, and allow duplexes and triplexes to be as large as houses outside the overlay.
- Exclude basements and attics with low ceiling heights from house size limits.
- Allow bonus square footage for detached accessory structures (0.15 bonus FAR).
- Explore options for decreasing building coverage and providing adequate private area and pervious surfaces outside of the house, such as larger side or rear yards.

2. Lower the roofline of houses

- Restrict height to 2½ stories on standard lots.
- Measure the basepoint from the lowest point 5 feet from a house, not from the highest point.
- For down-sloping lots, allow use of the average street grade as a bottom basepoint alternative.
- Ensure that dormers are a secondary roof mass.

3. Improve setbacks to better match adjacent houses

- Increase minimum front setback by 5 feet; provide an exception to reduce setback to match existing, immediately adjacent house. Allow flexibility if tree retention is a consideration.
- Encourage building articulation by allowing eaves to project 2 feet into setbacks and bay windows to project 18 inches into setbacks.



For additional information, contact
Bureau of Planning and Sustainability staff:
 Morgan Tracy, Project Manager 503-823-6879
 Julia Gisler, Public Involvement 503-823-7624

HOUSING CHOICE

4. Allow more housing types in select areas and limit their scale

Within the Housing Opportunity Overlay Zone in R2.5, R5 and R7 zones:

- Also allow a:
 - House with both an internal and detached accessory dwelling unit (ADU)
 - Duplex
 - Duplex with detached ADU
 - Triplex on corner lot
- Establish minimum qualifying lot sizes for each housing type and zone.
- Require design controls for all proposed housing projects seeking additional units.
- Explore requirements and bonus units for age-friendliness, affordability and tree preservation (beyond what is minimally required by Title 11, Tree Code).

5. Establish a Housing Opportunity Overlay Zone in select areas

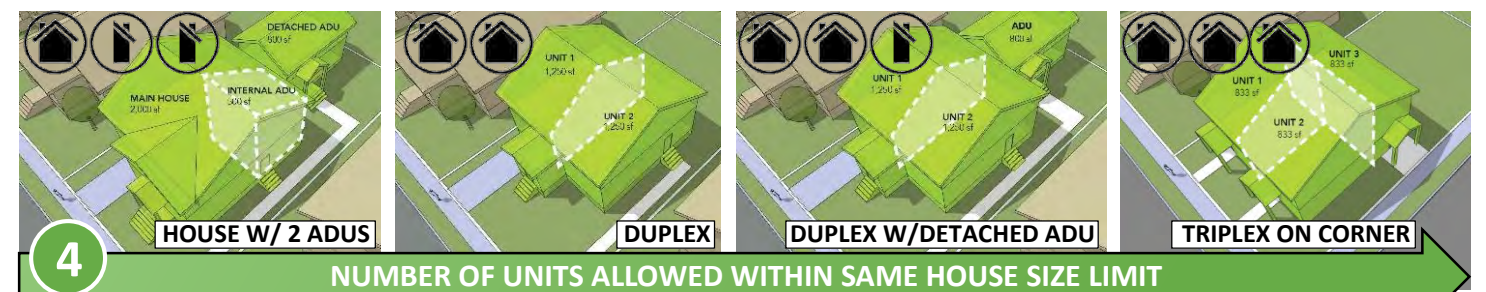
- Provide options for a Housing Opportunity Overlay Zone map.
- Potentially exclude areas within the David Douglas School District until school district capacity issues have been sufficiently addressed.
- Prior to adopting any specific zoning changes, refine the Housing Opportunity Overlay Zone to produce a more detailed boundary that considers property lines, physical barriers, natural features, topography and transportation infrastructure constraints, as well as other practical considerations.

6. Increase flexibility for cottage cluster developments on large lots citywide

- On single-dwelling zoned lots of at least 10,000 square feet in size, allow cottage clusters subject to Type Iix land use review.
- Cap the total square footage cottage cluster sites to the same FAR limit [see Recommendation 1] and limit each new cottage to 1,100 square feet.
- Inside the Housing Opportunity Overlay Zone [see Recommendation 5], the number of cottages allowed equals the same number of units that would otherwise be permitted.
- Outside the Housing Opportunity Overlay Zone, allow one ADU for each cottage.
- Develop specific cottage cluster rules to ensure that development is integrated with its surrounding neighborhood.
- Explore opportunities for additional units when the units are affordable and/or accessible.

7. Provide flexibility for retaining existing houses

- Scale flexibility:
 - Allow modest additional floor area for remodels, additions and house conversions.
 - Allow modest additional height when an existing house foundation is being replaced or basement is being converted.
- Housing choice flexibility:
 - Allow one additional unit when an older house is converted into multiple units or is retained as part of a new cottage cluster development.
 - Pursue additional flexibility for house conversions, such as parking exemptions, system development charge (SDC) waivers or reductions, building code flexibility and City program resources that facilitate conversions.
 - Clearly define internal conversions, including explicitly distinguishing between demolition and remodeling, and promote preservation of the exteriors when converting houses to ownership, condominium or rental units.



Concept Recommendations

NARROW LOTS

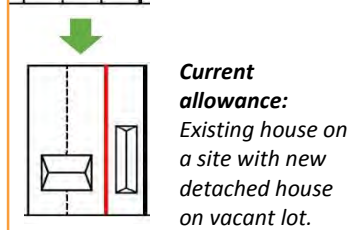
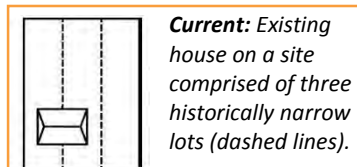
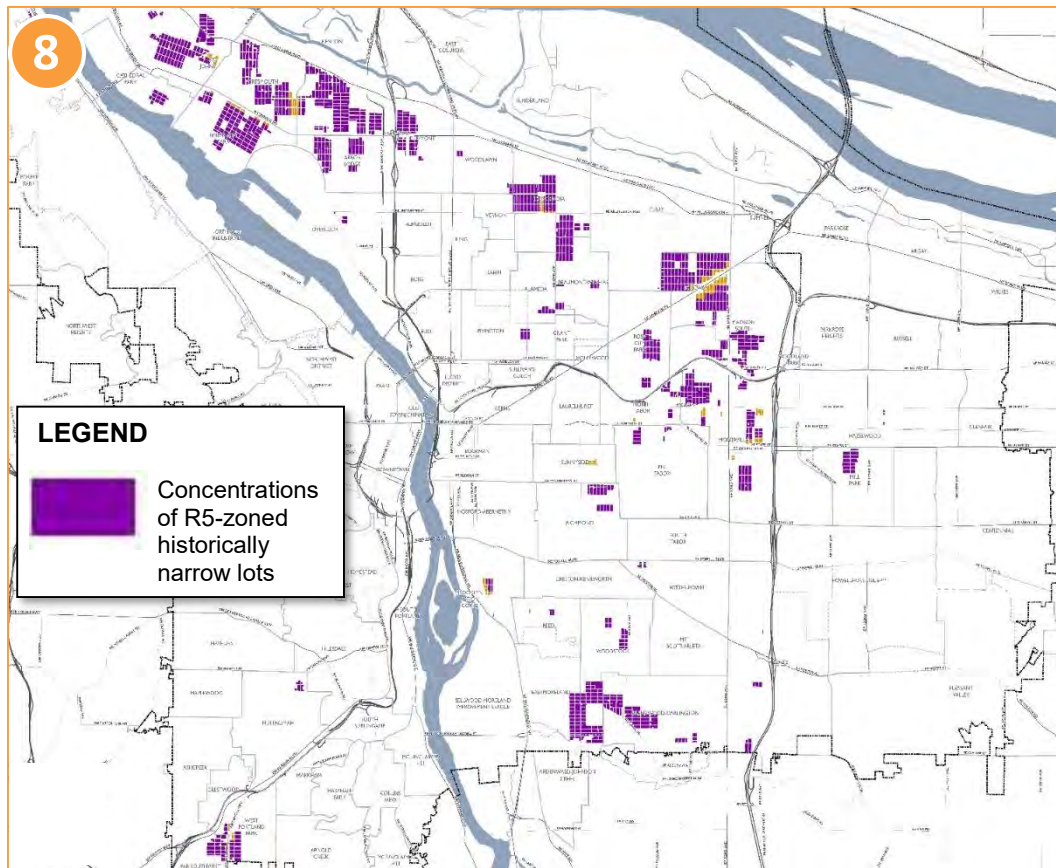
8. Do not allow historically narrow lots to be built on

9. Make citywide improvements to the R2.5 zone

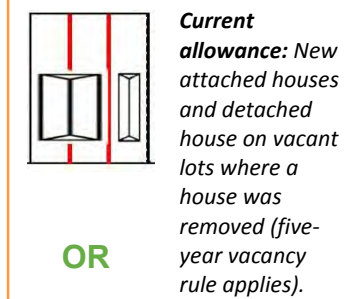
- On vacant R2.5 zoned lots at least 5,000 square feet, require at least two units when new development is proposed. Allow a duplex or a house with an accessory dwelling unit (ADU) to meet this requirement.
- Reduce the minimum lot width from 36 feet to 25 feet for land divisions.
- Allow a property line adjustment to form a flag lot when retaining an existing house.
- Require attached houses when a house is demolished.
- Allow 3-story attached homes and limit detached houses on narrow lots to 2 stories.

10. Revise parking rules for houses on narrow lots citywide

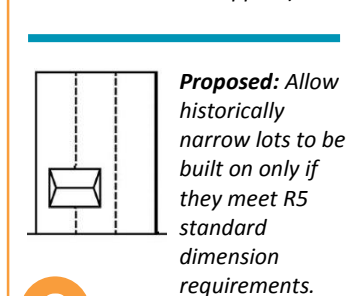
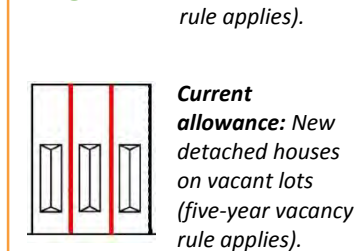
- Allow, but don't require parking on narrow lots.
- When a lot abuts an alley, parking access must be provided from the alley.
- Allow front-loaded garages on attached houses on narrow lots if they are tucked under the first floor of houses and the driveways for each house are combined.



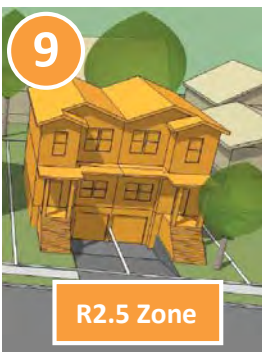
OR



OR



8



Summary of the Residential Infill Project

CITY COUNCIL FINAL CONCEPT REPORT



Portland is changing.

By 2035, the city will grow by approximately 123,000 households. About 20 percent of this growth is expected to be in single-dwelling residential zones. The composition and housing needs of the population are also changing. The city is becoming more diverse and older. The average household will be smaller with fewer children per household.

The goal of the Residential Infill Project is to adapt Portland's single-dwelling zoning rules to meet the needs of current and future generations.

NEXT STEPS

The acceptance of this City Council-amended Concept Report sets the stage for the next phase of the Residential Infill Project: zoning code and map amendment proposals. City Council's vote directs City staff to develop the code language and map amendments needed to implement the concepts in the report. Beginning early 2017, a discussion draft of potential changes will be completed, followed by public hearings at the Planning and Sustainability Commission and City Council before final adoption by City Council.

Scale of Houses Limit the size of houses while maintaining flexibility. Lower the roofline of houses. Improve setbacks to better match adjacent houses and promote tree retention.

Housing Choice Allow more housing types in select areas and limit their scale to the size of house allowed. Establish a Housing Opportunity Overlay Zone in select areas. Increase flexibility for cottage clusters on large lots citywide. Provide added flexibility for retaining existing houses.

Narrow Lots Do not allow historically narrow lots to be built on. Make citywide improvements to the R2.5 zone. Revise parking rules for houses on narrow lots citywide.





MEMORANDUM

DATE: October 17, 2016

To: Tyler Bump
BUREAU OF PLANNING AND SUSTAINABILITY

FROM: Jerry Johnson
JOHNSON ECONOMICS LLC

SUBJECT: Economic Analysis of Proposed Changes to the Single Dwelling Zone Development Standard

The City of Portland Bureau of Planning and Sustainability is undertaking the Residential Infill Project. As part of that effort, the City is evaluating proposed changes in the single family dwelling zone development standards. The changes will impact maximum height limits, building square footage, and minimum setbacks and yard areas. The marginal changes are expected to have a substantive impact on the economics of potential development forms.

I. ECONOMIC FEASIBILITY MODELING

Johnson Economics was asked to model the economic feasibility of four prototypes, with the intent to determine the economic viability of the prototypes. The work is based on market variables for inner eastside neighborhood markets, and does not address the marginal impact of affordable housing provisions or incentives.

Marginal Value of Changes

The proposed changes impact the viability of new development in two primary ways. The first of these is a marginal decrease in the allowable building square footage, reflected by a shift in the net Floor Area Ratio (FAR). This provides for less development yield on the site, expressed in square footage of saleable or leasable area.

The second impact is associated with the shift in product type and associated price point. By allowing for multiple residential structures on the site, a developer is able to produce housing at a lower overall price point. This broadens the potential market for the housing, reducing both expected marketing time as well as market risk. As an example, the following table provides a generalized summary of the development of a 5,000 square foot site, as single family or duplex units, and under an ownership or rental scenario.

Concept Report Appendix A



	Ownership		Rental		Net Impact by Tenure	
	Single Family	Duplex	Single Family	Duplex	Owner	Rental
Physical Characteristics						
<i>Site Size/SF</i>	5,000	5,000	5,000	5,000	0.00	-5,000.00
<i>Saleable Area (SF)</i>	2,500	2,500	2,500	2,500	0.00	-2,500.00
<i>FAR</i>	0.50	0.50	0.50	0.50	0.000	0.000
<i>Market Pricing / SF</i>	\$300.0	\$345.0	\$2.00	\$2.30	\$45.00	\$0.30
Pricing						
<i>Number of Units</i>	1	2	1	2	1	1
<i>Avg. Unit Size (SF)</i>	2,500	1,250	2,500	1,250	-1,250	-1,250
Efficiency Ratio	100%	100%	100%	100%		
Stabilized Occupancy Rate			95%	95%		
Threshold Yield Rate	15.00%	15.00%	6.60%	6.60%		
Per Unit Pricing						
<i>Sales Price</i>	\$750,000	\$431,250			-\$318,750	
<i>Monthly Base Rent</i>			\$5,000	\$2,875		-\$2,125
<i>Operating Costs as % of Gross</i>			32.0%	32.0%		
Estimated Project Cost						
<i>Construction Cost/SF</i>	\$204	\$227	\$184	\$204	\$23	\$20
<i>Total Construction Cost</i>	\$510,750	\$567,500	\$459,675	\$510,750	\$56,750	\$51,075
Project Impact on Value						
<i>Indicated Residual Land Value</i>	\$126,750	\$165,625	\$127,598	\$164,614	\$38,875	\$37,016
<i>Residual Land Value/Unit</i>	\$126,750	\$82,813	\$127,598	\$82,307	-\$43,938	-\$45,291

While the specifics of any development site will vary, there are some generalized outcomes that should be expected. The proposed change in entitlements will allow for residential development to support positive residual land values, while also producing housing at a lower average price point. In the preceding analysis, the value of the 5,000 square foot site increases by approximately \$38,000 if the same building area is assumed, while the residential offerings are priced at a lower rate in absolute magnitude.

As part of our assessment, we specifically evaluated a total of four housing prototypes, which were developed by DECA architecture. The prototypes were as follows:

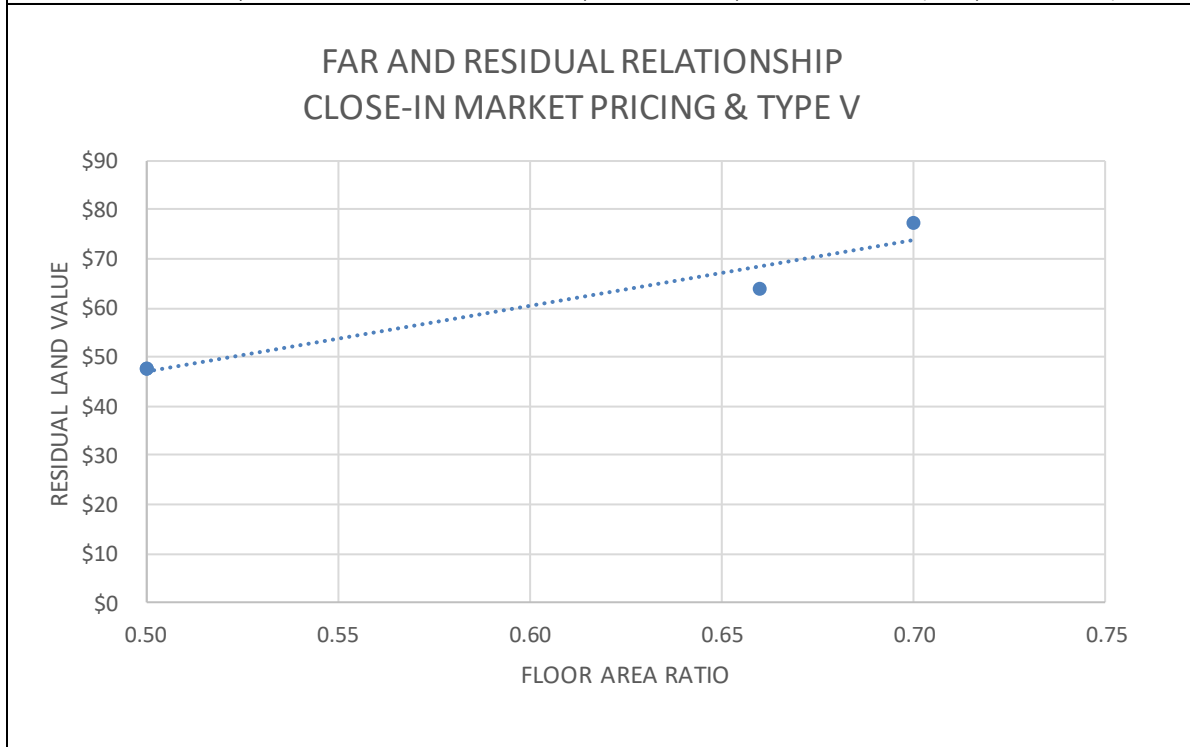
- A mid-block duplex at .5 FAR
- A corner tri-plex at .5 FAR
- A corner tri-plex at .7 FAR
- A .7 FAR on historic platted 2,500 SF lots

These were evaluated as rental housing product, but the dynamics would be similar if they were evaluated under an ownership scenario. The summary pro formas are included as an appendix to this memorandum, with the results summarized in the following figure:



SUMMARY OF DEVELOPMENT SCENARIOS, SELECTED PROTOTYPES

Option	Land (SF)	Building (SF)	Indicated Residual Land Value	
			Total	PSF
MID-BLOCK DUPLEX AT 0.5 FAR	5,000	2,500	\$237,888	\$48
CORNER TRI-PLEX AT 0.5 FAR	5,000	2,500	\$237,888	\$48
CORNER LOT TRI-PLEX AT 0.66 FAR	5,000	3,300	\$319,612	\$64
SKINNY HOUSES ON 2,500 SF LOTS	5,000	3,500	\$387,490	\$77



1/ Reflects capitalized value at first stabilized year. Not intended as a legal representation of value.

The limited scenarios evaluated reflect what would be intuitively expected. As allowable FAR is increased, residual land values also increase. In addition, the average pricing of a unit decreases, reflecting a significant decrease in the average unit size.

The marginal shift in residual land value would also be expected to impact the rate of infill and/or redevelopment, as the incentive to develop is increased on the margin. When residual land values are higher, there is a higher likelihood that redevelopment will occur.



II. PREDICTIVE DEVELOPMENT MODELING

Overview of Proposed Changes

The proposed change in allowed development being evaluated are as follows:

TYPE	LOT SIZE	Current Size Allowed	Proposal
Single Family Home	5,000	R2.5 = 6,750 sf R5 = 6,750 sf R7 = 6,750 sf	R2.5 (0.7 FAR) = 3,500 sf R5 (0.5 FAR) = 2,500 sf R7 (0.4 FAR) = 2,000 sf
Skinny Home	2,500	R2.5 = 3,750 sf R5 = 2,500 sf R7 – not applicable	R2.5 = 1,750 sf R5 = 1,250 sf R7 – not applicable
Duplex	5,000	R2.5 = 6,750 sf R5 = 6,750 sf R7 = 6,750 sf	R2.5 = 3,500 sf R5 = 2,500 sf R7 = 2,000 sf
Triplex	5,000	R2.5 = 6,750 sf R5 – not applicable R7 – not applicable	R2.5 = 3,500 sf R5 = 2,500 sf R7 = 2,000 sf

The proposed changes would limit the allowed size of residential development within the single dwelling zones, while modestly expanding the ability of the market to provide some housing types. The current allowed size of structure for the three residential codes is likely well above what would be expected in the market, as homes in these size ranges represent a minute percentage of housing stock. While the current maximum home size is 6,750 square feet, the average size of homes was 2,670 in 2013, and no home was built that was over 4,460 square feet.

The revised allowable home sizes will likely restrict final home sizes below what the market may demand. The only area in which the proposed zone changes increase allowable intensity of the development is the allowance of triplex units in the R5 and R7 zones, and duplexes on interior lots in these two codes. The overall size of structures will be quite limited for either of these zones, limiting the marginal value of the change in entitlement.

In summary, the proposed changes to the code largely reflect an increase in allowable density in terms of units and a reduction in the amount of allowable building area within the codes. This would be reflected in generally lower residual land values associate with redevelopment options. The anticipated impact would be a lower rate of redevelopment, and at lower values. For lots currently zoned R5 but pre-platted skinny lots, the proposal would change these to R2.5, which will likely increase the value of these lots (approximately 13,000 in total).



Description of Model

Johnson Economics has developed a predictive development model, which is designed to estimate the marginal impact of changes in the development environment on the expected magnitude and character of development.

The Model's general structure includes the development of projections of predicted investment under two scenarios, a baseline scenario as well as a scenario assuming the proposed changes in entitlement. The differential between the two scenarios is attributed to the entitlement changes. A key component of our approach to this assignment is the utilization of a "production" model, which mimics a developer's decision tree and solves for the highest and best use development form. We use a pro forma based predictive model to generate predominant development profiles for the study area. This model evaluates highest and best use development forms under a range of assumptions, based on the implied residual property value¹ under each use. This allows us to calculate the likely predominant development form within the study area and subareas, based on market dynamics and entitlements. It also establishes a residual property value for the area, which allows us to evaluate the extent to which existing properties can be expected to redevelop.

Key inputs in the "production" model are those that impact revenues, costs, return parameters and site entitlements. The production component of the model can be broken up into three primary categories that are determinative of final development form: achievable pricing, cost to develop, and threshold returns. The marginal impacts associated with proposed change in entitlements are incorporated into a broader modeling framework designed to translate shifts in these inputs into associated patterns of investment.

The development/redevelopment module is intended simulate the development decision tree, factoring in key inputs and their impact on decisions with respect to development activity. The module initially solves for a development solution that represents the highest and best use of the property under the assumptions used, as well as outputting an associated residual property value. The highest and best use of the site is defined as the allowable land use program that yields the greatest return to the existing property, and the residual property value reflects the maximum acquisition value supported by that program under the assumptions used.

The highest and best use determination is based on the allowable use that has the highest indicated residual property value between a range of land use types and development forms. An entitlement screen is necessary, as use types identified as having the greatest residual values may not be allowable under existing zoning. Changes in this screen were the primary modifications tested in this analysis.

Development/redevelopment activity is predicted by the model when the residual property value exceeds the property value under the existing use. If the residual value is greater to or equal to the market value of the property, it is assumed to represent a rational development or redevelopment opportunity. While development and/or redevelopment is considered viable in these instances, it does not necessarily mean that it will be developed with the study time frame. There are a number of additional factors that impact redevelopment, and we assume that only a portion of opportunities identified as viable will be realized within the study horizon.

¹ Residual Property Value reflects the maximum supportable acquisition value of the property under an assumed development program.



Model Output

Our predictive development model was run for two scenarios, reflecting current and proposed development standards. The impacted area was broken into two major pricing schemes, one for the inner neighborhoods and one for neighborhoods with generally lower price points east and south of the close-in eastside neighborhoods.

The model evaluated marginal shifts in entitlement that allowed for the development of triplexes on R5 and R7 sites, as well as duplexes on interior lots. In addition, it adjusted the assumed square footage of structures associated with the proposed FAR restrictions.

The results showed an expected aggregate reduction in the level of construction investment and residential units for both study areas. In this case, the reduced allowable building area had a larger negative impact on residual land values than the offsetting increase in allowable units. The reduction in residual land value reduced the level of expected redevelopment and investment. The output reflects a lower aggregate level of redevelopment, but a greater unit density and lower price point per unit on properties that do redevelop.

The model indicated an expected reduction of 3,928 residential units in the inner neighborhoods, reflecting a 6.7% reduction in predicted development activity.

**SUMMARY OF PREDICTED DEVELOPMENT ACTIVITY OVER STUDY PERIOD
WITH PROPOSED MODIFICATIONS IN ZONING CODES
20 Year Study Period Inner Neighborhoods, No Pricing Changes**

LINE	Predicted Development Yield		
	Construction Investment	Residential Units	Commercial Space
INNER EASTSIDE - PARCELS ZONED R2.5, R5, AND R7			
BASELINE			
New Construction	\$17,642,868,037	58,830	0
Rehab/Renovation	\$7,569,285,629		
Overall Total	\$25,212,153,666		
Inner Neighborhoods			
New Construction	\$16,698,887,210	54,902	0
Rehab/Renovation	\$7,796,370,262		
Overall Total	\$24,495,257,472		
NET IMPACT			
Magnitude	(\$716,896,194)	-3,928	0
Percent	-2.8%	-6.7%	0.0%

SOURCE: Johnson Economics LLC

For the less urban neighborhoods, the predicted impact was an 8.7% reduction in units (1,927 less), with overall construction investment dropping 5.7%.



**SUMMARY OF PREDICTED DEVELOPMENT ACTIVITY OVER STUDY PERIOD
WITH PROPOSED MODIFICATIONS IN ZONING CODES
20 Year Study Period Outer Neighborhoods, No Pricing Changes**

LINE	Predicted Development Yield		
	Construction Investment	Residential Units	Commercial Space
OUTER EASTSIDE - PARCELS ZONED R2.5, R5, AND R7			
BASELINE			
New Construction	\$6,356,819,095	22,210	0
Rehab/Renovation	\$2,406,239,695		
Overall Total	\$8,763,058,790		
Outer Neighborhoods			
New Construction	\$5,805,288,592	20,283	0
Rehab/Renovation	\$2,455,760,849		
Overall Total	\$8,261,049,440		
NET IMPACT			
Magnitude	(\$502,009,349)	-1,927	0
Percent	-5.7%	-8.7%	0.0%

SOURCE: Johnson Economics LLC

The overall predicted impact as a percentage is significant in both areas, although representing less than 10% of marginal activity. Predicted marginal development continues to be concentrated in the higher value inner eastside parcels, with a lower rate of development anticipated in the neighborhoods with lower levels of assumed achievable pricing.

III. SUMMARY

Our analysis indicates that the proposed changes in entitlements would likely result in a lower rate of development and redevelopment in the study area, yielding less in terms of units and construction investment. While the marginal impact would be low in percentage terms, a similar impact is expected in both the close-in as well as less urban areas. The modest increase in allowable units is more than offset by the lower allowed square footage of new development, which generally reduces the supportable land value for new development. The lower supportable land value decreases the likelihood of redevelopment on a significant number of parcels.

Sites that do redevelop under the proposed modifications would be expected to deliver units at a generally lower price point and higher unit density.



APPENDIX A: SUMMARY RESULTS OF FEASIBILITY ASSESSMENTS

SUMMARY OF DEVELOPMENT SCENARIOS SELECTED RESIDENTIAL PROTOTYPES

Option	Program			Costs			Total Cost	Stabilized NOI	Return on Cost	Indicated Value 1/	Value/ Cost	Calculated Viability Gap		Indicated Residual Land Value	
	Res S.F.	Retail S.F.	Parking Spaces	Property Acquisition	Hard & Soft	Total 2/						% of Cost	Total	PSF	
MID-BLOCK DUPLEX AT 0.5 FAR	2,500	0	2	\$350,000	\$411,013	\$761,013	\$42,827	5.63%	\$778,680	102%	\$112,113	14.7%	\$237,888	\$48	
CORNER TRI-PLEX AT 0.5 FAR	2,500	0	7	\$350,000	\$411,013	\$761,013	\$42,827	5.63%	\$778,680	102%	\$112,113	14.7%	\$237,888	\$48	
CORNER LOT TRI-PLEX AT 0.66 FAR	3,300	0	7	\$350,000	\$536,937	\$886,937	\$56,532	6.37%	\$1,027,858	116%	\$30,389	3.4%	\$319,612	\$64	
SKINNY HOUSES ON 2,500 SF LOTS	3,500	0	7	\$350,000	\$566,394	\$916,394	\$62,956	6.87%	\$1,144,660	125%	(\$37,490)	-4.1%	\$387,490	\$77	

COST AND STABILIZED VALUE

Option	Cost (Millions)	Value 2/ (Millions)
MID-BLOCK DUPLEX AT 0.5 FAR	~\$0.76	~\$0.77
CORNER TRI-PLEX AT 0.5 FAR	~\$0.76	~\$0.77
CORNER LOT TRI-PLEX AT 0.66 FAR	~\$0.89	~\$1.03
SKINNY HOUSES ON 2,500 SF LOTS	~\$0.92	~\$1.14

INDICATED RESIDUAL LAND VALUE/SF

Option	Residual Land Value/SF
MID-BLOCK DUPLEX AT 0.5 FAR	\$48
CORNER TRI-PLEX AT 0.5 FAR	\$48
CORNER LOT TRI-PLEX AT 0.66 FAR	\$64
SKINNY HOUSES ON 2,500 SF LOTS	\$77

1/ Reflects capitalized value at first stabilized year. Not intended as a legal representation of value.



MID-BLOCK DUPLEX AT 0.5 FAR
STANDARD CLOSE-IN EASTSIDE MARKET PARAMETERS

October 17, 2016

AREA SUMMARY:				EQUITY ASSUMPTIONS:			
Site Size (SF):		5,000		Total Development Cost			\$761,013
Building Size (SF):		2,500		(-) Permanent Loan			(\$563,498)
FAR (Excluding Parking):		0.50		Tax Credit Percentage			3.22%
Building Efficiency:		100%		Tax Credit Discount Factor			80.00%
Saleable and Leasable Area (SF):		2,500		(-) Net Value of Tax Credits			\$0
INCOME SUMMARY:				Net Permanent Loan Equity Required	26.0%		\$197,515
				PERMANENT FINANCING ASSUMPTIONS:			
	Total SF/Units	Average Rent/SF	Income		DCR	LTV	LTC
Retail Space	0	\$22.00	\$0	Interest Rate	4.50%	4.50%	4.50%
Live / Work	0	\$26.40	\$0	Term (Years)	30	30	30
Market Rate Apartments	2,500	\$26.40	\$66,000	Debt-Coverage Ratio	1.25		
Affordable Apartments	0	\$12.77	\$0	Loan-to-Value		75%	80%
Parking - Surface	0	\$3.09	\$0	Stabilized NOI (Year 2)	\$42,827	\$42,827	
Operating Expenses		32.0%	(\$21,120)	CAP Rate		5.50%	
Vacancy/Collection		5.0%	(\$3,300)	Supportable Mortgage	\$563,498	\$584,010	\$608,810
TOTAL	2,500	\$16.63	\$41,580	Annual Debt Service	\$34,262	\$35,509	\$37,017
COST SUMMARY:				MEASURES OF RETURN:			
	Per SF		Total	Indicated Value @ Stabilization		\$778,680	
Property Acquisition	\$70		\$350,000	Value/Cost		102%	
Direct Construction Cost	\$121		\$301,875	Return on Cost (ROC)		5.63%	
Soft Costs	\$31		\$76,544	ESTIMATION OF VIABILITY GAP			
Contingencies	\$13		\$32,594	Targeted Return on Cost (ROC)		6.60%	
Sale of Tax Credits	\$0	3.22%	\$0	Calculated Gap-Income Components		\$112,113	
TOTAL / NET	\$304		\$761,013	Overall Gap as % of Development Cost		14.73%	
				Indicated Residual Value Per Square Foot		\$48	



**CORNER TRI-PLEX AT 0.5 FAR
STANDARD CLOSE-IN EASTSIDE MARKET PARAMETERS**

October 17, 2016

AREA SUMMARY:				EQUITY ASSUMPTIONS:			
Site Size (SF):		5,000		Total Development Cost			\$761,013
Building Size (SF):		2,500		(-) Permanent Loan			(\$563,498)
FAR (Excluding Parking):		0.50		Tax Credit Percentage			3.22%
Building Efficiency:		100%		Tax Credit Discount Factor			80.00%
Saleable and Leasable Area (SF):		2,500		(-) Net Value of Tax Credits			\$0
INCOME SUMMARY:				Net Permanent Loan Equity Required	26.0%		\$197,515
	Total SF/Units	Average Rent/SF	Income	PERMANENT FINANCING ASSUMPTIONS:			
					DCR	LTV	LTC
Retail Space	0	\$22.00	\$0	Interest Rate	4.50%	4.50%	4.50%
Live / Work	0	\$26.40	\$0	Term (Years)	30	25	30
Market Rate Apartments	2,500	\$26.40	\$66,000	Debt-Coverage Ratio	1.25		
Affordable Apartments	0	\$12.77	\$0	Loan-to-Value		75%	80%
Parking - Structured	0	\$4.80	\$0	Stabilized NOI (Year 2)	\$42,827	\$42,827	
Operating Expenses		32.0%	(\$21,120)	CAP Rate		5.50%	
Vacancy/Collection		5.0%	(\$3,300)	Supportable Mortgage	\$563,498	\$584,010	\$608,810
TOTAL	2,500	\$16.63	\$41,580	Annual Debt Service	\$34,262	\$38,953	\$37,017
COST SUMMARY:				MEASURES OF RETURN:			
	Per SF		Total	Indicated Value @ Stabilization			\$778,680
				Property Acquisition	\$70		\$350,000
Direct Construction Cost	\$121		\$301,875	Return on Cost (ROC)			5.63%
Soft Costs	\$31		\$76,544	ESTIMATION OF VIABILITY GAP			
Contingencies	\$13		\$32,594	Targeted Return on Cost (ROC)			6.60%
Sale of Tax Credits	\$0	3.22%	\$0	Calculated Gap-Income Components			\$112,113
TOTAL / NET	\$304		\$761,013	Overall Gap as % of Development Cost			14.73%
				Indicated Residual Value Per Square Foot			\$48



CORNER LOT TRI-PLEX AT 0.66 FAR STANDARD MARKET PARAMETERS

October 17, 2016

AREA SUMMARY:				EQUITY ASSUMPTIONS:			
Site Size (SF):	5,000			Total Development Cost	\$886,937		
Building Size (SF):	3,300			(-) Permanent Loan	(\$709,549)		
FAR (Excluding Parking):	0.66			Tax Credit Percentage	3.22%		
Building Efficiency:	100%			Tax Credit Discount Factor	80.00%		
Saleable and Leasable Area (SF):	3,300			(-) Net Value of Tax Credits	\$0		
INCOME SUMMARY:				PERMANENT FINANCING ASSUMPTIONS:			
				Net Permanent Loan Equity Required	20.0%	\$177,387	
	Total SF/Units	Average Rent/SF	Income		DCR	LTV	LTC
Retail Space	0	\$18.00	\$0	Interest Rate	4.50%	4.50%	4.5%
Live / Work	0	\$26.40	\$0	Term (Years)	30	25	30
Market Rate Apartments	3,300	\$26.40	\$87,120	Debt-Coverage Ratio	1.25		
Affordable Apartments	0	\$12.77	\$0	Loan-to-Value		75%	80%
Parking - Surface	0	\$1.71	\$0	Stabilized NOI (Year 2)	\$56,532	\$56,532	
Operating Expenses		32.0%	(\$27,878)	CAP Rate		5.50%	
Vacancy/Collection		5.0%	(\$4,356)	Supportable Mortgage	\$743,817	\$770,893	\$709,549
TOTAL	3,300	\$16.63	\$54,886	Annual Debt Service	\$45,226	\$51,418	\$43,142
COST SUMMARY:				MEASURES OF RETURN:			
	Per SF		Total	Indicated Value @ Stabilization	\$1,027,858		
Property Acquisition	\$70		\$350,000	Value/Cost	116%		
Direct Construction Cost	\$121		\$398,475	Return on Cost (ROC)	6.37%		
Soft Costs	\$31		\$101,038	ESTIMATION OF VIABILITY GAP			
Contingencies	\$11		\$37,424	Targeted Return on Cost (ROC)	6.6%		
Sale of Tax Credits	\$0	3.22%	\$ -	Calculated Gap-Income Components	\$30,389		
TOTAL / NET	\$269		\$886,937	Overall Gap as % of Development Cost	3.4%		
				Indicated Residual Value Per Square Foot	\$64		



SKINNY HOUSES ON 2,500 SF LOTS STANDARD MARKET PARAMETERS

October 17, 2016

AREA SUMMARY:				EQUITY ASSUMPTIONS:			
Site Size (SF):	5,000			Total Development Cost	\$916,394		
Building Size (SF):	3,500			(-) Permanent Loan	(\$733,115)		
FAR (Excluding Parking):	0.70			Tax Credit Percentage	3.22%		
Building Efficiency:	100%			Tax Credit Discount Factor	80.00%		
Saleable and Leasable Area (SF):	3,500			(-) Net Value of Tax Credits	\$0		
INCOME SUMMARY:				Net Permanent Loan Equity Required	20.0%	\$183,279	
	Total SF/Units	Average Rent/SF	Income	PERMANENT FINANCING ASSUMPTIONS:			
					DCR	LTV	LTC
Retail Space	0	\$22.00	\$0	Interest Rate	4.50%	4.50%	4.5%
Live / Work	0	\$26.40	\$0	Term (Years)	30	25	30
Market Rate Apartments	3,500	\$27.72	\$97,020	Debt-Coverage Ratio	1.25		
Affordable Apartments	0	\$12.77	\$0	Loan-to-Value		75%	80%
Parking - Podium	0	\$3.09	\$0	Stabilized NOI (Year 2)	\$62,956	\$62,956	
Operating Expenses		32.0%	(\$31,046)	CAP Rate		5.50%	
Vacancy/Collection		5.0%	(\$4,851)	Supportable Mortgage	\$828,342	\$858,495	\$733,115
TOTAL	3,500	\$17.46	\$61,123	Annual Debt Service	\$50,365	\$57,262	\$44,575
COST SUMMARY:				MEASURES OF RETURN:			
	Per SF		Total	Indicated Value @ Stabilization	\$1,144,660		
				Property Acquisition	\$70		\$350,000
Direct Construction Cost	\$121		\$422,625	Return on Cost (ROC)	6.87%		
Soft Costs	\$30		\$105,137	ESTIMATION OF VIABILITY GAP			
Contingencies	\$11		\$38,631	Targeted Return on Cost (ROC)	6.60%		
Sale of Tax Credits	\$0	3.22%	\$0	Calculated Gap-Income Components	(\$37,490)		
TOTAL / NET	\$262		\$916,394	Overall Gap as % of Development Cost	-4.09%		
				Indicated Residual Value Per Square Foot	\$77		



RESIDENTIAL INFILL PROJECT **INTERNAL CONVERSION REPORT**

October 17, 2016



Since conversion of a single family home into a duplex (two dwellings) can often be achieved quite readily and without complex or costly upgrades, this report looked primarily at internal conversions resulting in three or more dwelling units. Conversion of a single family house into three or more units often involves navigating complex and/or challenging issues such as:

- Transition from the residential to the commercial building code
- Changes in occupancy from single family to apartments
- Upgrading walls and floors/ceilings to achieve fire ratings
- Upgrading walls and floors/ceilings to achieve sound ratings
- Reducing exterior wall openings to meet commercial code
- Adding fire sprinkler systems
- Addressing ADA and accessibility issues
- Seismic upgrade standards
- Energy efficiency requirements
- Modifications to HVAC systems
- Hazardous materials present in older buildings (asbestos, lead, etc.)
- Upgrading utility infrastructure (water, sewer, electrical)
- Systems Development Charges for new dwelling units

The quantity and complexity of issues with this project type can require more sophisticated architecture and engineering services than typically required for new construction, discouraging many small developers and builders from pursuing internal conversions. Some of these issues involve state or federal level regulations that are beyond the control of the local Authority Having Jurisdiction (AHJ).

Additionally, some of the issues involve degrees of life safety and/or fire protection that should not be reduced. Examples include:

- Wall and floor/ceiling fire ratings (life safety)
- Fire sprinkler systems (life safety)
- Exterior wall openings (life safety, fire spread between buildings)
- ADA and accessibility (federal civil rights legislation)

OPPORTUNITIES

Despite the challenges facing this project type, several of the issues mentioned above are within the powers of the AHJ to affect. Some regulations could be modified, or understanding of them facilitated by a code guide or other document published by the AHJ.

To facilitate more internal conversions, opportunities are discussed in detail below:

Sound Ratings Although required by commercial code, sound ratings between dwelling units are not a life safety concern, but rather a measure of convenience. Expensive third-party testing is typically required to certify the acoustics of particular wall or floor assemblies, as ratings do not exist for many common and historic assembly types. A code guide published by the AHJ describing acceptable methods for achieving required STC (Sound Transmission Class) and IIC (Impact Insulation Class) ratings with existing construction could make this issue much easier to address.

STC is a measure of sound that is transmitted through the air, and is primarily used to quantify the sound resistance of wall construction. This type of rating is more easy to achieve than IIC. IIC measures the transmission of structure-borne sound and vibration, and is typically used to quantify sound resistance of floor/ceiling construction. Appropriate IIC levels can be very difficult to achieve in existing building retrofits, especially those with hard flooring materials. New apartment construction typically utilizes a layer of poured "gyp-crete" topping over the sub-floor to achieve required levels, but this method presents many challenges for existing buildings.

Seismic Upgrades The City of Portland has adopted a local seismic code that, in most situations, is far more stringent than the state's adopted commercial building code. Although older light wood framed structures typically perform well in seismic events, the code requires expensive full building seismic upgrades for internal conversions that trigger commercial code requirements. Since this code is created and administered by the City's Bureau of Development Services, modifications to it are within the City's powers.

Energy Efficient Requirements Although required by the state energy code, insulation and fenestration requirements for efficiency are not a life safety issue. The question of whether the base energy code requirements would apply to an internal conversion appears to be within the powers of the local building code official to interpret. Because internal conversions retain existing materials (embodied energy), there may be opportunities locally to balance environmental objectives.

PREFACE

This study was commissioned for the Bureau of Planning and Sustainability (BPS) Residential Infill Project, with the goal of studying internal conversions of existing single family dwellings to accommodate two or more dwelling units in a single structure. Many existing homes are currently being demolished to make way for newer and much larger housing stock, and there is little financial incentive to retain existing older homes which are smaller and may have deferred maintenance issues. Internal conversions may offer a viable path to providing financial incentive for preserving existing buildings by converting them to multiple dwelling units.

Current zoning restricts the number of dwelling units in single family zones to one or two dwellings per site. However, the goal of this study was not to evaluate the zoning code issues associated with internal conversions, but rather to focus on the technical, building code, and constructability issues associated with this project type.

INTERNAL CONVERSION SUMMARY

For the purposes of this report, the term "internal conversion" refers to the conversion of an existing single family home into two or more dwelling units. This type of project entails many challenges, but also presents opportunities to save and re-use existing older homes, increase housing availability, and create more diverse housing types without significantly affecting neighborhood character.

Systems Development Charges (SDC) For new dwelling units created within the City of Portland, significant SDC fees are charged on a per-dwelling unit basis. Reducing or eliminating these charges for retaining an existing house could provide a significant (\$10-50,000+ value) incentive for internal conversions.

Building Code Flexibility A primary obstacle to converting houses into 3+ units is the transition from residential to commercial building code. Although appeals are regularly considered to allow for alternative paths to code compliance, advocating for a statewide change in the building code thresholds for internal conversions could more readily enable conversions and minimize the level of exterior change required for 3+ unit conversions. Additionally, a code guide prepared by the Bureau of Development Services specific to internal conversions could provide applicants with best practice advice for conversions proposed within both sets of codes.

Zoning Code Although this report does not focus on zoning code issues, the Residential Infill Project can encourage internal conversions through changes such as responsive floor area ratio allowances, flexible parking minimums, variances to setback requirements, and definitions that place appropriate parameters around permissible levels of exterior change when new dwelling units are created. It's important to note that some of the examples in this report exceed the parameter of what has been proposed in the Residential Infill Project's recommended concept draft.

It should also be noted that this report looks at dwelling units within the context of a single building and not the entire site. Opportunities for placing three or more dwelling units on the site of an existing house utilizing detached structures could be achieved under the residential code, thus avoiding commercial code upgrades.

CONCLUSIONS

Although internal conversions, especially those creating more than two units, can be challenging to complete, they represent a powerful tool for retaining existing building stock and encouraging diverse and less expensive housing options. Changing a building from the residential to commercial code is a significant barrier, but duplex and townhouse conversions are readily achievable and, if coupled with a detached structure, could provide a way to gently increase density while still preserving existing structures. Through strategic assistance and clarification of the complex issues associated with internal conversions, the City may be able to encourage and incentivize this type of development throughout Portland.

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Photo credits

Cover: Montgomery House, 7-unit apartment converted in 2013
Photo courtesy of Addam Goard

P. 2: House converted to duplex
Photo courtesy of DECA Architecture

P. 3: Moulton House, 6-unit condominium converted in 1999
Photo courtesy of Keller Williams Realty

P. 5: Duplex in SE Portland
Photo courtesy of Michael Molinaro



There are a number of opportunities to increase the viability of internal conversions. Among them are:

- 1) Zoning code changes as part of the Residential Infill Project.**
- 2) Revisions to local sound, seismic, and energy efficiency requirements and publication of a best practices code guide.**
- 3) Financial incentives, including reduction in systems development charges.**
- 4) Advocating for changes to state building code thresholds.**

GOVERNING CODE

Single family homes are typically regulated and constructed under the 2014 Oregon Residential Specialty Code (ORSC) or “residential” code. This code allows for construction and renovation of one and two-family dwelling, as well as townhouse-style layouts where single dwelling units are located side-by-side, separated by fire rated walls, and considered separate yet adjoining buildings.

Structures containing more than two dwelling units and not utilizing ORSC townhouse provisions are regulated under the 2014 Oregon Structural Specialty Code (OSSC) or “commercial” code.

ORSC RELEVANT REQUIREMENTS

R302.2 Townhouses Townhouses shall be considered separate buildings and shall be separated by 2-hour rated wall assemblies. Buildings shall adjoin or have access to a yard, street, alley or public way on at least one side. Townhouses may or may not be separated by real property lines. Restrictions on utility routing may apply.

R302.3 Two-Family Dwellings Dwelling units in two-family dwellings must be separated from each other by 1-hour fire rated walls and floors. Construction supporting these walls and floors must also be fire rated.

The ORSC does not include sound transmission or impact isolation requirements.

OSSC RELEVANT REQUIREMENTS

310 Residential Group R Apartments are typically classified as R-2 whereas single family homes are typically R-3. These designations are critical to understanding the code regulations that apply to a building, but are perhaps most important in that they relate to dramatically different hazard levels addressed by seismic upgrade requirements.

420 Special Requirements for Dwelling Units Walls and floors separating dwelling units from each other and from common spaces must be 1-hour fire rated.

TABLE 705.8
MAXIMUM AREA OF EXTERIOR WALL OPENINGS BASED ON
FIRE SEPARATION DISTANCE AND DEGREE OF OPENING PROTECTION

SEPARATION DISTANCE (feet)	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA ^a
0 to less than 3 ^{b,c}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) ^f	Not Permitted
	Protected (P)	Not Permitted
3 to less than 5 ^{d,e}	Unprotected, Nonsprinklered (UP, NS)	Not Permitted
	Unprotected, Sprinklered (UP, S) ^f	15%
	Protected (P)	15%
5 to less than 10 ^{g,h,i}	Unprotected, Nonsprinklered (UP, NS)	10% ^b
	Unprotected, Sprinklered (UP, S) ^f	25%
	Protected (P)	25%
10 to less than 15 ^{g,h}	Unprotected, Nonsprinklered (UP, NS)	15% ^b
	Unprotected, Sprinklered (UP, S) ^f	45%
	Protected (P)	45%
15 to less than 20 ^{g,h}	Unprotected, Nonsprinklered (UP, NS)	25%
	Unprotected, Sprinklered (UP, S) ^f	75%
	Protected (P)	75%
20 to less than 25 ^{g,h}	Unprotected, Nonsprinklered (UP, NS)	45%
	Unprotected, Sprinklered (UP, S) ^f	No Limit
	Protected (P)	No Limit
25 to less than 30 ^{g,h}	Unprotected, Nonsprinklered (UP, NS)	70%
	Unprotected, Sprinklered (UP, S) ^f	No Limit
	Protected (P)	No Limit
30 or greater	Unprotected, Nonsprinklered (UP, NS)	No Limit
	Unprotected, Sprinklered (UP, S) ^f	Not Required
	Protected (P)	Not Required

602 Construction Classification / 705 Exterior Walls Exterior walls within 10 feet of a property line must be 1-hour rated construction. Exterior walls within 30 feet of an adjoining lot line are also subject to maximum opening area requirements as outlined in table 705.8. Walls must meet the opening requirements on a “per-floor” basis. For the purposes of this table, a building equipped with a Type 13R sprinkler system is considered “nonsprinklered”.

Exterior walls facing streets, alleys, or other public open spaces have no limitations on openings. Protected openings are windows with fire rated glazing or shutters.

Wall, floor, and roof assembly fire ratings are tested and certified for most modern materials and methods. However, fire ratings may be more difficult to achieve with older materials.

903.2.8 Automatic Sprinkler Systems - Group R Sprinklers must be installed in group R (residential type) occupancies. In most cases a Type 13R sprinkler system will suffice, which is less expensive than a typical commercial Type 13 sprinkler system.

Type 13 sprinkler systems are commonly used for commercial buildings, provide greater coverage for concealed spaces (attics, etc.) and are intended to protect both building occupants and the building structure. Type 13R sprinkler systems offer a lesser degree of protection in that they are intended to protect only the occupants, not the building. They do not provide sprinkler coverage for concealed and unoccupied spaces.

1207 Sound Transmission Walls and floors separating dwelling units from each other and from common areas must have a Sound Transmission Class (STC) of at least 50. Floors must have an Impact Isolation Class (IIC) of at least 45.

Ch. 11 Accessibility & Ch. 34 Existing Building and Structures Typically, new apartment buildings with four or more dwelling units must be provided with ADA accessible units, classified as either Type A or B. Both units types provide adaptability and clearances to enhance access, should a disabled individual move into the unit. Type A units offer a higher level of accessibility than Type B units due to increased clearances and other features.

In new non-elevator buildings, only those units on stories that are required to have a wheelchair accessible route must be Type A or B. Typically, this is only the ground level, and the vast majority of these units are Type B, with only a few Type A's.

Depending on the type of alteration proposed, ADA upgrades may or may not be needed. In an internal conversion of a single family residence to multiple dwelling units with no other uses, no ADA dwelling units are required, per OSSC 3411.1, provided the building was constructed before 1991. If the building was constructed after 1991, the ground floor units may need to be made accessible. If the conversion involves an addition, the addition likely needs to be made accessible. If an internal conversion involves other public uses, such as commercial space or community spaces, those spaces likely need to be made accessible.

ADA requirements for alterations vary based on a number of factors, but in a typical house without an elevator, only the units on the ground level may need to comply with Type A or B unit requirements. State building code officials have provided some guidance in making this interpretation, but have stressed that local building code officials have the final say.

CITY OF PORTLAND REQUIREMENTS

Title 24.85 Seismic Improvement Standards Regulations for existing buildings require seismic upgrades to existing buildings when changes of occupancy or significant renovations occur. OSSC occupancies are assigned relative hazard classifications, and when more than a third of the building area is changed to an occupancy of a higher hazard class, seismic upgrades are required by the City of Portland, as per the following tables:

Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
4	R-1, R-2, SR, I-1, I-4	
3	B, M	41-BPOE
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

Percentage of Building Net Floor Area Changed		Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	4 and 5

Converting an existing house to apartments under the OSSC would require a change of occupancy from R-3 to R-2, raising the hazard classification from 1 to 4 and triggering a seismic upgrade to current commercial code.

Additionally, if the building contains unreinforced masonry (URM) components anywhere in the building, and the cost of renovation exceeds \$57/sf in a single story building or \$43/sf in a two plus story building, a seismic upgrade is required to the level of current commercial code.

There is also an additional requirement for performing an ASCE 41 evaluation report when the construction cost of any project exceeds \$252,000. This report can cost \$2-5,000 for a structural engineer to produce.

ENERGY EFFICIENCY REQUIREMENTS

Buildings regulated under the ORSC are subject to the energy provisions of that code, whereas buildings regulated under the OSSC must abide by provisions of the 2014 Oregon Energy Efficiency Specialty Code (OEESC). These two codes present different requirements.

ORSC Ch. 11 considers any unconditioned spaces (such as garages) changed to living area as a "change of use". The converted space must be insulated, but to slightly less stringent standards than for new construction. If the change exceeds 30% of a building's area or more than 400 sf, an additional energy saving measure must be employed from a list of options including increased insulation, blower door testing, duct sealing, efficient water heaters among other measures. Building additions also trigger energy saving measures that may be selected from a list of options.

Projects falling under the 2014 OEESC are only required to make piecemeal energy improvements to the parts being altered, provided the overall energy use is not increased. For example, vacant stud bays that are exposed during construction must be insulated. However, unconditioned spaces that are converted to heated spaces must meet the full envelope requirements of the OEESC.

Despite these two different regulation methods, a building moving from the residential code to the commercial code may be required to comply with all aspects of the commercial code, which includes, by reference, the 2014 OEESC. Complying with the base energy code could pose significant challenges for existing older houses with energy inefficient features, such as single-pane glazing.

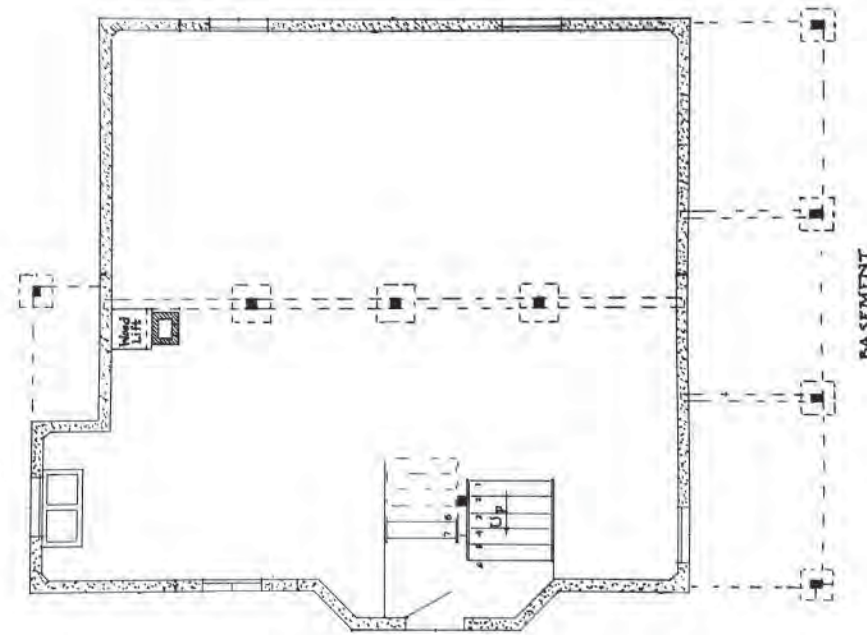
Case Study Models

On the pages that follow are conceptual models for internally converting four different house types commonly found in the city of Portland. Each conceptual model identifies a building configuration that would accommodate 3+ units and provides a summary of the challenges and opportunities of the approach. Example buildings were provided by Bureau of Planning and Sustainability staff. Although the models may not be achievable within Portland's current zoning code, they illustrate many of the zoning standards being considered within the Residential Infill Project.

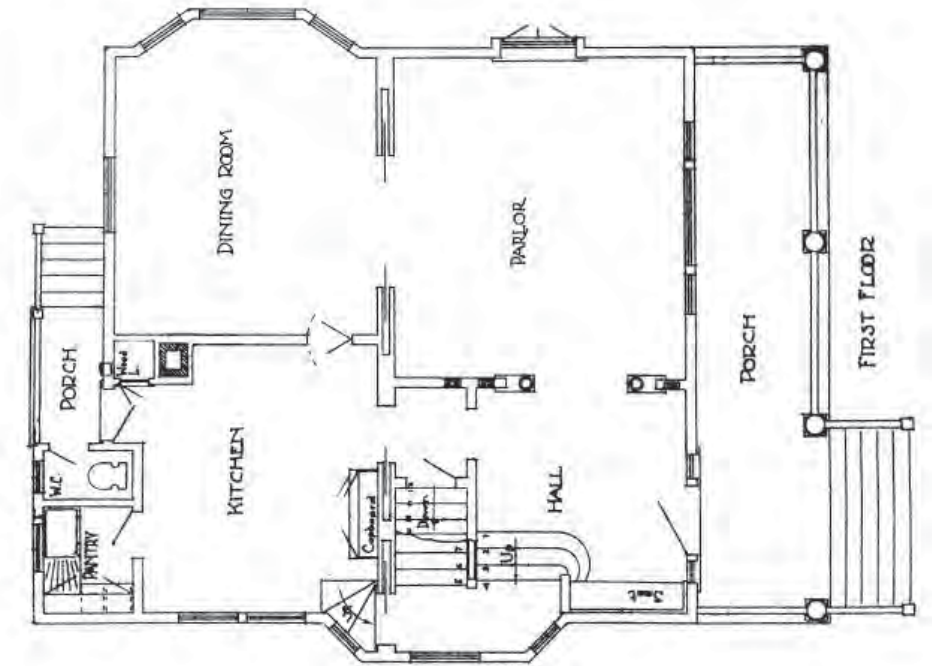




FRONT ELEVATION



PLAN Basement 975 sf



PLAN 1st Level 1,000 sf

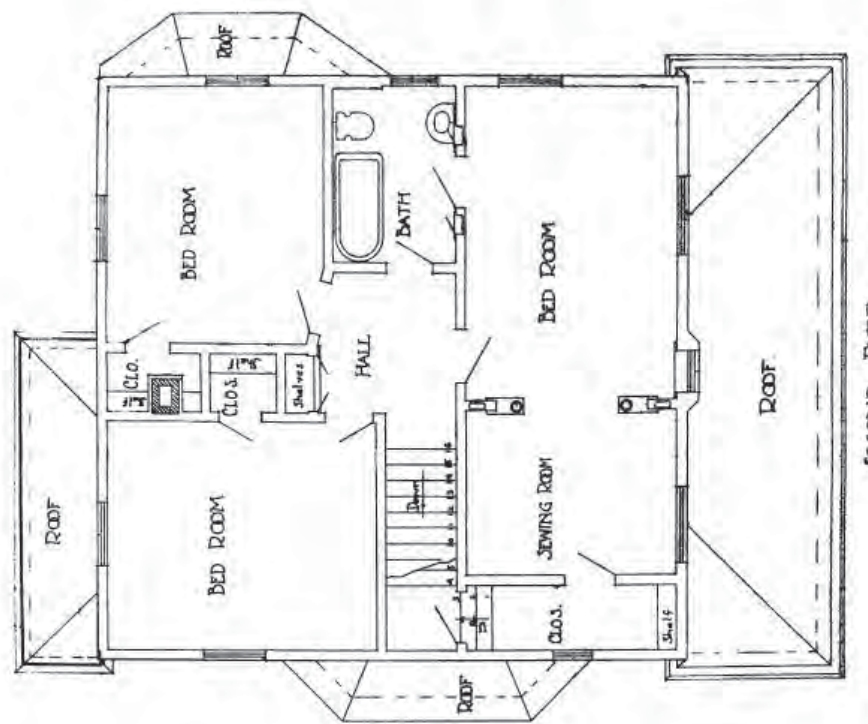
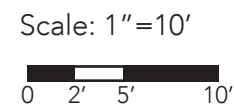
EXISTING BUILDING SUMMARY

The existing building is a two-story 1910s Portland foursquare on a tight site with an attic and basement. For the purposes of this study the attic and basement are assumed to have adequate head height without beams, collar ties or other items that might prevent conversion to living space.

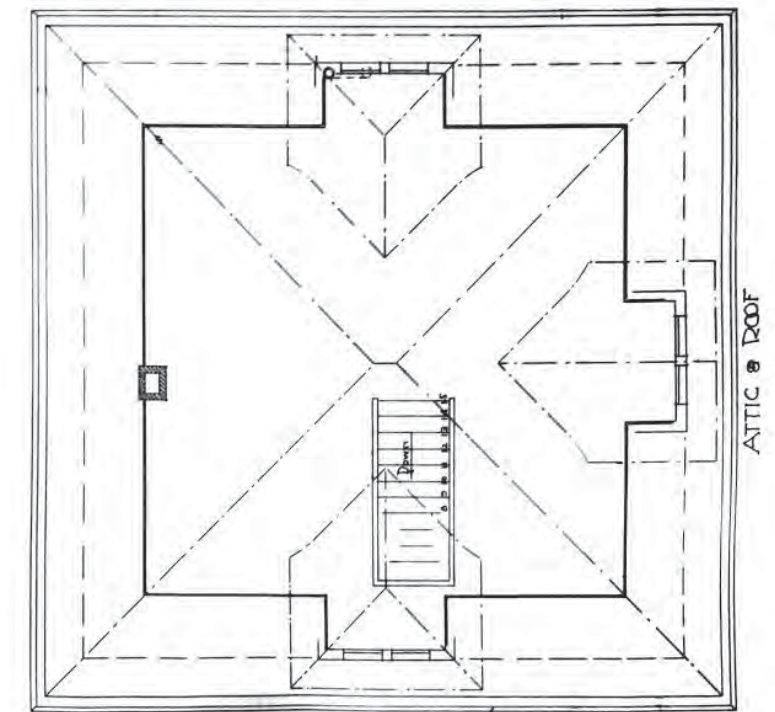
Building Area: 3,550 gsf
 Building Height: 32 ft
 Site Area: 2,500 sf
 FAR: 1.03:1 (without basement)

Construction Type: V-B (Unprotected Wood Frame)
 Sprinklering: No

Existing Occupancies: R-3

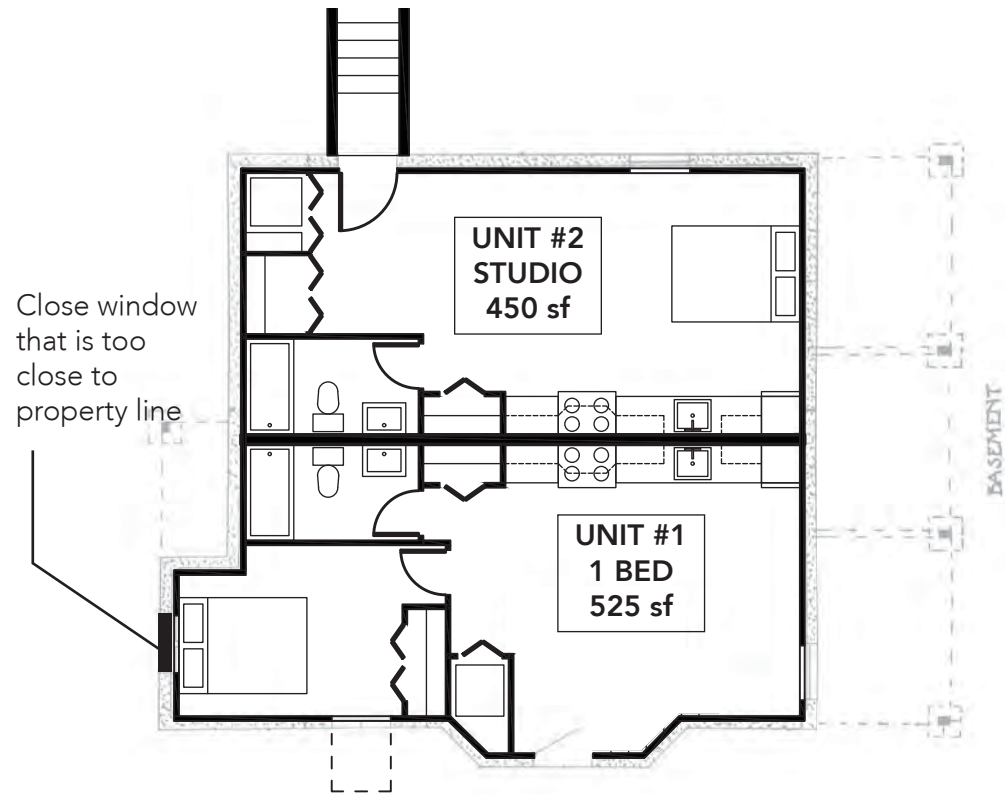


PLAN 2nd Level 925 sf

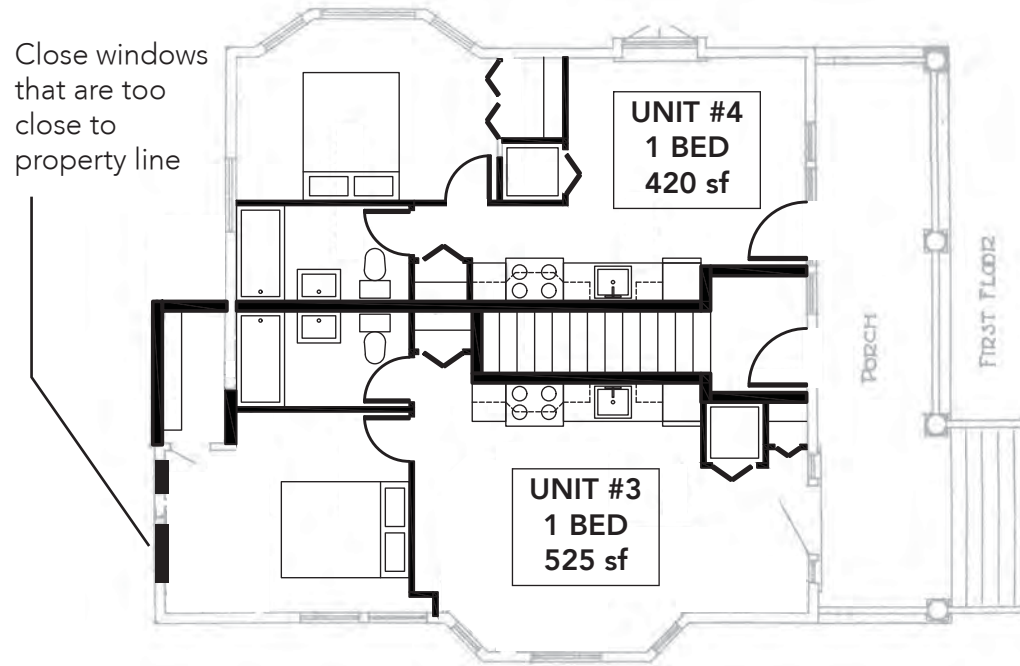


PLAN Attic 650 sf

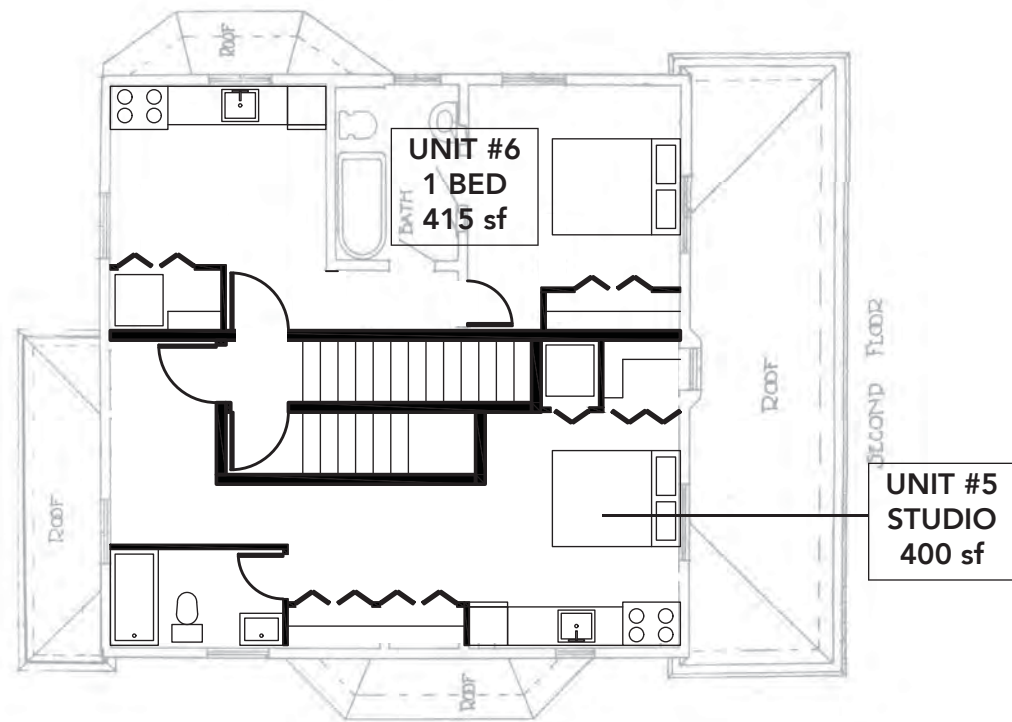
1900s FOURSQUARE EXISTING BUILDING



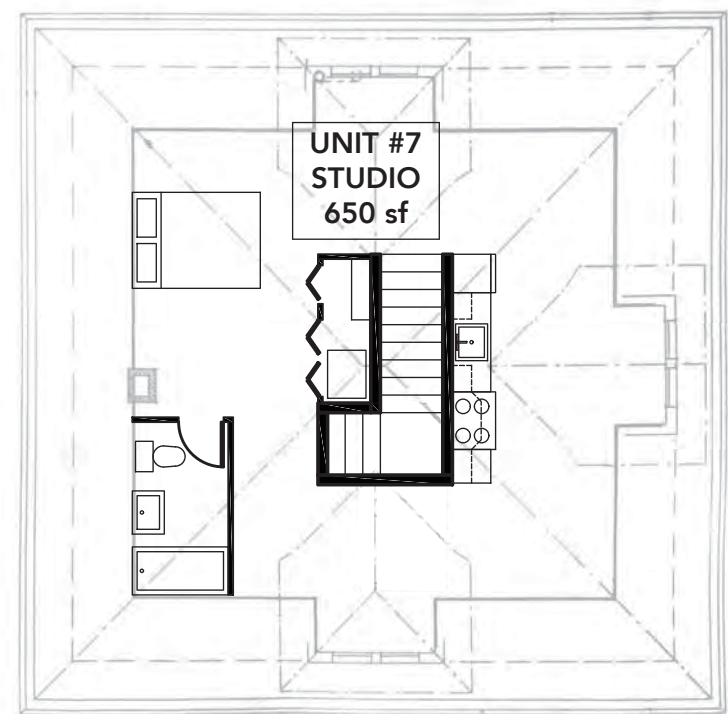
PLAN Basement 975 sf



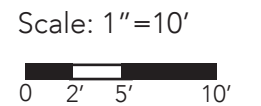
PLAN 1st Level 1,000 sf



PLAN 2nd Level 925 sf

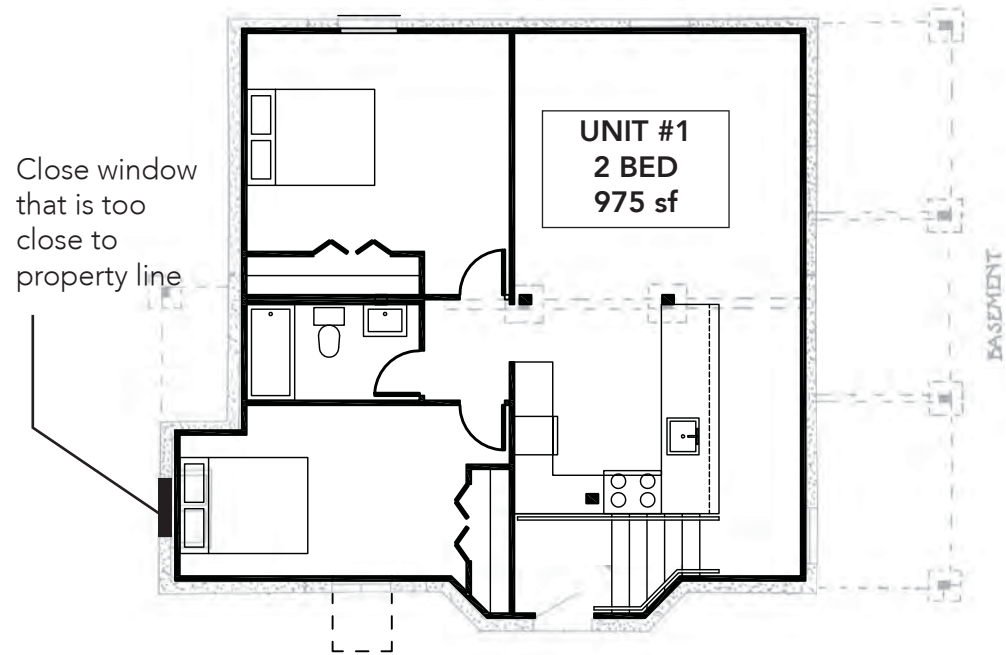


PLAN Attic 650 sf

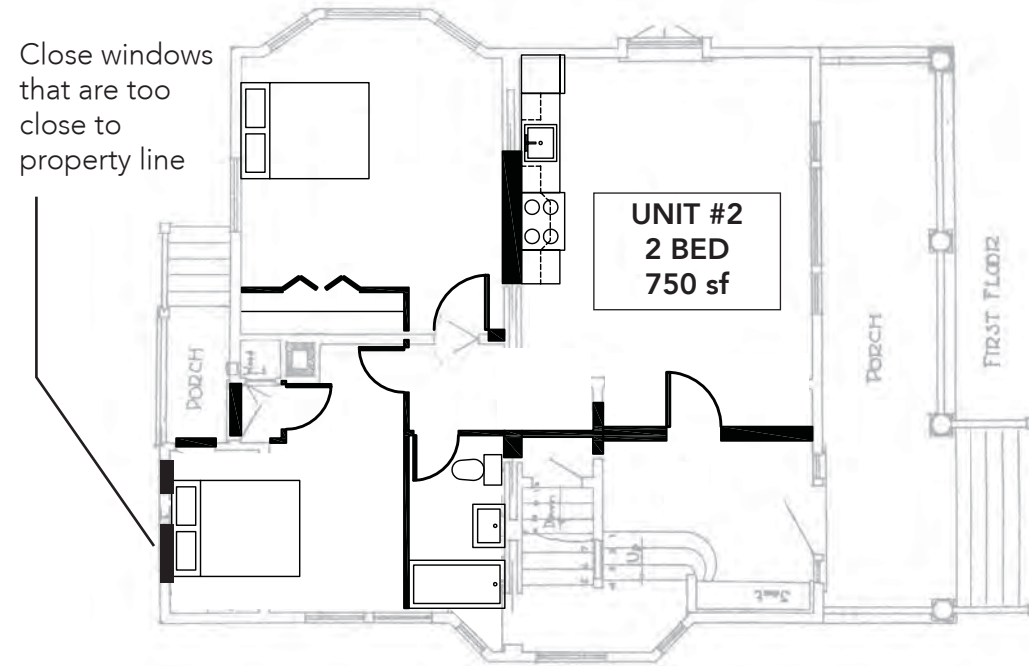


LEGEND
 — Existing construction (grey)
 — New construction (black)

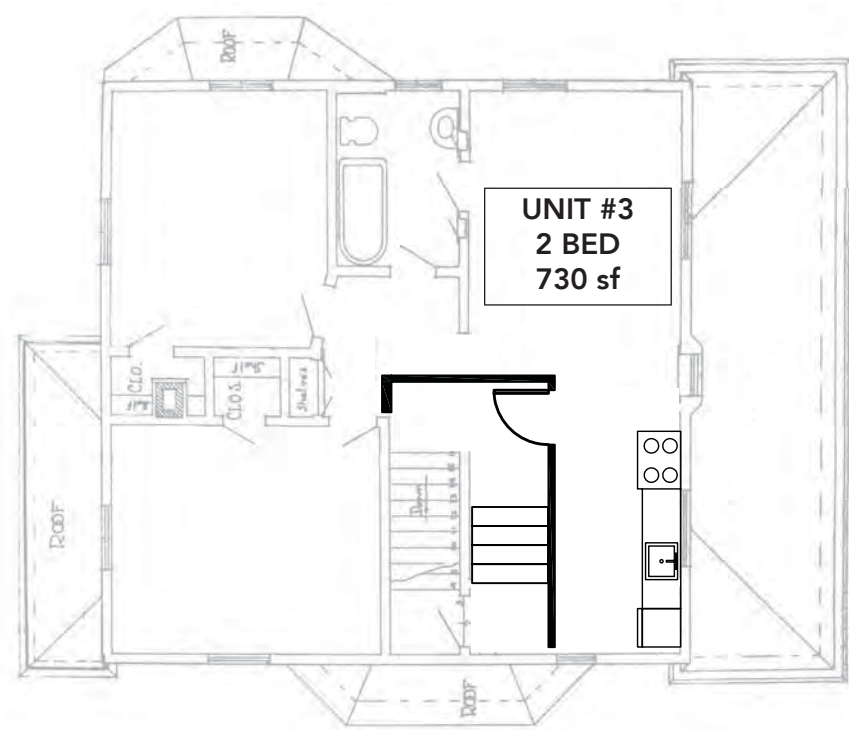
1900s FOURSQUARE PROPOSED CONVERSION **OPT A - 7 UNITS**



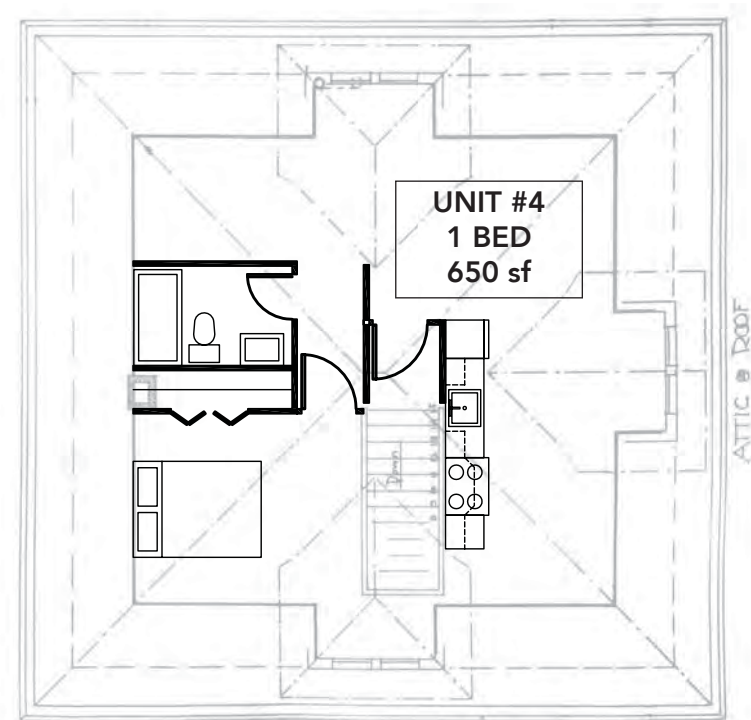
PLAN Basement 975 sf



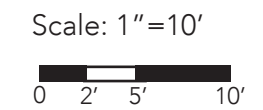
PLAN 1st Level 1,000 sf



PLAN 2nd Level 925 sf

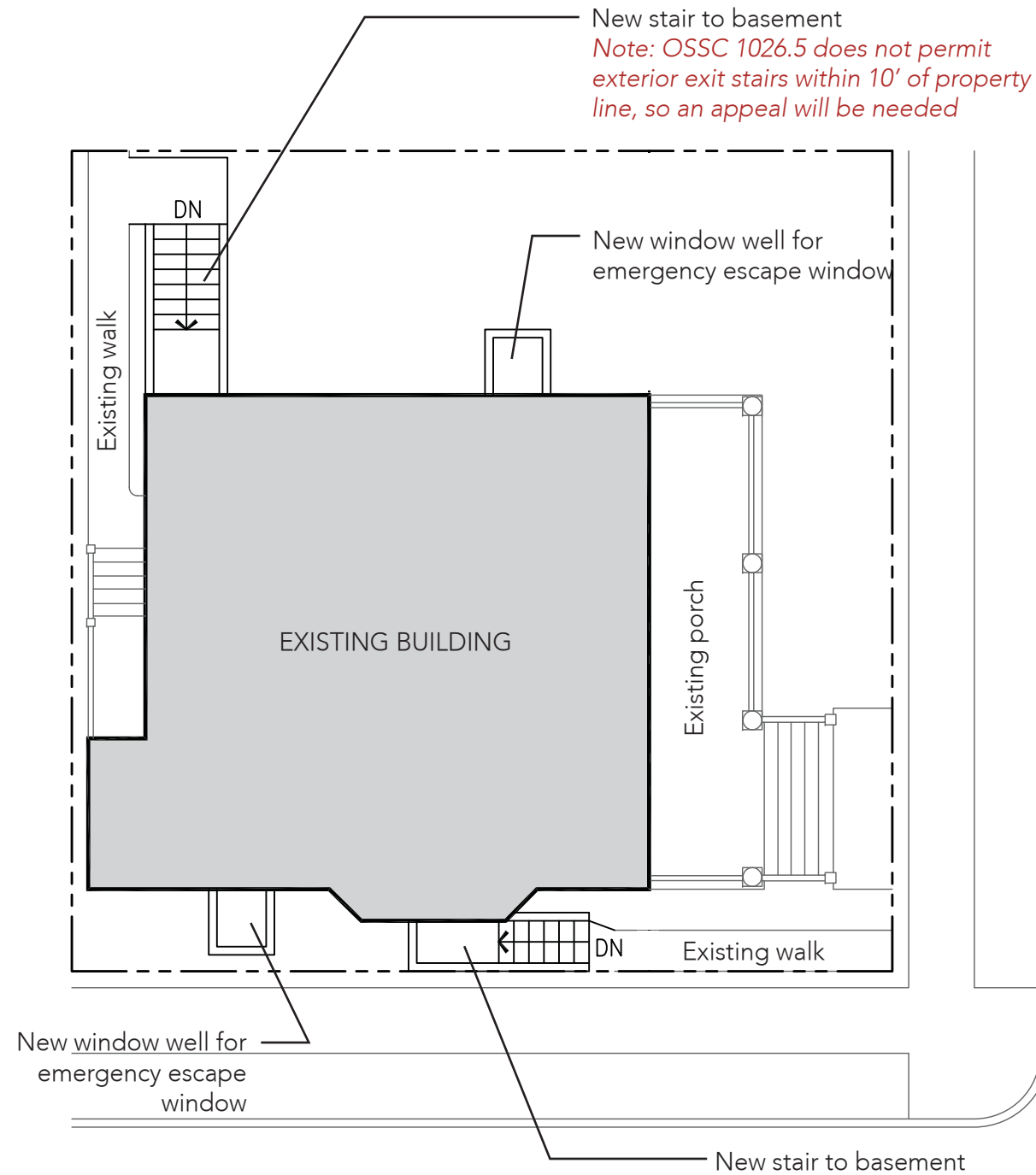


PLAN Attic 650 sf



LEGEND
 — Existing construction (grey)
 — New construction (black)

1900s FOURSQUARE PROPOSED CONVERSION **OPT B - 4 UNITS**



SITE PLAN

Scale: 1"=10'
 0 2' 5' 10'

LEGEND

- Existing construction (grey)
- New construction (black)

PROPOSED SITE IMPROVEMENTS

- Adding dwelling units to the basement requires access stairs to unit entry doors
- Basement bedroom windows must also be provided with window wells to allow for emergency escape
- Due to the tight site, new parking is not proposed

PROPOSED CONVERSION SUMMARY

Option A proposes to subdivide each floor into two smaller apartments, with a single apartment in the attic to maximize the number of dwelling units. A total of (7) apartments are proposed in this layout. Option B, with four units is also shown. The existing interior stair has been reconfigured to provide efficient access to all units. Under either option, the conversion requires compliance with commercial code (2014 OSSC) requirements, due to the number of units and since dwelling units are stacked atop each other.

Fire and sound separation is required vertically and horizontally between units. Changing the existing R-3 (single dwelling) occupancy to R-2 (apartments) will require a Type 13R sprinkler system be installed throughout the building. The change in occupancy from R-3 to R-2 will also require a seismic upgrade per city code 24.85.040.

Building Area: 3,550 sf

Conversion Requirements

- Construct horizontal and vertical fire/sound separation between units
- Seismic upgrade to current commercial code
- Install automatic fire sprinkler system (Type 13R)
- Install walls and doors as shown on plan to create new units
- New kitchens and bathrooms as shown
- Ensure that units have independent heating control
- Provide access and emergency escape to basement units
- Envelope upgrades at existing unheated spaces

Pros

- (7) units in 3,550 sf maximizes density, although fewer/larger unit options are possible
- No ADA units required for internal conversion only

Cons

- Units are small and awkward due to size of existing floor plates, especially in Option A
- In Option A, lots of additional kitchens and bathrooms are required
- Small site does not allow for parking

EXISTING BUILDING SUMMARY

The existing building is a typical one-story single family bungalow house with a full height basement and habitable attic space. Existing dormers at the roof allow for light and additional space in the attic. An interior stair connects the basement, 1st level, and attic. An exterior stair also provides direct access to the basement. The construction of the house is wood framing on concrete basement/foundation walls.

Building Area: 3,640 sf
 Building Height: 20'
 Site Area: 5,000 sf
 FAR: 0.51:1 (without basement)

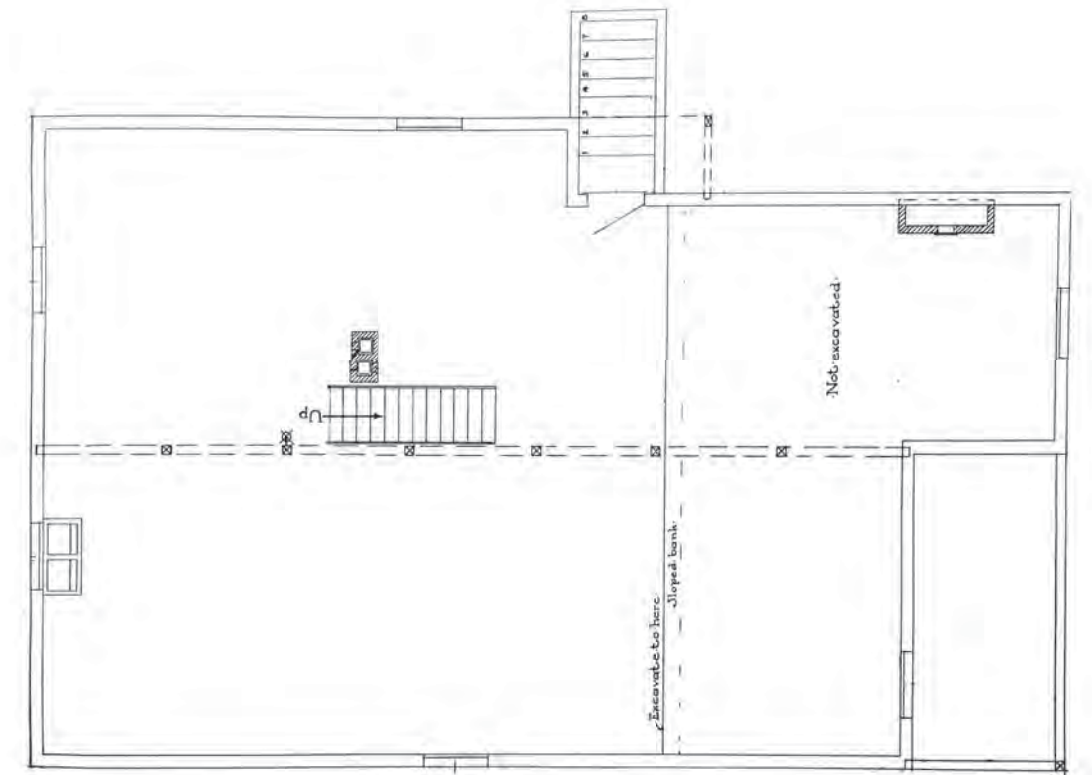
Construction Type: V-B (Unprotected Wood Frame)
 Sprinklering: No

Existing Occupancies: R-3

Scale: 1"=10'

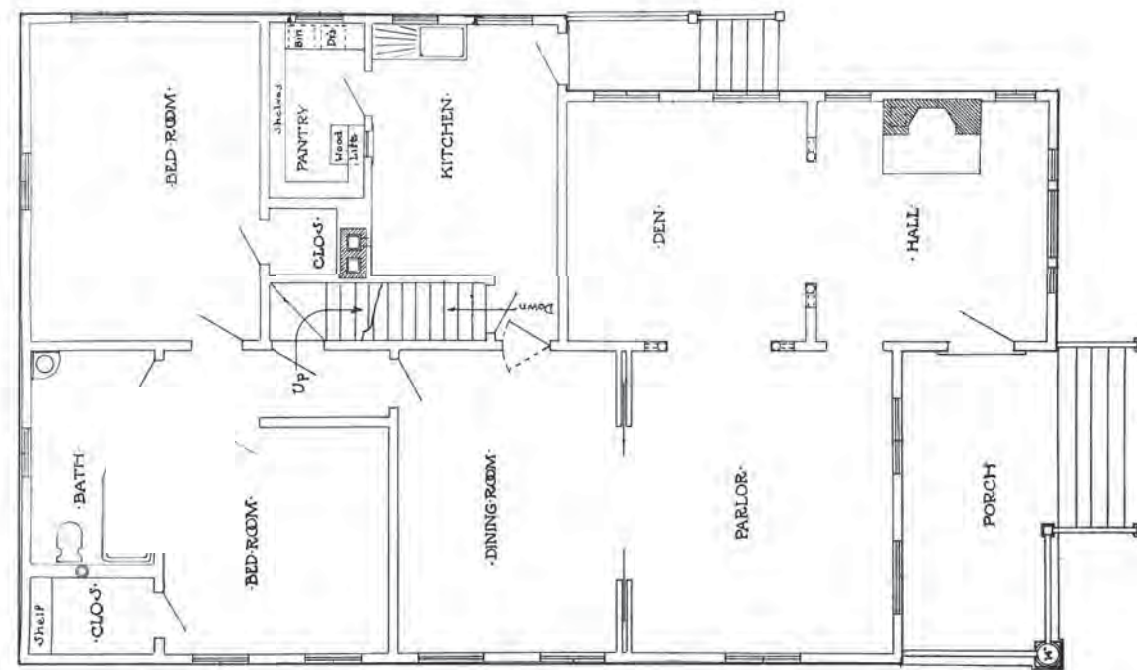


FRONT ELEVATION



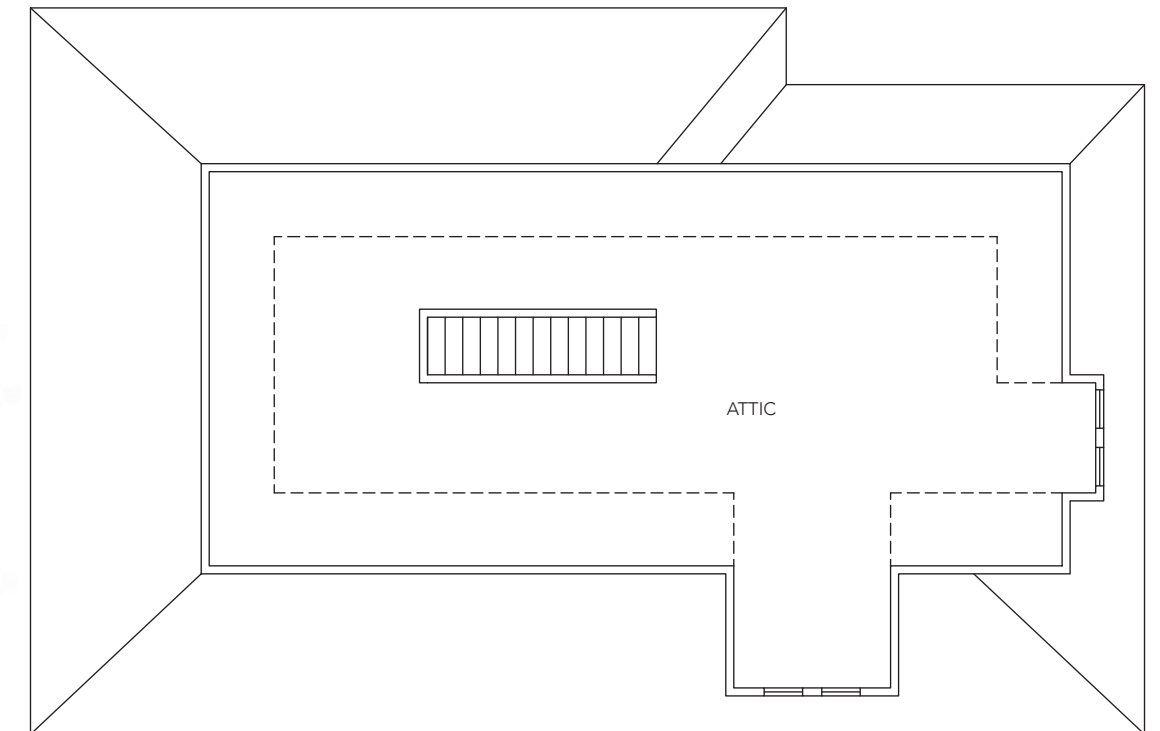
PLAN Basement

1,095 sf



PLAN 1st Level

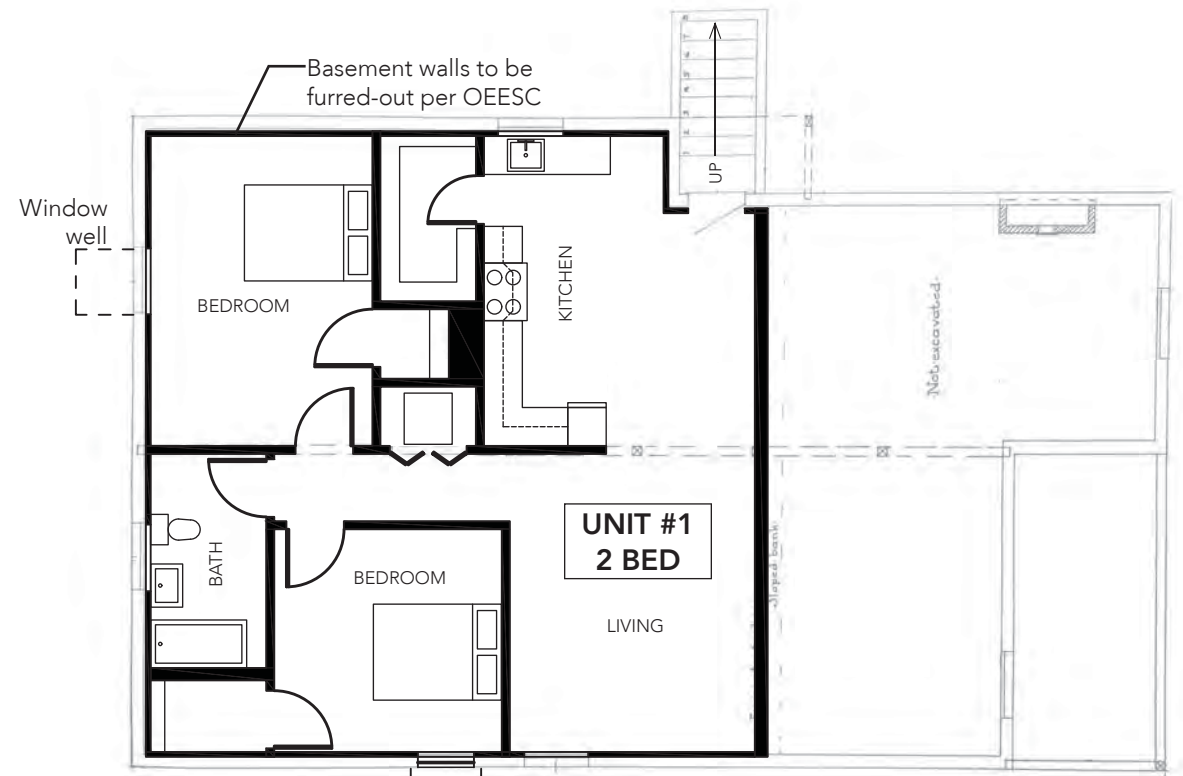
1,595 sf



PLAN Attic

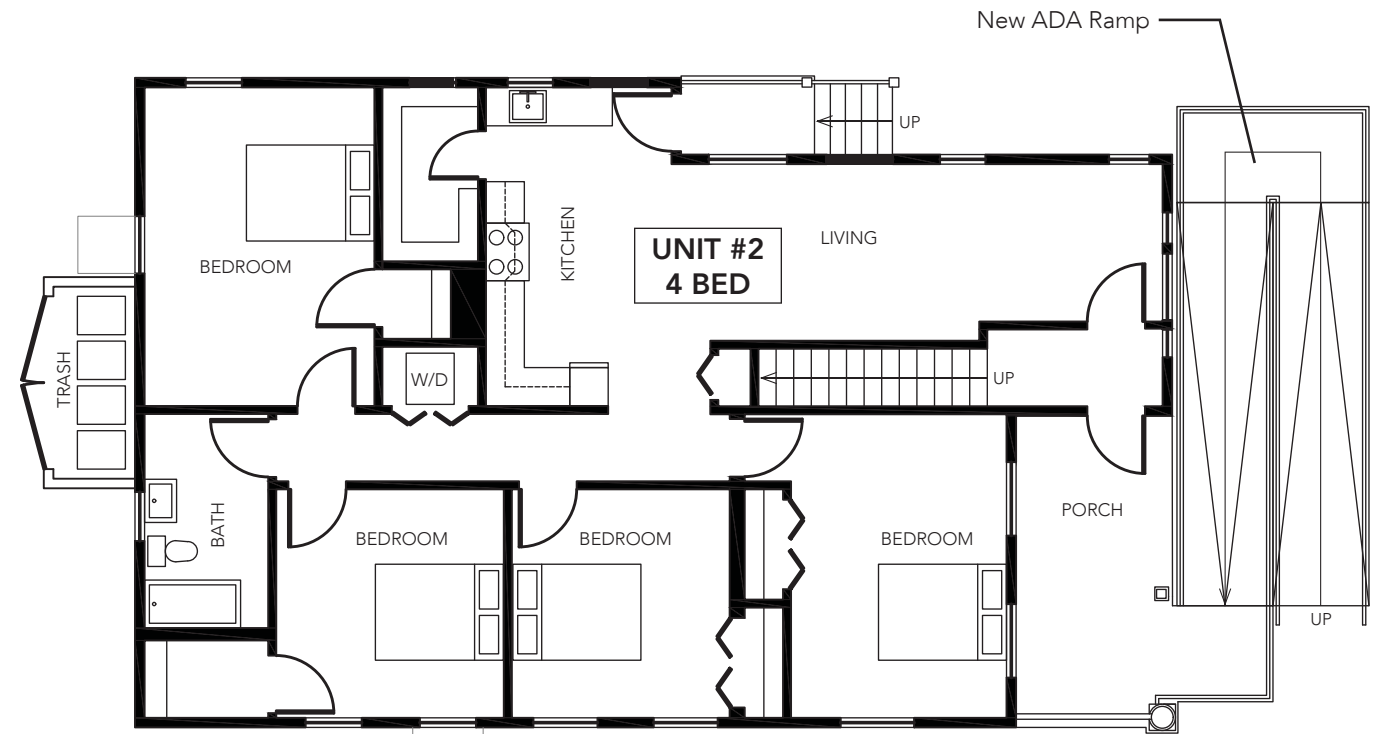
950 sf

1910s BUNGALOW EXISTING BUILDING



PLAN Basement

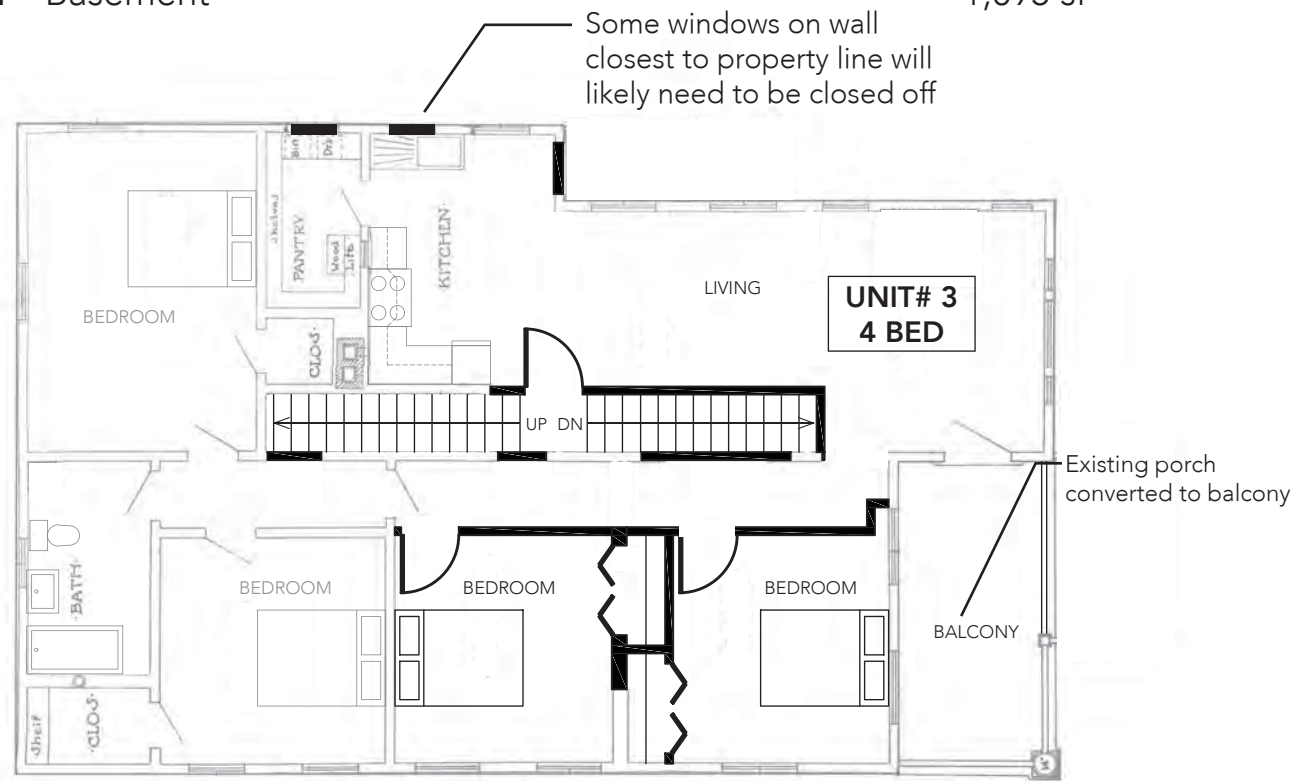
1,095 sf



PLAN 1st Level

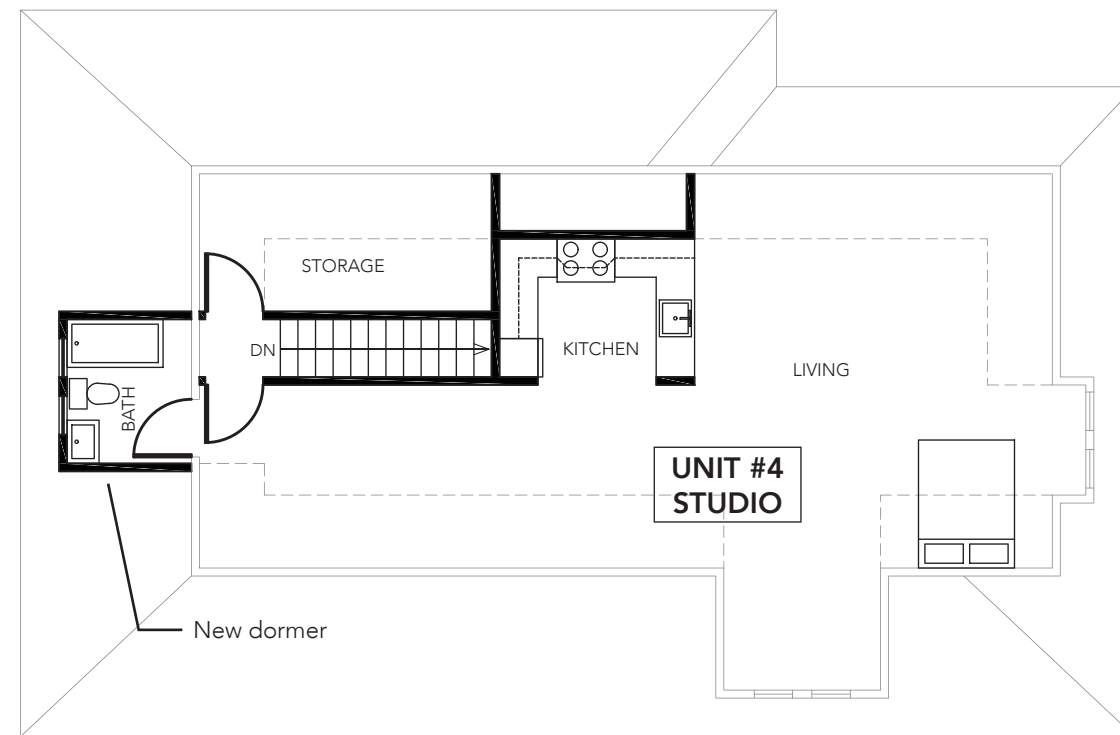
Note: Existing first level to be elevated, with a new addition story placed below it. New first level is an addition and must meet ADA

1,595 sf



PLAN 2nd Level

1,595 sf



PLAN 3rd Level

1,095 sf

Scale: 1"=10'

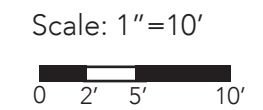
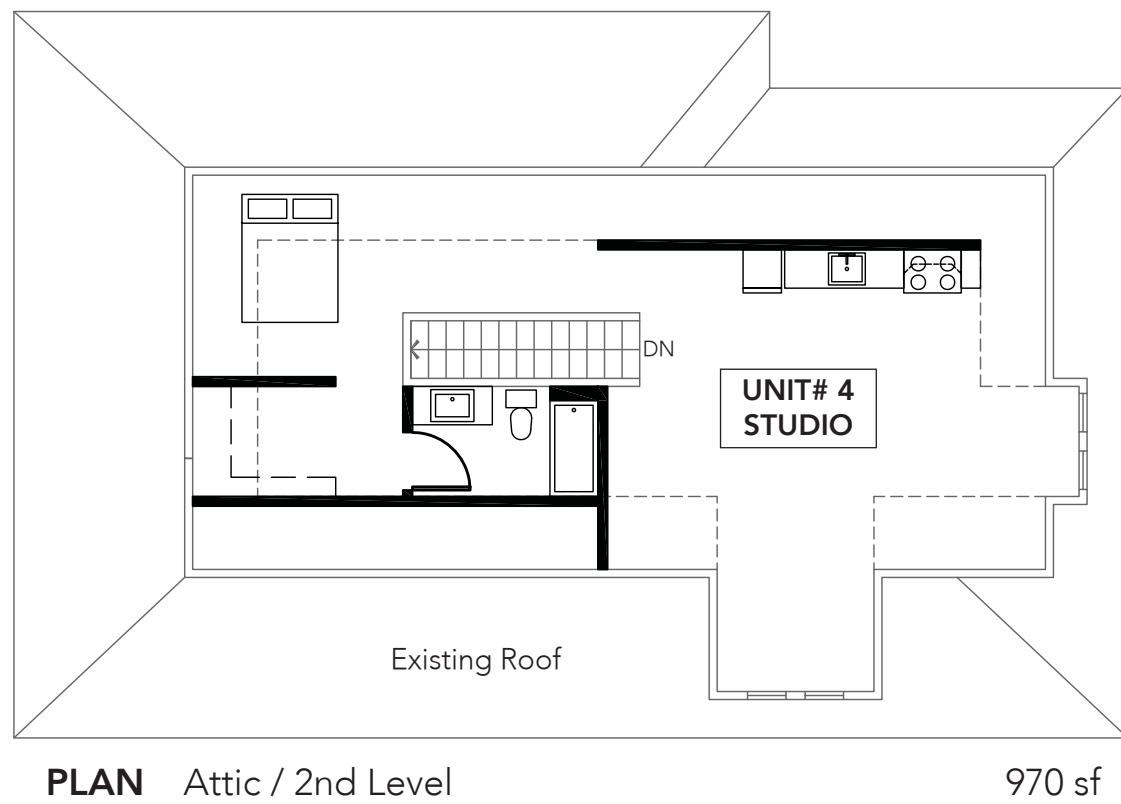
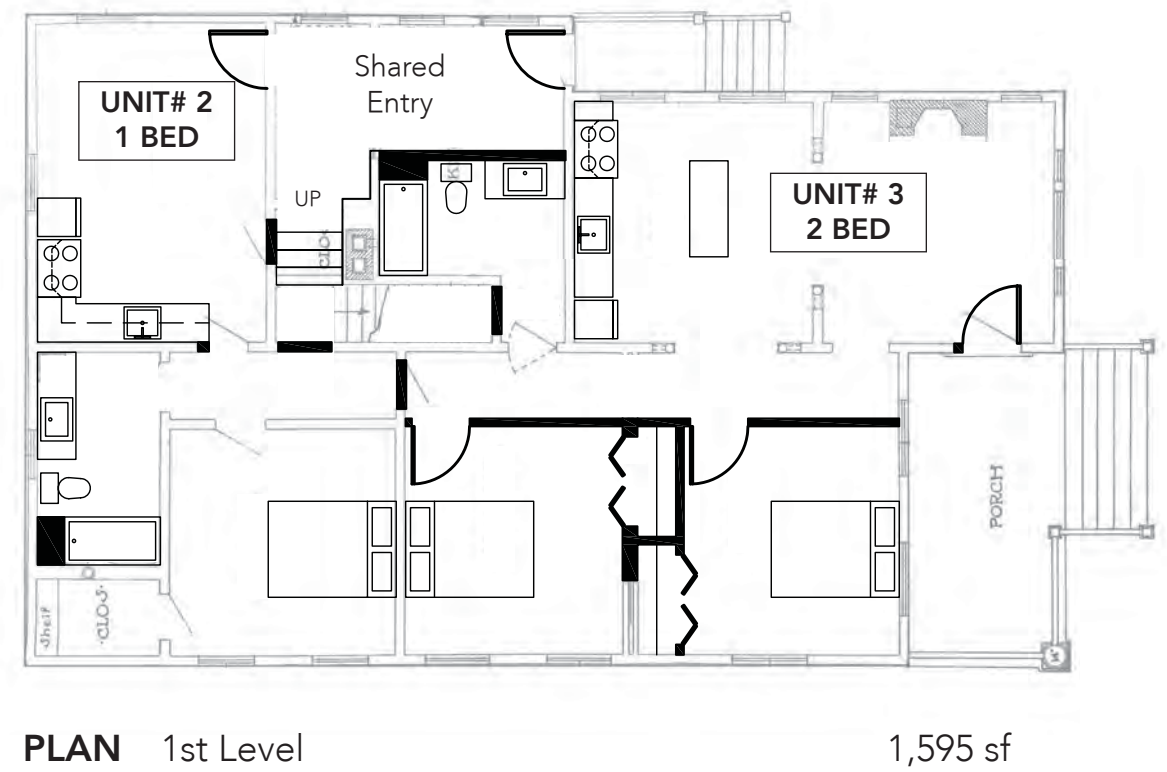
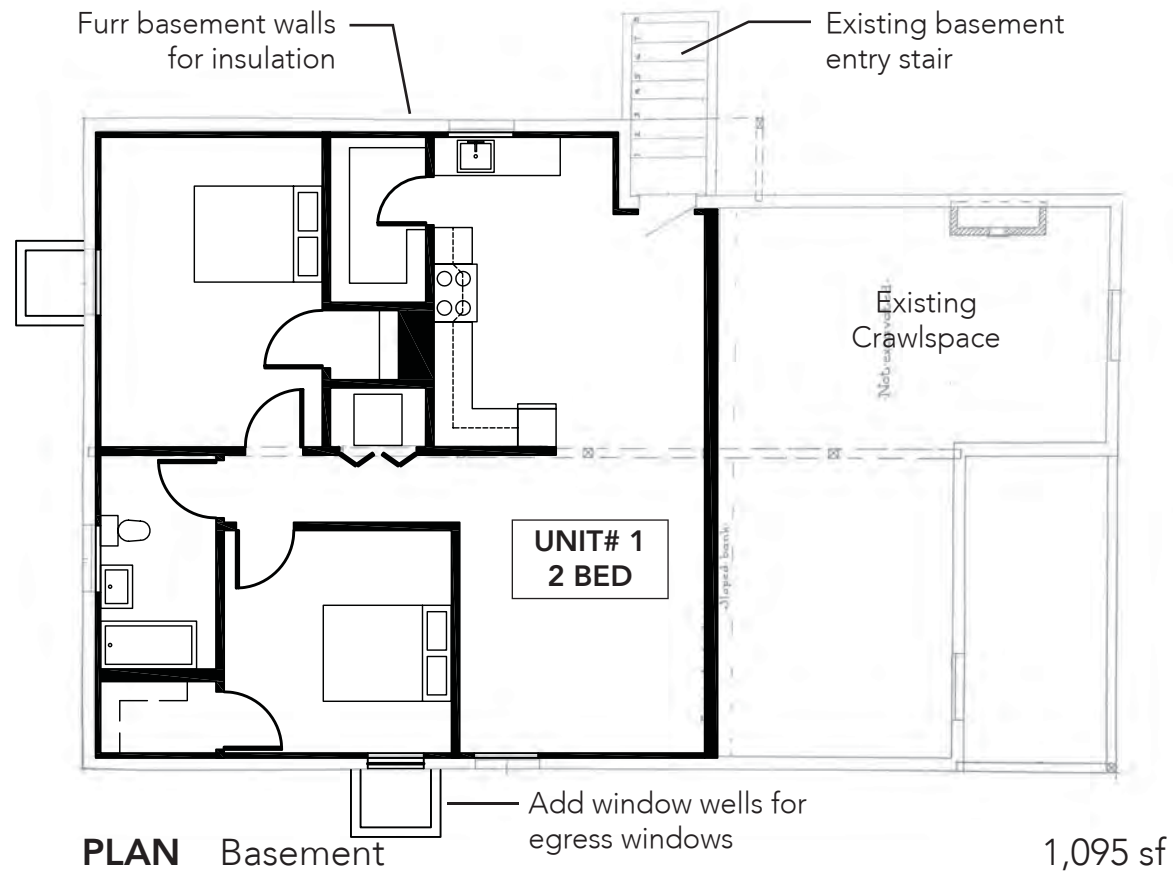
0 2' 5' 10'

LEGEND

- Existing construction (grey)
- New construction (black)

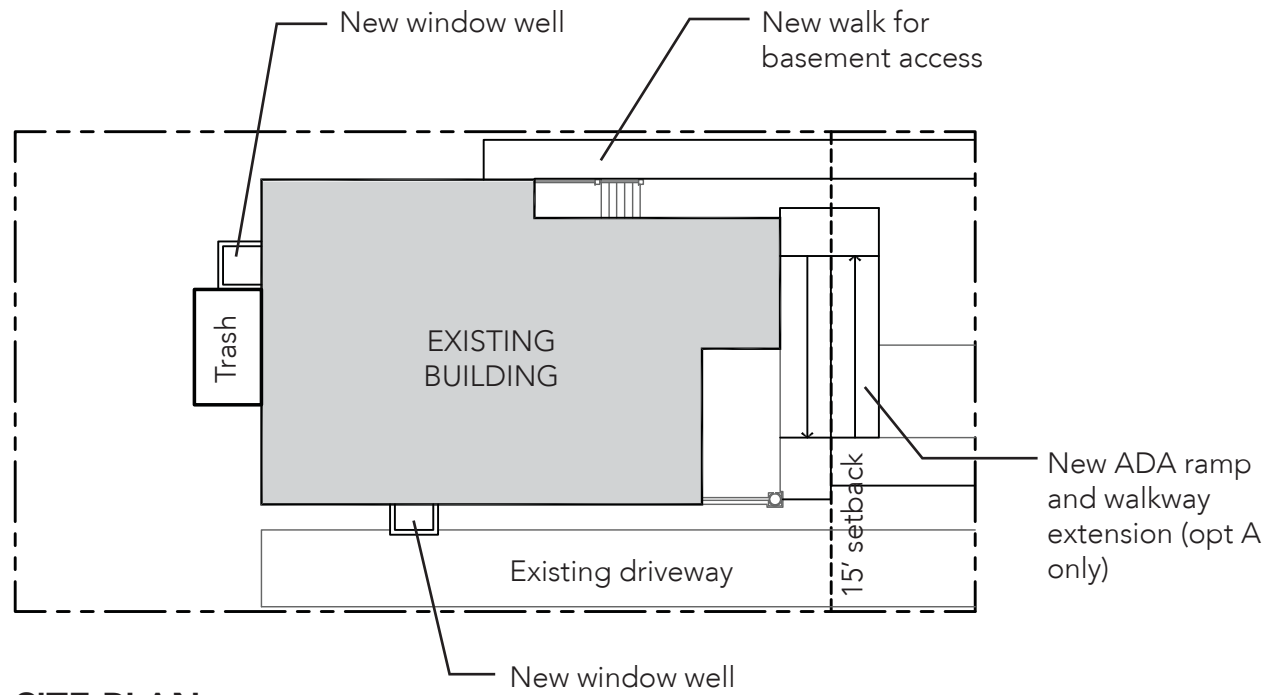
1910s BUNGALOW PROPOSED CONVERSION

OPT A - ADDITION



- LEGEND**
- Existing construction (grey)
 - New construction (black)

1910s BUNGALOW PROPOSED CONVERSION **OPT B - 4 SMALLER UNITS**



SITE PLAN

PROPOSED SITE IMPROVEMENTS

- Add walkways for unit access
- Add ramp for first floor ADA access (Opt A only)
- Add window wells for emergency escape at basement bedrooms

PROPOSED CONVERSION SUMMARY

Option A is an experimental case study to keep the existing structure while adding floor area by elevating the existing house and placing a new 1st level addition below it. Option B retains the envelope of the existing house and is a true internal conversion.

Both options result in four dwelling units, although the units in Option A are significantly larger and would result in increased rents. Both schemes stack dwelling units on top of each other, so the commercial code must be used.

Fire and sound separation is required vertically and horizontally between units. Changing the existing R-3 (single dwelling) occupancy to R-2 (apartments) will require a Type 13R sprinkler system throughout. The change in occupancy from R-3 to R-2 will also require a seismic upgrade per city code 24.85.040.

Opt A Building Area: 5,380 sf
 Opt A Building Height: 30 ft

Opt B Building Area: 3,660 sf
 Opt B Building Height: 20 ft

Conversion Requirements

- Construct horizontal fire/sound separation between units
- Seismic upgrade
- Install automatic fire sprinkler system (Type 13R)
- Install walls and doors as shown on plan to create new units
- Install additional kitchens and bathrooms
- Ensure that units have independent heating control

Pros

- Option A maximizes building area
- Maximizes number of separate dwelling units
- Re-use existing walls, doors and other construction to the extent possible
- Matching materials and fenestration patterns can minimize visual impact of vertical addition (Opt A)

Cons

- ADA access is difficult to elevated first level and basement
- Costly commercial code upgrade including seismic & sprinklers
- Opt A may be beyond scope of internal conversion



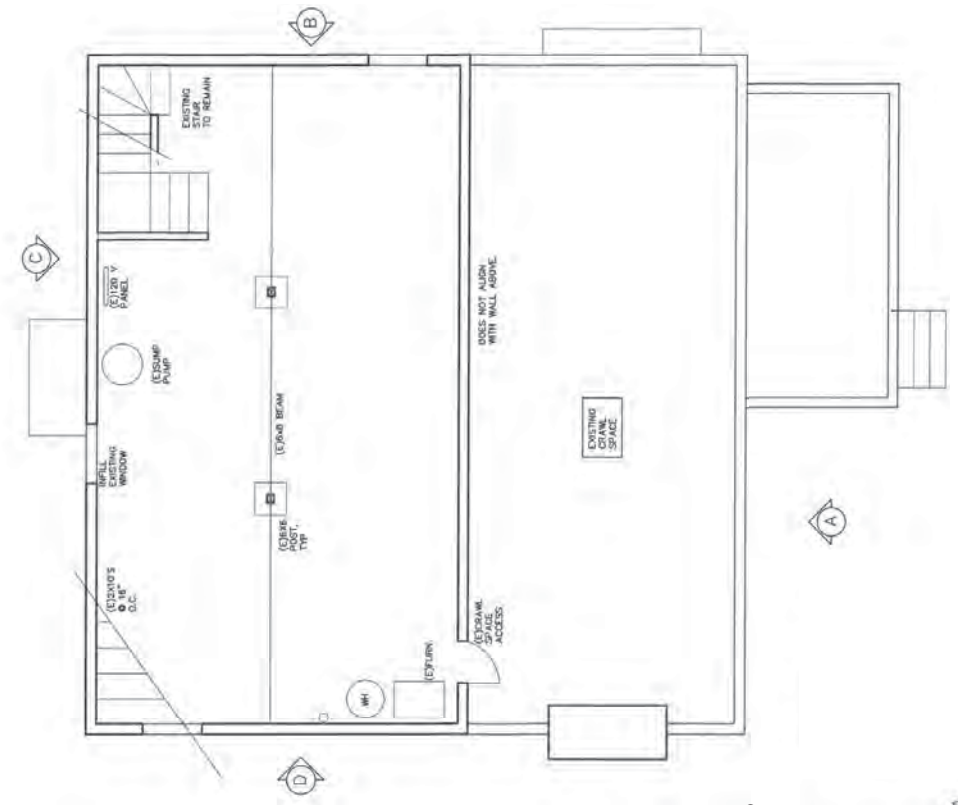
BUILDING ELEVATIONS OPT A

1910s BUNGALOW SITE PLAN & SUMMARY





PHOTO Existing House

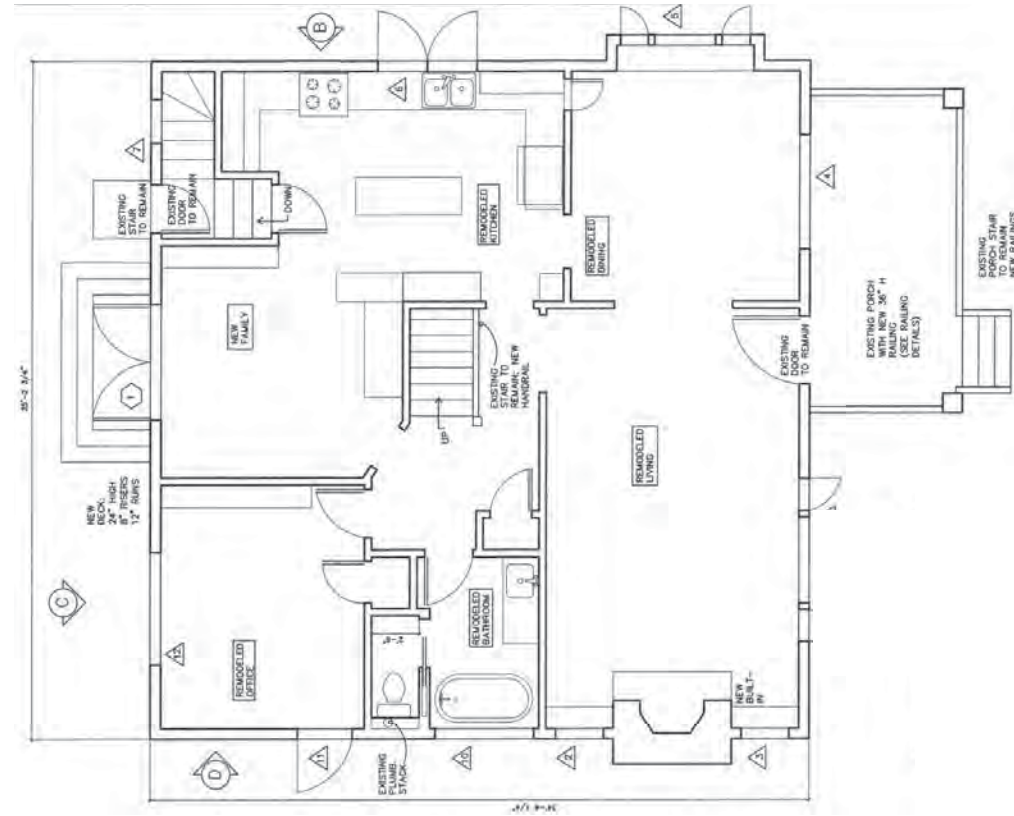


PLAN Basement 700 sf

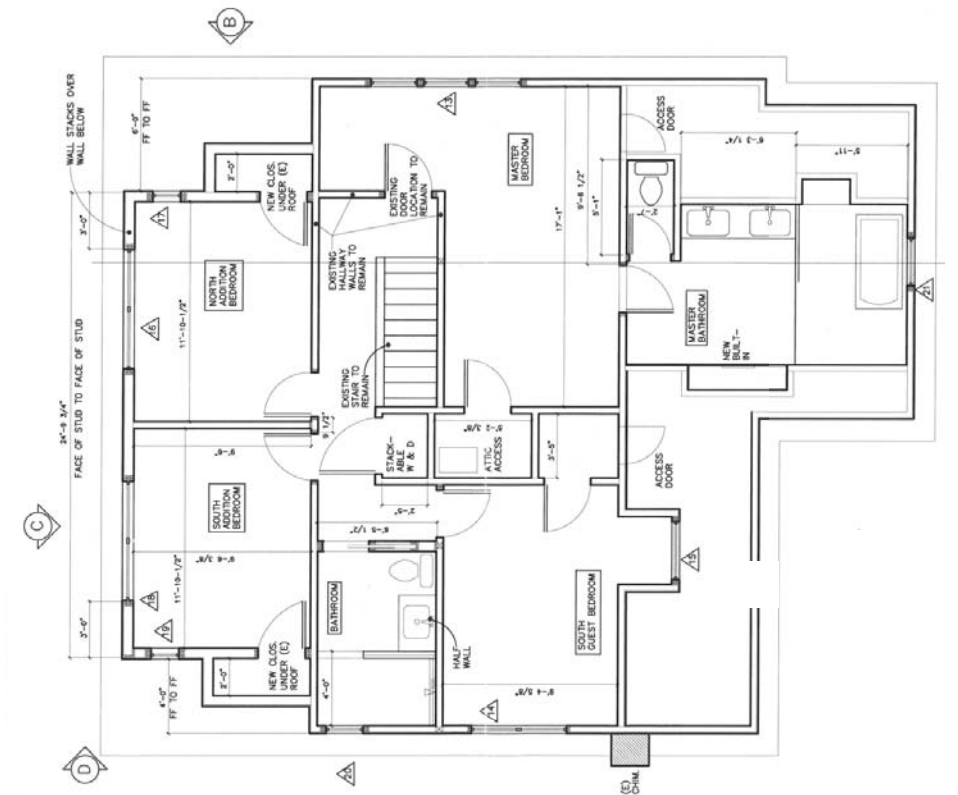
EXISTING BUILDING SUMMARY

The existing building is a two-story Tudor-style home with a partial basement. For the purposes of this study, it is assumed the basement has adequate head height. The site also includes a 1-story detached garage.

- Building Area: 2,875 sf
- Building Height: 28 ft
- Site Area: 5,000 sf
- FAR: 0.44:1 (basement excluded)
- Construction Type: V-B (Unprotected Wood Frame)
- Sprinklering: No
- Existing Occupancies: R-3



PLAN 1st Level 1,225 sf



PLAN 2nd Level 950 sf

Scale: 1" = 10'



1920s TUDOR EXISTING BUILDING

PROPOSED CONVERSION SUMMARY

This scheme proposes dividing the house into five units. A sixth dwelling unit could be added on site by converting the existing detached garage structure into a dwelling unit without having to meet OSSC. The proposed internal conversion will require compliance with commercial code (2014 OSSC) requirements.

Fire and sound separation is required vertically and horizontally between units. Changing the existing R-3 (single dwelling) occupancy to R-2 (apartments) will require a Type 13R sprinkler system be installed throughout the building. The change in occupancy from R-3 to R-2 will also require a seismic upgrade per city code 24.85.040.

Building Area: 2,875 sf
Building Height: 28'

Conversion Requirements

- Construct horizontal and vertical fire/sound separation between units
- Seismic upgrade
- Install automatic fire sprinkler system (Type 13R)
- Install walls and doors as shown on plan to create new units
- Install kitchens and bathrooms as shown
- Provide access and emergency escape to basement units
- Envelope upgrades at existing unheated spaces

Pros

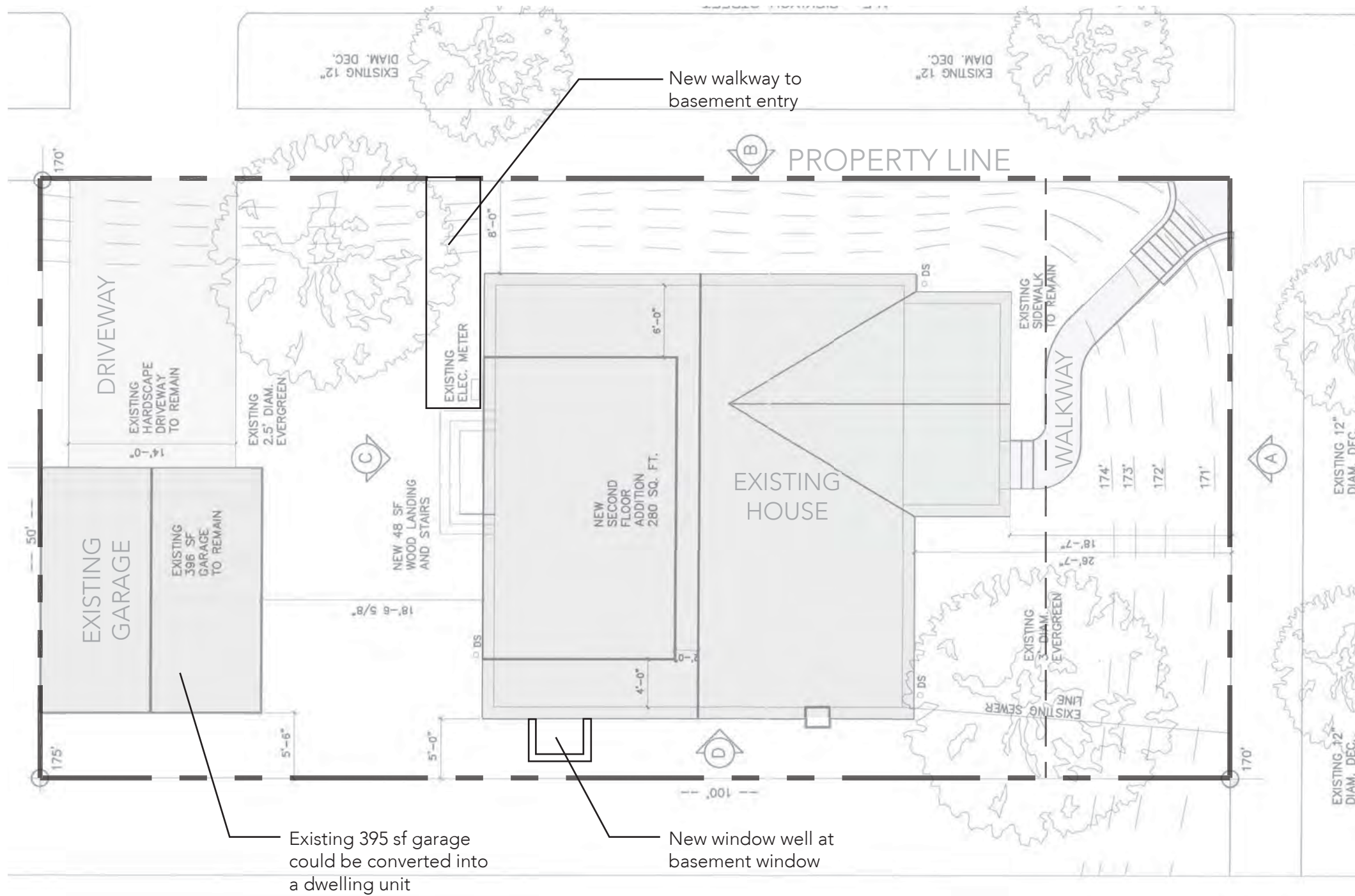
- 5 units in 2,875 sf maximizes density
- No ADA units required for internal conversion
- Existing interior stair can be re-used

Cons

- Units are small and awkward
- Costly commercial code upgrade including seismic & sprinklers



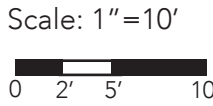
1920s TUDOR PROPOSED CONVERSION & SUMMARY



PROPOSED SITE IMPROVEMENTS

- Add walkway for basement unit access
- Add window well for emergency escape at basement bedrooms
- Option to convert existing garage into dwelling unit

SITE PLAN



1920s TUDOR SITE PLAN



PHOTO Existing House

EXISTING BUILDING SUMMARY

This existing building is a typical one-story single family ranch house with a one car garage and a full height basement. An interior stair connects the 1st level and the basement. The construction of the house is wood framing on concrete basement/foundation walls. The existing site slopes to the south and allows for a walk-out basement at the rear of the house.

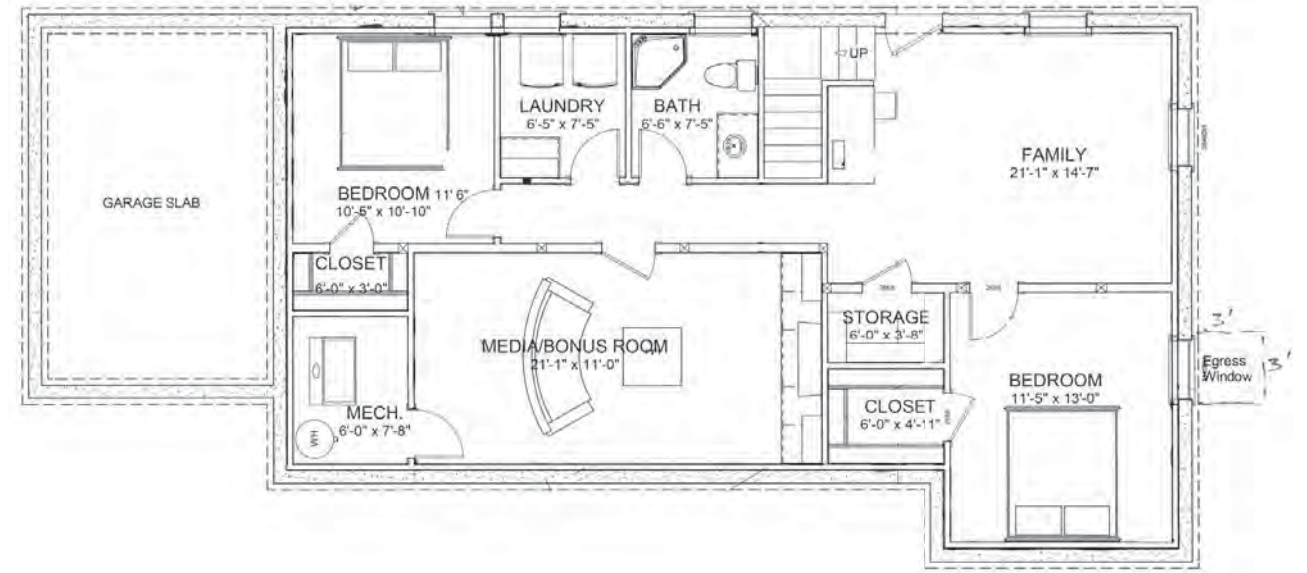
The house was originally built in 1952, but has since been renovated to accommodate 4 bedrooms and 3 baths. During renovations, the basement walls were furred-out and insulated to meet energy code and a window well was added to provide code required egress for a basement bedroom.

Building Area: 2,700 sf
 Building Height: 15 ft +/-
 Site Area: 8,300 sf
 FAR: 0.18:1 (excluding basement)

Construction Type: V-B (Unprotected Wood Frame)
 Sprinklering: No

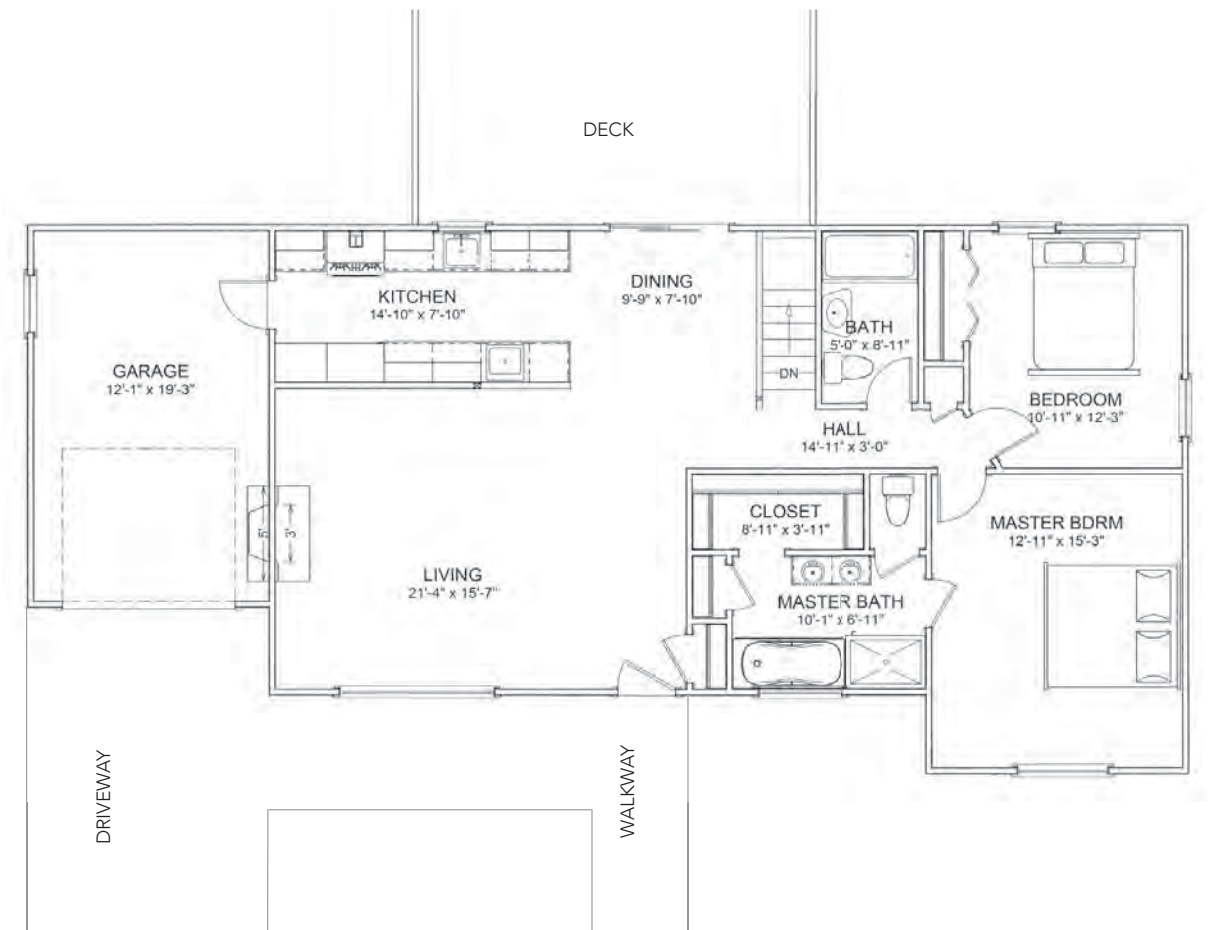
Existing Occupancies: R-3

Scale: 1"=10'



PLAN Basement

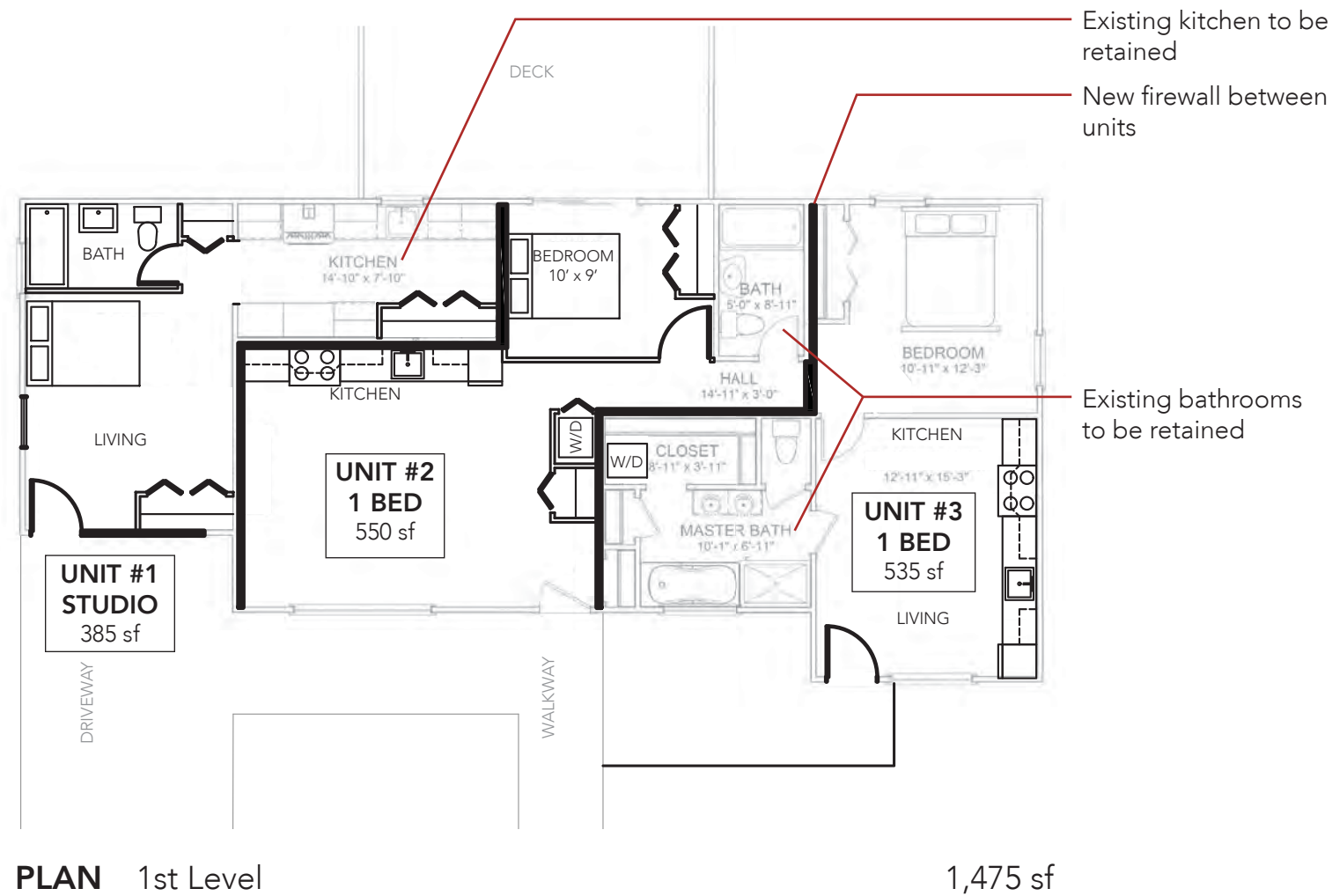
1,225 sf



PLAN 1st Level

1,475 sf

1950s RANCH EXISTING BUILDING



PROPOSED CONVERSION SUMMARY

This scheme aims to maximize the number of dwelling units achievable in a typical post-war ranch house, in this case assuming there is no existing basement.

The result is three single-story "townhouse" units separated by code required firewalls. The goal of this scheme is to minimize the amount of demolition of existing materials, especially the kitchen and bathrooms. With the addition of two kitchens, a bathroom, and a few partition walls, the existing house is able to be converted in to two one-bedroom units and one studio unit.

Building Area: 1,475 sf

Conversion Requirements

- Construct fire/sound separation walls between units
- Install (2) additional entry doors
- Install (2) additional kitchens
- Install (1) additional bathroom

Pros

- Commercial building code not required due to townhouse layout
- Seismic upgrade not required
- Sprinklers not required
- Reuse existing kitchen and baths
- Potential for accessible units with minor upgrades

Cons

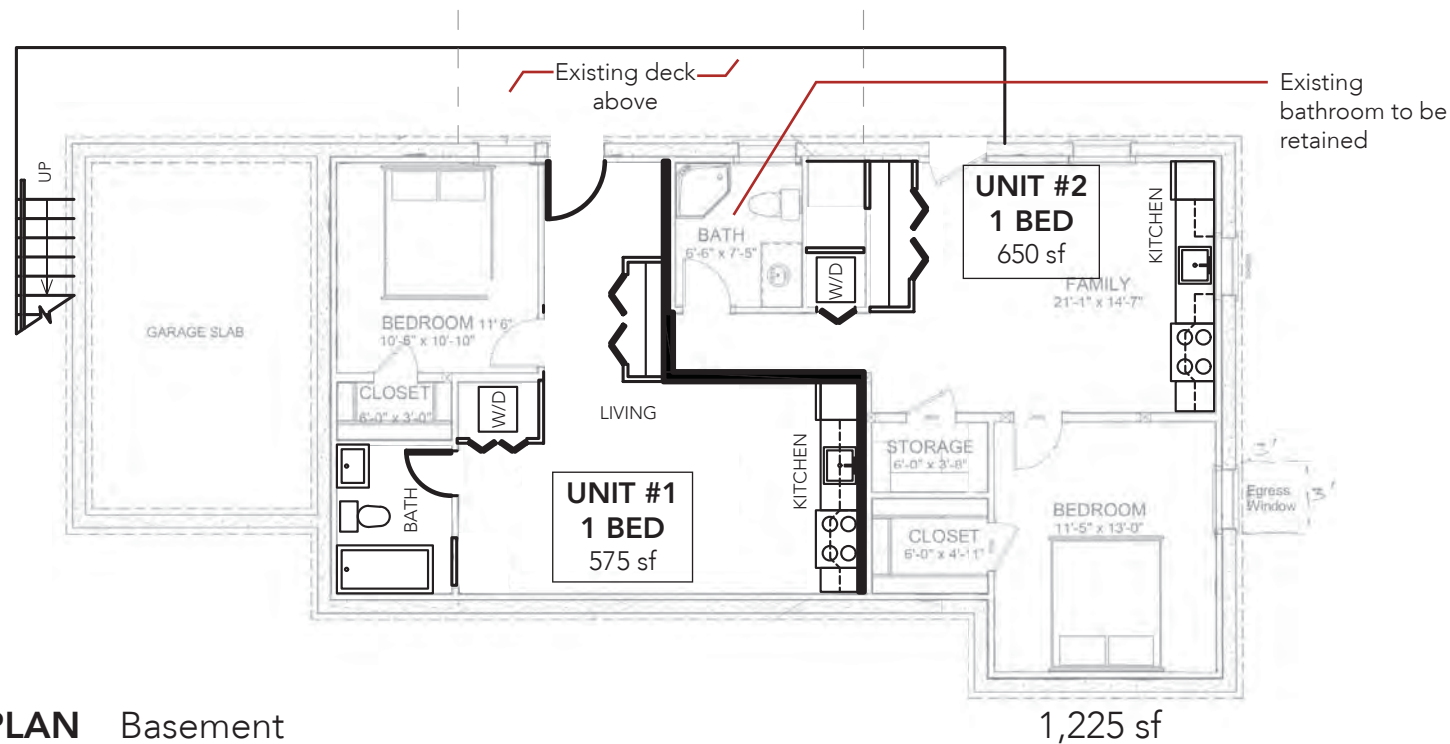
- Awkward unit layouts
- Removal of garage

Scale: 1"=10'



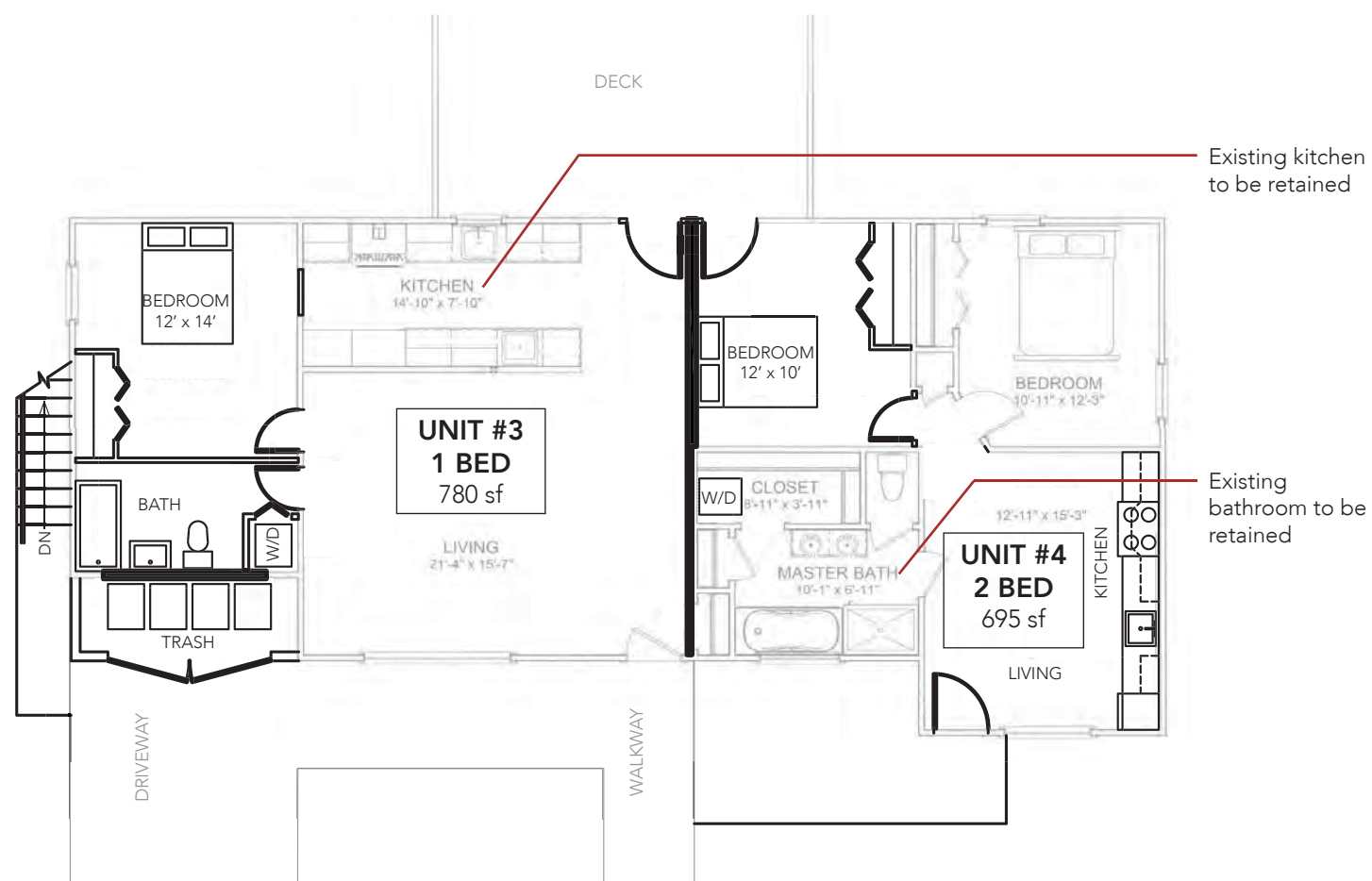
LEGEND

- Existing construction (grey)
- New construction (black)



PLAN Basement

1,225 sf



PLAN 1st Level

1,475 sf

PROPOSED CONVERSION SUMMARY

This scheme aims to maximize the number of dwelling units achievable in a post-war ranch house with an existing full height walk-out basement.

The result is a four unit apartment building with a one-bedroom unit and a two bedroom unit on the 1st level and two one-bedroom units on the basement level. Fire and sound separation is required vertically and horizontally between units. This scheme stacks separate units vertically; therefore the occupancy classification is to be converted from an R-3 single family home to an R-2 apartment building. R-2 occupancies require conformance with the commercial building code including providing an automatic fire sprinkler system. This conversion will also require a seismic upgrade per city code 24.85.040.

Conversion Requirements

- Construct fire/sound separation walls between units
- Construct horizontal fire/sound separation between units
- Seismic upgrade
- Install automatic fire sprinkler system
- Install (2) additional unit entry doors
- Install (3) additional kitchens
- Install (2) additional bathrooms

Pros

- Maximizes number of units
- Potential for accessible units on 1st level with minor upgrades

Cons

- Commercial building code required
- Seismic upgrade required
- Sprinklers required
- Removal of garage

Scale: 1"=10'

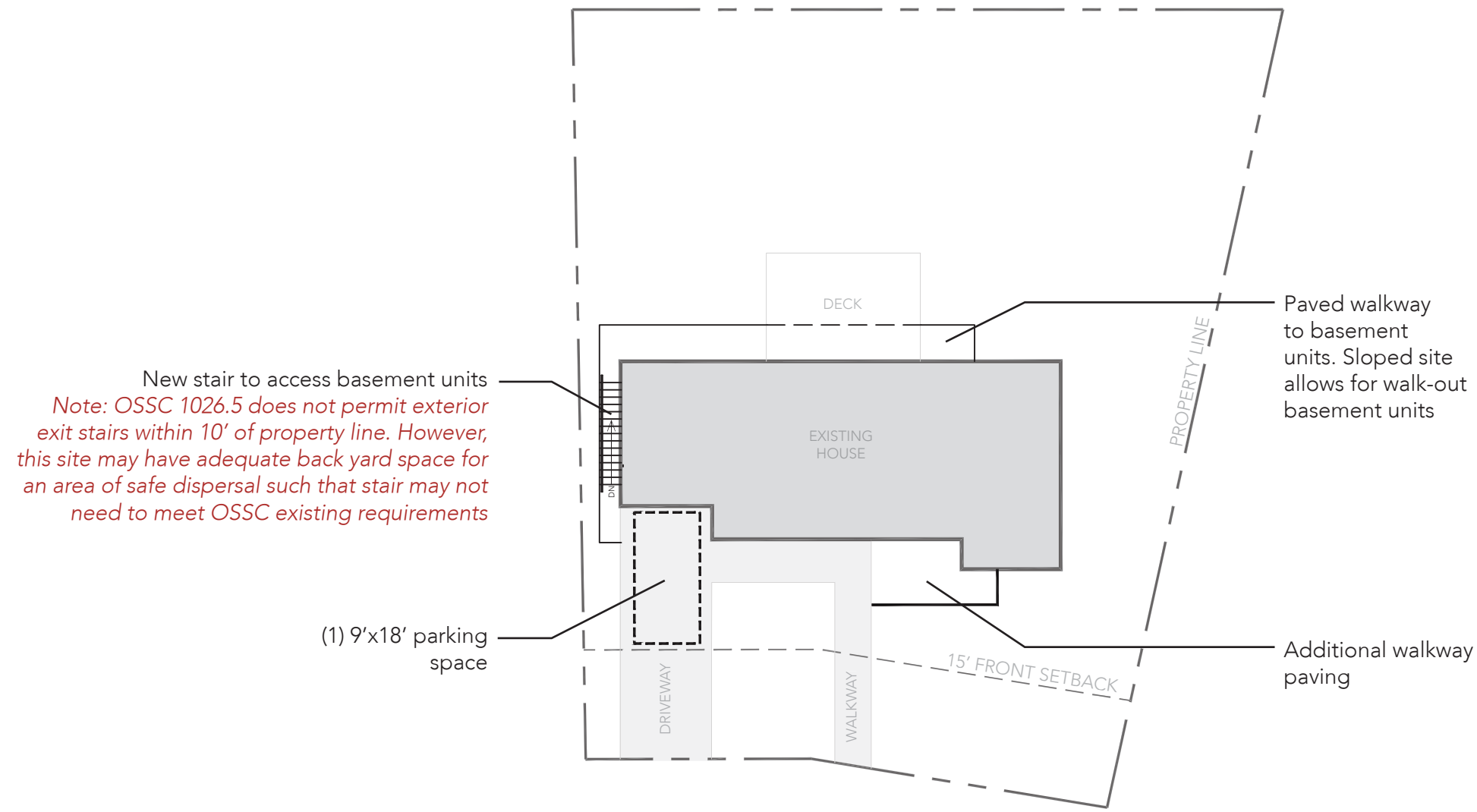


LEGEND

- Existing construction (grey)
- New construction (black)

1950s RANCH PROPOSED CONVERSION OPT B - APARTMENTS





SITE PLAN

Scale: 1"=20'



PROPOSED SITE IMPROVEMENTS

- Additional walkway paving required to provide paved access to all units
- Paved steps required to access basement units



City of Portland Residential Infill Project



Use of Floor Area Ratios (FARs) in Single Family Zoning



Prepared by
DYETT & BHATIA
Urban and Regional Planners

June 2016

City of Portland Residential Infill Project

Use of Floor Area Ratios (FARs) in Single Family Zoning

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Urban and Regional Planners

June 2016

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I Introduction

As part of Dyett & Bhatia's work on Portland's Residential Infill Project, City staff requested a written report of research analyzing different cities' codification of square footage limits through floor area ratios (FARs) in single-family zoning districts. FARs have been used in Portland's downtown and in commercial and mixed-use zones in the City, and they may be an appropriate tool to control bulk and mass in the single-family neighborhoods. However, in SAC meetings, some questions have been raised about how they would be implemented and whether they might not be too complicated. City staff noted that FARs are well understood when they apply to box-shaped buildings on flat sites, but shifting to an FAR approach in the single dwelling zones raises some implementation concerns because of the wide variety of house forms and lot topography.

Of particular interest to the Bureau of Planning & Sustainability are the specific zoning code provisions and implementation approaches as they relate to describing the measurement of FAR in single dwelling house proposals. Topics that were called out as warranted specific attention included:

- Area within roof forms when or if they are counted (attics, under gables, dormers);
- Basements (especially daylight basements or basements on sloping lots);
- Garages (when or if they are counted, tuck-under garages vs. at grade vs. detached);
- Porches, balconies, and decks (how are they defined or distinguished from other floor area);
- Double height rooms (foyers, cathedral ceilings);
- Bay windows; and
- Stairwells.

Nine cities were selected for the FAR analysis, with a pre-condition being that they had set an FAR for single-family homes. We sought a range of planning climates, geographies and perspectives on regulations. We also wanted to include some cities that have recently fine-tuned their FAR regulations or are in the process of doing so. Key characteristics of the case study cities and their 2015 population follow:

- **Atlanta (pop. 464,000):** This southern city has a strong planning tradition in a community committed to preserving the City neighborhoods' identity by preserving the unique character of established neighborhoods and supporting revitalization efforts that will increase housing opportunities and neighborhood stability. The City also is committed to preserving single-family residential neighborhoods and ensuring infill development that preserves neighborhood character. Atlanta has a diverse population,

which is aging in place, supportive state planning, and strong environmental protection policies. Its approach to single family FAR controls is fairly traditional, cleanly drafted, and effective. Its controls are straight-forward and easily administered, with no discretionary review and a well-conceived set of exemptions – items excluded from FAR calculations.

- **Beverly Hills (pop. 35,000):** The City has dealt with mansionization at a different scale, in that the “target” house size is now 10,000 square feet for a family to feel they have “arrived” and can be recognized in Beverly Hills society. The City Council, being fairly conservative, has not wanted to reduce its FARs to control house size, but instead adopted standards for architectural modulation, setbacks, and upper-story setbacks to reduce visible mass. Basement space and light wells also have been big planning issues and are addressed in the zoning controls. Their regulations are instructive in showing how a community deals with bulk and mass at the high end of the price scale.
- **Boston (pop. 667,000):** Under the aegis of the Boston Redevelopment Authority, planning in Boston is very neighborhood oriented; the City deals with gentrification in its older single family neighborhoods with a “light touch”, and been fairly conservative in its zoning. Their FAR controls are another example of a clean, straightforward approach to controlling single family home size without discretionary review or design standards.
- **Burbank (pop. 105,000):** Home to the entertainment and high tech industries, Burbank was a fairly sleepy community until it began to face pushback from neighborhoods dealing with teardowns and large homes in established neighborhoods as “new money” moved in. An Interim Development Control Ordinance was adopted to reduce FARs and set some other limits on new houses while permanent zoning is being put in place. How this interim zoning was structured and what some of the changes in FAR controls are may provide some lessons for Portland.
- **Chicago (pop. 2.7 million):** Mayor Dailey initiated a comprehensive zoning reform program about 15 years ago, which included a complete overhaul of the residential regulations and resulted in adoption of FAR controls for single family homes. This ordinance represents “best practices” in doing zoning for a large and diverse city with a strong tradition of residential architecture and limited support for design review and discretionary development controls on new homes. It also represents a “light touch” that has been quite effective.
- **Los Angeles (pop. 3.9 million):** The City Council adopted a Base Mansionization Ordinance in 2008, which was followed by a Base Hillside Ordinance shortly thereafter. Technical guidance materials also were prepared that may be instructive for Portland’s coding efforts. These ordinances were effective in dealing with bulk and mass through FAR controls and other standards, but loopholes and some generous exceptions prompted the City Council to initiate a set of amendments to the FAR controls that are now under public review.
- **Mill Valley (pop. 14,400):** A smaller Bay Area community with limited land, beautiful hillsides, and a tradition of craftsmen architecture. Their zoning has long regulated single family houses with FARs and recent Code amendments initiated because of community concerns about big houses in the hills may offer some insights, particularly in dealing

with defining “covered” floor area, basements and garages, cathedral ceilings, and grading.

- **Minneapolis (pop. 411,000):** A city with a history of strong neighborhood planning and innovative zoning; older single family housing stock, and a well-developed process for design review. Minneapolis also has a long tradition of small area planning, stemming from the work in the 1960s on interconnected urban villages. The planning initiatives in recent years have focused on infill and transit-oriented development, urban gardens, live work/shared space, urban design, and zoning. The FAR controls for single-family homes are clean and straight-forward, involving minimal discretion. They are effective in doing the job they were designed to do.
- **New York City (pop. 8.6 million):** The Mayor’s recently adopted affordable housing program included an extensive set of far-reaching Code amendments (1,000+ pages), including minor adjustment to FAR controls for single-family homes. New York City is known for its fine-grained zoning that deals with social issues as well as economic and environmental considerations. How the new zoning has responded to the pressures in the diverse neighborhoods facing gentrification seemed worthy of study.

Our findings are presented in three sections:

- Defining floor are and measuring FAR
- Base FARs and FAR Bonuses
- Special situations (hillsides and large lots)

The appendix to this report includes relevant code language from the zoning regulations adopted for each on these cities. In a couple of instances, we also found summary materials and guidelines, but in most of the cities surveyed, such guidance was not readily available. We also interviewed planning staff in some of the cities to explore how the regulations have worked and refinements under consideration. Their observations helped us draft our findings and suggestions for Portland to consider as it moves forward with this project.

2 Defining Floor Area & Measuring FAR

DEFINING FLOOR AREA

Based on our review of zoning codes in the selected jurisdictions, the “best practice” is to have an inclusive definition of floor area based on total visible building mass. Do not use the definition to make policy about what to include or exclude in calculating the floor area ratio (FAR), as these clarifications then are buried in the ordinance. Having a separate set of rules for measurement, as Portland does, is preferable. The simplest definition is just to say:

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or other enclosed structure.

Chicago among others is more inclusive in defining floor area and specifically lists what is included, as follows:

- Floor area of any floor located below *grade* or partially below *grade* when more than one-half the floor-to-ceiling height of the below-*grade* (or partially-below-*grade*) floor is above *grade* level, provided that below-*grade* or partially below-*grade* floors with a clear height of less than 6 feet 9 inches are not counted as floor area;
- Elevator shafts and stairwells on each floor;
- Floor area used for mechanical equipment, except equipment located on the roof and mechanical equipment within the building that occupies a commonly owned contiguous area of 5,000 square feet or more;
- Those portions of an *attic* having clear height (head-room) of 6 feet 9 inches or more;
- Mezzanines;
- Enclosed porches;
- Floor area devoted to *non-accessory parking*;
- Parking provided in excess of the maximum *accessory parking* limits, provided that each such parking space will be counted as 350 square feet of floor area; and
- Floor area within a *principal building* that is occupied by *accessory uses*.

Delving more deeply into the codes in each of the jurisdictions reveals some specific differences in approach, such as how to deal with attic space, basements, covered porches, and high ceilings. Some of these are highlighted below with our recommendations; details are in the appendix.

Area within roof forms when or if they are counted

Most jurisdictions include floor area in attics, under peak roofs, whether or not it is habitable, meaning does the attic have the minimum floor to ceiling clearance set by the Uniform Building Code (UBC) for a habitable room. The Senior Planner in Los Angeles pointed out that dormers are easily added, and they do not want to track whether this would put a house over an FAR limit. So they ignore ceiling height.

- Chicago sets a minimum height of 6 feet 9 inches to be counted, but no minimum area. This is less than the current UBC standard of 7 feet, down from a previous 7.5 foot standard.
- Mill Valley is more specific: if attic space has 7 foot headroom with minimum horizontal dimensions of 6 feet by 8 feet, then it is counted toward FAR.
- Minneapolis refers to headroom clearance as set by the building code in determining whether to count attic space, but does not include a specific number in the zoning regulations.
- New York City is more nuanced, counting some attics with only 5 feet of headroom (in R2A and R2X zoning districts, among others) and others with 8 feet of headroom (R1 and R2 zoning districts).

Mill Valley's approach might be worth a closer look, as it recognizes the value of attic space and sets out specific parameters on when to count it; they have gone a bit further than Chicago.

Basements

Most jurisdictions exclude basements from FAR calculations based on a Building Code definition or something similar. Usually this translates to a rule that the basement has to be below a finished first floor that is no more than 2.5 or 3 feet above grade for at least 50 percent of its perimeter (or for the whole perimeter, as in Beverly Hills, Burbank and Mill Valley, among others).

- Burbank and New York City includes basement space within the definition of floor area because it is used. However, in hillsides, you get the "walk-in" basement problem, and are really giving away space that contributes to overall building mass.
- New York City has a separate definition for cellar space and allows that space to be excluded unless it's used for dwelling purposes.
- The Burbank Assistant Director cautioned against using the term "habitable space" for basements as it invites arguments about whether a below grade interior space, such as an unfinished room below a garage slab, should be excluded or included.
- The Mill Valley Senior Planner said that when they had the basement exclusion and only required a portion of the perimeter to be completely underground, "it was a real nightmare". Since changing the rule, Mill Valley is much happier with the results as building bulk in the hillsides has been reduced.
- Mill Valley also allows "raw space" as found under a garage or carport in a hillside home to be converted to habitable space with the following rule: "*During the improvement of an*

existing single-family dwelling, any enclosed but undeveloped volumes may be converted to habitable space and shall not be restricted to the maximum adjusted floor area as determined by Section 20.16.040(A)(2); provided that the conversion of the existing space does not change the existing height, bulk, mass or footprint of the structure and only if minimal excavation or modification of the existing grade is required.”

- Los Angeles specifically addresses the issue of daylight access to basements and allows the basement exclusion from floor area even with 2 light wells, provided they are not visible from a public right-of-way, they do not project more than 3 feet from the exterior walls of the basement, and they are not wider than 6 feet. This is similar to rules adopted in upper-income communities on the San Francisco Peninsula where tight FAR controls may be the option of a family room that is below grade a viable alternative.
- Los Angeles also excludes basement space only if the upper surface of the floor or roof above does not exceed 2 feet in height above natural or finished grade, whichever is lower.

Burbank’s approach – count everything, but deal with garage space separately – may make sense as a starting point because such space does contribute to overall mass, even is partially below-grade.

Garages

Most jurisdictions exclude garage space for required parking; some do this with a general rule, while others state a specific amount of floor area that is excluded (300 square feet in New York City, 400 square feet in Beverly Hills, Burbank and Los Angeles, and 500 square feet in Mill Valley and in New York City if two spaces are provided).

- Boston exempts all garage space, whether at grade or underground.
- Chicago counts garage space if it’s for parking more than the minimum number of required spaces. This was intended in part to be a disincentive for the three-and four-car garages being built.
- Minneapolis counts garage space if attached to single family and two-family homes.
- Beverly Hills has the most developed concepts for garage entrance locations (see Section 10-3-114) and, notably, does not allow sloped garage entries to tuck-under or partially below-grade or subterranean garages in the front yard setback area. The idea being to move the entry to a below-grade garage back into the lot. Limits on garage width also are set (40 percent of the lot width or 24 feet, whichever is less).

On balance, we think some for of exemption for garage space may make sense, with additional attention to underground and tuck-under garages. Burbank is currently considering not only a garage proscenium width, but also restrictions on apron width and curbcuts for drives, along with a rule that a garage door for a third space be offset at least two feet from the front of a two-garage garage entrance.

Porches, balconies, and decks

If porches, balconies, and decks are generally open, they are typically excluded, but if they are enclosed on two or three sides, then the floor area is counted in a FAR calculation.

- Burbank counts all covered porches as floor area.
- Chicago counts enclosed porches.
- Los Angeles exempts porches and breezeways with an open lattice roof, and gives a partial exemption (250 square feet) for porches, patios and breezeways with a solid roof if they are open on two sides.
- New York City excludes floor space in open or roofed porches and breezeways provided not more than 50 percent of the space is enclosed.

Of the cities surveyed, Los Angeles may be the best model, with its partial exemption.

Double height rooms

The issue of cathedral ceilings for family rooms and foyers has been approached in several ways:

- **Allow an Unlimited Exemption.** Beverly Hills does not limit interior space with high floor to ceiling heights.
- **Allow a Limited Exemption.** Los Angeles has allowed an exemption for only a certain amount of space (100 square feet) to have floor-to-ceiling heights over 14 feet.
- **Requiring Double-Counting.** Burbank requires interior space greater than 12 feet to count as a second story, meaning the floor area is double-counted. Los Angeles is considering a similar rule in its amendments to the Base Mansionization Ordinance, but they would set an allowable ceiling height of 14 feet.
- **Assign a 50% Premium to Foyer or Cathedral Ceiling Space.** Mill Valley uses this option, meaning the floor area in rooms where the interior space exceeds 14 feet is multiplied by 1.5. Mill Valley also has some specific rules for top floor space related to roof pitch.

Mill Valley offers a good model, with its 50 percent premium, but if there is SAC support, you could require double-counting as this is more-effective in controlling overall building bulk.

Bay windows

In generally, floor area created by a bay window only is counted if it is a floor-to-ceiling bay, but not if it is a traditional bay window with a shelf or bench for seating. The best way to do this is to set a minimum vertical distance for the bay window to be above the floor, such as 30 inches. However, many of the zoning ordinances reviewed did not address this topic explicitly.

Stairwells

Stairwells usually are counted once, not twice, but some jurisdictions do count this space at each level.

ESTABLISHING AN “ADJUSTED” FLOOR AREA FOR FAR CALCULATIONS

Several jurisdictions establish specific rules for determining floor area as the basis for determining compliance with FAR standards. This is done by stating, first, that the floor area of a building is the sum of the gross horizontal areas of all floors of a home and other enclosed structures, measured from the outside perimeter of the exterior walls and/or the centerline of interior walls, and then listing what is included and excluded in these calculations.

Interestingly, Mill Valley allows exclusion for enclosed but undeveloped volumes, which could be utilized in the future as floor area if they have minimum horizontal dimensions of 8 feet by 10 feet and 7 foot headroom. The Burbank Assistant Planning Director cautions against this approach, preferring to count all interior floor area, whether or not it is habitable and be a bit more generous with the FAR (Mill Valley sets a 0.35 base FAR, while Burbank’s is 0.40, which can go up to 0.45 if certain features are included in the home design (e.g. wider side yards, upper-story setbacks, so the second floor is smaller than the ground floor).

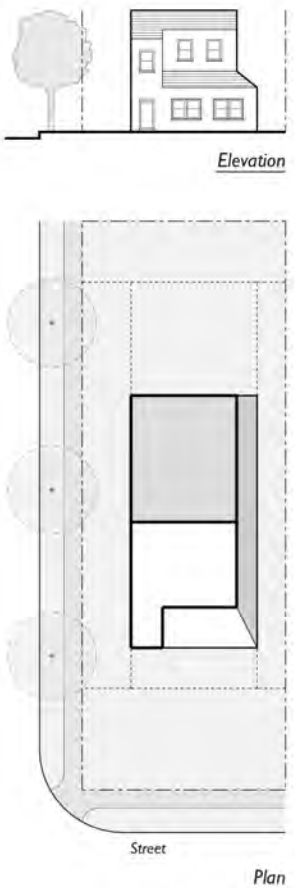
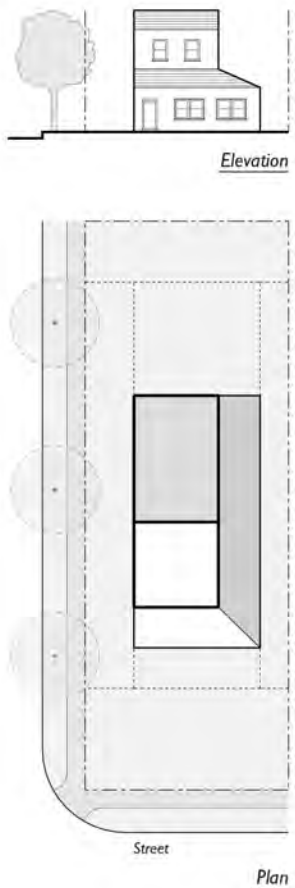
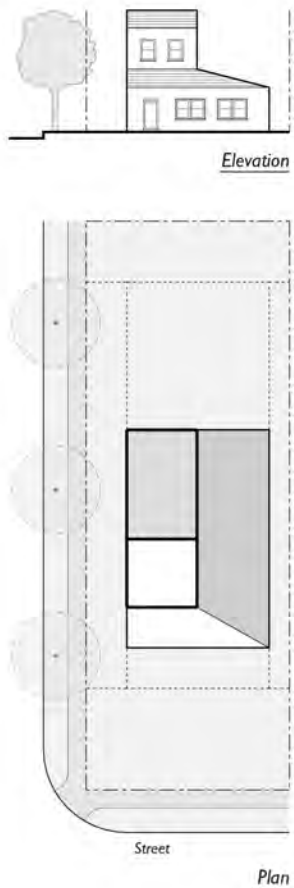
DETERMINING THE FLOOR AREA RATIO

The floor area ratio (FAR) is the ratio of the floor area, excluding areas specifically noted, of all principal and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by site area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

The diagram on the following page shows how Burbank illustrates different FARs in combination with standards intended to reduce visible bulk.

VERIFICATION OF EXISTING CONDITIONS

Los Angeles has a counter handout on procedures they follow for verification of existing residential floor area, including when “as-built” plans are required (any project involving more than 1,000 square feet of construction or demolition of more than 50 percent of perimeter walls).

Comparison of FAR on a Typical Burbank Lot (50' x 150')		
 <p style="text-align: center;"><i>Elevation</i></p> <p style="text-align: center;"><i>Plan</i></p>	 <p style="text-align: center;"><i>Elevation</i></p> <p style="text-align: center;"><i>Plan</i></p>	 <p style="text-align: center;"><i>Elevation</i></p> <p style="text-align: center;"><i>Plan</i></p>
FAR = 0.45	FAR = 0.40	FAR = 0.35
Total Floor Area = 3,375 sf	Total Floor Area = 3,000 sf	Total Floor Area = 2,625 sf
2 nd Story Floor Area = 75% of 1 st Story Floor Area	2 nd Story Floor Area = 56% of 1 st Story Floor Area	2 nd Story Floor Area = 56% of 1 st Story Floor Area
Conforms to section 10-1-803 of the current Zoning Code with the eight feature listed to achieve a 0.45 FAR.	Reduces 2 nd story floor plate by 375 square feet.	Further reduces the 1 st and 2 nd story floor plate to yield an FAR of 0.35.

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3 Base FARs and FAR Bonuses

BASE FARs IN SURVEYED CITIES

The table below summarizes the base FAR in the cities studied, with notes on the right-hand column about typical lots size and some other notable provisions. These FARs are substantially less than the typical FARs calculated for the SAC discussions by DECA.

City	Base FAR in Single Family Zones	Comments
Atlanta	R-4A: 0.50 R-4B: 0.75	R-4A zone has 7,500 sq. ft. lots R-4B zone has 2,800 sq. ft. lots
Beverly Hills	Central Area: 1,500 sq. ft. plus 0.40	Additional floor area allowed with a Central Area Permit
Boston	R-5: 0.50 S-3: 0.30	R-5 zone has 5,000 sq. ft. lots S-3 zone has 9,000 sq. ft. lots
Burbank	R-1: 0.40	Typical lot: 7,500 sq. ft. Bonus of 0.05 for lots over 10,000 sq. ft. for certain features
Los Angeles	R-1: 0.50 R-S: 0.45	R-1 zone has 5,000 sq. ft. lots R-S zones has 7,500 sq. ft. lots
Mill Valley	RS: 0.35 if under 8,000 sq.ft.	If lot is 8-12,000 sq.ft.: house size is 2,000 sq. ft. plus 0.10; over 12,000 sq.ft. 3,000 sq.ft. plus 0.5 up to maximum of 7,000 sq.ft. gross floor area. One-time allowance of 100 sq. ft. for existing homes.
Minneapolis	R-1: 0.5	May be increased to match FARs of 50% of the homes within 100 feet of the lot; one time allowance of 500 sq. ft. for existing homes
New York City	R1: 0.50	Minimum lot area: 5,700 to 9,500 sq. ft.

Interestingly, in Atlanta, the R-4B zoning district is intended specifically as an alternative single-family zone for affordable housing that is centrally located and accessible to public transit, jobs and social services. Areas with this zoning were formally zoned for multi-family residential uses and the City’s objective is to transit these areas to single-family development pattern meeting the affordability goals specified.

FAR BONUSES

Nonresidential FAR bonuses are often granted for affordable housing, community benefits, dedication of right-of-way or other off-site improvements, urban gardens and green roofs, but for single family home, there are fewer bonuses that make sense. Bonuses that have been offered in the cities studied include:

- **Single story homes.** Los Angeles gives a 20 percent floor area bonus for home that stay within an 18-foot height “envelope”. As an alternative, in Studio City, Los Angeles gives an FAR bonus if the maximum height is reduced by 20 percent under a “menu” approach to FAR options.
- **Reduced second story size and setbacks.** Burbank allows up 0.05 additional FAR with a second story setback 10 feet at the front elevation for 75 percent of the width and 5 feet on at least one side elevation. The second story floor area cannot exceed 75 percent of the floor area of the first floor.
- **Front façade setbacks.** Los Angeles allows a 20 percent floor area bonus for an upper-story front setback that is at least 20 percent of the building depth.
- **Increased side yards.** Los Angeles allows a 20 percent floor area bonus when the combined width of the side yards is 25 percent of the lot width, provided no single yard is less than 10 percent of the lot width.
- **Minimal grading.** Los Angeles offer a 20 percent floor area bonus if the grading does not exceed 10 percent of the lot area, expressed in cubic yards, or 1,000 cubic yards, whichever is less. By contrast, Mill Valley just sets a 300 cubic yard standard.
- **Green building.** Los Angeles offers a 20 percent floor area bonus (30 percent if the lot is less than 5,000 square feet), for a home that substantially complies with the “certified” level or higher, as set by the U.S. Green Building Council LEED program. The City Council has proposed eliminating this bonus, as they would prefer to see green building requirements established for all homes.
- **General Articulation Option.** For Studio City, Los Angeles offers a floor area bonus if all sides of a building façade are relieved by one or more variations that, in total, are no less than 20 percent of the façade and have a minimum average depth of 9 inches. These may include façade details, such as recessed windows, insets, pop-outs, or window trim. For existing homes and additions, only new exterior walls and existing walls that are altered are required to have the articulation. The precise FAR bonus is determined by a “menu” approach, with different FAR bonus increments for specific zoning districts.

The Burbank FAR bonus for larger lots is being reconsidered by the City Council because of concerns about house size.

4 Special Situations

HILLSIDES

Hillsides present a special situation for FAR controls because of bulk and mass is more visible. Larger homes on upslope lots also can loom over downslope lots and intrude into a neighbor's privacy. Increasing side setbacks and decreasing front setbacks also can help, as can height limits that distinguish an upslope from a downslope condition. The easiest way to regulate bulk though may be to establish a rule for reduced FAR as a function of slope.

- In Los Angeles, for example, the maximum FAR in the RS zoning district (0.45) drop to 0.4 in the 15-30 percent slope band, 0.35 in the 30-45 percent slope band, 0.30 in the 45-60 percent slope band, and 0.25 percent for lots with a slope band of 60+ percent.
- Burbank is considering a similar rule in its Neighborhood Compatibility Project.

LARGE LOTS

Two jurisdictions have “bent line” rules to address FAR on larger lots. The concept is straightforward: the amount of floor area that can be added on larger lots is proportionally less than on a standard-size lot. This rule also does not reward lot mergers, the purchase of an adjacent lot with a “teardown”, for example, with twice the floor area of the standard lot.

In Burbank, the bent line rule is presented in a table format:

Maximum Residential Floor Area Based on Lot Size and Allowable Floor Area Ratio (FAR)		
<i>Lot Size (Sq. Ft.)</i>	<i>Maximum FAR</i>	<i>Maximum Residential Floor Area (Sq. Ft.)</i>
7,500 or less	0.4	3,000
7,501 – 15,000	0.4 for lot area up to 7,500; 0.3 for lot area over 7,500	3,000 to 4,350
Over 15,000	0.4 for lot area up to 7,500; 0.3 for lot area over 7,500 but less than 15,000; and 0.2 for lot area over 15,000	Over 4,350, as determined by the applicable maximum FARs

Use of Floor Area Ratios (FARs) in Single Family Zoning

In Mill Valley, the maximum floor area is determined as follows:

- Lots with less than 8,000 square feet of effective lot area: 35% of the effective lot area.
- Lots with 8,000 to 20,000 square feet of effective lot area: 10% of the effective lot area plus 2,000 square feet.
- Lots with more than 20,000 square feet of effective lot area: five percent of the effective lot area plus 3,000 square feet, to a maximum of 7,000 square feet.

Appendix: Sample Codes and Technical Handouts

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Atlanta

Atlanta R1 Floor Area and FAR Defined

Residential floor area: Residential floor area is the sum of areas for residential use on all floors of buildings, measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches and balconies, and below-grade floor areas used for habitation and residential access. Not countable as residential floor area are:

- (1) Open terraces, patios, atriums or balconies;
- (2) Carports, garages, breezeways, tool sheds;
- (3) Special-purpose areas for common use of occupants, such as recreation rooms or social halls;
- (4) Staff space for therapy or examination in care housing;
- (5) Basement space not used for living accommodations; or
- (6) Any commercial or other nonresidential space.

Floor area ratio: A number which, when multiplied by the total net lot area of any lot within the R-1 through R-5 district, establishes the total amount of gross floor space which may be built on that lot, excluding basement space but including attic space as each provided by their individual definitions, and excluding garage space and space contained within any accessory structure unless said accessory structure is used as a secondary dwelling unit.

Basement: A story of a building having half or more of its clear height below grade and used for storage, garages for use of occupants of the building or utilities common to the rest of the building.

- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Ord. No. 2005-07, § 1, 1-24-05)

CHAPTER 5. - R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-05.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations in the R-3 Single-Family Residential District.

(Code 1977, § 16-05.001)

Sec. 16-05.002. - Statement of intent.

The intent of this chapter in establishing the R-3 Single-Family Residential District is as follows:

- (1) To provide for the development of single-family residential communities and protection of existing communities on lots of medium size at a density of not more than one dwelling unit per 18,000 square feet.
- (2) To provide for the development of recreational, religious, and educational facilities as basic elements in a balanced community.

(Code 1977, § 16-05.002)

Sec. 16-05.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Repealed.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.
- (4) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-05.003)

Sec. 16-05.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to limitations set forth in section 16-29.001(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of 16-25.002(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.
- (9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (10) Urban gardens.
- (11) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-05.004; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-E-i, 6-11-14](#))

Sec. 16-05.005. - Special permits.

The following uses are permissible only by special permits of the kinds indicated, subject to the limitations and requirements set forth herein or elsewhere in this part:

- (1) Special use permits:
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities.
 - (d) Civic, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt or other natural resources.
 - (g) Personal care homes and rehabilitation centers.
 - (h) Landfills.
 - (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.

- (l) Private schools.
- (2) Special administrative permits:
 - (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (d) Urban gardens as a principal use on an undeveloped lot.
- (3) Special exceptions:
 - (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-05.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ VIII, IX, 12-12-01; Ord. No. 2004-53, §§ 5A—5C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3D, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3E, 9-15-11; [Ord. No. 2014-22\(14-O-1092\), § 2-E-ii, 6-11-14](#))

Sec. 16-05.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-05.006)

Sec. 16-05.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Churches, temples, synagogues, mosques and similar religious facilities, except when authorized by a special permit.
- (2) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 18,000 square feet and a frontage of not less than 100 feet.
- (3) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-05.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-05.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 50 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than 10 feet.
- (3) Rear yard: There shall be a rear yard of not less than 20 feet.

- (4) Accessory structures: Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area ratio: The maximum floor area ratio within this district shall not exceed 0.40.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 40 percent of total lot area.

(Code 1977, § 16-05.008)

Sec. 16-05.009. - Maximum height.

No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-05.009)

Sec. 16-05.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014):

- (1) Single-family detached dwellings: Two spaces per dwelling.
- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Code 1977, § 16-05.010; Ord. No. 2004-53, § 5D, 8-20-04)

CHAPTER 5A. - R-3A SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-05A.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations for the R-3A Single-Family Residential District.

(Code 1977, § 16-05A.001)

Sec. 16-05A.002. - Statement of intent.

The intent of this chapter in establishing the R-3A Single-Family Residential District is as follows:

- (1) To provide protection for existing single-family neighborhoods by providing a district with lots having not more than one housing unit per 13,500 square feet.
- (2) To permit new development in a manner compatible with existing development.
- (3) To provide for the development of recreational, religious and educational facilities as basic elements of a balanced community.

(Code 1977, § 16-05A.002)

Sec. 16-05A.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Single-family detached dwellings.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Structures and uses required for the operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purposes.

(Code 1977, § 16-05A.003)

Sec. 16-05A.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include, but are not limited to, the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for the keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to the limitations set forth in section 16-29.001(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (9) Urban gardens.
- (10) Market gardens, are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Except in the case of a home occupation, no accessory use shall be of a commercial nature. No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-05A.004; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-F-i, 6-11-14](#))

Sec. 16-05A.005. - Special permits.

The following uses are permissible only by special permits of the kind indicated, subject to the limitations and requirements set forth herein or elsewhere in this part:

- (1) Special use permits:
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities.
 - (d) Civic, service, garden, neighborhood or private not-for-profit clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Personal care homes and rehabilitation centers.
 - (g) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (h) Nursing homes.
 - (i) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (j) Private schools.
- (2) Special administrative permits:
 - (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (d) Urban gardens as a principal use on an undeveloped lot.
- (3) Special exceptions: Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-05A.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ X, XI, 12-12-01; Ord. No. 2004-53, §§ 6A—6C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3E, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3F, 9-15-11; [Ord. No. 2014-22\(14-O-1092\), § 2-F-ii, 6-11-14](#))

Sec. 16-05A.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-05A.006)

Sec. 16-05A.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 13,500 square feet and a frontage of not less than 85 feet.
- (2) If a lot has less area or width than herein required and was a lot of record on the effective date of this chapter, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-05A.007)

Sec. 16-05A.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 50 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than 10 feet.
- (3) Rear yard: There shall be a rear yard of not less than 15 feet.
- (4) Accessory structures: Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area ratio: The maximum floor area ratio within this district shall not exceed 0.45.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 45 percent of total lot area.

(Code 1977, § 16-05A.008)

Sec. 16-05A.009. - Maximum height requirements.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses. No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-05A.009)

Sec. 16-05A.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014):

- (1) Single-family detached dwellings: Two spaces per dwelling.
- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Code 1977, § 16-05A.010; Ord. No. 2004-53, § 6D, 8-20-04)

CHAPTER 6. - R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-06.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations for the R-4 Single-Family Residential District.

(Code 1977, § 16-06.001)

Sec. 16-06.002. - Statement of intent.

The intent of this chapter in establishing the R-4 Single-Family Residential District is as follows:

- (1) To provide for the protection of existing single-family communities and the development of new communities on lots of medium size at a density of not more than one dwelling unit per 9,000 square feet.
- (2) To provide for the development of recreational, educational and religious facilities as basic elements of a balanced community.

(Code 1977, § 16-06.002)

Sec. 16-06.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes, and in no case shall there be more than one main building and one main use on a lot:

- (1) Repealed.
- (2) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (3) Single-family detached dwellings.
- (4) Structures and uses required for the operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purposes.

(Code 1977, § 16-06.003)

Sec. 16-06.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for the keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to the limitations set forth in section 16-29.001(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Amateur radio service antenna structures 70 feet or less in height. Amateur radio service antenna towers over 70 feet in height shall be by special use permit and comply with the requirements of 16-25.002(3)h, except that subsection h(ii) and subsection h(iv)(d) shall not be applicable to such applications.
- (9) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (10) Urban gardens.

- (11) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-06.004; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-G-i, 6-11-14](#))

Sec. 16-06.005. - Special permits.

The following uses are permissible only by special permits of the kind indicated, subject to the limitations and requirements set forth herein or elsewhere in this part:

(1) Special use permits:

- (a) Cemeteries, mausoleums and columbariums.
- (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and special schools or day care facilities for young children.
- (c) Churches, synagogues, temples, mosques and other religious worship facilities.
- (d) Civic, service, garden, neighborhood or private clubs.
- (e) Colleges and universities, other than trade schools, business colleges and similar uses.
- (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
- (g) Personal care homes and rehabilitation centers.
- (h) Landfills.
- (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (j) Nursing homes.
- (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
- (l) Private schools.

(2) Special administrative permits:

- (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
- (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
- (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
- (d) Urban gardens as a principal use on an undeveloped lot.

(3) Special exceptions:

- (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
- (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-06.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XII, XIII, 12-12-01; Ord. No. 2004-53, §§ 7A—7C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3F, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3G, 9-15-11; [Ord. No. 2014-22\(14-O-1092\), § 2-G-ii, 6-11-14](#))

Sec. 16-06.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-06.006)

Sec. 16-06.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Churches, temples, synagogues, mosques and similar religious facilities, except when authorized by a special permit.
- (2) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 9,000 square feet and a frontage of not less than 70 feet.
- (3) If a lot has less area or width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-06.007; Ord. No. 2005-21, §§ 1, 2, 3-25-05)

Sec. 16-06.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 35 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) Rear yard: There shall be a rear yard of not less than 15 feet.
- (4) Accessory structures: Accessory structures other than fences, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area ratio: The maximum floor area ratio within this district shall not exceed 0.50.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 50 percent of total lot area.

(Code 1977, § 16-06.008)

Sec. 16-06.009. - Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-06.009)

Sec. 16-06.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permits as well as permitted uses (see section 16-28.014):

- (1) Single-family detached dwellings: One space per dwelling.
- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children, as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Code 1977, § 16-06.010; Ord. No. 2004-53, § 7D, 8-20-04)

CHAPTER 6A. - R-4A SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-06A.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations in the R-4A Single-Family Residential District.

(Code 1977, § 16-06A.001)

Sec. 16-06A.002. - Statement of intent.

The intent of this chapter in establishing the R-4A Single-Family Residential District is as follows:

- (1) To provide protection for existing single-family neighborhoods by providing a district with lots having not more than one housing unit per 7500 square feet.
- (2) To permit new development in a manner compatible with existing development.
- (3) To provide for the development of recreational, religious and educational facilities as basic elements of a balanced community.

(Code 1977, § 16-06A.002)

Sec. 16-06A.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (2) Single-family detached dwellings.
- (3) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(Code 1977, § 16-06A.003)

Sec. 16-06A.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Barns for keeping of horses, provided that no such barn shall be within 50 feet of any lot line.
- (3) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (4) Swimming pools, tennis courts and similar facilities.
- (5) Home occupation, subject to limitations set forth in section 16-29.001(17).
- (6) Structures necessary for active construction projects.
- (7) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (8) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (9) Urban gardens.
- (10) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-06A.004; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-H-i, 6-11-14](#))

Sec. 16-06A.005. - Special permits.

The following uses are permissible only by special permits of the kinds indicated subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Special use permits.
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is more than one acre.
 - (d) Civil, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
 - (g) Personal care homes and rehabilitation centers.
 - (h) Landfills.
 - (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.

- (l) Private schools.
- (2) Special administrative permits:
 - (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (d) Urban gardens as a principal use on an undeveloped lot.
- (3) Special exceptions:
 - (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-06A.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XIV, XV, 12-12-01; Ord. No. 2004-53, §§ 8A—8C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3G, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3H, 9-15-11; [Ord. No. 2014-22\(14-O-1092\), § 2-H-ii, 6-11-14](#))

Sec. 16-06A.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-06A.006)

Sec. 16-06A.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 7500 square feet and a frontage of not less than 50 feet.
- (2) If a lot has less area of width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-06A.007)

Sec. 16-06A.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 30 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than seven feet.
- (3) Rear yard: There shall be a rear yard of not less than 15 feet.
- (4) Accessory structures: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area within this district:

- a. For a lot which meets the minimum lot area requirement described in section 16-06A.007(1): The maximum floor area ratio shall not exceed 0.50 of the net lot area.
 - b. For a lot which does not meet the minimum lot area requirement described in section 16-06A.007(1): The maximum floor area shall not exceed the lesser of either:
 - 1. 3,750 square feet of floor area; or
 - 2. A maximum floor area ratio of 0.65 of the net lot area.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 55 percent of the net lot area.

(Code 1977, § 16-06A.008; Ord. No. 2000-33, § 1, 5-24-00; Ord. No. 2007-48(07-O-0642), § 1, 8-23-07)

Sec. 16-06A.009. - Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-06A.009)

Sec. 16-06A.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) Single-family detached dwellings: One space per dwelling.
- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Code 1977, § 16-06A.010; Ord. No. 2004-53, § 8D, 8-20-04)

CHAPTER 6B. - R-4B SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS

Sec. 16-06B.001. - Scope of provisions.

The regulations set forth in this chapter or set forth elsewhere in this part when referred to in this chapter are the regulations in the R-4B Single-Family Residential District.

(Code 1977, § 16-06B.001)

Sec. 16-06B.002. - Statement of intent.

The intent of this chapter in establishing the R-4B Single-Family Residential District is as follows:

- (1) To provide opportunities for low- and moderate-income single-family dwellings that are centrally located and accessible to public transportation, jobs and social services.
- (2) To provide a specific alternative to close-in neighborhoods, now zoned for multi-family residential use, to implement a transition to a single-family residential development pattern consistent with objective (1) above.
- (3) To increase the affordability of single-family residential dwellings in close-in neighborhoods by permitting such dwellings on small lots with reduced setback requirements thus decreasing land development costs.
- (4) To provide additional opportunities for affordable in-fill single-family residential development without permitting the down-zoning of existing single-family zoned areas and thereby preserving existing neighborhoods as contemplated in the adopted comprehensive development plan.
- (5) To permit new development in a manner compatible with existing development.
- (6) To provide for the development of recreational, religious and educational facilities as basic elements of a balanced community.

(Code 1977, § 16-06B.002)

Sec. 16-06B.003. - Permitted principal uses and structures.

A building or premises shall be used only for the following principal purposes:

- (1) Public schools through the secondary level operated by the Atlanta Board of Education, having no dwelling or lodging facilities except for caretakers.
- (2) Single-family detached dwellings.
- (3) Structures and uses required for operation of MARTA, but not including uses involving storage, train yards, warehousing, switching or maintenance shops as the primary purpose.

(Code 1977, § 16-06B.003)

Sec. 16-06B.004. - Permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages and similar structures.
- (2) Guest houses, servant quarters, or lodging facilities for caretakers or watchmen.
- (3) Swimming pools, tennis courts and similar facilities.
- (4) Home occupation, subject to limitations set forth in section 16-29.001(17).
- (5) Structures necessary for active construction projects.
- (6) Devices for the generation of energy, such as solar panels, wind generators and similar devices.
- (7) Electric vehicle charging stations equipped with Level 1 and/or Level 2 EVSE.
- (8) Urban gardens.
- (9) Market gardens are limited to parcels that are used as schools, churches, synagogues, temples, mosques and other religious worship facilities.

Except in the case of home occupation, no accessory use shall be of a commercial nature.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used or occupied until the principal building is completed and in use.

(Code 1977, § 16-06B.004; [Ord. No. 2014-53\(14-O-1278\), § 2\(Attach. B\), 12-10-14](#); [Ord. No. 2014-22\(14-O-1092\), § 2-l-i, 6-11-14](#))

Sec. 16-06B.005. - Special permits.

The following uses are permissible only by special permits of the kinds indicated subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Special use permits:
 - (a) Cemeteries, mausoleums and columbariums.
 - (b) Child care nurseries, day care centers, prekindergartens, kindergartens, play and other special schools or day care facilities for young children.
 - (c) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is more than one acre.
 - (d) Civil, service, garden, neighborhood or private clubs.
 - (e) Colleges and universities, other than trade schools, business colleges and similar uses.
 - (f) Extraction or removal of sand, gravel, topsoil, clay, dirt, or other natural resources.
 - (g) Personal care homes and rehabilitation centers.
 - (h) Landfills.
 - (i) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications greater than 70 feet in height, except 1) alternative design mounting structures and 2) new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (j) Nursing homes.
 - (k) Parks; playgrounds, stadiums, baseball or football fields, golf course, sports arena, and community centers.
 - (l) Private schools.
- (2) Special administrative permits:
 - (a) Farmers' markets limited to parcels which meet the minimum lot size requirements and are used as churches, synagogues, temples, mosques and other religious worship facilities or schools.
 - (b) Broadcasting towers and line-of-site relay devices for telephonic, radio or television communications 70 feet or less in height, alternative design mounting structures, and new or additional uses of existing structures as contemplated by section 16-25.002(3)(i)(iv)(k).
 - (c) Whenever an application for such a permit is made, the director of the bureau of planning shall provide prior notification to the pertinent district councilmember and at-large councilmembers.
 - (d) Urban gardens as a principal use on an undeveloped lot.
- (3) Special exceptions:
 - (a) Churches, synagogues, temples, mosques and other religious worship facilities, where lot area is one acre or less.
 - (b) Structures and uses required for operation of a public utility, except uses involving storage, train yards, warehousing, switching, or maintenance shops as the primary purpose.

(Code 1977, § 16-06B.005; Ord. No. 1997-06, § 4, 2-10-97; Ord. No. 1997-65, § 1, 11-10-97; Ord. No. 2001-96, §§ XVI, XVII, 12-12-01; Ord. No. 2004-53, §§ 9A—9C, 8-20-04; Ord. No. 2005-21, §§ 1, 2, 3-25-05; Ord. No. 2008-62(06-O-0038), § 3H, 7-7-08; Ord. No. 2011-39(10-O-1773), § 3I, 9-15-11; [Ord. No. 2014-22\(14-O-1092\), § 2-l-ii, 6-11-14](#))

Sec. 16-06B.006. - Transitional uses, structures, requirements.

None.

(Code 1977, § 16-06B.006)

Sec. 16-06B.007. - Minimum lot requirements.

The following minimum lot requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Single-family detached dwellings and all other uses: Every lot shall have an area of not less than 2800 square feet and a frontage of not less than 40 feet.
- (2) If a lot has less area of width than herein required and was a lot of record on the effective date of this part, that lot shall be used only for a single-family dwelling.

(Code 1977, § 16-06B.007)

Sec. 16-06B.008. - Minimum yard requirements.

The following minimum yard requirements shall apply to all uses approved by special permits as well as permitted uses:

- (1) Front yard: There shall be a front yard having a depth of not less than 20 feet.
- (2) Side yard: There shall be two side yards, one on each side of the main building, each having a width of not less than five feet.
- (3) Rear yard: There shall be a rear yard of not less than five feet.
- (4) Accessory structures: Accessory structures, when permitted, shall be placed to the side or rear of the main structure within the buildable area of the lot so as not to project beyond the front of the main structure. For fences, see section 16-28.008(5).
- (5) Maximum floor area within this district:
 - a. For a lot which meets the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area ratio shall not exceed 0.75 total of the net lot area.
 - b. For a lot which does not meet the minimum lot area requirement described in section 16-06B.007(1): The maximum floor area shall not exceed the lesser of either:
 1. 2,100 square feet of floor area: or
 2. A maximum floor area ratio of 0.90 of the net lot area.
- (6) Maximum lot coverage: Maximum lot coverage within this district shall not exceed 85 percent of the net lot area.

(Code 1977, § 16-06B.008; Ord. No. 2007-48(07-O-0642), § 2, 8-23-07)

Sec. 16-06B.009. - Maximum height.

The following height limitations shall apply to all uses approved by special permits as well as permitted uses: No building shall exceed 35 feet in height. See section 16-28.022 for excluded portions of structures.

(Code 1977, § 16-06B.009)

Sec. 16-06B.010. - Minimum off-street parking requirements.

The following parking requirements shall apply to all uses approved by special permit as well as permitted uses (see section 16-28.014):

- (1) Single-family detached dwellings: One space per dwelling.

- (2) Schools, colleges, churches, recreational or community centers and other places of assembly: One space for each four fixed seats (with 18 inches of bench length counted as one seat), or one space for each 35 square feet of enclosed floor area for the accommodation of movable seats in the largest assembly room, whichever is greater, plus the following:
 - (a) Public or private elementary or middle school: Two spaces for each classroom.
 - (b) High school: Four spaces for each classroom.
 - (c) Colleges and universities: Eight spaces for each classroom.
- (3) Nursing homes are required to have one space for each two employees and one additional space if there are three or fewer occupants. If there are four to six occupants, a second additional space is required.
- (4) Child care centers, day care centers, prekindergartens, kindergartens, play and other special schools or day care centers for young children: One space per 600 square feet of floor area. In addition to providing off-street parking, such establishments shall provide safe and convenient facilities for loading and unloading children as approved by the director, bureau of traffic and transportation.
- (5) Other uses: One space for each 300 square feet of floor area.

(Code 1977, § 16-06B.010; Ord. No. 2004-53, § 9D, 8-20-04)

Beverly Hills

Beverly Hills FAR and Related Standards for Central Area Single Family Development

Article 1 Single-Family Residential Development Standards for The Central Area of The City

10-3-101 Applicability

The development standards set forth in this article shall apply to all properties zoned for single-family residential uses in the Central Area of the city.

10-3-102 Floor Area

The following minimum and maximum floor area restrictions shall apply to buildings in the Central Area of the city:

- A. **Minimum Restrictions:** Any building that serves as the primary residential building on a site area shall have a minimum floor area of one thousand six hundred (1,600) square feet and shall have a minimum width, at its widest point, of twenty feet (20').
- B. **Maximum Restrictions:** The cumulative floor area of all buildings located on a single site area in a single-family residential zone in the Central Area of the city shall not exceed one thousand five hundred (1,500) square feet plus forty percent (40%) of the site area on which those buildings are built.

Further, if a portion of a site area is to be dedicated to the city for the purposes of establishing or enlarging a street or an alley, and such dedication is to be made in conjunction with a development approval, then, for the purposes of calculating the maximum permitted floor area for the proposed development pursuant to this section, the site area shall include that portion of the site area that is to be dedicated to the city. However, the dedicated area shall not be included in the calculation of floor area for subsequent development, including additions to the original development.

The maximum floor area restrictions set forth in subsection B of this section may be modified by a Central Area R-1 permit issued pursuant to article 24.5 of this chapter. (Ord. 89-O-2056, eff. 4-20-1989; amd. Ord. 95-O-2239, eff. 7-7-1995)

10-3-103 Height In Principal Building Area

The following height restrictions shall apply to structures built in the principal building area of a site located in the Central Area of the city:

- A. **North of Santa Monica Boulevard:** The maximum height of a structure located in the principal building area of a site area north of Santa Monica Boulevard shall be twenty eight feet (28').
 - 1. **Minor Accommodation:** For structures that are subject to a maximum height of twenty eight feet (28') pursuant to this subsection A, a reviewing authority may

issue a minor accommodation permit pursuant to article 36 of this chapter to establish a maximum structure height of up to thirty two feet (32') and a maximum average roof height of up to twenty eight feet (28') provided that the reviewing authority finds that the proposed development will not have an adverse impact on:

- a. The scale and massing of the streetscape,
- b. Neighbors' access to light and air,
- c. Neighbors privacy, and
- d. The garden quality of the city.

2. *Exception:* If each side yard equals or exceeds ten feet (10'), then the maximum height of structures in the principal building area shall be thirty two feet (32').

a. Minor Accommodation: For structures that are subject to a maximum height of thirty two feet (32') pursuant to the exception in this subsection A2, a reviewing authority may issue a minor accommodation permit pursuant to article 36 of this chapter to establish a maximum structure height of up to thirty four feet (34') and a maximum average roof height of up to thirty feet (30') provided that the reviewing authority finds that the proposed development will not have an adverse impact on:

- (1) The scale and massing of the streetscape,
- (2) Neighbors' access to light and air,
- (3) Neighbors' privacy, and
- (4) The garden quality of the city.

B. ***South of Santa Monica Boulevard:*** Except as provided in subsection C of this section, structures located in the principal building area of a site area south of Santa Monica Boulevard shall be subject to the following maximum plate height requirements and overall height requirements:

1. The maximum plate height of a building shall be twenty two feet (22').
2. The maximum height of a building covered by a flat roof shall be twenty five feet (25').
3. The maximum height of a building covered by a sloped roof shall be thirty feet (30').
4. The maximum height of structures other than buildings shall be twenty five feet (25').

C. ***Site Area South of Olympic Boulevard and East of Doheny Drive:*** Those buildings located in the principal building area of site areas that are southerly of Olympic Boulevard and easterly of Doheny Drive shall be subject to the following height restrictions:

1. For the first twenty feet (20') of area behind the front yard and for the purposes of subsection 10-3-2405B of this article: The maximum plate height of a building shall be ten feet (10'), the maximum height of that portion of a building covered

by a flat roof shall be twelve feet (12'), the maximum height of that portion of a building covered by a sloped roof shall be fourteen feet (14'), and the maximum height of all other structures shall be twelve feet (12').

2. For that portion of the principal building area not governed by subsection C1 of this section, the maximum permitted height of structures shall be as set forth in subsection B of this section.
- D. Flat Roof Described: For the purposes of subsections B and C of this section, a roof shall be considered to be flat if more than five percent (5%) of the roof area has a slope of less than ten percent (10%).

10-3-104 Front Setbacks

- A. The front setback for site areas located in the Central Area of the city shall be the setback as established in the records for each site area maintained by the city's community development department, unless that setback is not established in the city's records, or it is zero. Prior to amendment of this section, a zero setback was interpreted to mean that no setback was established in the city's records.
- B. If the front setback for a particular site area is zero or is not established in the city's records, then the front setback for that site area shall be determined as follows:
 1. For developed site areas, the front setback shall be the lesser of either:
 - a. The distance between the front lot line and the closest element of the existing primary residence; or
 - b. The average of the front setbacks of the other site areas on the same side of the street in the same block.
 2. For undeveloped lots, the front setback shall be the average of the front setbacks of the other site areas on the same side of the street in the same block.

10-3-105 Rear Setbacks

The rear setback of a site area located in the Central Area of the city shall equal thirty percent (30%) of the lot depth minus nine feet (9').

- A. **Principal Residential Building:** Notwithstanding any other provision of this section, a principal residential building may encroach into a maximum of five percent (5%) of the area of the rear yard and such encroachment shall be governed by the height restrictions set forth in section 10-3-2403 of this chapter.
- B. **Doheny Drive and Olympic Boulevard:** Notwithstanding any other provision of this section, for those lots located easterly of Doheny Drive and southerly of Olympic Boulevard, a maximum of four hundred fifty (450) square feet of floor area of the principal residential building may encroach into the rear yard provided that a ten foot (10') rear setback is provided, the encroachment conforms with the height restrictions contained in subsection 10-3-2403C1 of this chapter, and no other building is located in the accessory structure area.

- C. **Rear Setback Extension:** If a legally constructed existing building does not conform to the setback requirement of this section, enlarging the building through extending the existing nonconforming rear setback can be permitted provided that:
1. The existing rear setback is maintained, and the addition is not less than fifteen feet (15') from the rear property line;
 2. The existing principal residential building, the addition and any accessory structure do not cover more than fifty percent (50%) of the rear yard area, excluding porches or decks that are attached to the building, and constructed in accordance with subsection 10-3-2409C of this chapter; and
 3. The height of the addition located within the rear yard area does not exceed fourteen feet (14') in height and the floor area of the extension is the lesser of one thousand (1,000) square feet or twenty percent (20%) of the existing floor area, inclusive of any floor area granted pursuant to subsection 10-3-2406C of this chapter; and the height of any porch or deck attached to a principal residential building and located within the rear setback is not more than three feet (3') above natural grade or higher than the finished floor of the first story whichever is lower.

If an extension of a principal residential building meets the criteria of subsections C1 and C2 of this section, but does not meet the criteria of subsection C3 of this section, then the extension may be permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter.

10-3-106 Side Setbacks

The following side setback requirements shall govern the Central Area of the city:

- A. **North of Santa Monica Boulevard:** The sum of the side setbacks from the two (2) longest side lot lines shall be at least fifteen feet (15') plus thirty percent (30%) of the lot width in excess of seventy feet (70'). In addition, except as otherwise provided in this section, each side setback for site areas located north of Santa Monica Boulevard shall be at least seven and one-half feet (7.5').
1. *Exception:* Site area in excess of one hundred feet (100') in width. In addition to any other side setback required, if the width of a site area exceeds one hundred feet (100'), then the side setback from the two (2) longest side lot lines shall be at least ten feet (10') plus ten percent (10%) of the width of the site area in excess of one hundred feet (100').
 2. *Exception; Two or More Lots:* For those site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be at least fifteen feet (15'). In addition, the sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twelve feet (12') plus thirty percent (30%) of the lot width in excess of one hundred feet (100').
- B. **South of Santa Monica Boulevard:** Except as otherwise provided in this section, the side setback for buildings located south of Santa Monica shall be five feet (5') on one side. On the other side, the side setback shall be nine feet (9') for the first thirty eight feet (38')

behind the front setback line and five feet (5') for the remainder of the site area. Parking may be provided in this nine foot (9') area pursuant to section 10-3-2419 of this chapter.

1. *Exception:* The setback requirements set forth in this subsection B shall not be applicable to: a) any corner lot, b) those site areas located south of Olympic Boulevard and west of Roxbury Drive, nor c) those site areas located south of Olympic Boulevard and east of Doheny Drive.

a. Corner Lots and All Lots South of Olympic Boulevard and West of Roxbury Drive: The side setbacks for all corner lots located southerly of Santa Monica Boulevard and those site areas located southerly of Olympic Boulevard and westerly of Roxbury Drive shall be at least five feet (5'). In addition, the sum of the side setbacks adjacent to the two (2) longest side lot lines shall be at least twenty percent (20%) of the lot width.

b. South of Olympic Boulevard and East of Doheny Drive: The side setbacks for site areas southerly of Olympic Boulevard and easterly of Doheny Drive shall be five feet (5').

2. *Exception:* For those buildings located on site areas that consist of two (2) or more lots as subdivided on July 3, 1984, the side setback shall be ten feet (10') plus ten percent (10%) of the width of the lot in excess of one hundred feet (100').

C. **Side Setback Extension:** If a legally constructed existing building does not conform to the setback requirements of this section, the building may be enlarged through the extension of the existing, nonconforming side setback provided that:

1. The existing setback is not less than three feet (3') and

2. The enlarged portion of the building does not exceed fourteen feet (14') in height.

a. Minor Accommodation: If the existing setback is not less than three feet (3') and the extension exceeds fourteen feet (14') in height, then the extension may be permitted by a minor accommodation permit issued pursuant to article 36 of this chapter provided that the floor area of the extension is less than one thousand (1,000) square feet and less than twenty percent (20%) of the existing floor area inclusive of the area of any rear yard setback extension concurrently or previously approved pursuant to subsection 10-3-2405C of this chapter, and provided that the reviewing authority finds that the extension will not have any adverse impact on:

(1) The scale and massing of the streetscape,

(2) Neighbors' access to light and air,

(3) Neighbors' privacy, and

(4) The garden quality of the city.

Extension of a nonconforming side setback permissible by a minor accommodation at the same time as extension of a nonconforming rear setback pursuant to section 10-3-2405 of

this chapter shall be reviewed as one project and may be permitted by a single Central R-1 permit issued pursuant to article 24.5 of this chapter.

- b. Central R-1 Permit: If the existing setback is not less than three feet (3'), the extension exceeds fourteen feet (14') in height, and the area of the extension, inclusive of any rear yard setback extension approved pursuant to section 10-3-2405 of this chapter, exceeds one thousand (1,000) square feet or twenty percent (20%) of the existing floor area, then the extension may be permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter.

- D. **Application of Side Setback Requirements to Existing Legally Nonconforming Side Yards:** In all cases that the side setback requirements of this section are applied to construction on lots with existing legally nonconforming side setbacks, the largest setback required by this section shall be applied to the side of the lot with the largest existing side yard.

10-3-107 Street Side Setbacks

The street side setbacks for site areas located in the Central Area of the city shall be as shown on the "residential street setback map of the city of Beverly Hills", on file in the office of the department of building and safety.

If a street side setback for a site area is not established on the residential street setback map, then the street side setback shall be five feet (5') for those site areas located south of Santa Monica Boulevard and fifteen feet (15') for those site areas located north of Santa Monica Boulevard.

10-3-108 Permissible Encroachments In Front Yard

No structure or element of a building may encroach into any front yard except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this code, including, but not limited to, subsection F of this section; and
- B. Paving in accordance with section 10-3-2422 of this chapter;
- C. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting not more than eighteen inches (18") into such yards, unless a greater projection is permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter;
- D. One covered entry porch located at or below the first floor level that is a maximum of four feet (4') in depth and which has no vertical supporting elements;
- E. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yard, unless a greater projection is permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter; and
- F. Architectural projections that project more than six inches (6") into the yard but no more than ten percent (10%) of the setback depth provided that the following conditions are met:

1. Walls, fences, or hedges located in the front yard shall be limited to three feet (3') in height unless approved pursuant to article 44, "R-1 Design Review", of this chapter; and
2. Architectural projections which encroach into the front yard shall cover no more than twenty percent (20%) of the maximum potential facade of the building, except as permitted by a Central R-1 permit issued pursuant to article 24.5 of this chapter; and
3. All paving within the front yard conforms to the requirements of section 10-3-2422 of this chapter.

For the purposes of this subsection F, the depth of an architectural projection into a front setback shall be the distance between the front setback line and the point of the projection closest to the front lot line.

10-3-109 Permissible Encroachments In Side Yards, Street Side Yards, and Rear Yards

No structure or element of a building may encroach into any side yard, street side yard or rear yard except the following:

- A. A fence, gate, or wall that otherwise complies with the requirements of this code;
- B. Roof eaves not exceeding a maximum vertical dimension of twelve inches (12") and projecting no more than eighteen inches (18") into such yards;
- C. Porches and decks located at or below the first floor level provided, further, that required handrails for such elements shall not extend more than forty two inches (42") above the first floor level;
- D. Gas and electric meter enclosures projecting no more than eighteen inches (18") into such yards;
- E. One fireplace provided one of the following two (2) criteria is met:
 1. The required setback equals or exceeds seven and one-half feet (7 1/2'), the encroachment is limited to thirty inches (30") or less, and the length of the fireplace measured parallel to the property line does not exceed ten feet (10'); or
 2. The required setback is less than seven and one-half feet (7 1/2'), the encroachment is twelve inches (12") or less, the length of the fireplace measured parallel to the property line does not exceed six feet (6'), and the fireplace is located a minimum of ten feet (10') from the front of the building;
- F. Swimming pools, provided that no mechanical equipment servicing any such pool is located within a side yard or street side yard;
- G. Trash storage facilities;
- H. Architectural projections, such as half timbers, corbels, and window and door accents, projecting no more than six inches (6") into such yards;
- I. A porte-cochere, provided that no garage or carport faces the front lot line within the first thirty eight feet (38') behind the front setback line; and

- J. Freestanding support structures for wireless facilities, provided that no mechanical or accessory equipment servicing any such wireless facility is located within a side yard or a street side yard.
- K. Elevators and elevator enclosures, provided the following criteria are met:
1. The subject residence is not a newly constructed building. "Newly constructed building" shall mean a building that has been constructed within the past five (5) years or remodeled more than fifty percent (50%) during the past five (5) years as described in section 10-3-4100 of this chapter.
 2. The length of the encroachment measured parallel to the property line does not exceed seven feet (7'), except that for lots located north of Santa Monica Boulevard a minor accommodation permit may be issued to allow a greater length. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:
 - a. The scale and massing of the streetscape,
 - b. Neighbors' access to light and air,
 - c. Neighbors' privacy, and
 - d. The garden quality of the city.
 3. The aggregate length of the encroachment of the elevator and elevator enclosure together with a fireplace encroaching into the same setback, pursuant to subsection E of this section, does not exceed thirteen feet (13'), except pursuant to a minor accommodation permit issued pursuant to subsection K2 of this section.
 4. The encroachment is not closer than three feet (3') from the front of the building.
 5. The elevator and elevator enclosure does not have any windows.
 6. Noise generated by the elevator complies with city noise regulations set forth in title 5, chapter 1, article 2 of this code.
 7. The elevator and enclosure is designed to be compatible with the existing residence in color, material and design.
 8. The encroachment into the setback does not exceed the following, provided that a minimum setback of three feet (3') shall be maintained in all cases:
 - a. Thirty inches (30"), or
 - b. Sixty inches (60") if a minor accommodation permit pursuant to article 36 of this chapter is issued. In order to approve the minor accommodation permit, the reviewing authority must find that the encroachment will not have an adverse impact on:
 - (1) The scale and massing of the streetscape,
 - (2) Neighbors' access to light and air,
 - (3) Neighbors' privacy, and
 - (4) The garden quality of the city.

Notwithstanding any other provision of this section, a passageway or access for emergency services shall extend for the length of the entire site area from the front lot line to the rear lot line. Such passageway or access shall be a minimum of three feet (3') in width and shall be free of any obstruction, except that a wall, fence or hedge otherwise permitted by the provisions of this chapter may be placed along the rear lot line and a gate may be placed across such passageway or access behind the front yard.

10-3-110 Front Setback for Accessory Buildings

Accessory buildings shall be set back at least one hundred feet (100') from the front lot line or all elements of the accessory building shall be located within fifty feet (50') of the rear lot line of the site area.

10-3-111 Structure Separation for Accessory Buildings

Accessory buildings shall be located no closer than six feet (6') to any other building on the same site area.

10-3-112 Accessory Building Porches and Decks

No accessory building shall have a porch or deck located more than three feet (3') above the finished grade. For the purposes of this section, grade shall be defined as it is defined in title 9 of this code.

- A. **Exception:** Notwithstanding the provisions of this section, the planning commission may permit an accessory building located on a residential site with an area that equals or exceeds twenty four thousand (24,000) square feet to include a porch or deck located more than three feet (3') above finished grade through a Central R-1 permit issued pursuant to article 24.5 of this chapter.

10-3-113 Development Standards for Accessory Buildings South of Santa Monica Boulevard

Accessory buildings located on site areas south of Santa Monica Boulevard shall comply with the following standards:

- A. **Floor Area:** Accessory buildings, including garages, located on site areas south of Santa Monica Boulevard shall not exceed a cumulative floor area of five hundred (500) square feet.
- B. **Height:** Accessory buildings located in the accessory structure area of site areas south of Santa Monica Boulevard shall not exceed a height of fourteen feet (14').
- C. **Side Setback Encroachment:** Notwithstanding any other provision of this chapter, an accessory building located on a site south of Santa Monica Boulevard may be erected within a required side yard if:
 - 1. The side lot line abuts an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14'); or

2. The side lot line does not abut an alley and no portion of the building within the side yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the side lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.
- D. **Rear Setback Encroachment:** Notwithstanding any other provision of this chapter, an accessory building located on a site south of Santa Monica Boulevard may be erected within a required rear yard if:
1. The rear lot line abuts an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14'); or
 2. The rear lot line does not abut an alley and no portion of the building within the rear yard exceeds a height of fourteen feet (14') or intersects a plane commencing seven feet (7') in height, measured at the rear lot line, and extending at a slope of two horizontal to one vertical (2:1) toward the interior of the site area.
- E. **Central R-1 Permit:** ...
- F. **Additional Criteria:** If the provisions of this section require an accessory structure to comply with this subsection, the accessory structure shall satisfy all of the following criteria:
1. The accessory structure shall not exceed a height of twenty two feet (22');
 2. The total length of the accessory structure, including the combined length of an existing structure and any proposed addition thereto, along the closest side property line shall not exceed a length of twenty four feet (24');
 3. The accessory structure is located entirely within thirty feet (30') of the rear lot line;
 4. Any window located over fourteen feet (14') above grade on an elevation facing an alley or the closest adjacent side property line shall be fitted with translucent glass and either fixed (unopenable) or awning style with a maximum opening of twenty five degrees (25°);
 5. A detailed landscaping plan shall be submitted to and approved by the director of planning and community development as part of the application for a minor accommodation. The landscaping plan shall include landscaping of an appropriate height and density to soften the appearance of the accessory structure from adjacent properties.

10-3-114 Garage Entrance Restrictions

No portion of a driveway to a garage shall be below the natural grade within the front yard, unless such driveway would not slope below the elevation of the adjacent public right of way, and, pursuant to article 36 of this chapter, a reviewing authority finds that such driveway would be compatible with the nearby streetscape and with the character of the surrounding development.

In addition, the following garage entrance restrictions shall apply to those single-family residential site areas located in the Central Area of the city:

- A. **North of Santa Monica Boulevard:** With regard to those site areas located north of Santa Monica Boulevard, underground garages, garages with a vehicular entrance width greater than twenty four feet (24'), and garages with a vehicular entrance width greater than forty percent (40%) of the lot width, shall meet one of the following conditions:
 - 1. The vehicular entrance to the garage shall be perpendicular to the front lot line, or
 - 2. All elements of the garage shall be located within fifty feet (50') of the rear lot line, or
 - 3. All elements of the garage shall be located farther than one hundred feet (100') from the front lot line.
- B. **South of Santa Monica Boulevard:** With regard to those site areas located south of Santa Monica Boulevard, except as provided in subsection C of this section, if the vehicular entrance to a garage is located less than thirty eight feet (38') behind the front setback line, then the entrance shall be perpendicular to the front lot line.
- C. **South of Olympic Boulevard and West of Roxbury Drive:** With regard to those site areas located south of Olympic Boulevard and west of Roxbury Drive, no garage shall have a vehicular entrance width greater than forty percent (40%) of the lot width or twenty four feet (24'), whichever is less.
- D. **Modifications:** The vehicular entrance width and orientation requirements set forth in subsections A, B, and C of this section may be modified by a Central R-1 permit issued pursuant to article 24.5 of this chapter.

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10-3-115 Development Incentives for Single-Family Residential Development

Notwithstanding any other provision of this article, the following incentive based development standards shall apply to single-family residential development in the Central Area of the city:

- A. **Rear Setback Adjustment for Corner Lots:** The rear setback for a corner lot shall be reduced to twenty feet (20') for that fifty percent (50%) of the rear lot line closest to the side street if the owner of that corner lot elects to increase the front setback otherwise required by this chapter by fifteen feet (15') for that fifty percent (50%) of the front lot line closest to the side street.
- B. **Front Setback Averaging:** Portions of a primary dwelling may encroach into a front yard if other portions of the dwelling are set back an equivalent distance so that the average distance between the dwelling and the front lot line equals the required front setback. No such encroachment into the front yard, however, shall be deeper than ten percent (10%) of the front setback.

For purposes of averaging pursuant to this subsection, the entire encroachment into the front yard shall be considered as wide as the widest portion of the encroachment measured approximately parallel to the front lot line, and the depth of the entire encroachment shall be the distance between the front setback line and the point of encroachment closest to the front lot line.

- C. ***Cumulative Front Setback Encroachments:*** The encroachments allowed under subsection 10-3-2408F, section 10-3-2419 and subsection 10-3-2420A of this chapter shall not, cumulatively, cover more than fifty percent (50%) of the maximum potential facade.
- D. ***Rear Setback Adjustment for Corner Lots South of Santa Monica Boulevard:*** Subject to the requirements set forth in article 24.5 of this chapter, the planning commission may permit, through a Central R-1 permit, a reduced rear setback for an addition to an existing building located on a corner lot provided all of the following requirements are satisfied:
1. *Location:* The corner lot in question is located south of Santa Monica Boulevard;
 2. *Rear Lot Line:* The rear lot line of the corner lot is located along an alley;
 3. *Corner Lot Width:* The corner lot has a minimum width of fifty four feet (54');
 4. *Minimum Street Side Setback:* A minimum five foot (5') street side setback is provided by the existing principal residential building and the proposed addition;
 5. *Height of Principal Building:* The height of the existing principal residential building on the corner lot complies with the maximum building height requirements set forth in section 10-3-2403 of this chapter;
 6. *Height of Addition:* The height of the addition does not exceed the height of the existing principal residential building;
 7. *Coverage:* The existing principal residential building and the addition do not cover more than fifty percent (50%) of the required rear yard area, excluding porches and decks that are attached to the building and constructed in accordance with subsection 10-3-2409C of this chapter;
 8. *Rear Setback:* For the first floor or up to fourteen feet (14') in height the proposed addition maintains a minimum eight foot (8') rear setback, unless the addition contains a two (2) car garage at a minimum that is not accessed from the alley, in which case no rear setback shall be required. The second floor or any portion of the addition over fourteen feet (14') in height shall be well modulated with stepbacks or architectural details or a combination thereof, unless the planning commission finds that the modulation would be inconsistent with the architectural style of the primary residential building and is not necessary to maintain privacy; and
 9. *Street Side Modulation Requirement:* In addition to the street side setback and rear setback required by this section, the street side facade of the proposed addition shall be well modulated with stepbacks or architectural details or a combination thereof, unless the planning commission finds that the modulation would be inconsistent with the architectural style of the primary residential building.
- E. ***Side Setback Adjustment for Lots North of Santa Monica Boulevard:*** Subject to the requirements set forth in article 24.5 of this chapter, the planning commission may permit, through a Central R-1 permit, a reduced side setback for a new single-family residence or an addition to an existing single-family residence provided all of the following requirements are satisfied:

1. The lot in question is located north of Santa Monica Boulevard;
2. The maximum height of the proposed structure on the lot complies with the maximum building height requirements set forth in section 10-3-2403 of this chapter;
3. The proposed structure maintains a minimum seven and one-half foot (7.5') setback from each side lot line;
4. The maximum height of the proposed structure at the side setback lines, as adjusted, is twenty four feet (24');
5. The surface area of the facade of the proposed structure is not greater than the maximum potential facade.

This subsection shall remain in effect only until such time as the city council adopts new R-1 standards and as of that date is repealed. Any Central R-1 permit issued pursuant to this section on or before the date this subsection is repealed shall remain in effect for six (6) months from the date this subsection is repealed and shall expire on that date unless a building permit has been issued for construction pursuant to that Central R-1 permit.

10-3-116 Parking Requirements

...

10-3-117 Walls, Fences and Hedges

In addition to any requirements imposed pursuant to title 9 of this code, a building permit shall be required for any wall or fence greater than six feet (6') in height and shall also be required for any wall or fence, regardless of its height, that is located in a front yard.

- A. **Thickness:** No wall or fence shall exceed two feet (2') in thickness. Cavities or spaces within a wall or fence shall not be used for the support, storage, shelter, or enclosure of persons, animals, or personal property.
- B. **Supporting Elements:** No column, pillar, post, or other supporting element of a wall or fence shall be more than twenty four inches (24") in width.
- C. **Front Yards:** The maximum allowable height of a wall, fence, or hedge located within the first twenty percent (20%) of the front yard, measured from the front lot line, shall be three feet (3').

The maximum allowable height of a wall, fence, or hedge located within the front yard at a distance from the front lot line of more than twenty percent (20%) of the front setback shall be six feet (6'); provided, however, any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

- D. **Side Yards:** The maximum allowable height for that portion of a wall, fence, or hedge located in both a side yard and a front yard shall be six feet (6'); provided, however, that any portion of such wall, fence, or hedge which exceeds three feet (3') in height shall be open to public view.

The maximum allowable height for that portion of a wall, fence, or hedge located in a side yard, but not in a front yard, shall be seven feet (7'), except that the maximum allowable height shall be eight feet (8') for such a wall, fence, or hedge located within five feet (5') of a rear lot line and parallel to such rear lot line.

Furthermore, any portion of such wall, fence or hedge that exceeds three feet (3') in height and is located in a street side yard shall be open to public view or the wall, fence or hedge shall be set back an average of at least one foot (1') and no less than six inches (6") from the street side lot line for the purpose of providing landscaping on the street side of the wall.

- E. **Rear Yards:** The maximum allowable height for a fence, wall or hedge located solely in a rear yard shall be eight feet (8').

10-3-118 Game Courts and Game Court Fences

...

10-3-119 Additional Requirements for Applications to Exceed Height Limitations

For any application that seeks approval to exceed the height limitations set forth in section 10-3-2403, 10-3-2413 or 10-3-2414 of this article, the director of community development may, at his or her discretion, require the applicant to first install story poles to demonstrate the height, bulk and location of the proposed project. The director is hereby authorized and directed to promulgate rules and regulations, subject to approval by resolution of the planning commission, governing the installation of story poles. Any applicant subject to the requirements of this section shall install all story poles in full compliance with such rules and regulations. (Ord. 04-O-2454, eff. 10-22-2004)

DEFINITIONS

Floor Area:

1. **Nonresidential and multi-family residential zones:** "Floor area" shall mean the area of all floors or levels included within the surrounding walls of a building or structure. Space devoted only to the following shall not be considered in determining the total floor area within a building or structure:
 - a. Stair shafts;
 - b. Elevator and escalator shafts and elevator lobbies located in parking areas or on roof tops. The area of each elevator lobby at each floor shall not exceed one hundred (100) square feet per elevator cab; provided, however, that any elevator lobby area in excess of one hundred (100) square feet per elevator cab shall be considered in determining the total floor area within a building or structure;
 - c. Courts;
 - d. Parking spaces below the first floor and access thereto, including void spaces in parking areas below the first floor used exclusively for storage related to operation of the building. Such void spaces may be enclosed and shall not exceed two thousand (2,000) square feet

- on each parking floor or five percent (5%) of the floor area of the entire building, whichever is less;
- e. Rooms exclusively housing building operating equipment or machinery;
 - f. Parking spaces at or above the first story and access thereto provided that in commercial zones:
 - Not less than the front forty feet (40') of the ground floor shall be devoted to retail sales, offices, or financial uses; notwithstanding such restriction, the director of planning and community development may reduce the amount of floor area required under this provision by up to ten percent (10%) pursuant to the provisions of article 36 of this chapter regarding minor accommodations if the director finds that the dimensions of the site do not provide adequate space for internal circulation for parking and such accommodation would not substantially compromise pedestrian activity in the area; and
 - At least one full level of parking below grade is provided;
 - g. Mall areas; and
 - h. Space used or provided within a building or structure for publicly owned off street parking facilities.
2. ***Single-family residential zone:*** "Floor area" shall mean the area of all portions of floors and levels which have a roof or floor level above and are enclosed by exterior walls by more than fifty percent (50%). Further, "floor area" shall include the area of that portion of an upper level not separated from a lower level by a floor/ceiling assembly, but shall not include basements, crawl spaces and up to four hundred (400) square feet of garage area.
- a. For the purposes of determining floor area in a single-family residential zone, "basement" shall mean any floor level below a story which has a finished floor level that is a maximum of three feet (3') above grade at any point along the perimeter of the building facing a front or street side setback line and which has no windows exceeding eighteen inches (18") above grade at any point along such perimeter of the building. A basement may extend beyond the perimeter of the building provided that such portion of the basement is below the natural grade. For the purpose of determining whether a floor level is a basement, grade shall be defined as it is defined in California Building Code as adopted and amended in title 9 of this code.

Boston

Boston FAR Definitions & Standard

DEFINITIONS

Floor area ratio. The ratio of gross floor area of a structure to the total area of the lot.

Floor area, gross. The sum of areas of the several floors of the structure, as measured by the exterior faces of the walls, including fully enclosed porches and the like as measured by the exterior limits thereof, but excluding

- (a) garage space which is in the basement of a building or, in the case of garage space accessory to a dwelling, is at grade,
- (b) basement and cellar areas devoted exclusively to uses accessory to the operation of the structure, and
- (c) areas elsewhere in the structure devoted to housing mechanical equipment customarily located in the basement or cellar such as heating and air conditioning equipment, plumbing, electrical equipment, laundry facilities and storage facilities, provided, however, that in an H-2-45, H-2-65, H-3-65, L-2-65 or B-3-65 district no area in an existing structure previously included in gross floor area and no area in any addition to an existing structure, except areas not used or designed to be used for human occupancy, such as attics, basements, cellars or space under sloping eaves, shall be excludable from gross floor area as area for storage facilities or laundry facilities.

• **Section 15-1. - Floor Area Ratio.**

Except as otherwise provided in this Article, the ratio which the gross floor area of all structures on a lot exclusive of floor area required to meet the off-street parking requirements of this code bears to the area of the lot shall not exceed the maximum floor area ratio specified in this code. In calculating the area of the lot for the purpose of this section, the following parts of the lot shall be excluded:

- (a) every part required by any other structure or use to comply with any requirement of this code, and

(b)

every part the ownership of which is transferred subsequent to the effective date of this code if such part is required for compliance with the provisions of this code applicable to the lot from which such transfer is made. (Illustrated in Appendix 2)

(As amended on April 27, 1990)

- **Section 15-4. - Increase in Floor Area Ratio for Large Lots in H-5 Districts.**

(a)

The maximum floor area ratio specified in Table B of [Section 13-1](#) shall be increased by 1.0 in the case of a lot in an H-5 district containing twelve thousand or more, but less than twenty thousand, square feet.

(b)

The maximum floor area ratio specified in Table B of [Section 13-1](#) shall be increased by 2.0 in the case of a lot in an H-5 district containing twenty thousand square feet or more.

(As amended on July 7, 1977)

- **Section 15-6. - Special Floor Area Ratio Provisions for Regulated Projects.**

In the case of a lot in a B-8 or a B-10 district constituting part of a project under Chapter 121, or Chapter 121A, of the General Laws for the development or redevelopment of five or more acres of land, the floor area ratio may exceed the maximum floor area ratio specified in Table B of [Section 13-1](#); provided that if so much of the district as constitutes part of such project is taken as one lot, the floor area ratio does not exceed such maximum.

TABLE B - DIMENSIONAL REGULATIONS

(As amended on April 14, 1967, February 17, 1971, March 20, 1972, July 9 and September 27, 1973, October 22, 1974, July 7, 1977, February 28 and April 11, 1979, October 31, 1980, June 18 and August 20, 1981, June 16, 1982, June 24, 1985, April 2, June 17, and September 23, 1987, and August 30 and October 12, 1988.)

NOTE: Figures in parentheses refer to footnotes below table.

If a district with a second numerical suffix (e.g., H-2-55) is not listed in this Table, see footnote (15) and Section 3-1A(i).

DISTRICT	TYPE OF USE	LOT SIZE minimum sq. ft.	LOT AREA minimum sq. ft. for each add'l dwell. unit	LOT WIDTH minimum feet	FLOOR AREA RATIO maximum ⁽¹⁾	HEIGHT OF BUILDINGS		USABLE OPEN SPACE minimum sq. ft. per dwell. unit	FRONT YARD minimum depth feet ⁽¹⁴⁾	SIDE YARD minimum width feet	REAR YARD minimum depth feet	SETBACK OF PARALLEL MINIMUM DISTANCE FROM LINE
						stories	feet					
S-3	1 family detached	9,000	none	70	0.3	2½	35	none	25	12	40	non
	Other use	9,000	6,000	70	0.3	2½	35	none	30	15	50	non
S-5	1 family detached	6,000	none	60	0.5	2½	35	none	25	10	40	non
	Other use	6,000	4,000	60	0.5	2½	35	none	30	12	50	non
R-5	1 & 2 family detached	5,000	3,000	50	0.5	2½	35	none	20	10	40	non
	Any other dwelling	2 acres	3,000 ⁽²⁾	200	0.5	2	35	1,000	25	10	40	non
	Other use	5,000	3,000	50	0.5	2½	35	none	25	10	40	non
R-8	1 & 2 family row	3,000	2,000	none	0.8	3	35	800	20	10	40	non
	Any other dwelling	5,000	1,500	50	0.8	3	35	800	20	10	40	non
	Other use	5,000	1,500	50	0.8	3	35	none	25	10	40	non
H-1-40	1 & 2 family row	2,000	1,500	none	1.0	4	40 ⁽¹¹⁾	400	20	(4)	30(6)	H + L 6 for a use:
	Any other dwelling	5,000	1,000	50	1.0	4	40 ⁽¹¹⁾	400	20	(4)	10 + L(6) 20	
	Other use	5,000	1,000	50	1.0	4	40 ⁽¹¹⁾	none	25	(4)		
H-1-50	1 & 2 family row	2,000	1,500	none	1.0	-	50 ⁽¹¹⁾	400	20	(4)	30(6)	H + L 6 for a use:
	Any other dwelling	5,000	1,000	50	1.0	-	50 ⁽¹¹⁾	400	20	(4)	10 + L(6) 20	

	Other use	5,000	1,000	50	1.0	-	50 ⁽¹¹⁾	none	20	(4)		
H-1	1 & 2 family row	2,000	1,500	none	1.0	none	none ⁽¹⁵⁾	400	20	(4)	30(6)	<u>H + L</u> 6 for a use:
	Any other dwelling	5,000	1,000	50	1.0	none	none ⁽¹⁵⁾	400	20	(4)	10 + <u>L</u> (6) 20	
	Other use	5,000	1,000	50	1.0	none	none ⁽¹⁵⁾	none	25	(4)		
H-2	Any dwelling	none	none	none	2.0	none	none ⁽¹⁵⁾	150	20	(4)	10 + <u>L</u> (6) 20	<u>H + L</u> 6 all us
	Other use	none	none	none	2.0	none	none ⁽¹⁵⁾	none	20	(4)		
H-3-65	Any dwelling	none	none	none	3.0	-	65(9)	50	(10)	(4)	25% of lot depth all uses	<u>H + L</u> 6 all us
	Other use	none	none	none	3.0	-	65(9)	none	(10)	(4)		
H-3	Any dwelling	none	none	none	3.0	none	none ⁽¹⁵⁾	100	15	(4)	10 + <u>L</u> (6) 20	<u>H + L</u> 6 all us
	Other use	none	none	none	3.0	none	none ⁽¹⁵⁾	none	15	(4)		
H-4	Any dwelling	none	none	none	4.0	none	none	50	15	(4)	10 + <u>L</u> (6) 20	<u>H + L</u> (6) all us
	Other use	none	none	none	4.0	none	none	none	15	(4)		
H-5	Any dwelling	none	none	none	5.0	none	none ⁽¹³⁾	50	15	(4)	10 + <u>L</u> (6) 20	<u>H + L</u> 6 all us
	Other use	none	none	none	5.0	none	none ⁽¹³⁾	none	15	(4)		
L-5	Any dwelling	(3)	(3)	(3)	0.5	2½	35	(3)	(3)	(3)	(3)	non
	Other use	none	none	none	0.5	2½	35	none	15	none ⁽⁵⁾	20(7)	non
L-1	Any dwelling	(3)	(3)	(3)	1.0	3	35	(3)	(3)	(3)	(3)	non
	Other use	none	none	none	1.0	3	35	none	10	none ⁽⁵⁾	20(7)	non
L-2	Any dwelling	(3)	(3)	(3)	2.0	none	none ⁽¹⁵⁾	(3)	(3)	(3)	(3)	<u>H + L</u> 6 all us
	Other use	none	none	none	2.0	none	none ⁽¹⁵⁾	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	
B-1	Any dwelling	(3)	(3)	(3)	1.0	3	40	(3)	(3)	(3)	(3)	<u>H + L</u> 6 all us
	Other use	none	none	none	1.0	3	40	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	
B-2	Any dwelling	(3)	(3)	(3)	2.0	none	none ⁽¹⁵⁾	(3)	(3)	(3)	(3)	<u>H + L</u> (6) all us
	Other	none	none	none	2.0	57 none	none ⁽¹⁵⁾	none	none	none ⁽⁵⁾	10 + <u>L</u> (7)	

	use										20	
B-3-65	Any dwelling	none	none	none	3.0	-	65(9)	50	(10)	(3)	(3)	<u>H+L</u> 6
	Other use	none	none	none	3.0	-	65(9)	none	(10)	none ⁽⁵⁾	10 + <u>L</u> (7) 20	all us
B-4	Any dwelling	(3)	(3)	(3)	4.0	none	none	(3)	(3)	(3)	(3)	<u>H+L</u> 6
	Other use	none	none	none	4.0	none	none	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	all us
B-6-90a	Any dwelling	none	none	none	6.0	-	90	50	(10)	(3)	5	none ^f
	Other use	none	none	none	6.0	-	90	none	(10)	none ⁽⁵⁾	5	none ^f
B-6-90b	Any dwelling	(3)	(3)	(3)	6.0	-	90	(3)	(3)	(3)	(3)	<u>H+</u> 1(16)
	Other use	none	none	none	6.0	-	90	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	7 all us
B-8-120a	Any dwelling	none	none	none	8.0	-	120	50	(10)	(3)	5	(16)
	Other use	none	none	none	8.0	-	120	none	(10)	none ⁽⁵⁾	5	(16)
B-8-120b	Any dwelling	none	none	none	8.0	-	120	50	(10)	(3)	20	non
	Other use	none	none	none	8.0	-	120	none	(10)	none ⁽⁵⁾	10 + <u>L</u> (7) 20	non
B-8-120c	Any dwelling	(3)	(3)	(3)	8.0	-	120 ⁽¹³⁾	(3)	(3)	(3)	(3)	<u>H+</u> 1(16)
	Other use	none	none	none	8.0	-	120 ⁽¹³⁾	none	none	none ⁽⁵⁾	10 + <u>L</u> 1(7) 20	7 all us
B-8	Any dwelling	(3)	(3)	(3)	8.0	none	none ⁽¹³⁾	(3)	(3)	(3)	(3)	<u>H+L</u> 7
	Other use	none	none	none	8.0	none	none ⁽¹³⁾	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	all us
B-10	Any dwelling	(3)	(3)	(3)	10.0	none	none ⁽¹³⁾	(3)	(3)	(3)	(3)	<u>H+L</u> 8
	Other use	none	none	none	10.0	none	none ⁽¹³⁾	none	none	none ⁽⁵⁾	10 + <u>L</u> (7) 20	all us
M-1	Any dwelling	(3)	(3)	(3)	1.0	2½	35	(3)	(3)	(3)	(3)	<u>H+L</u> 6
	Other use	none	none	none	1.0	2½	35	none	none	(5)	20	all us
M-2	Any dwelling	(3)	(3)	(3)	2.0	none	none ⁽¹⁵⁾	(3)	(3)	(3)	(3)	<u>H+L</u> 6
	Other use	none	none	none	2.0	none	none ⁽¹⁵⁾	none	none	(5)	12	all us
M-4	Any dwelling	(3)	(3)	(3)	4.0	none	none	(3)	(3)	(3)	(3)	<u>H+L</u> 6

	Other use	none	none	none	4.0	none	none	none	none	(5)	12	all us
M-8	Any dwelling	(3)	(3)	(3)	8.0	none	none	(3)	(3)	(3)	(3)	$\frac{H+L}{6}$ all us
	Other use	none	none	none	8.0	none	none	none	none	(5)	12	
I-2	Any dwelling	(3)	(3)	(3)	2.0	none	none	(3)	(3)	(3)	(3)	$\frac{H+L}{6}$ all us
	Other use	none	none	none	2.0	none	none	none	none	(5)	12	
MER-2	Any dwelling	(3)	(3)	(3)	2.0	none	none	(3)	(3)	(3)	(3)	$\frac{H+L}{6}$ all us
	Other use	none	none	none	2.0	none	none	none	none	(5)	12	
W-2	Any dwelling	(3)	(3)	(3)	2.0	none	none	(3)	(3)	(3)	(3)	$\frac{H+L}{6}$ all us
	Other use	none	none	none	2.0	none	none	none	none	(5)	12	

Key:

L = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line.

H = Height of building above the height below which no setback is required.

L¹ = Length of wall parallel (or within 45° of parallel) to lot line, measured parallel to lot line at greatest length above the height below which no setback is required.

Footnotes to Table A

- (1) See [Section 15-4](#) for cases where the maximum floor area ratio may be exceeded.
- (2) No additional lot area for first 30 dwelling units.
- (3) See [Section 13-4](#).
- (4) Ten feet plus one twentieth of the length of the wall parallel (or within 45° of parallel) to the side lot line. See further [Section 19-4](#).
- (5) See [Section 19-5](#).
- (6) See [Section 20-4](#).
- (7) See [Section 20-5](#).
- (8) Deleted.
- (9) See [Section 16-7](#) for regulations for pre-Code structures.
- (10) Twenty feet on east-west streets, none on north-south streets. A bay window, as defined in [Section 2-1](#), may protrude into a front yard, [Section 18-1](#) notwithstanding. See also [Sections 18-1](#) and [18-2](#).
- (11) See [Section 16-4](#).
- (12) Deleted.
- (13) See [Section 16-6](#) for height limits for buildings within 100 feet of streets that bound Boston Common and the Public Garden. See [Section 16-9](#) for height limit provisions for block bounded by Bladgen and Exeter Streets and Huntington Avenue.
- (14) See also [Section 18-2](#).
- (15) Except in a district designated with two numerical parts, in which case the second number is the maximum height in feet. See [Section 3-1A\(i\)](#).
- (16) See subsections (b) and (c) of [Section 21-2](#).

Burbank

Eff.: Immediate

ORDINANCE NO. 15-3863

AN URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK EXTENDING AND AMENDING AN INTERIM DEVELOPMENT CONTROL ORDINANCE WHICH TEMPORARILY PROHIBITS THE ISSUANCE OF CERTAIN PERMITS AND BUILDING PERMITS FOR BUILDINGS OR STRUCTURES IN THE R-1 AND R-1-H SINGLE FAMILY RESIDENTIAL ZONES THAT DO NOT MEET SPECIFIED INTERIM DEVELOPMENT STANDARDS.

City Attorney's Synopsis

This Ordinance extends an interim zoning measure which limits the issuance of various land use permits and building permits for certain buildings or structures in the R-1 and R-1-H single family residential zones that do not meet the interim development standards set forth in Ordinance No.15-3,862, adopted on March 31, 2015. This measure contains certain specified exceptions and will not be applicable to any project for which a complete application has been submitted for a Hillside Development Permit or plan-check prior to 5:00 p.m. on March 10, 2015.

This Ordinance further restates and amends the interim zoning measure, Ordinance No. 15-3,862, by requiring pipeline exemption appeals before Council to be filed no later than May 22, 2015 by 5:00 p.m. Additionally, this Ordinance clarifies allowable setbacks for new construction, specifically to allow for legal nonconforming setbacks to be continued on first floor additions only.

This Ordinance will be effective immediately until March 30, 2017, unless terminated sooner. This measure will allow the City to continue its study the feasibility of zoning code changes to single-family development standards

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES AND DECLARES THAT:

A. On March 31, 2015, the Council adopted, as an urgency measure pursuant to Government Code Section 65858(a), Ordinance No. 15-3,862, which instituted a temporary prohibition of the issuance of Hillside Development Permits (BMC 10-1-606), Conditional Use Permits, Single Family Special Development Permits (BMC 10-1-607), Administrative Use Permits (BMC 10-1-1936), variance or building permits within the R-1 and R-1-H single family residential zones if the building(s) or structure(s) to be constructed, expanded or enlarged do not meet the interim development standards set forth in Ordinance No. 15-3,862. In enacting Ordinance No. 15-3,862, the Council found the following:

1. A combination of factors including high land values, low interest rates, and increasing demands for household space have resulted in widespread single-family development throughout the City, including new homes, remodels, expansions, and complete rebuilds. Many of these homes are of a height, size, and mass that are considered to be out of character with neighboring single-family properties and the Burbank community.

2. These oversized homes encroach upon the comfort and quality of life of neighboring residents by creating structures that loom over neighboring properties, encroach upon open yard areas, and diminish the low intensity single-family nature of the neighborhood. Members of the community have expressed many concerns about the nature of the pace, amount, and type of development occurring in single family neighborhoods, which is further evidence of the threat to the public welfare that these structures pose. The continued approval of permits for the construction of such homes threatens the welfare of Burbank residents and properties across the City, as additional out-of-character homes are built throughout the City.

3. The Council determined that it is in the best interests of the City, in the protection of the public health, safety and welfare, that the development standards for single family development should be analyzed by the staff, property owners and the citizens of the City to determine whether modifications to the City's zoning code are necessary to mitigate such impacts and, if so, what modifications should be made.

4. To effectively accomplish any necessary revisions to the zoning code, limited duration interim development controls should be adopted with respect to the consideration of development and building permits in the City's single-family residential zones.

5. The absence of such interim development controls would create a serious threat to the orderly and effective implementation of any zoning amendments which may be adopted by the City as a result of the ordered studies, because any permits approved at this time would permit development that may be in conflict with or frustrate the contemplated updates and revisions to the zoning code.

6. The public interest, convenience, health, safety, welfare and necessity as described herein, required the immediate enactment of Ordinance No. 15-3,862 as an urgency measure so as to put into effect these interim development controls pending the completion of the studies and implementation of any recommended, appropriate revisions to the zoning code, in order to prevent the frustration of such studies and the implementation thereof.

7. A current and immediate threat to the public health, safety and welfare of the City and its citizens necessitated the immediate enactment of Ordinance No. 15-3,862.

B. On March 3, 2015, the Council committed approximately \$120,000 for the professional services of Dyett & Bhatia with John Kaliski Architects to prepare single-family guidelines and zoning code changes. Council directs that all studies be commenced and completed as expeditiously as is practicable.

C. By force of law and on its own terms, Ordinance No. 15-3,862 expires and will be of no further force and effect forty-five (45) days from its adoption date, which date is May 15, 2015, unless extended on or before the 45th day.

D. The Council has received a report which complies with the reporting requirement of Government Code Section 65858(d), whereby City staff has identified the steps taken to begin studying the various development standards and potential code amendments to alleviate the condition which led to the adoption of the this interim zoning measure.

E. Forty-five (45) days from adoption of Ordinance No. 15-3,862 is not sufficient time to adequately complete evaluation and potential adoption of a zone changes so as to protect the public safety, health and welfare of single family neighborhoods from the intensification of development in single family neighborhoods.

F. Government Code Section 65858 provides that after notice and a public hearing the City Council may, by a four-fifths vote, extend Ordinance No. 15-3,862 for a period of up to twenty-two (22) months and fifteen (15) days (March 30, 2017).

G. On May 5, 2015, the City Council held a duly noticed public hearing to consider extending and amending Ordinance No. 15-3,862.

H. The City Council finds, determines and declares that the public health, safety and welfare require the enactment of this Ordinance extending Ordinance No. 15-3,862 as an urgency measure so as to maintain the interim development controls set forth in that interim ordinance pending the completion of the studies and implementation of any recommended and appropriate revisions to the zoning code, in order to prevent the frustration of such studies, and the implementation thereof. The Council further finds that the facts that constitute the immediate threat to the public health, safety, and welfare are set forth in Section A of this Ordinance.

I. Pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines, the Council finds and determines it is certain that there is no possibility that the enactment of this Ordinance may have a significant impact on the environment, because this measure will permit less development than currently permitted under existing zoning regulations.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Pursuant to Government Code Section 65858, Ordinance No. 15-3,862 is hereby extended for a period of up to twenty-two (22) months and fifteen (15) days from March 15, 2015 through March 30, 2017 and amended as set forth below.

2. While this Ordinance is in effect, there shall be no issuance of any Hillside Development Permit (BMC 10-1-606), Conditional Use Permit, Single Family Special Development Permit (BMC 10-1-607), Administrative Use Permit (BMC 10-1-1936), variance or building permit within the R-1 and R-1-H single family residential zones if the building(s) or structure(s) to be constructed, expanded, or enlarged will conflict with the standards set forth in Paragraph 3 below, unless the building or structure is exempt from this Ordinance pursuant to Paragraph 4 or unless an appeal has been granted pursuant to Paragraph 5 below. While this Ordinance is in effect, no permits shall be issued for a Whole House Tear Down (as defined in this section) unless a building permit application with construction plans and a property elevation survey consistent with Paragraph 3 of this Ordinance accompany the permit application.

A Whole House Tear Down is defined as demolition of at least 50% of the total length of all the walls; applicant shall calculate the linear length of all exterior and interior walls. The calculated length should not exclude openings because part of the opening is a structural header, and the walls must remain as structural elements in the new plan.

3. While this Ordinance is in effect, the following interim development standards shall apply in the R-1 and R-1-H single-family residential zones. Any and all development standards applicable to these zones as set forth in the Burbank Municipal Code (the "Code") that are not in conflict with these interim standards shall remain in full force and effect. Any interim standards specified herein that conflict with existing development standards as set forth in the Code shall supersede any conflicting standards. Any terms not defined herein shall have the meaning ascribed to them in the Code.

A. Floor Area Ratio applicable to all R-1 and R-1-H zones.

1. "Floor Area Ratio" ("FAR") shall mean the numerical value obtained by dividing the above ground Floor Area of a building or buildings located on a lot by the total area of Lot. As an example, if the FAR is 0.4, when the area of the Lot is 6,200 square feet, a house of 2,500 sq. ft. might be permitted. This Ordinance establishes new definitions for floor area, story and FAR calculations, as set forth in section B, below.

2. FAR for One Story Houses. The FAR of all one story residential homes in the R-1 and R-1-H zones shall not exceed 0.4. No deviations to increase the FAR shall be allowed on lots less than 10,000 sq. ft., including but not limited to the .05 bonus options for new houses with a FAR of

0.4. For lots greater than 10,000 square feet the .05 bonus options set forth in Section 10-1-603(D)(6) may be used (when applicable) for new homes.

3. New Two Story Houses. FAR shall not exceed .40 for new two story houses. Each story shall be counted in calculating the FAR.

4. Any second story addition is allowed, so long as the house does not exceed a total of .40 FAR including the addition.

B. Definitions.

For purposes of this Ordinance, the following definitions shall apply:

“Story”: That portion of a building that is area between the upper surface of any floor and the upper surface of the next floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement, cellar, parking garage or unused underfloor space shall not be considered a story if three (3) feet or less above grade. A one story house is a maximum of 12’ to top of plate, where the plate is a horizontal member built into or laid along the top of a wall to support and distribute the pressure from joists, rafters, etc). Any space with a ceiling or top plate exceeding the maximum allowed story height shall be considered as constituting two stories for the purpose of calculating Floor Area.

An exception to the story definition is for ground floor additions to homes with existing rooms that have ceilings higher than 12 feet. In calculating the height of a story for ground floor additions, the existing height of the existing rooms will be deemed a story. For example, if an existing home has a 14 ft. ceiling, it will be considered single story for the purpose of FAR calculations for the addition.

“Floor Area”: The total gross floor area of all enclosed structures on the property, including but not limited to the main dwelling structure, accessory structures, second dwelling units, enclosed patios, and sheds. Garages (and carports) and certain balconies shall be included in Floor Area as follows:

a) Garages (and carports) over 400 sq. feet included in Floor Area: Garages (or carports) or portions thereof up to 400 square feet shall not be included in the calculation of Floor Area. All Garages (or carports) that exceed 400 sq. ft. shall have the excess square footage included in Floor Area. Porte Cochere that is 12 feet to the top of the plate with no second story above it does not count towards FAR.

b) Certain balconies included in Floor Area: All second story balconies/porches, and ground floor porch, patio or balcony in excess of 250 sq.

ft. when covered¹ shall be included in the calculation of FAR. All other non-enclosed structures shall not be included in the floor area ratio in accordance with Section 10-1-603 D 2.

Floor Area shall be calculated for each story. Usable horizontal area will no longer be considered when calculating floor area.² The total gross floor area shall be the sum of each story floor area. Interior spaces greater than 12 feet count as floor area on a second story. Any portion of a structure, including the area above a staircase, over 12 feet in interior height, shall count as floor area on a second story. Any space with a ceiling or top plate exceeding the maximum allowed one story height shall be considered as constituting two stories for the purpose of calculating floor area.

Floor area is that area between the floor and roof above it, as measured from the interior of the exterior walls. The floor area of each story shall be combined for the total gross floor area.

C. Setback.

As of the date of this Ordinance, first story construction must be setback in the front yard and street facing side yard, in an amount equal to the existing setback for that house or the existing setback prior to demolition. In the event a lot was vacant on the date of this Ordinance, the existing setback shall be determined by averaging the setbacks on the same side of the street for that block. All new construction for two story houses, including additions shall comply with setbacks as required on both the second and first floor. Existing legal non-conforming setbacks may not be continued on the second floor, but may be continued on the first floor.

Current code (as of the date of this Ordinance) requires a minimum setback of twenty five (25) feet in the front yard. Under this Ordinance, the front yard setback may be greater.

Current code (as of the date of this Ordinance) requires a minimum setback for street facing side yards of twenty per cent (20%) of lot width but no less than six (6) feet and no more than twenty (20) feet in the street facing side yard. Under this Ordinance, the street facing side yard setback may be greater.

For example: if the existing house had a 30 foot front yard setback and is a Whole House Tear Down as defined herein, then the new construction must comply with a 30 foot front yard setback. If, however, the existing home had a 15

¹ A ground floor porch, patio or balcony is considered covered whenever the installation of the cover requires a building permit.

² Currently, code defines floor area in part as "usable" horizontal area. The "usable" requirement is being deleted.

foot front yard setback, the new construction must comply with the code required 25 foot front yard setback.

An additional setback is required for second story construction as follows: ten (10) foot additional front setback and an additional five (5) foot setback from any side yards without a driveway.

D. Single Family Development Permit Review for new construction and/or Whole House Tear Down.

SINGLE FAMILY DEVELOPMENT PERMITS:

1. This Section outlines the process requirements and findings for building permits applicable to new structures in single family residential zones that fall under the IDCO. No building permit may be issued for new construction (excluding additions) or Whole House Tear Down, as defined herein, unless a Single Family Development Permit in accordance with this section is issued. Applicants shall submit an application, including the same application fee required for processing the Single Family Development Permit process in Section 10-1-607; however, Applicants will be required to pay for all costs to comply with the noticing provisions herein.

2. Intent and purpose. The intent and purpose of the Single Family Special Development Permit is to allow new development to proceed that is consistent with the IDCO, while providing the City with an opportunity to review compatibility with other houses in its neighborhood.

3. The Community Development Director, or Planning Board or City Council if appealed, are authorized to attach conditions to the approval of any of the development permits discussed in this Section. Such conditions may include, but are not limited to, conditions requiring physical changes to the proposed project. All conditions imposed must be for the purpose of satisfying the required findings, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare.

4. Process and public notice. Single Family Special Development Permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 500 foot radius. Upon submission of an application, Applicants shall post one four (4) foot by eight (8) foot sign approved by the Community Development Director.

5. Required findings. In lieu of the finding required by for Administrative Use Permits in Section 10-1-1956, the Director, or Planning Board

or Council if appealed, may not approve a Single Family Special Development Permit unless the following findings are made:

a. The house is compatible with existing houses in the neighborhood, which is defined as all of the houses on the same side of the block within 500 feet on each side and the four properties located behind or adjacent to the properties behind the house (the "Neighborhood") and consistent with the prevailing neighborhood character.

b. The house is reasonably consistent in scale and proportion to existing houses in the Neighborhood.

c. The house does not unnecessarily or unreasonably encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.

d. The house does not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, or aesthetics.

4. Pipeline Exemptions. This Ordinance and its provisions, notwithstanding any other provision hereof, shall not be deemed to prohibit any development, redevelopment, construction, reconstruction, expansion, or enlargement:

a. as to any property which has a valid vested right to construct prior to the effective date of this Ordinance;

b. as to any structure for which a building permit has been issued on or prior to the effective date of this Ordinance;

c. as to any structure for which a Hillside Development Permit pursuant to Section 10-1-606 has been approved issued on or prior to the effective date of this Ordinance (whether or not the permit has been appealed);

d. as to any structure for which a complete set of construction drawings has been submitted to the Building Division for plan-check along with the applicable plan check fee prior to 5:00 p.m. on March 10, 2015;

e. as to any structure for which a completed application for a Hillside Development Permit pursuant to Section 10-1-606 along with the application fee, has been submitted to, and deemed complete by, the Planning Division prior to 5:00 p.m. on March 10, 2015;

f. as to any structure for which an applicant has received a Conditional Use Permit, a Single Family Special Development Permit pursuant to Section 10-1-607, an Administrative Use Permit pursuant to Section 10-1-1936, or variance, if prior to 5:00 p.m. on March 10, 2015 a complete set of construction drawings has been submitted to the Building Division for plan-check with payment of the applicable plan check fee;

g. Emergency repairs to strengthen or restore to a safe condition any building or part thereof if declared to be unsafe by any City or other governmental official charged with protecting the public health or safety, and if ordered by such official to make those repairs provided that this provision shall not be used to enlarge or expand an existing home.

5. Appeal to Council for hardship/exemption applicability determination.

a. Hardship. An applicant may request permission that a structure deviate from the requirements set forth in the adopted Ordinance, upon application to the City Clerk for consideration by Council at its next available meeting, or by a person or body designated by Council, if it can be established that compliance with the adopted Ordinance creates an undue and an extreme hardship due to characteristics and circumstances unique to its property.

b. Appeal from denial to exempt project under Pipeline Exemptions. No application for a Pipeline Exemption appeal pursuant to this subsection will be accepted by the City Clerk after May 22, 2015 no later than 5:00 p.m. Up to May 22, 2015, an applicant may, upon application to the City Clerk for consideration by Council, at its next available meeting, but in no case more than 60 days from date of submission of said application, or by a person or body designated by Council, appeal staff determination that a project is not exempt from the IDCO under the aforementioned Pipeline Exemption set forth in Section 3 above. For example, the applicant may argue that the delay in submitting final plans/application before March 10, 2015, was beyond their control, applicant acted in good faith, and the plans or application were substantially completed prior to March 10, 2015.

6. If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more provisions may be declared invalid.

7. This Ordinance is adopted as an urgency measure, shall be introduced, passed and adopted by a 4/5ths vote at one and the same meeting and shall become effective immediately upon the adoption thereof

8. The City Clerk shall certify to the passage of this Ordinance and cause the this Ordinance to be published, within fourteen days of the adoption hereof, once in a newspaper of general circulation, published and circulated in the City of Burbank, California.

PASSED AND ADOPTED this 5th day of May, 2015.

s/Bob Frutos
Bob Frutos
Mayor

Attest:

s/Zizette Mullins
Zizette Mullins, CMC, City Clerk

Approved as to Form
Office of the City Attorney

By: s/Mary F. Riley
Mary F. Riley, Sr. Asst. City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3863 was duly and regularly passed and adopted by a unanimous (5/0) vote of the Council of the City of Burbank at its regular meeting held on the 5th day of May, 2015, by the following vote:

AYES: Council Members Gabel-Luddy, Gordon, Rogers, Talamantes and Frutos.

NOES: Council Members None.

ABSENT: Council Members None.

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 16th day of May, 2015.

s/Zizette Mullins
Zizette Mullins, CMC, City Clerk

ARTICLE 6. RESIDENTIAL USES AND STANDARDS

DIVISION 1. SINGLE FAMILY RESIDENTIAL ZONES

10-1-601: PURPOSE:

A. R-1.

The R-1 Single Family Residential Zone is intended for neighborhoods of single family dwellings separated from multiple family and non-residential uses. The R-1 Zone is appropriate for very low density single family development and, with limited exceptions, is generally not appropriate for non-residential development.

B. R-1-H.

The R-1-H Single Family Residential Horsekeeping Zone is intended for neighborhoods of single family dwellings with incidental facilities for the keeping of horses, separated from multiple family and non-residential uses. The R-1-H Zone is appropriate for very low density single family development with equestrian accommodations. The R-1-H Zone is generally not appropriate for non-residential development except for certain equestrian related facilities and other limited exceptions. [Formerly numbered Section 31-26; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. 3669, eff. 7/5/05.]

10-1-602: USES IN R-1 AND R-1-H ZONES:

Uses are allowed in the R-1 and R-1-H zones as follows:

A. PERMITTED USES.

Table 10-1-602 identifies the land uses allowed by this Zoning Ordinance, and the land use permit, if any, required to establish a use or expand an existing use.

B. PROHIBITED LAND USES.

Uses not expressly listed in Table 10-1-602, or uses listed as prohibited, may not be carried on in the R-1 or R-1-H zones except as lawful nonconforming uses, unless authorized per Section [10-1-503](#) or other provisions of this Code.

C. APPLICABLE SECTIONS.

Where the last column in the table includes a section number, the referenced section includes additional requirements related to the use; however, provisions in other sections of this Chapter may also apply.

Table 10-1-602

Permitted Uses in the R-1 and R-1-H Zones

Symbol	Meaning
P	Use is permitted
AUP	Administrative use permit required (see Article 19, Division 4.1)
CUP	Conditional use permit required (see Article 19, Division 4)

--- Use is prohibited

Land Use	R-1	R-1-H	Specific Use Standards
Residential and Accessory Uses			
Single family dwelling, not to exceed one per lot, including mobilehomes and manufactured homes	P	P	
Single family dwellings, additional, on one lot	CUP ⁽¹⁾	CUP ⁽¹⁾	
Garages, private	P ⁽²⁾	P ⁽²⁾	
Accessory structures, including minor structures for which no building permit is required ⁽³⁾	P ⁽⁴⁾	P ⁽⁴⁾	10-1-604
Accessory uses typical for a single family home including tennis courts and swimming pools	P	P	
Second dwelling unit	P	---	Article 6, Division 3.5
Home occupation	P	P	Article 6, Division 11
Home occupation, music lessons	AUP	AUP	10-1-672
Planned residential development	CUP	CUP	Article 6, Division 8
Stable or corral, non-commercial, for keeping horses owned by the owner or occupant of the property only	---	P	10-1-605
Small family day care home	P	P	
Large family day care home	AUP	AUP	Article 6, Division 13
Community care facility (licensed, six or fewer occupants)	P	P	
Community care facility (unlicensed, six or fewer occupants)	P	P	
Non-Residential Uses			
Carnival conducted by a church, public or private school, service club, or nonprofit association or corporation	CUP	CUP	
Church or church school	CUP	CUP	
Educational institution, public or private	CUP ⁽⁵⁾	CUP ⁽⁵⁾	
Municipal fire station	CUP	CUP	
Municipal library	CUP	CUP	
Park or recreational facility, golf course, cultural facility; including incidental commercial uses commonly associated with a park or recreation use	CUP	CUP	
Parking lot, off-street	CUP	CUP	Article 14, Division 4
Public utility facility	CUP	CUP	

Wireless Telecommunications Facility	(6)	(6)	10-1-1118
Equestrian and Special Uses			
Animal hospital; no boarding	---	CUP (7)	
Blacksmith; horse shoeing only	---	CUP (7)	
Petting zoo	---	CUP (7)	
Plant nursery	---	CUP (7)	
Stable, commercial; including housing facilities for caretaker on premises	---	CUP (7)	Article 24, Division 9

Notes/Additional Requirements:

- (1) Additional single family dwellings legally constructed prior to June 4, 1963 are permitted uses that do not require a CUP.
- (2) An accessory structure permit is required for a private garage or garages with a combined gross floor area greater than 1,000 square feet.
- (3) Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by conditional use permit, are not considered accessory structures.
- (4) An accessory structure permit is required for an enclosed accessory structure or structures with a combined gross floor area greater than 300 square feet. The maximum permitted combined gross floor area of an enclosed accessory structure or structures is 1,000 square feet.
- (5) Public educational institutions existing prior to June 1, 1978 are permitted uses that do not require a CUP.
- (6) Permitted in accordance with Section [10-1-1118](#).
- (7) Permitted only on properties with a land area of 12,000 square feet or greater that abut commercially zoned land. [Amended by Ord. No. 3840, eff. 6/7/13; Formerly numbered Section 31-27; 3817, 3697, 3669, 3622, 3535, 3399, 3139, 3127, 3058, 2858, 2754, 2727, 2371, 2322, 2183.]

10-1-603: PROPERTY DEVELOPMENT STANDARDS:

A. STANDARDS TABLE.

All land uses and structures, and alterations to existing land uses and structures, in the R-1 and R-1-H zones must be designed, constructed, and established consistent with the requirements in Table 10-1-603(A) and all other applicable provisions of this Division and this Code. Where the last column in the table includes a section number, the referenced section includes additional requirements related to the development standard.

Table 10-1-603(A)

Development Standards in the R-1 and R-1-H Zones

Development Standards	R-1 and R-1-H	Additional or Related Standards
Density	73	

Minimum lot area	6,000 square feet	
Minimum lot width	50 feet	
Minimum lot depth	100 feet	
Minimum lot area per primary dwelling unit	6,000 square feet	
Minimum lot area per additional dwelling unit above first 6,000 square feet subject to CUP approval	5,750 square feet	
Minimum dwelling unit size	850 square feet	
Minimum dwelling unit width ⁽¹⁾	20 feet	
Maximum height ⁽²⁾		
To top plate	23 feet	10-1-603(C)
To top of roof and architectural features ⁽³⁾	30 feet	10-1-603(C)
To top plate for accessory structures ⁽⁴⁾	19 feet	10-1-603(C)
To top of roof and architectural features for accessory structures ⁽⁴⁾	26 feet	10-1-603(C)
Maximum floor area ratio ^(H)	0.4 - 0.45 ⁽⁵⁾	10-1-603(D)
Maximum lot coverage	50% ⁽⁶⁾	10-1-603(E)
Minimum yard setbacks ^(H)		
Front	25 feet	10-1-603(F)
Rear	15 feet	10-1-603(F)
Interior side	10% of lot width but no less than 3 feet and no more than 10 feet ⁽⁷⁾	10-1-603(F)
Street-facing side	20% of lot width but no less than 6 feet and no more than 20 feet ⁽⁷⁾	10-1-603(F)
Maximum fence, wall, and hedge heights ^(H)		
Within the front yard setback area	4 feet ⁽⁸⁾ 6 feet (hedges only)	10-1-603(G)
Within the street-facing side yard setback area	6 feet (to rear of house) 8 feet (to rear of lot)	10-1-603(G)
Outside of the front yard or street-facing side yard setback area	8 feet 12 feet (hedges only)	10-1-603(G)
Minimum number of off-street parking spaces ^(H)		
When main dwelling has a gross floor area of 3,400 square feet or less	2 ⁽⁹⁾	10-1-603(H)
When main dwelling has a gross floor area of more than 3,400 square feet	3 ⁽⁹⁾	10-1-603(H)

Notes/Additional Requirements:

(H) For items marked with an (H), the hillside development standards apply if the property is located within the hillside area as defined in Section [10-1-606\(A\)](#).

1. The minimum dwelling unit width does not apply when a narrower dwelling width is necessary to maintain the minimum required side yard setbacks.
2. On lots where 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built taller than the maximum allowed roof height, the maximum top plate

and roof heights may be exceeded with approval of a Single Family Special Development Permit per Section [10-1-607](#).

3. Unless otherwise permitted by state or federal law, the maximum 30-foot height limit also applies to free-standing structures other than buildings including but not limited to antennas, satellite dishes, and flagpoles.
4. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.
5. (a) The maximum floor area ratio is 0.4. (b) On lots of 6,000 square feet or more, the 0.4 floor area ratio may be exceeded, up to a maximum of 0.45, per Section [10-1-603\(D\)\(6\)](#). (c) On lots smaller than 6,000 square feet, the 0.4 and 0.45 floor area ratios may be exceeded with approval of a Single Family Special Development Permit per Section [10-1-607](#) without complying with Section [10-1-603\(D\)\(6\)](#). (d) On lots where 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built larger than would be permitted under the 0.45 floor area ratio, the 0.4 and 0.45 floor area ratios may be exceeded with approval of a Single Family Special Development Permit per Section [10-1-607](#) without complying with Section [10-1-603\(D\)\(6\)](#). (e) In the hillside area as defined in Section [10-1-606\(A\)](#), the floor area ratio may be reduced through conditions placed upon a Hillside Development Permit per Section [10-1-606\(C\)](#).
6. The 50 percent maximum lot coverage may be exceeded with approval of a Single Family Special Development Permit per Section [10-1-607](#) when either of the following apply: (a) the lot is smaller than 6,000 square feet; or (b) 50 percent or more of the R-1 or R-1-H zoned lots within a 300-foot radius contain homes that were legally built with lot coverage greater than 50 percent.
7. The minimum side yard setbacks are determined by calculating the percentage of the lot width and then rounding down to the nearest whole number, even where the fraction is 0.5 or greater. On lots that have an irregular shape or a varying width, the average lot width as determined by the Community Development Director is used to calculate the side yard setbacks.
8. In the front yard, any portion of the fence or wall exceeding three (3) feet in height must utilize an open design. Open design means that for each one-foot section of fence or wall, at least 50 percent of the surface area is open and provides direct views through the fence or wall.
9. The first two required parking spaces may not be tandem spaces. The third parking space may be a tandem space.

B. ADDITIONAL STANDARDS.

1. All properties located within the R-1-H Zone must further comply with the requirements set forth in Section [10-1-605](#).
2. All properties located within the hillside area as defined in Section [10-1-](#)

[606\(A\)](#) must further comply with the requirements set forth in Section [10-1-606](#).

C. HEIGHT.

1. Height is measured as the vertical distance from grade to an imaginary plane located the allowed number of feet (as listed in Table 10-1-603(A)) above and parallel to the grade. For the purposes of this section, grade is defined as the lower of the following:

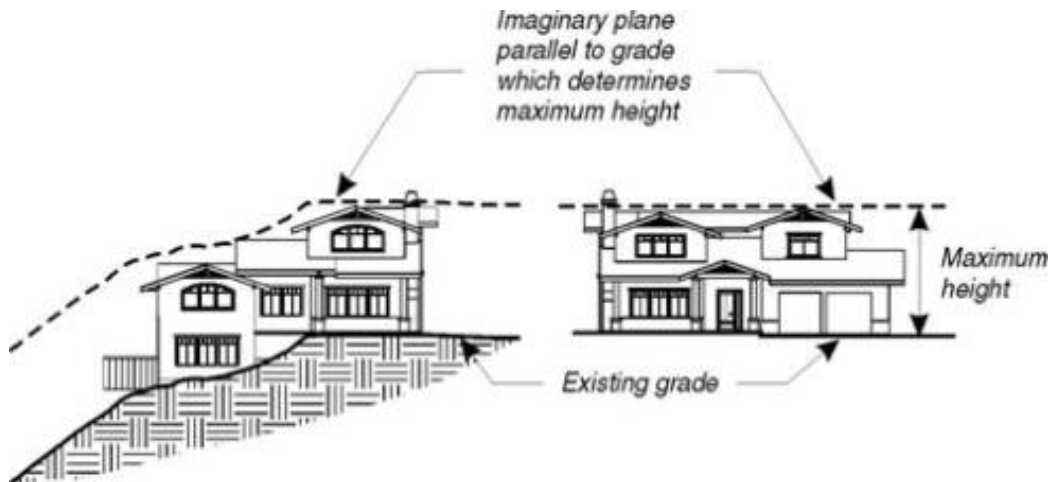
- The existing ground surface of the lot, prior to any grading, cut, or fill activity
- The finished ground surface of the lot, after any grading, cut, or fill activity

The purpose of this requirement is to prohibit the artificial raising of the grade for the purpose of increasing structure height.

Diagram [10-1-603\(B\)](#) illustrates the imaginary plane on a sloped lot and flat lot when measured from the existing grade to the top of the roof. A separate imaginary plane also parallel to the grade determines the maximum top plate height.

Diagram [10-1-603\(B\)](#)

Height Measurement



(Graphic: City of Pasadena)

With approval of a Conditional Use Permit, height may be measured from the average grade in lieu of being measured as described above. For the purposes of this section, average grade is defined as the average of the highest and lowest finished ground surface elevations at the perimeter of the structure, whether or not the finished ground surface is higher than the existing ground surface.

2. All features except parapets above a height of 23 feet, or 19 feet on an accessory structure, may not exceed a roof pitch of 12 vertical inches for every 12 horizontal inches, where pitched. This standard is not intended to require hipped roofs.
3. Parapets may not exceed 30 inches in height above the intersection of the roof surface and the wall. A flat roof surface must be no higher than 23

feet above grade, or 19 feet above grade when on an accessory structure.

4. Chimneys may not extend more than 15 feet above the highest point of the roof or exceed a maximum height of 45 feet, or 41 feet on an accessory structure. Unless otherwise permitted by state or federal law, air conditioning units and other roof-mounted equipment may not exceed 30 feet in height, or 26 feet on an accessory structure.

5. When a deck or platform is provided on top of a structure, the assumed top plate height of the structure is six (6) feet, eight (8) inches above the deck surface, unless a deck covering or the top plate of an enclosed space on the same level exceeds that height.

D. FLOOR AREA RATIO.

1. Floor area ratio is calculated using the total gross floor area of all enclosed structures on the property, including but not limited to the main dwelling structure, accessory structures, second dwelling units, enclosed patios, and sheds; except that garages and carports or portions thereof up to 600 square feet, stables, corrals, and tack rooms attached thereto are not included.

2. Non-enclosed spaces and structures are not included in the floor area ratio. A space is considered non-enclosed if it is completely open on at least two (2) sides from the ground or floor level to a height of six (6) feet, eight (8) inches above the ground or floor level.

3. Basements that meet the minimum room dimensions required by the Building Code are counted toward the floor area ratio unless the following criteria are satisfied:

a. The finished floor level of the first story is no more than 24 inches above the adjoining ground surface for at least 50 percent of the perimeter of the basement; and

b. The basement space is located directly beneath an enclosed space that is included in the floor area ratio calculation.

4. The following requirements apply to basements whether or not exempted from floor area ratio per Subsection (3).

a. The area of the basement must be included in the total house square footage for the purposes of determining the number of required off-street parking spaces.

b. When built as part of an accessory structure, the basement area must be counted toward the square footage and size limitation of the accessory structure.

5. Attics that have a structural floor and meet the minimum room dimensions required by the Building Code are counted toward the floor area ratio.

6. The 0.4 floor area ratio may be exceeded up to a maximum of 0.45 when certain features are incorporated into a house project. The maximum allowed floor area ratio is 0.45 if the main dwelling unit structure includes three (3) or more design features from the following list for a one (1) story structure, or

five (5) or more design features from the following list for a two (2) story structure:

- a. The top plate height does not exceed 20 feet as measured per Section [10-1-603\(C\)](#).
- b. The roof pitch is equal to or greater than six (6) vertical inches for every 12 horizontal inches (6:12).
- c. The second story is built within the pitched roof structure.
- d. Both side yard setbacks are at least two (2) feet greater than the minimum required.
- e. The second story is set back at least 10 additional feet at the front elevation for at least 75 percent of the width of the second story, as measured from the exterior wall of the first story or the outside edge of supporting posts for a covered front porch.
- f. The second story is set back at least five (5) additional feet on at least one (1) side elevation as measured from the exterior wall of the first story.
- g. The gross floor area of the second floor is no more than 75 percent of the gross floor area of the first floor of the main dwelling unit structure (not including an attached or detached garage or any accessory structures).
- h. The roof is a hipped roof, or gables do not face the interior side yard elevations. If a Dutch gable is used facing an interior side yard, the gable is located at least five (5) feet back from the exterior wall.

E. LOT COVERAGE.

1. Lot coverage is calculated using the footprint of all structures on the property including garages, except as exempted below, as measured from the exterior walls or the outside edge of supporting posts for non-enclosed structures or portions thereof.
2. A cantilevered second story of up to four (4) feet is not included in the calculation of lot coverage. If the cantilevered portion is greater than four (4) feet or if the overhanging portion is supported from the ground, the entire cantilevered portion must be included in the calculation of lot coverage.
3. Non-enclosed porches, patios, portes-cochere, and similar non-enclosed covered spaces and structures not counted toward the floor area ratio are not included in the calculation of lot coverage. If a covered space or structure is counted toward the floor area ratio, such space or structure must be counted toward lot coverage.
4. Stables, corrals, and tack rooms attached thereto are not included in the calculation of lot coverage in the R-1-H Zone.

F. YARDS.

1. The minimum required setbacks for all yards are specified in Table 10-1-603(A).

2. Encroachments are permitted into the required setback areas by various structural components and objects to the maximum distance specified in Table 10-1-603(F). Encroachment distances are measured from the minimum required setback line and not from the actual setback of the structure. All setbacks and encroachments are measured perpendicular to the property line.

Table 10-1-603(F)

Encroachments Into Yard Areas

Structure/Object	Setback Type	Maximum Encroachment
Structural walls and posts supporting an overhead structure (except accessory structures) and any structural components or objects not specifically listed in this table	Front	none permitted
	Rear	none permitted
	Interior Side	none permitted
	Street-Facing Side	none permitted
Accessory structures ⁽¹⁾	Front	none permitted
	Rear	up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾
	Interior Side	up to within 3 feet of property line but not beyond setback plane ⁽²⁾⁽³⁾⁽⁴⁾
	Street-Facing Side	none permitted
Eaves, canopies, porch or balcony covers, cornices, sills, etc. not supported by posts	Front	4 feet
	Rear	3 feet
	Interior Side	up to within 2 feet of property line
	Street-Facing Side	3 feet
Garden window boxes and non-structural bay windows	Front	4 feet
	Rear	3 feet
	Interior Side	2 feet but no less than 3 feet from the property line
	Street-Facing Side	3 feet
Uncovered patios or porches at ground level	Front	5 feet ⁽⁵⁾
	Rear	up to property line
	Interior Side	up to property line
	Street-Facing Side	up to property line ⁽⁵⁾
Uncovered porches, patios, decks, and platforms above ground level and supported from the ground (whether freestanding or attached to a structure)	Front	5 feet
	Rear	none permitted
	Interior Side	none permitted ⁽⁶⁾

	Street-Facing Side	none permitted
Uncovered porches, patios, decks, platforms, and balconies above ground level, attached to a structure, and not supported from the ground	Front	5 feet
	Rear	5 feet
	Interior Side	none permitted ⁽⁶⁾
Stairways, ramps, and landings leading up to grade level from basement or other below-grade space	Street-Facing Side	up to within 10 feet of property line
	Front	5 feet
	Rear	5 feet
Stairways, ramps, and landings leading from one grade level to another grade level or from grade level up to the first floor level	Interior Side	none permitted
	Street-Facing Side	none permitted
	Front	up to property line
Stairways, ramps, and landings above floor level of first story ⁽⁶⁾⁽⁷⁾	Rear	up to property line
	Interior Side	up to property line
	Street-Facing Side	up to property line
Stairways, ramps, and landings above floor level of first story ⁽⁶⁾⁽⁷⁾	Front	4 feet
	Rear	none permitted
	Interior Side	none permitted
Above-ground and in-ground swimming pools and spas (as measured to water line)	Street-Facing Side	none permitted
	Front	none permitted
	Rear	10 feet
Pool equipment, air conditioning equipment, water heaters ⁽⁸⁾ , barbecues, play equipment, and similar accessory appliances and equipment	Interior Side	up to within 5 feet of property line
	Street-Facing Side	none permitted
	Front	none permitted
Chimneys	Rear	12 feet
	Interior Side	up to within 3 feet of property line
	Street-Facing Side	none permitted
Portes-cochere	Front	none permitted
	Rear	2 feet
	Interior Side	2 feet but no less than 3 feet from the property line
Portes-cochere	Street-Facing Side	2 feet
	Front	none permitted
	Rear	none permitted
Portes-cochere	Interior Side	up to property line ⁽⁹⁾
	Street-Facing Side	none permitted

Notes/Additional Requirements:

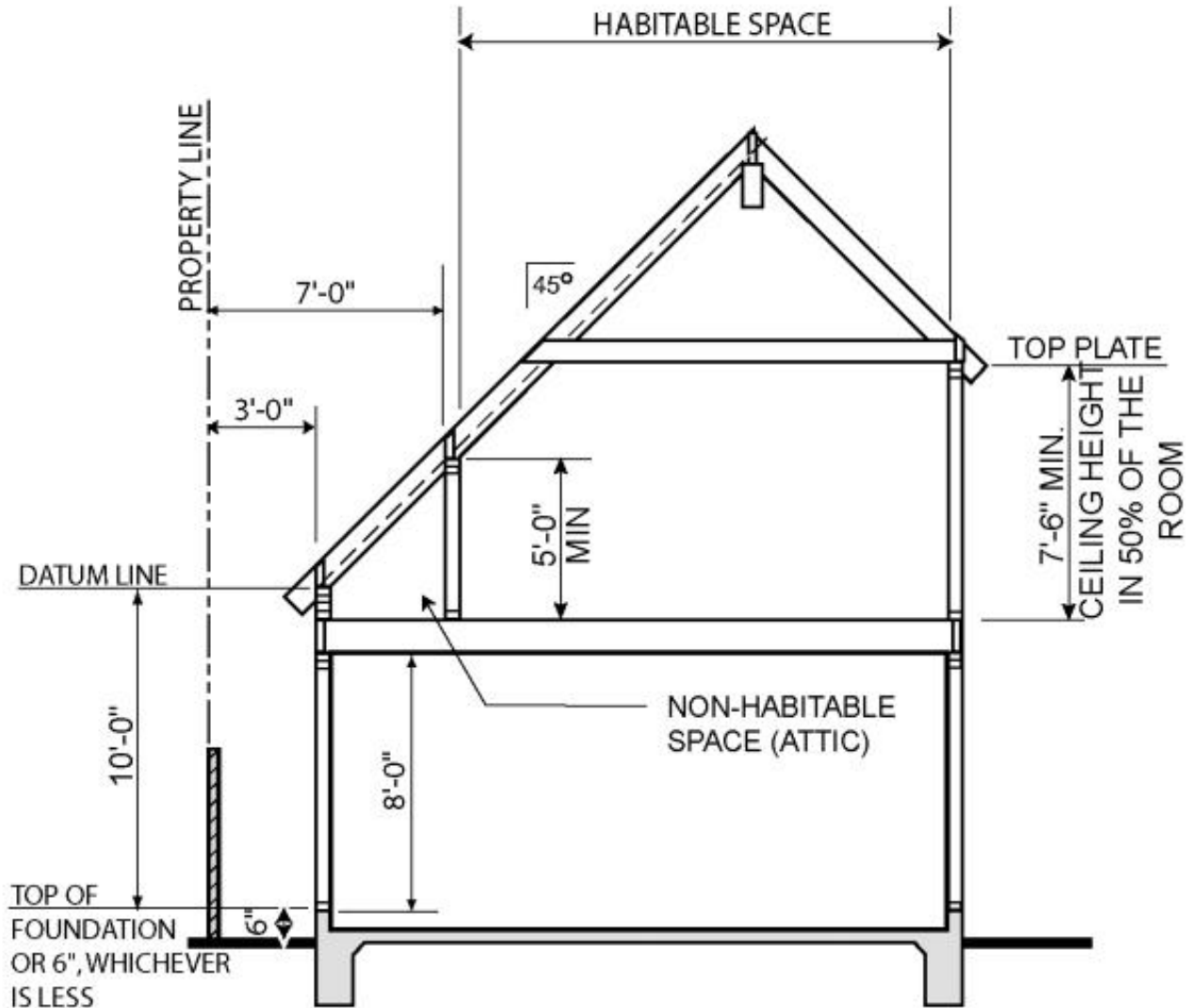
1. Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.
2. Accessory structures are permitted to encroach within the standard side and rear setbacks to the minimum three (3) foot setbacks only when located in the rear one-third of the lot. Eaves, canopies, cornices, and sills attached to detached accessory structures may encroach an additional 12 inches to a minimum setback of two (2) feet. See Subsection (4) for information about accessory structure setback planes.
3. The three (3)-foot side and rear setbacks are not required for accessory structures along any side or rear property line that abuts an alley. However, the setback plane described in Subsection (4) still applies.
4. On lots less than 26 feet wide, accessory structures are permitted to encroach within the three (3)-foot side and rear setbacks to a distance necessary to provide a garage or carport that meets the minimum size specified in Section [10-1-603\(H\)](#).
5. Uncovered patios and porches in the front and street-facing side yards are subject to the hardscape limitations in Subsection (5).
6. Porches, patios, decks, platforms, and balconies must be set back a minimum of 10 feet from interior side property lines. This requirement applies whether the porch, patio, deck, platform, or balcony is freestanding, attached to the main dwelling structure, or attached to an accessory structure.
7. Stairways, ramps, and landings attached to an accessory structure may encroach to the same minimum setbacks as the accessory structure itself.
8. Water heater and equipment closets that are built-in to a structure or enclosed by structural walls are subject to the standard setback requirement for structural walls.
9. Portes-cochere may encroach into the interior side yard setback area for a maximum length of 25 feet as measured parallel to the property line.
 3. Reversed corner lots. Where a reversed corner lot abuts a key lot and the key lot is located in any residential zone, the minimum required street-facing side yard setback and permitted encroachments for all structures and objects in the rear 30 feet of the reversed corner lot is equal to the required setback and permitted encroachments for structures and objects in the front yard of the key lot.
 4. In addition to the minimum setbacks prescribed in Table 10-1-603(F), the top plate of the first or second story of an accessory structure may not extend above the prescribed setback planes. Only roof and related architectural features are permitted to extend above the setback planes. Setback planes are illustrated in Diagram [10-1-603\(F\)](#) and are defined as follows:
 - a. Setback planes extend inward from each side and rear property line at an angle of 45 degrees from the horizontal.
 - b. The base of each setback plane is a point located three (3) horizontal feet inward from the property line and 10 vertical feet above the top surface of the six (6) inch foundation stem wall of the accessory

structure, or an equivalent vertical distance if the stem wall is a height other than six (6) inches. This applies whether the structure is built on slab or on a raised foundation.

Diagram [10-1-603\(F\)](#)

Accessory Structure Setback Planes

(diagram shows example structure configuration and is for illustrative purposes only)



5. The following requirements apply to all front yards and street-facing side yards:

- a. No more than 45 percent of the required front yard or street-facing side yard setback area may be hardscaped. For the purposes of this Subsection, hardscape means cement concrete, asphalt, brick, pavers, and similar impervious surfaces.
- b. The allowed hardscaping is limited to a driveway leading directly from a public street or alley to a garage or other required parking area, pedestrian pathways, and encroachments specifically permitted in Table 10-1-603(F). Within the required front yard setback area, driveways must be no wider than 12 feet when the garage is located to the rear of the

main dwelling structure and no more than 40 percent of the width of the lot at the street when the garage is located at the front of the main dwelling structure. Within the required street-facing side yard setback area, driveways must be no wider than the width of the garage parallel to the street.

c. No hardscaping is permitted next to a driveway so as to provide a continuous hardscaped surface greater than the allowed driveway width unless the hardscaping is providing direct pedestrian access to the main dwelling.

d. No vehicle may be parked in a required front yard or street-facing side yard except on a driveway and subject to the limitations of Section [10-1-1405](#).

e. All areas within the required front yard and street-facing side yard setback that are not hardscaped must be landscaped. Such landscaping must be properly maintained.

6. The City Planner and Traffic Engineer may approve exceptions to the requirements of this Subsection to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section [10-1-1403](#).

7. No structures or objects may be constructed or placed in required yard areas except as permitted by this Section or as included in the definition of Landscaping in Section [10-1-203](#), and subject to the limitations of Section [10-1-603](#)(G).

G. FENCES, WALLS, HEDGES AND OTHER YARD FEATURES.

1. Fences, walls, and hedges.

a. Fences, walls, and hedges may not be composed, in whole or part, of dangerous wire types including, but not limited to: razor wire, barbed wire, electric wire, or any other similar wire type that may pose serious risk of injury.

b. The maximum allowed height of fences, walls, and hedges is as specified in Table 10-1-603(A).

c. The height of a fence, wall, or hedge is measured from the highest abutting finished ground surface of the property upon which the fence, wall, or hedge is located.

d. On sloped surfaces, portions of a fence, wall, or hedge may exceed the maximum height for the purpose of providing a stair step-design, but each stair-step section, as measured from the horizontal midpoint, may not exceed the maximum height.

e. Within a required street-facing side yard (other than a reverse corner lot) fences, walls, and hedges are limited to six (6) feet, except for that portion of the street-facing side yard between the rear of the main dwelling structure and the rear property line, the maximum allowed height of a fence, wall, or hedge is eight (8) feet. On a reverse corner lot, fences, walls, and hedges within the street-facing side yard are subject

to the same height limits as in the front yard.

f. Ornamentation on top of fences, walls, and hedges in the front yard may exceed the maximum allowed height for fences, walls, and hedges up to 18 inches above the actual height of the fence, wall, or hedge or up to a maximum height limit of five (5) feet, six (6) inches. All ornamentation features must be spaced a minimum of four (4) feet apart, as measured on center. In all other yards, ornamentation may not exceed the maximum allowed height for fences, walls, and hedges.

g. All fences, walls, and hedges must comply with the corner cutoff provisions of Section [10-1-1303](#).

h. Gates are subject to the same requirements as fences and walls.

i. Enforcement of nonconforming fences and walls established prior to October 17, 2008 may be subject to abeyance pursuant to Section [10-1-19202](#).

2. Other yard features.

a. Other yard features, including but not limited to natural features such as rocks; structural features such as arbors, pergolas, fountains, reflecting pools, art works, screens, light poles, benches, and other items included within the definition of Landscaping per Section [10-1-203](#) are limited to a maximum of two (2) features per street frontage within front and street-facing side yards. Such features must comply with the corner cutoff provisions of Section [10-1-1303](#).

b. Arbors, pergolas, and similar structures are limited to a maximum height of nine (9) feet, a maximum width of six (6) feet, and an interior length of three (3) feet, as measured from the highest abutting finished ground surface. Other yard features are limited to a maximum height of six (6) feet and a maximum width of six (6) feet.

c. Enforcement of nonconforming yard features established prior to October 17, 2008, may be subject to abeyance pursuant to Section [10-1-19202](#).

3. Retaining walls.

a. Retaining walls located within front yard areas are limited to a maximum height of four (4) feet per wall.

b. Additional retaining walls must be setback a distance equivalent to the height of the retaining wall below as measured from the face of the retaining wall below.

c. Fences, walls, or hedges that are placed on top of a retaining wall within a front yard are limited to a maximum height of four (4) feet from the abutting finished ground surface and require an additional two (2) foot setback.

d. Enforcement of nonconforming retaining walls established prior to October 17, 2008, may be subject to abeyance pursuant to Section [10-1-19202](#).

4. Exceptions. Exceptions from the requirements of this Subsection (G) (including the applicable requirements of Section [10-1-1303](#) referenced herein) may be granted through approval of a fence exception permit as follows.

a. Any exceptions from the requirements of this Subsection (G) to allow a fence, wall, hedge, or other yard feature with a height of six (6) feet or less as measured from the abutting finished ground surface may be granted through approval of a Minor Fence Exception Permit per Section [10-1-19200](#).

b. Any exceptions from the requirements of this Subsection (G) to allow a fence, wall, hedge, or other yard feature with a height of greater than six (6) feet as measured from the abutting finished ground surface may be granted through approval of a Major Fence Exception Permit per Section [10-1-19201](#).

H. PARKING AND DRIVEWAYS.

1. All parking required by this Section must be provided in a carport as defined in Section [10-1-203](#) or in an enclosed garage. No more than one (1) side of a garage may be used for a door to provide vehicle access to the garage.

2. A space no less than nine (9) feet, six (6) inches wide and 19 feet deep must be provided for each required vehicle parking space inside a carport or garage. All parking spaces must be clear of any encroachments including but not limited to structural features, shelves, cabinets, appliances, and equipment.

3. For existing dwellings where the parking area in a garage or carport does not meet the minimum requirements of this Section, the existing parking area may not be reduced or encroached upon, as determined by the dimensions of the physical space provided.

4. Existing off-street parking may be maintained consistent with Subsection (3) except in the following situations, where the parking otherwise required by this Section must be provided:

a. An addition to the existing dwelling structure results in a total gross floor area of more than 3,400 square feet, including where the existing structure already exceeds 3,400 square feet.

b. The existing dwelling structure is voluntarily demolished to an extent more than 50 percent of its replacement cost, whether or not the garage or carport structure is demolished.

c. The existing garage or carport is demolished, destroyed, removed, relocated, or rebuilt.

5. Vehicle access openings to a carport or garage must be no less than eight (8) feet wide for single-width openings and no less than 16 feet wide for double-width openings.

6. Garages located at the front of the main dwelling with a door parallel to the street must be located no closer to the front property line than the interior

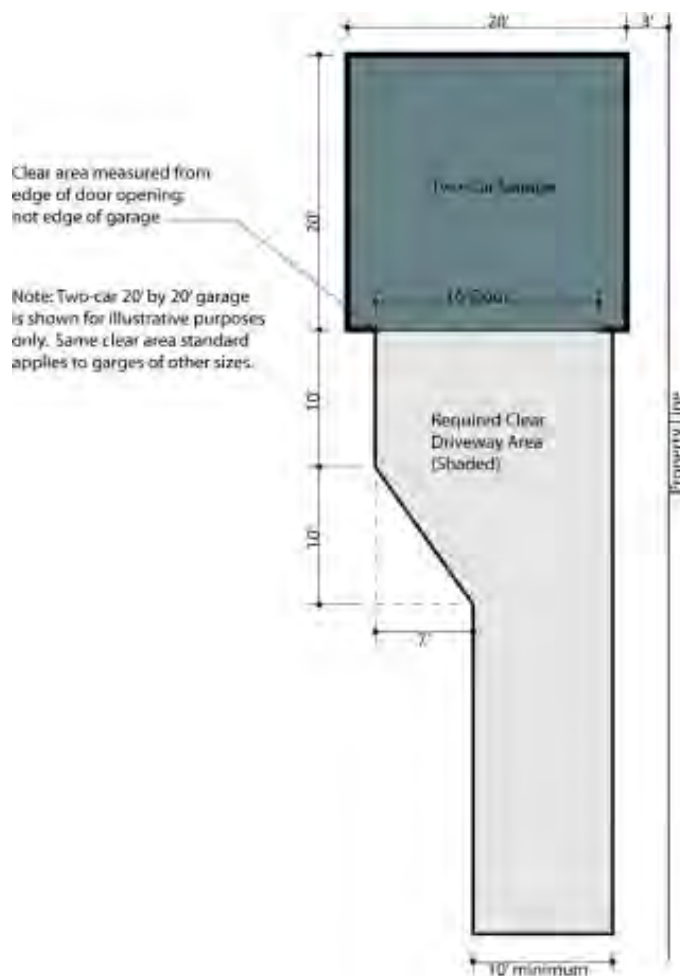
living space of the main dwelling or a covered front porch.

7. Garages located at the front of the main dwelling must occupy no more than 40 percent of the width of the lot at the street, whether the door is parallel or angled to the street. The City Planner may approve minor exceptions to this requirement for flag lots or other irregular lots.
8. Driveways must lead directly from a public street or alley to a garage or other required parking area using the shortest and most direct route feasible. The City Planner and Traffic Engineer may approve exceptions to this requirement to allow for a turnaround area or circular driveway for a lot fronting on a major or secondary arterial street for the purpose of complying with Section [10-1-1403](#).
9. Driveways must be no less than 10 feet wide and must be improved with cement concrete, asphalt, brick, pavers, or another similar permanent surface approved by the Traffic Engineer. Driveways must remain clear and unobstructed by any structural elements or vegetation.
10. When a turning movement is required to back out of a parking space, including but not limited to a curved driveway or access from an alley, a minimum backup turning radius of 24 feet must be provided for all parking spaces as measured from the exterior wall of the garage or carport.
11. Parking space access and minimum backup clearances must be provided as shown in Diagram [10-1-603\(H\)](#) for all required parking spaces whether in a garage or carport or uncovered (in the case of parking for a second dwelling unit). The shaded clear driveway area shown in the diagram must be maintained as a driveway. The clear area must be improved with a permanent surface and must remain clear and unobstructed by any structural elements or vegetation.
12. The elevation of the floor of a garage or carport must be equal to or higher than the top of the curb at the front property line, unless the existing grade slopes downhill away from the street and the driveway follows the existing grade. The existing grade may not be altered for the purpose of lowering the elevation of a garage or carport floor below the top of the curb. Exceptions to this requirement may be granted through approval of a Conditional Use Permit. [Added by Ord. No. 3774, eff. 12/8/09]

Diagram [10-1-603\(H\)](#)

Parking Space Access Requirement

(applies to all required parking spaces - garage shown for illustrative purposes only)



I. INTERNAL CIRCULATION.

All rooms attached to the main dwelling unit structure must provide interior access so as to maintain internal circulation among all rooms of the main dwelling. All stories, including usable basements and attics when applicable, must have interior stairway access and may not be accessible solely by an exterior stairway. Second dwelling units and water heater or equipment closets are exempt from this requirement.

J. MOBILE HOMES AND MANUFACTURED HOMES.

In addition to the other standards of this Section, the following requirements apply to all mobile homes and manufactured homes:

1. Homes must be manufactured after June 15, 1976, and must be manufactured to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974.
2. Homes must be installed on a permanent foundation system approved by the Building Official.
3. Exterior siding must be provided as necessary to screen an otherwise non-enclosed under floor area. Such siding must extend to within six (6) inches of the ground surface on all sides of the home and must be made of a non-reflective material that simulates wood, stucco, or masonry.
4. Roofing materials may not consist of continuously rolled metal roofing or any reflective roofing material. [Amended by Ord. No. 3774, eff. 12/08/09;

Added by Ord. No. 3774, eff. 12/08/09; Formerly numbered Section 31-28; 3750; 3748; 3690, 3688, 3669, 3622, 3535, 3399, 3259, 3255, 3058, 2922, 2912, 2725, 2640, 2616, 2387, 2356, 2183.]

10-1-604: ACCESSORY STRUCTURES:

A. APPLICABILITY.

Accessory structures include enclosed and non-enclosed structures that are detached from the main dwelling unit, including but not limited to detached garages, gazebos, workshops, storage sheds and buildings, pool houses, stables, corrals, and tack rooms. Second dwelling units, whether attached to the main dwelling unit or detached, and additional dwelling units authorized by Conditional Use Permit, are not considered accessory structures.

B. SIZE.

1. Per Section [10-1-602](#), an Accessory Structure Permit is required for an enclosed accessory structure or structures, excluding garages, with a combined gross floor area greater than 300 square feet.
2. The combined gross floor area of all enclosed accessory structures on a property, excluding garages, may not exceed 1,000 square feet.
3. Per Section [10-1-602](#), an Accessory Structure Permit is required for a garage or garages with a combined gross floor area greater than 1,000 square feet.

C. LOCATION.

1. Accessory structures must be located at least six (6) feet away from any other structure on the same lot as measured from the exterior walls of the structures, or the outside edge of supporting posts for non-enclosed structures or portions thereof.
2. Except as provided in Subsection (3), the eave projections of accessory structures must be at least four (4) feet away from the eave projections of any other structure on the same lot.
3. An accessory structure may be connected to the main dwelling structure by means of a porte-cochere, breezeway, patio covering, or other non-enclosed structural feature. However, such accessory structure is subject to the same minimum setback requirements as the main dwelling structure and does not qualify for the reduced accessory structure setbacks.

D. FACILITIES AND USE.

The following requirements apply to all accessory structures.

1. The bottom sill of all windows on the second story of an accessory structure that are located within 10 feet of any property line must be at least five (5) feet above the floor level of the second story.
2. Accessory structures may not contain temporary or permanent kitchen or cooking facilities.
3. Accessory structures may not contain bathroom fixtures except for a lavatory and toilet; or a lavatory, toilet, and shower if in conjunction with an

on-site, permanent, in-ground swimming pool. Spas, whether in-ground or above ground, and above-ground pools are not considered swimming pools for the purposes of this Subsection.

4. Plumbing fixtures in an accessory structure other than those provided in a bathroom are limited to one of the following:
 - a. One (1) single-basin wet bar sink not exceeding one (1) cubic foot in size; or
 - b. One (1) laundry sink if located adjacent to a laundry appliance fixture.

E. USE.

Except as specified in Section [10-1-1813](#) for legal nonconforming structures, accessory structures may not be used for cooking or sleeping purposes. No person may sleep or otherwise reside in an accessory structure at any time whether such use is temporary or permanent, and whether or not compensation is provided.

F. COVENANT.

Prior to the issuance of a building permit for an accessory structure that will contain bathroom or other plumbing fixtures of any kind or for the installation of bathroom or other plumbing fixtures in an existing accessory structure, a covenant must be prepared by the City Attorney, signed by the property owner(s), and recorded with the County Recorder. The covenant must be binding upon the property owner and all future property owners and must state that the structure may not be used for cooking and/or sleeping purposes; and that kitchen or cooking facilities may not be installed in the structure. [Added by Ord. No. 3139; Formerly numbered Section 31-28.1; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3669, eff. 7/5/05.]

10-1-605: ADDITIONAL DEVELOPMENT STANDARDS FOR THE R-1-H ZONE:

A. APPLICABILITY.

The development standards in this Section apply to all properties in the R-1-H Single Family Residential Horsekeeping Zone. The requirements of this Section supersede any conflicting standards in other Sections of this Division.

B. SETBACKS FOR OPENINGS.

1. Doors, windows, and other openings in any dwelling unit or legal nonconforming guest house must conform to the following requirements:
 - a. Such openings must be at least 10 feet from the rear and side property lines when constructed within the rear 35 feet of the lot.
2. Doors, windows, and other openings in any stable must be at least 10 feet from the rear and side property lines.
3. No structure may be constructed, added to, or otherwise modified so as to create nonconformity with Subsection (1) or increase an existing nonconformity.

C. STANDARDS FOR NON-COMMERCIAL STABLES.

1. Non-commercial stables must be located within the rear 35 feet of the lot.
 2. Except as provided herein, non-commercial stables must be set back a minimum of three (3) feet from the rear and side property lines. Openings for stables and/or half-walls must be located at least 10 feet from the rear and side property lines. Stables may be constructed of reinforced masonry, reinforced concrete, wood, or any other construction material approved by the Building Division. The three (3) foot side and rear setbacks are not required for stables along any side or rear property line that abuts an alley, consistent with the setback requirements for accessory structures in Section [10-1-603\(F\)](#).
- D. STANDARDS FOR NON-COMMERCIAL CORRALS:
1. Non-commercial corrals must be located within the rear 35 feet of the lot.
 2. Non-commercial corrals must comply with height and setback requirements for fences and walls.
- E. RESTRICTIONS ON KEEPING HORSES.
1. It is unlawful to keep a horse in an R-1-H Zone without a permit issued by the Animal Shelter Superintendent. A permit may not be issued unless first approved by the Community Development Director upon a finding that the property is in conformance with the requirements of this Section. The Director must notify the Animal Shelter Superintendent in writing of the decision to approve or deny a permit application.
 2. Each lot on which one (1) or more horses is kept must have a stable to shelter the horse(s).
 3. The number of horses kept in an R-1-H Zone in a non-commercial stable may not exceed one (1) for each 3,000 square feet of lot area.
 4. The number of horses kept in an R-1-H Zone in a commercial stable may not exceed one (1) horse for each 500 square feet of lot area.
 5. Additional requirements for commercial stables are specified in Article 24, Division 9 of this Chapter. [Formerly numbered Section 31-29; Renumbered by Ord. No. 3058, eff. 2/21/87; Amended by Ord. No. 3829, eff. 10/19/12; 3669, 2542, 2356, 2194.]

10-1-606: DEVELOPMENT STANDARDS FOR THE HILLSIDE AREA:

A. APPLICABILITY.

1. The requirements of this Section apply to all R-1 zoned properties located within the hillside area, as that area is defined in Subsection (2). The requirements of this Section supersede any conflicting standards of the R-1 Zone. All non-conflicting R-1 standards apply to R-1 zoned properties within the hillside area.
2. The hillside area is defined by the area bounded by the City boundaries with Glendale and Los Angeles and by the following streets as illustrated in Diagram [10-1-606\(A\)](#): City boundary, Sunset Canyon Drive, Walnut Avenue, Bel Aire Drive, Cambridge Drive, Kenneth Road, Scott Road, City boundary.

Hillside Area (shaded)
Diagram No. [10-1-606\(A\)](#)



B. HEIGHT. [Deleted by Ord. No. 3774, eff. 12/8/09]

C. FLOOR AREA RATIO.

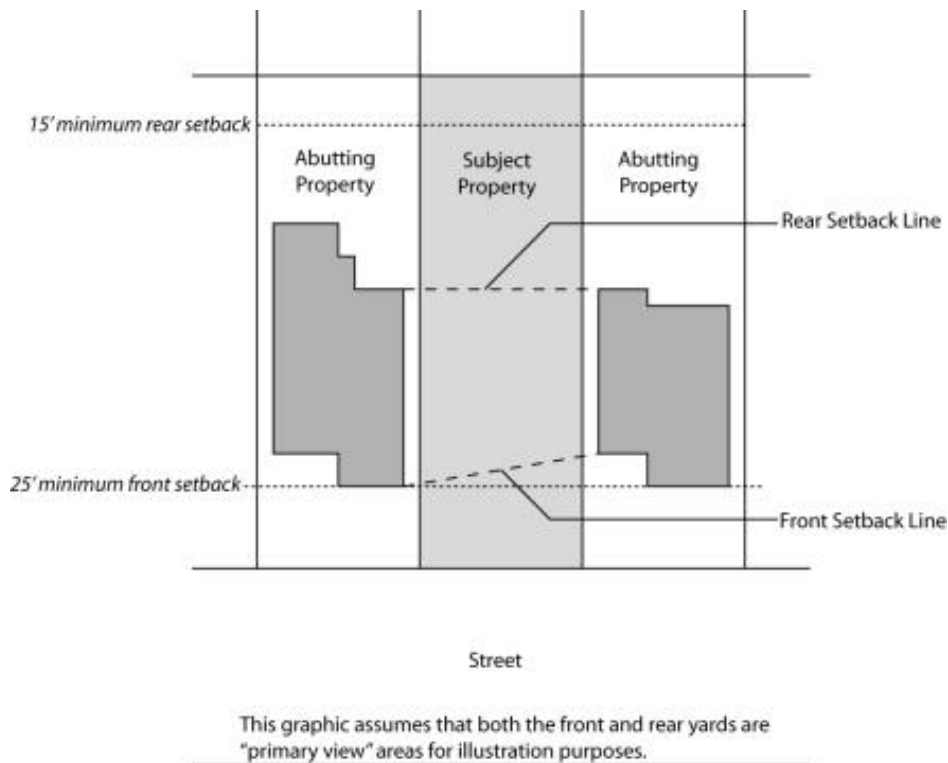
When a Hillside Development Permit is required, the maximum floor area ratio and house size may be reduced through conditions placed upon the permit when deemed necessary to satisfy the required findings for granting the permit per Section [10-1-607\(A\)\(2\)](#).

D. SETBACKS.

1. When the primary view from a property is from the front yard, rear yard, or both yards, a setback line is established in the primary view yard or yards by a line drawn from the nearest front or rear corner of existing homes on adjacent lots as illustrated in Diagram [10-1-606\(D\)](#).
2. For the purposes of this Section, primary view means the following:
 - a. When a property has a downslope view, that view is the primary view, whether or not the property also has an upslope view.
 - b. When a property has an upslope view and no downslope view, the upslope view is the primary view.
 - c. Where the direction of the primary view is unclear or disputed, the Community Development Director must determine the primary view.

Diagram [10-1-606\(D\)](#)

Front and Rear Setbacks in the Hillside Area



3. No portion of a structure may extend beyond the setback line unless a Hillside Development Permit is approved per Section [10-1-606\(G\)](#). If the setback line is closer to the property line than the setback otherwise required for the R-1 Zone, the structure must observe the applicable minimum R-1 setback and encroachments per Table 10-1-603(F).

4. No main dwelling unit may be located entirely on the rear half of a lot unless a Hillside Development Permit is approved per Section [10-1-606\(G\)](#).

E. FENCES, WALLS, HEDGES AND SCREENING.

1. Fences and walls in the front yard are limited to four (4) feet. Any portion of the fence or wall exceeding two (2) feet must utilize an open design. Open design is defined as follows: for any one (1)-foot section of fence or wall, at least 70 percent of the surface area is open and provides direct views through the fence or wall. Hedges are limited to four (4) feet in height.

2. For all other fences, walls, and hedges regardless of their height, a Minor or Major Fence Exception Permit is required prior to construction. Fences, walls, and hedges must comply with Sections [10-1-19200](#) and [10-1-19201](#), except that

a. A Minor Fence Exception Permit is required for fences and walls up to eight (8) feet in height and a Major Fence Exception Permit is required for fences and walls in excess of eight (8) feet.

b. A Minor Fence Exception Permit is subject to the same public noticing requirement and findings as the Major Fence Exception Permit.

3. All retaining walls facing downslope areas must be screened with vegetation.

4. Conditions may be placed on a Hillside Development Permit per Section [10-1-607](#) that require retaining walls to be shortened, broken into multiple

shorter walls, stepped up or down a hillside, or otherwise modified.

5. Fences and walls may be required to be shorter by conditions placed upon a Hillside Development Permit.

6. Areas under enclosed structures must be enclosed or skirted with permanent walls. All such enclosure or skirt walls and all other structure walls facing downslope areas must provide aesthetic relief through windows, variation in texture, or similar methods approved by the Director and must be screened by vegetation.

F. PARKING.

A minimum of four (4) off-street parking spaces must be provided. For houses with a gross floor area of 3,400 square feet or less, at least two (2) of the spaces must be located in a carport or garage. For houses with a gross floor area of more than 3,400 square feet, at least three of the spaces must be located in a carport or garage. Other required spaces may be located within a driveway, so long as the slope of the driveway area used for parking does not exceed five percent.

G. APPROVAL PROCESS.

Approval of a Hillside Development Permit per Section [10-1-607\(D\)](#) is required prior to the issuance of grading or building permits for the main dwelling structure or any other structure when any of the following criteria is applicable. A Hillside Development Permit is required whether the criteria apply to construction of a new structure or to modifications that increase the square footage or height of an existing structure or otherwise alter the footprint, volume, mass, or dimensions of an existing structure.

1. The project involves the creation of a new building pad, cut or fill activity to expand an existing building pad, or any other grading activity, including but not limited to grading for structures, swimming pools, and expanded yard areas.
2. The structure extends beyond the front or rear yard setback lines per Subsection (D).
3. The height of the proposed structure to the top of the roof exceeds 16 feet.
4. The total gross square footage of all structures and spaces that are included in the floor area ratio calculation is greater than 3,000 square feet.

H. EXCEPTIONS.

Exceptions to the development standards required by Section [10-1-603](#) for the R-1 Zone may be granted through approval of a Hillside Development Permit. A Hillside Development Permit may not be used to grant exceptions in lieu of a Variance unless a Hillside Development Permit is otherwise required by Subsection (G). No exceptions may be granted through a Hillside Development Permit unless the following findings are made:

1. The exception is not detrimental to the public health, safety, or general welfare.
2. Granting of the exception does not constitute a grant of special privilege

inconsistent with the limitations upon other projects and/or properties in the vicinity.

3. The exception does not permit or encourage development inconsistent with the character of existing development in the neighborhood.

4. There are special conditions or unique characteristics applicable to the subject property and/or the surrounding neighborhood due to the location in the hillside area that justify granting of the exception. Such conditions or characteristics may be related to topography, location, orientation, or other issues that do not generally apply to properties or neighborhoods located outside of the hillside area. [Formerly numbered Section 31-30; Amended by Ord. No. 3810, eff. 6/10/11; 3774, 3750; 3748, 3688, 3669, 3643, 3488, 3399, 3058, 2858, 2598, 2355, 2194.]

10-1-607: SINGLE FAMILY DEVELOPMENT PERMITS:

A. APPLICABILITY AND AUTHORITY.

1. This Section outlines the process requirements and findings for three types of special permits applicable to the single family residential zones. The permits discussed in this Section carry the same authority as those discussed in Article 19 of this Chapter, and are discussed here only for ease of reference.

2. The Director, or Planning Board or City Council if appealed, are authorized to attach conditions to the approval of any of the development permits discussed in this Section. Such conditions may include, but are not limited to, conditions requiring physical changes to the proposed project. All conditions imposed must be for the purpose of satisfying the required findings, mitigating environmental or other impacts of the project, and/or protecting the public health, safety, convenience, or welfare.

B. SINGLE FAMILY SPECIAL DEVELOPMENT PERMIT.

1. Intent and purpose. The intent and purpose of the Single Family Special Development Permit is to allow deviation from the single family development standards when specifically authorized in Section [10-1-603](#).

2. Process and public notice. Single Family Special Development Permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 300-foot radius of the property rather than a 1,000-foot radius.

3. Required findings. In lieu of the finding required by Section [10-1-1956](#), the Director, or Planning Board or Council if appealed, may not approve a Single Family Special Development Permit unless the following findings are made:

- a. The house is compatible with existing houses in the neighborhood and consistent with the prevailing neighborhood character.
- b. The house is reasonably consistent in scale and proportion to existing houses in the neighborhood.

- c. The house does not unnecessarily or unreasonably encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.
- d. The house does not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.

C. ACCESSORY STRUCTURE PERMIT.

1. Intent and purpose. The intent and purpose of the Accessory Structure Permit is to allow homeowners to construct accessory structures, including garages, in excess of prescribed limits to meet their space needs while ensuring that such structures do not have an adverse impact on neighboring properties through their appearance or use.
2. Process and public notice. Accessory Structure Permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings; except that notice of the decision must be mailed to all property owners and occupants within a 300-foot radius of the property rather than a 1,000-foot radius.
3. Required findings. In lieu of the finding required by Section [10-1-1956](#), the Director, or Planning Board or Council if appealed, may not approve an Accessory Structure Permit unless the following findings are made:
 - a. The accessory structure is compatible with the main dwelling structure on the lot and with existing houses in the neighborhood, and is consistent with the prevailing neighborhood character.
 - b. The accessory structure is consistent in scale and proportion to the main dwelling structure on the lot and to existing houses in the neighborhood.
 - c. The accessory structure does not unnecessarily or unreasonably encroach upon neighboring properties or structures in a visual or aesthetic manner through its size, location, orientation, setbacks, or height.
 - d. The accessory structure does not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, scenic views, or aesthetics.
 - e. The proposed use and potential future uses of the accessory structure are compatible with the single family neighborhood atmosphere and would not negatively impact neighboring properties.

D. HILLSIDE DEVELOPMENT PERMIT.

1. Intent and purpose. The intent and purpose of the Hillside Development Permit is to protect, to the extent feasible, views in the hillside area. The Hillside Development Permit is intended to balance the reasonable development of property consistent with high land values in the hillside area

with the values placed upon views of Burbank and surrounding communities from hillside properties.

2. Process and public notice. Hillside development permits must be processed and approved or denied in the same manner as an Administrative Use Permit per Division 4.1 of Article 19 of this Chapter, including public notice of decision, appeals, and hearings.

3. Required findings. In lieu of the finding required by Section [10-1-1956](#), the Director, or Planning Board or Council if appealed, may not approve a Hillside Development Permit unless the following findings are made:

- a. The house and other structures are compatible with existing houses and undeveloped areas in the neighborhood and consistent with the prevailing neighborhood character.
- b. The house and other structures are reasonably consistent in scale and proportion to existing houses in the neighborhood.
- c. The house and other structures do not unnecessarily or unreasonably encroach upon neighboring properties or structures through their size, location, setbacks, or height.
- d. The house and other structures do not impose unnecessary or unreasonable detrimental impacts on neighboring properties or structures, including but not limited to impacts related to light and glare, sunlight exposure, air circulation, privacy, or aesthetics.
- e. The vehicle and pedestrian access to the house and other structures do not detrimentally impact traffic circulation and safety or pedestrian circulation and safety and are compatible with existing traffic circulation patterns in the surrounding neighborhood. This includes, but is not limited to: driveways and private roadways, access to public streets, safety features such as guardrails and other barriers, garages and other parking areas, and sidewalks and pedestrian paths.
- f. The house and other structures are reasonably consistent with the natural topography of the surrounding hillside.
- g. The house and other structures are designed to reasonably incorporate or avoid altering natural topographic features.
- h. The house and other structures will not unnecessarily or unreasonably encroach upon the scenic views from neighboring properties, including both downslope and upslope views.

For the purpose of evaluating the last required finding, a view study must be submitted with all Hillside Development Permit applications documenting the impacts of the proposed structure(s) on views from adjacent properties. The view study must be prepared in a manner approved by the Director and contain all information and documentation deemed necessary by the Director for the purpose of analyzing view impacts.

The view impacts of the proposed project must be considered by the Director, or Planning Board or City Council if appealed, and may be used as a basis for requiring modifications to a project or denying a Hillside Development Permit due

Chicago

Chicago: Measuring FAR

17-17-0305 Floor Area Ratio. The *floor area ratio* of a building is the floor area of the building divided by the total gross area of the *zoning lot* upon which the building is located. In the case of *planned developments* and *townhouse developments*, the *floor area ratio* of a building site is the floor area of all buildings on the site divided by the *net site area* of the building site.



17-17-0305-A For the purpose of calculating *floor area ratios*, the “floor area” of a building is the sum of the gross horizontal area of all floors in the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The “floor area” of a building expressly includes all of the following:

1. floor area of any floor located below *grade* or partially below *grade* when more than one-half the floor-to-ceiling height of the below-*grade* (or partially-below-*grade*) floor is above *grade* level, provided that below-*grade* or partially below-*grade* floors with a clear height of less than 6 feet 9 inches are not counted as floor area;
2. elevator shafts and stairwells on each floor;
3. floor area used for mechanical equipment, except equipment located on the roof and mechanical equipment within the building that occupies a commonly owned contiguous area of 5,000 square feet or more;
4. those portions of an *attic* having clear height (head-room) of 6 feet 9 inches or more;
5. mezzanines;
6. enclosed porches;
7. floor area devoted to *non-accessory parking*;
8. parking provided in excess of the maximum *accessory parking* limits established in Sec. [17-10-0208](#), provided that each such parking space will be counted as 350 square feet of floor area; and
9. floor area within a *principal building* that is occupied by *accessory uses*.



17-17-0305-B For the purpose of calculating *floor area ratios*, floor area devoted to required loading, *accessory parking* and the drive aisles and circulation area associated with such loading and parking are not to be counted as “floor area”.

Chapter 17-2 Residential Districts

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17-2-0100 District Descriptions

17-2-0101 Generally

The “R,” *residential districts* are intended to create, maintain and promote a variety of housing opportunities for individual *households* and to maintain the desired physical character of the city’s existing neighborhoods. While the districts primarily accommodate residential use types, nonresidential uses that are compatible with residential neighborhoods are also allowed.

17-2-0102 RS, Residential Single-Unit (Detached House) Districts

The primary purpose of the RS districts is to accommodate the development of *detached houses* on individual *lots*. It is intended that RS zoning be applied in areas where the land-use pattern is characterized predominately by *detached houses* on individual *lots* or where such a land use pattern is desired in the future. The Zoning Ordinance includes three RS districts—RS1, RS2 and RS3—which are differentiated primarily on the basis of minimum *lot area* requirements and *floor area ratios*.

17-2-0103 RT, Residential Two-Flat, Townhouse and Multi-Unit Districts

The primary purpose of the RT districts is to accommodate *detached houses, two-flats, townhouses* and low-density, *multi-unit residential buildings* at a *density* and building scale that is compatible with RS districts. The districts are intended to be applied in area characterized by a mix of housing types. The districts are also intended to provide a gradual transition between RS districts and higher *density* RM districts. The RT districts are differentiated primarily on the basis of allowed *density* (minimum *lot area* per unit) and *floor area ratios*. The RT4A designation is intended to accommodate and promote *multi-unit buildings* containing *accessible dwelling units*. See also Sec. 17-2-0105.

[amended: 03/09/2005, Council Journal: p. 44398]

17-2-0104 RM, Residential Multi-Unit Districts

17-2-0104-A General

The primary purpose of the RM districts is to accommodate *detached houses, two-flats, townhouses* and *multi-unit residential buildings*. Although the districts accommodate a wide range of housing types, they are primarily intended to accommodate moderate-to high-density, *multi-unit residential buildings* in areas where such development already exists or where it is desired in the future. The Zoning Ordinance includes 5 RM districts—RM4.5, RM5, RM5.5, RM6 and RM6.5. These districts are differentiated primarily on the basis of allowed *density* (minimum *lot area* per unit), *floor area ratio* and allowed *building heights*.

17-2-0104-B RM4.5

The RM4.5 district is intended to serve as a transition district between the RT4 and RM5 classifications. It is primarily intended to accommodate multi-unit *buildings*.

[amended: 03/09/2005, Council Journal: p. 44398]

17-2-0104-C RM5 and RM5.5

The RM5 and RM5.5 districts are intended to accommodate *multi-unit residential buildings*. The RM5 district differs from the RM5.5 district only in terms of the maximum *building height* allowed. Applicable height limits in RM5 generally limit *buildings* to a maximum of 3½ to 4 stories, whereas larger *lots* in the RM5.5 district could contain 5-story structures. RM5.5 zoning is intended to be applied only in areas where the established neighborhood character is defined by *buildings* taller than 4 stories or in areas where there is no established neighborhood character, due to a lack of *buildings*.

17-2-0104-D RM6

The RM6 district is a high-density zoning classification that permits mid-rise and high-rise *residential buildings* in those areas where such *building* types already exist or where such *buildings* would be consistent with an area's established development pattern and character.

17-2-0104-E RM6.5

The RM6.5 district is high-density zoning classification that permits high-rise *residential buildings*. The district is primarily intended to be applied to *lots* containing existing high-rise *buildings* that do not comply with RM6 *bulk* and *density* standards.

17-2-0105 “A” Suffix Designation

17-2-0105-A The “A” suffix designation indicates the existence of special standards that are designed to accommodate and promote *multi-unit buildings* containing *accessible dwelling units*.

17-2-0105-B The designation may be applied in combination with any RT4 zoning district classification, in accordance with the rezoning procedure of Sec. 17-13-0300.

[amended: 03/09/2005, Council Journal: p. 44399]

17-2-0105-C Special *floor area ratio* and *building height* standards apply in districts with an “A” suffix. (See Sec. 17-2-0304 and Sec. 17-2-0311) Otherwise, districts with an “A” suffix are subject to the same standards that apply in non-suffix districts.

[amended: 03/09/2005, Council Journal: p. 44399]

17-2-0200 Allowed Uses

Uses are allowed in the “R” Zoning Districts in accordance with the Use Table of this section.

17-2-0201 Use Groups and Categories

Use Groups and Use Categories are described in Sec. 17-17-0100.

17-2-0202 Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this Zoning Ordinance.

17-2-0203 Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the *special use* procedures of Sec. 17-13-0900, subject to compliance with all other applicable standards of this Zoning Ordinance.

17-2-0203.5 Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the *planned development* procedures of Sec. 17-13-0600. Other uses and development activities may also require review and approval as a *planned development* based on their size, height or other threshold criteria. (See the mandatory planned development thresholds of Sec. 17-8-0500.)

[amended: 03/09/2005, Council Journal: p. 44399]

17-2-0204 Prohibited Uses

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

17-2-0205 Use Standards

The “Use Standard” column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is a Permitted (P) or *special use* (S).

17-2-0206 Parking Standards

The “Parking Standard” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are located in Chapter 17-10.

17-2-0207 Use Table and Standards

USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category	RS	RS	RS	RT	RT	RM	RM	RM			
Specific Use Type	1	2	3	3.5	4	4.5	5-5.5	6-6.5			
P = permitted by-right S = special use approval req'd PD = planned development approval req'd - = not allowed											
RESIDENTIAL											
A. Household Living											
1. Detached House	P	P	P	P	P	P	P	P		§17-10-0207-A	
2. Elderly Housing	-	-	-	P	P	P	P	P		§17-10-0207-A	
3. Two-Flat	-	-	P	P	P	P	P	P		§17-10-0207-A	
4. Townhouse	-	-	-	P	P	P	P	P	§17-2-0500	§17-10-0207-A	
5. Multi-Unit (3+ units) Residential	-	-	-	P	P	P	P	P		§17-10-0207-C	
6. Single-Room Occupancy	-	-	-	-	P	P	P	P		§17-10-0207-B	
B. Group Living											
1. Assist. Living (Elderly Custodial Care)	-	-	-	-	P	P	P	P		§17-10-0207-Q	
2. Convents and Monasteries	P	P	P	P	P	P	P	P		§17-10-0207-Q	

Chapter 17-2 | Residential Districts
17-2-0200 | Allowed Uses

USE GROUP		Zoning Districts								Use Standard	Parking Standard
Use Category	Specific Use Type	RS	RS	RS	RT	RT	RM	RM	RM		
		1	2	3	3.5	4	4.5	5-5.5	6-6.5		
P = permitted by-right S = special use approval req'd PD = planned development approval req'd -- = not allowed											
3.	Community Home, Family	P	P	P	P	P	P	P	P		§17-10-0207-Q
4.	Community Home, Group	S	S	S	S	P	P	P	P		§17-10-0207-Q
5.	Domestic Violence Residence, Family	S	S	S	P	P	P	P	P		§17-10-0207-Q
6.	Domestic Violence Residence, Group	-	-	S	S	P	P	P	P		§17-10-0207-Q
7.	Domestic Violence Shelter	-	-	-	-	S	S	S	S		§17-10-0207-Q
8.	Nursing Home (Skilled Nursing Care)	-	-	-	-	S	S	S	S		§17-10-0207-Q
9.	Temporary Overnight Shelter	-	-	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
10.	Transitional Residences	S	S	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
11.	Transitional Shelters	-	-	S	S	S	S	S	S	§17-9-0115	§17-10-0207-Q
12.	Group Living Not Otherwise Classified	-	-	-	-	S	S	S	S		§17-10-0207-Q
PUBLIC AND CIVIC											
C. Colleges and Universities		-	-	-	-	P	P	P	P		§17-10-0207-E
D. Cultural Exhibits and Libraries		P	P	P	P	P	P	P	P		§17-10-0207-F
E. Day Care		P	P	P	P	P	P	P	P		§17-10-0207-E
F. Hospital		-	-	-	-	P	P	P	P		§17-10-0207-G
G. Lodge or Private Club		-	-	-	-	S	S	S	S	§17-9-0111	§17-10-0207-H
H. Parks and Recreation (except as more specifically regulated)		P	P	P	P	P	P	P	P		§17-10-0207-E
1.	Community Centers, Recreation Buildings and Similar Assembly Use	S	S	S	S	S	S	S	S		§17-10-0207-E
I. Public Safety Services											
1.	Police Station	S	S	S	S	S	S	S	S		§17-10-0207-E
2.	Fire Station	P	P	P	P	P	P	P	P		§17-10-0207-E
J. Religious Assembly		P	P	P	P	P	P	P	P		§17-10-0207-I
K. School		P	P	P	P	P	P	P	P		§17-10-0207-E
L. Utilities and Services, Minor		P	P	P	P	P	P	P	P		§17-10-0207-E
M. Utilities and Services, Major		S	S	S	S	S	S	S	S		§17-10-0207-E
N. Reserved											
COMMERCIAL											
O. Funeral and Interment Service											
1.	Cemetery/Mausoleum/Columbarium	P	P	P	P	P	P	P	P		§17-10-0207-Q
2.	Cremating	S	S	S	S	S	S	S	S		§17-10-0207-Q
P. Lodging											
1.	Bed and Breakfast	-	-	-	-	P	P	P	P	§17-9-0103	§17-10-0207-S
Q. Medical Service											
1.	Government-operated Health Center	-	-	-	-	S	S	S	S		§17-10-0207-T
R. Office											
1.	Foreign Consulates	-	-	-	-	P	P	P	P	§17-9-0108	§17-10-0207-Q
2.	Philanthropic and Eleemosynary Institutions	-	-	-	-	P	P	P	P	§17-9-0113	§17-10-0207-Q
S. Parking, Non-Accessory		-	-	-	-	P/S	P/S	P/S	P/S	§17-9-0111.5	None Req'd
T. Residential Support Service		-	-	-	-	-	-	P	P	§17-9-0114	None Req'd
OTHER USES											
U. Wireless Communication Facilities											
1.	Co-located	P	P	P	P	P	P	P	P	§17-9-0118	None Req'd

USE GROUP Use Category	Zoning Districts								Use Standard	Parking Standard
	RS	RS	RS	RT	RT	RM	RM	RM		
Specific Use Type	1	2	3	3.5	4	4.5	5-5.5	6-6.5		
P = permitted by-right S = special use approval req'd PD = planned development approval req'd -- = not allowed										
2. Freestanding (Tower)	S	S	S	S	S	S	S	S	§17-9-0118	None Req'd
ACCESSORY										
V. Accessory Uses	P	P	P	P	P	P	P	P	§17-9-0200	None Req'd

[amended: 09/01/2004, Council Journal: p. 30490; 03/09/2005, Council Journal: p. 44399-400; 09/13/2006, Council Journal: p. 84873-75]

17-2-0300 Bulk and Density Standards

17-2-0301 Lot Area

17-2-0301-A Minimum Lot Area Standards

All development in R districts is subject to the following minimum *lot area* standards except as expressly allowed in Sec. 17-2-0301-B:

District	Minimum Lot Area (square feet)
RS1	6,250
RS2	5,000
RS3	2,500
RT3.5	2,500
RT4 to RM6.5	1,650

(See Sec. 17-17-0302 for rules governing the measurement of *lot area*.)

17-2-0301-B Exemptions

1. Contextual Standard for RS1 and RS2 Districts

In the RS1 and RS2 districts, when more than 50% of similarly zoned *lots* on a *block face* have a minimum *lot area* per unit less than prescribed in Sec. 17-2-0301-A, the minimum *lot area* per *dwelling unit* standard will be established based on the predominant *lot area* of all *zoning lots* fronting on the *block face*. In no case, however, may the minimum *lot area* established pursuant to this contextual standard be less than 3,750 square feet.

2. Lots of Record

A *detached house* may be established on any *lot of record* regardless of the size of the *lot*, provided that all other requirements of this Zoning Ordinance are met. This exemption also applies if a *lot of record* is increased in area and still does not comply with applicable minimum *lot area* standards.

[amended: 03/09/2005, Council Journal: p. 44401]

17-2-0302 Lot Frontage

17-2-0302-A Minimum Lot Frontage Standards

Except as expressly allowed in Sec. 17-2-0302-B, all *lots* in RS1 and RS2 districts must have a minimum *lot frontage* of 25 feet or the predominant *lot frontage* of similarly zoned *lots* on the same *block face*, whichever is greater. (See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

[amended: 03/09/2005, Council Journal: p. 44401]

17-2-0302-B Exemption

A detached house may be established on any lot of record regardless of its lot frontage, provided that all other requirements of this Zoning Ordinance are met. This exemption also applies if a lot of record is increased in area and still does not comply with applicable minimum lot frontage standards.

17-2-0303 Lot Area per Unit (Density)

17-2-0303-A Minimum Lot Area per Unit Standards

All development in R districts is subject to the following minimum lot-area-per-unit standards. These standards are not to be interpreted as a guarantee that allowed densities can be achieved on every lot. Other factors, such as off-street parking, height limits, dwelling unit sizes and lot configuration may work to limit density more than these standards.

District	Minimum Lot Area per Unit (square feet)
RS1	6,250
RS2	5,000
RS3	2,500, except as expressly allowed in Sec. 17-2-0303-B
RT3.5	1,250
RT4	Dwelling units: 1,000 Efficiency units: 1,000 SRO units: 500
RM4.5	Dwelling units: 700 Efficiency units: 700 SRO units: 500
RM5	Dwelling units: 400 Efficiency units: 400 SRO units: 200
RM5.5	Dwelling units: 400 Efficiency units: 400 SRO units: 200
RM6	Dwelling units: 300 Efficiency units: 135 SRO units: 135
RM6.5	Dwelling units: 300 Efficiency units: 135 SRO units: 135

(See Sec. 17-17-0304 for rules governing the measurement of lot area per unit.)

[amended: 03/09/2005, Council Journal: p. 44402]

17-2-0303-B Exemption

In the RS3 district the minimum lot area per dwelling unit may be reduced to 1,500 square feet when 60% or more of the zoning lots fronting on the same side of the street between the two nearest intersecting streets have been lawfully improved with buildings containing more than one dwelling unit. This exemption will only allow for the establishment of a two unit building.

[amended: 03/09/2005, Council Journal: p. 44402; 09/13/2006, Council Journal: p. 84875]

17-2-0304 Floor Area Ratio

17-2-0304-A Standards

All development in R districts is subject to the following maximum *floor area ratio* standards:

District	Maximum Floor Area Ratio
RS1	0.50
RS2	0.65
RS3	0.90
RT3.5	1.05
RT4	1.20 (See accessible dwelling unit exceptions, Sec. 17-2-0304-B)
RT4A	1.50 for multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units 1.2 for all other buildings
RM4.5	1.70
RM5	2.00
RM5.5	2.50
RM6	4.40; premium may apply—See Sec. 17-2-304-C
RM6.5	6.60; premium may apply—See Sec. 17-2-304-C

(See Sec. 17-17-0305 for rules governing the measurement of *floor area ratio*.)

[amended: 03/09/2005, Council Journal: p. 44402]

17-2-0304-B Exceptions

Multi-unit buildings in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *floor area ratio* of the RT4A district if either of the following conditions exist:

1. more than 50% of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* contain buildings with a *height* of 38 feet or more; or
2. if the abutting lots on both sides of the subject *lot* contain *buildings* with a *height* of 38 feet or more.

17-2-0304-C Premiums

Multi-unit residential buildings located in an RM6 or RM6.5 district on lots that permit 50 or more *dwelling units*, based on the lot's zoning classification, are eligible for *floor area ratio* premiums in accordance with the following: For each one percent decrease in the number of *dwelling units* below the maximum number permitted under Sec. 17-2-0303-A, a 0.50% increase in the allowable *floor area ratio* is allowed, provided that the *floor area ratio* is not increased by more than 25% over the otherwise applicable maximum under Sec. 17-2-0304-A.

[amended: 03/09/2005, Council Journal: p. 44403]

17-2-0304-D Exemption

Ground floor accessible dwelling units are exempt from inclusion in floor area ratio calculations, that is, the square footage of a ground floor accessible dwelling unit shall not be included in calculating that building's total floor area ratio in RS3, RS3.5, RT4 [except single-family residences] zoning districts. Proponets will certify under oath that grade level units will be built for parties with disabilities for perpetual use.

[amended: 11/30/2005, Council Journal: p. 62719]

17-2-0305 Front Setbacks

17-2-0305-A Buildings and structures in R districts must be set back from the *front property line* in accordance with the average setback standards of Sec. 17-2-0305-B or in accordance with the following minimum fixed *front setback* standards:

District	Minimum Front Setback
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

[amended: 03/09/2005, Council Journal: p. 44403]

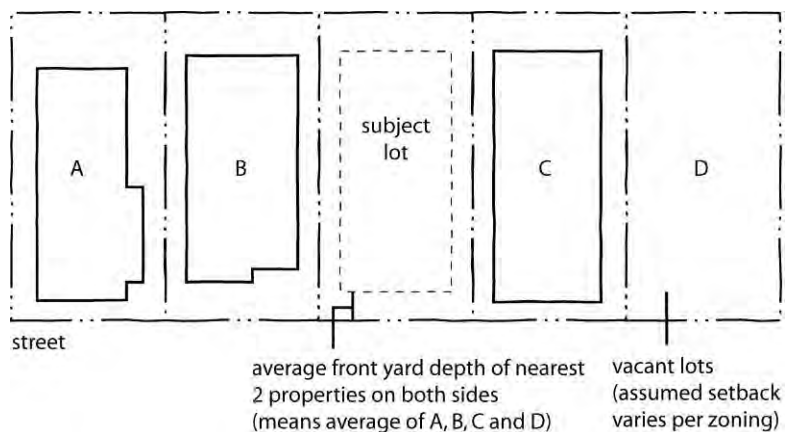
17-2-0305-B In lieu of complying with the fixed front setback standards of Sec. 17-2-0305-A, buildings and structures in R districts must be set back from the *front property line* a distance equal to the average *front yard* depth that exists on the nearest 2 lots on either side of the subject lot or 20 feet, whichever is less. The decision to comply with fixed front setback standards of Sec. 17-2-0305-A or the average front setback standards of Sec. 17-2-0305-B is left to the builder/property owner except in the case of lots with *lot frontage* on a *primary boulevard*, as defined in Sec. 17-17-02124, where buildings and structures must be set back from the *front property line* a distance equal to the average *front yard* depth that exists on the nearest 2 lots on both sides of the subject lot; there is no maximum depth to the required setback along a *primary boulevard* as defined in Sec. 17-17-02124. (See Sec. 17-17-0306 for rules governing the measurement of *front setbacks*)

[amended: 03/09/2005, Council Journal: p. 44403; 09/13/2006, Council Journal: p. 84875]

17-2-0305-C If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have the following *front yard* depths:

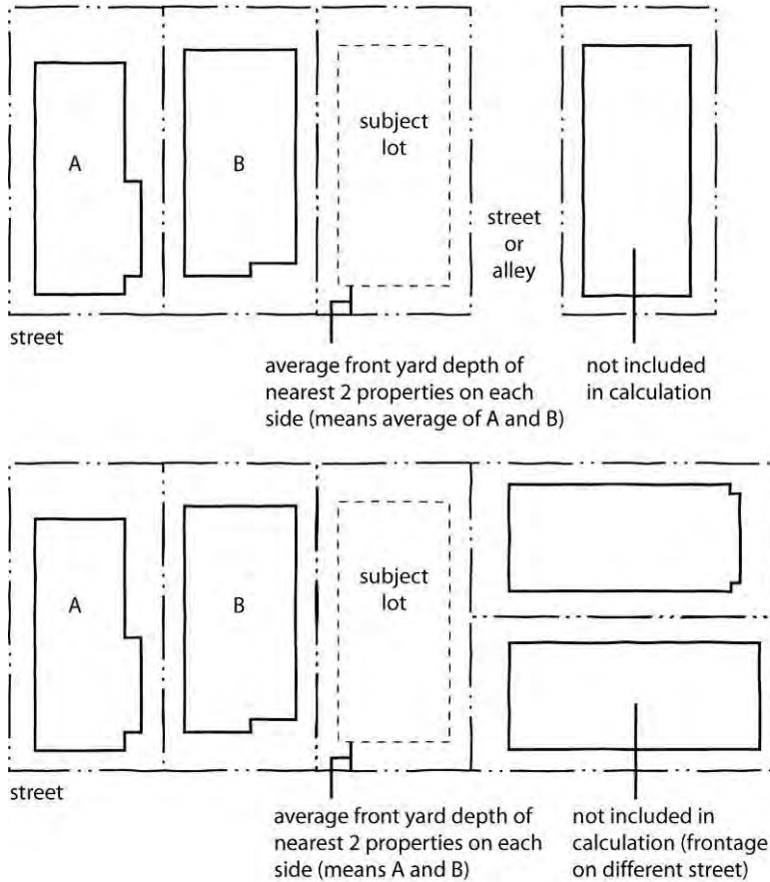
District	Assumed Setback on Vacant Lots
RS1 to RS3	20 feet or 16% of lot depth, whichever is less
RT3.5 to RM6.5 + DR	15 feet or 12% of lot depth, whichever is less

Figure 17-2-0305-C



1. Lots that front on a different *street* than the subject *lot* or that are separated from the subject *lot* by a *street* or *alley* may not be used in computing the average.

Figure 17-2-0305-C1



2. When the subject *lot* is a *corner lot*, the average setback will be computed on the basis of the nearest 2 *lots* that front on the same *street* as the subject *lot*.
3. When the subject *lot* abuts a *corner lot* fronting on the same *street*, the average setback will be computed on the basis of the abutting *corner lot* and the nearest 2 *lots* that front on the same *street* as the subject *lot*.

[amended: 03/09/2005, Council Journal: p. 44403]

17-2-0305-D The setback provisions of this section (Sec. 17-2-0305) do not apply to townhouses. Townhouses are subject to the standards of Sec. 17-2-0500.

[amended: 03/09/2005, Council Journal: p. 44404; 09/13/2006, Council Journal: p. 84876]

17-2-0305-E If the average *front yard* is 50% or less than the fixed *front yard setback*, then the *features* allowed to encroach in required setbacks established in Sec. 17-17-0309 do not apply.

[amended: 09/13/2006, Council Journal: p. 84876]

17-2-0306 Rear Setbacks

17-2-0306-A In all R districts, the minimum *rear setback* for buildings that contain no more than 19 dwelling units and in which at least 33% of the units are *accessible dwelling units* is 24% of *lot depth* or 50 feet, whichever is less. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.)

[amended: 03/09/2005, Council Journal: p. 44404]

17-2-0306-B In all R districts, the minimum *rear setback* for *detached houses* is 28% of *lot depth* or 50 feet, whichever is less. (See Sec. 17-17-0307 for rules governing the measurement of *rear setbacks*.)

17-2-0306-C In all R districts, the minimum *rear setback* for *principal buildings* other than *detached houses* is 30% of *lot depth* or 50 feet, whichever is less.

17-2-0306-D In RM5 and RM 5.5 districts, the required *rear setback* applies to all portions of the *building* that are 6 feet or more above *grade*.

17-2-0306-E In RM6 and RM6.5 districts, the required *rear setback* applies to all portions of the *building* that are 18 feet or more above *grade*.

17-2-0306-F In all R districts other than RM5, RM5.5, RM6 and RM6.5, the required *rear setback* applies to all portions of the *building*.

17-2-0307 Rear Yard Open Space

All development in RS, RT, RM4.5 and RM5 districts is subject to the following minimum *rear yard* open space standards, except as expressly allowed under the *townhouse development* standards of Sec.17-2-0500.

District	Minimum Rear Yard Open Space (square feet per dwelling unit/% of lot area, whichever is greater)	Minimum Dimension on Any Side (feet)
RS1	400/6.5	20
RS2	400/6.5	20
RS3	225/6.5	15
RT3.5	100/6.5	12
RT4	65/6.5	12
RT4A	65/6.5	12
RM4.5	50/6.5	10
RM5	36/5.25	10

[amended: 03/09/2005, Council Journal: p. 44404]

17-2-0307-A Location and Design

1. *Rear yard* open space refers to the amount of *lot area* required to be preserved as open space within the *rear yard*.
2. Required *rear yard* open space must be located within the *rear yard*, at ground level or, if located on a terrace or patio, within 4 feet of ground level. In RM5 and RM5.5 districts, where structures are located in the *rear setback* and do not exceed 6 feet in height, required *rear yard* open space may be located directly above such structures.

3. When located at ground level, the open space area must be substantially covered with grass, ground cover, shrubs, plants, trees, or usable outdoor open space features, such as walkways or patios.
4. Off-street parking areas and driveways may not be used to satisfy *rear yard* open space requirements. Bollards, curbs, wheel stops or other similar features must be provided to ensure that required *rear yard* open space is not used for off-street parking, loading or vehicle circulation.
5. If a *rear* setback is reduced by a variation or administrative adjustment, the *rear yard* open space must either be located in the *rear setback*, or between the established *rear setback* or accessory building and any principal building. The required open space may also be provided on the roof of an accessory building as allowed in Sec. 17-13-1003-K and Sec. 17-13-1101-A.

[amended: 03/09/2005, Council Journal: p. 44404; 09/13/2006, Council Journal: p. 84876]

17-2-0308 On-Site Open Space in RM5.5, RM6 and RM6.5 Districts

17-2-0308-A Amount and Dimensions

Except as expressly allowed under the *townhouse development* standards of Sec.17-2-0500, all development containing *dwelling units* located in RM5.5, RM6 and RM6.5 districts must provide at least 36 square feet of useable on-site open space per *dwelling unit*. Required open space must have minimum dimension of at least 5 feet on any side if private or 15 feet on any side if provided as *common open space*.

[amended: 09/13/2006, Council Journal: p. 84876]

17-2-0308-B Additional Standards

1. Required open space must be located on the same *lot* as the *dwelling unit* it serves.
2. Required open space must be outdoors and designed for outdoor living, recreation or landscaping, including areas located on the ground and areas on decks, balconies, porches or roofs.
3. The required open space area is not required to be contiguous, but each open space area, whether common or private, must comply with minimum dimensional standards. *Common open space* areas must be accessible to all residents of the subject development.
4. When located at ground level, required open space area must be substantially covered with grass, ground cover, shrubs, plants, trees, or usable outdoor open space features, such as walkways or patios.

5. Off-street parking areas, loading facilities, driveways or required vehicular use landscape areas may not be used to satisfy open space requirements. Bollards, curbs, wheel stops or other similar features must be provided to ensure that required open space areas are not used for off-street parking or any other vehicular use.
6. Required open space areas may not be occupied by mechanical equipment, dumpsters or service areas.
7. All required open space areas must be located and designed to take advantage of sunlight and other climatic advantages of the site.

17-2-0309 Side Setbacks

17-2-0309-A Standards

All development in R districts is subject to the following minimum *side setback* standards, except as expressly allowed under the *townhouse development* standards of Sec. 17-2-0500. *Reversed corner lots* are subject to Sec. 17-2-0309-B. (See Sec. 17-17-0308 for rules governing the measurement of *side setbacks*.)

District	Minimum Side Setback
RS1	Detached house: Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 5 feet or 10% of lot width, whichever is greater Principal nonresidential building (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS2	Detached house: Combined total width of side setbacks must equal 30% of lot width with neither required setback less than 4 feet or 10% of lot width, whichever is greater Principal nonresidential building (e.g., religious assembly and school buildings): 15 feet or 50% of building height, whichever is greater
RS3	Detached houses: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater Principal nonresidential buildings (e.g., religious assembly and school buildings): 12 feet or 50% of building height, whichever is greater
RT3.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RT4/RT4A	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM4.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below
RM5.5	Townhouse: See Sec. 17-2-0500 All other principal buildings: Combined total width of side setbacks must equal 20% of lot width with neither required setback less than 2 feet or 8% of lot width, whichever is greater; no side setback is required to exceed 5 feet in width; See also note 1, below

District	Minimum Side Setback
RM6	Townhouse: See Sec. 17-2-0500
	All other principal buildings: None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width
RM6.5	Townhouse: See Sec. 17-2-0500
	All other principal buildings: None abutting street or alley or for buildings covering 50% or less of the lot; buildings covering more than 50% of the lot must provide individual side setbacks equal to at least 10% of the lot width or 10% of the total building height, whichever is greater, provided that no side setback is required to exceed 20 feet in width

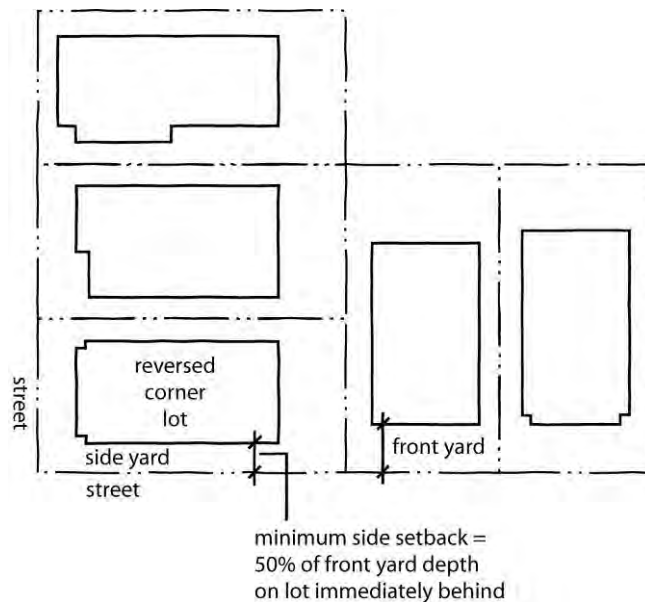
[1] When a side lot line abuts an alley or street, no side setback is required on the side of the building abutting the street or alley. In such cases, the side setback on the other (non-street or alley) side must be at least 10% of the lot's width.

[amended: 03/09/2005, Council Journal: p. 44405; 09/13/2006, Council Journal: p. 848776-77]

17-2-0309-B Reversed Corner Lot Setback Standards

In all R districts, the minimum *side setback* on a *reversed corner lot* must be equal to at least 50% of the *front yard* that exists on the *lot* abutting the rear of the *reversed corner lot*. If the abutting *lot* to the rear is vacant, the 50% is to be calculated on the basis of the abutting *lot's* required *front setback*. Moreover, no accessory building on a *reverse corner lot* may be located within 5 feet of a rear lot line that abuts a side lot line of an RS1-, RS2-, or RS3-zoned lot.

Figure 17-2-0309-B



[amended: 03/09/2005, Council Journal: p. 44406]

17-2-0309-C Through Lots

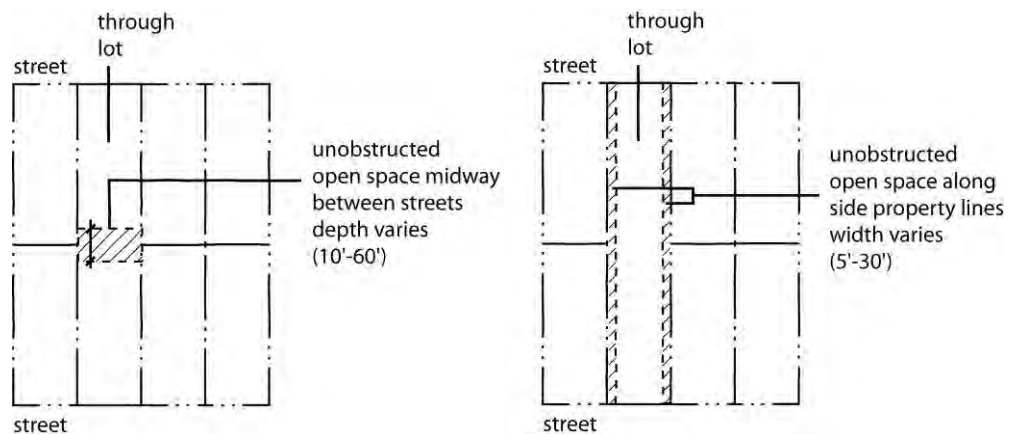
On *through lots* both (opposing) *street* lines are considered *front property lines* and *front setback* standards apply. *Rear setback* standards do not apply. On *through lots* that are at least 125 feet in depth one of the following must be provided on each floor of the building containing residential *dwelling units*:

1. unobstructed open space located midway between the *streets* on which such *lot* fronts and running the full width of the *lot*. This required open

space must provide at least 10 feet of separation between buildings or segments of buildings located on the *zoning lot*, plus an additional 2 feet of separation for every 5 feet or fraction thereof by which the *lot depth* exceeds 125 feet. In RM5, RM5.5, RM6 and RM6.5 districts, the required open area may begin the same distance above *grade* as the required *rear setback*. Regardless of *lot depth*, this open area need not provide more than 60 feet of building separation; or

2. unobstructed open space along all *property lines* other than *street property lines*. This open space must be at least 5 feet in width, plus an additional one foot for every 5 feet or fraction thereof by which the *lot depth* exceeds 125 feet. Regardless of *lot depth*, this open space need not exceed 30 feet in width.

Figure 17-2-0309-C



[amended: 09/13/2006, Council Journal: p. 84911]

17-2-0310 Building (Wall) Separation

17-2-0310-A Purpose; Applicability

The building separation standards of this section are intended to ensure adequate separation between exterior building walls that serve as a primary source of natural light and air for *dwelling units*. These standards apply to courtyard buildings, buildings with car courts, or other developments where *dwelling units* face or are adjacent to one another. *Townhouse developments* are exempt from these standards; they are subject to the standards of Sec. 17-2-0500.

[amended: 09/13/2006, Council Journal: p. 84877]

17-2-0310-B General

Unless otherwise expressly stated, exterior building walls are subject to the minimum setback standards of the underlying zoning district.

17-2-0310-C Front and Rear Walls

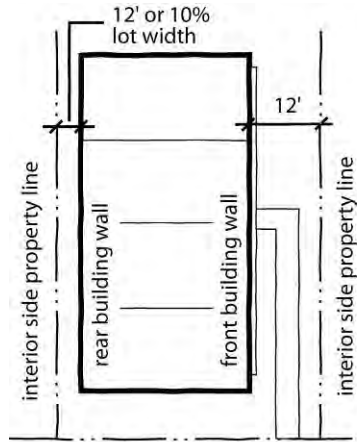
1. Facing Interior Side Property Line

- (a) When a *front wall* faces the subject property's *interior side property line*, the *front wall* must be setback from the *interior side property line* a

distance equal to at least 12 feet. (See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

- (b) When a *rear wall* faces the subject property's *interior side property line*, the *rear wall*, must be setback from the *interior side property line* a distance equal to at least 10% of the *lot width* or 12 feet, whichever is less.

Figure 17-2-0310-C1

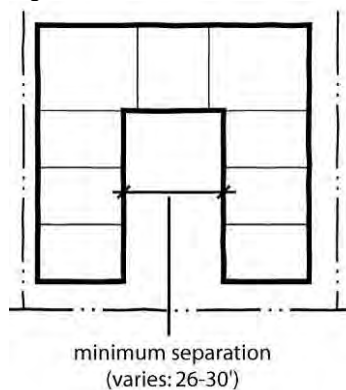


2. Facing Other Front or Rear Walls

When the *front wall* or *rear wall* of a *dwelling unit* faces the *front wall* or *rear wall* of another *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls (excluding minor building projections allowed under Sec. 17-2-0501-H4) is as follows:

District	Minimum Separation (feet)
RT3.5	30
RT4	30
RM4.5	30
All other R districts	26

Figure 17-2-0310-C2

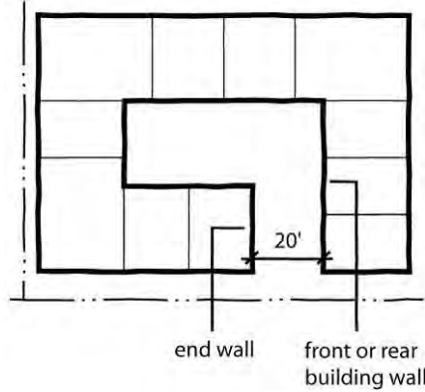


[amended: 09/13/2006, Council Journal: p. 84877]

17-2-0310-D End Walls Facing Front or Rear Walls

When the *end wall* of a *dwelling unit* faces the *front wall* or *rear wall* of a *dwelling unit* located on the same *zoning lot*, the minimum required separation between such walls is 20 feet. Balconies and minor building projections allowed under Sec. 17-2-0501-H4 are allowed to encroach into required separation areas.

Figure 17-2-0310-D



[amended: 03/09/2005, Council Journal: p. 44406; 09/13/2006, Council Journal: p. 84878]

17-2-0311 Building Height

17-2-0311-A Standards

All *residential buildings* in R districts are subject to the following maximum *building height* standards except as expressly allowed in Sec. 17-2-0311-B:

District	Maximum Building Height (feet)
RS1	Detached house: 30 Principal nonresidential buildings: None
RS2	Detached house: 30 Principal nonresidential buildings: None
RS3	Detached house: 30 Principal nonresidential buildings: None
RT3.5	Principal residential buildings: 35 Principal nonresidential buildings: None
RT4	Principal residential buildings: 38 Principal nonresidential buildings: None
RT4A	Multi-unit buildings that contain no more than 19 dwelling units and in which at least 33% of the units are accessible dwelling units: 42 All other principal residential buildings: 38
RM4.5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5	Principal residential buildings: Lot Frontage of less than 32 feet: 45 Lot Frontage of 32 feet or more: 47 Principal nonresidential buildings: None
RM5.5	Principal residential buildings: Lot Frontage of 75 feet or less: 47 Lot Frontage of more than 75 feet: 60 Principal nonresidential buildings: None

District	Maximum Building Height (feet)
RM6	Principal residential buildings: None (tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None
RM6.5	Principal residential buildings: None (note: tall buildings require Planned Development approval in accordance with Sec. 17-13-0600) Principal nonresidential buildings: None

(See Sec. 17-17-0311 for rules governing the measurement of *building height*.)

[amended: 03/09/2005, Council Journal: p. 44407]

17-2-0311-A[a] Exceptions

Multi-unit buildings in the RT4 district that contain no more than 19 *dwelling units* and in which at least 33% of the units are *accessible dwelling units* are subject to the maximum *building height* standard of the RT4A district if either of the following conditions exist:

1. more than 50% of the *zoning lots* fronting on the same side of the *street* between the two nearest intersecting *streets* contain buildings with a *height* of 38 feet or more; or
2. if the abutting *lots* on both sides of the subject *lot* contain *buildings* with a *height* of 38 feet or more.

[amended: 03/09/2005, Council Journal: p. 44408]

17-2-0311-B Exemption

The *building height* limits of Sec. 17-2-0311-A do not apply to residential construction in the “Wrigley Field Adjacent Area,” as defined in Section 4-388 of the Municipal Code.

17-2-0312 Average Dwelling Unit Size

The gross residential floor area developed on a *lot* divided by the total number of *dwelling units* on such *lot* may not be less than 500 square feet. Existing residential uses may not be converted to conflict with or further conflict with this standard. The average dwelling unit size standard of this section does not apply to *government-subsidized* or *elderly housing* developments.

[amended: 03/09/2005, Council Journal: p. 44408]

17-2-0313 Number of Efficiency Units

17-2-0313-A Standards

In those R districts in which *efficiency units* are allowed, the total number of *efficiency units* may not exceed the following standards except as expressly allowed in Sec. 17-2-0313-B:

District	Maximum Number of Efficiency Units (% of total units)
RT4	20
RM4.5	20
RM5	20
RM5.5	25
RM6	30

District	Maximum Number of Efficiency Units (% of total units)
RM6.5	40

17-2-0313-B Exemption

The limits on *efficiency* units do not apply to SROs, *government-subsidized* or *elderly housing* developments, provided that the Zoning Administrator determines that such developments constitute bona fide SROs, *government-subsidized* or *elderly housing* developments.

[amended: 03/09/2005, Council Journal: p. 44408]

17-2-0400 Character Standards

17-2-0401 Blank Walls

17-2-0401-A To avoid the appearance of blank walls and ensure “eyes on the street,” windows and/or main entrance doors must comprise at least 17.5% of the area of each building *façade* that faces a *street*.

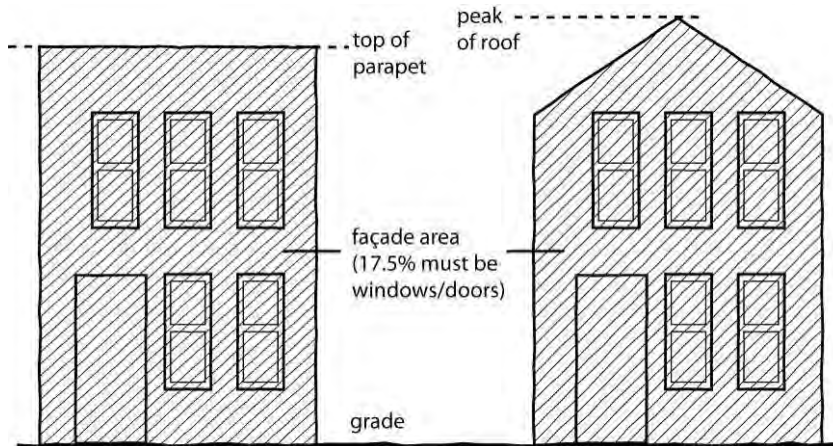
17-2-0401-B For purposes of this provision, the *façade* includes the entire exterior plane of the building measured from *grade* to the top of the *parapet* on a flat roof or to the roof peak on a pitched-roof building.

[amended: 03/09/2005, Council Journal: p. 44408]

17-2-0401-C Windows used to meet this standard must allow views from the building to the *street*.

17-2-0401-D Glass block, windows in garages and doors that do not provide pedestrian entrances to the building do not count toward meeting this standard.

Figure 17-2-0401



17-2-0402 Access to Off-Street Parking

17-2-0402-A In all R districts except RS1 and RS2, all off-street parking must be accessed off the abutting *alley* except that direct *street* access to off-street parking is allowed in the following cases:

1. when the subject *zoning lot* lacks access to an improved *alley*;
2. when the *street* access leads to a *common parking area* for a *townhouse development* or row of *townhouse units*; or
3. when the street access leads to a multi-level parking garage in a *multi-unit residential building*.

17-2-0402-B When individual garages are accessed directly from a public street, garage doors and all required off-street parking spaces must have a setback of at least 20 feet from the *front property line* to prevent obstruction of the sidewalk by parked cars. This setback may be reduced or eliminated on *zoning lots* which have *substandard lot depths* as defined in Sec. 17-17-02174 by the Zoning Administrator or the Zoning Board of Appeals as referenced in Sec. 17-13-1003-S and 17-13-1101-A.

[amended: 09/13/2006, Council Journal: p. 84878]

17-2-0500 Townhouse Developments

17-2-0501-A Purpose

The purpose of these standards is to establish setback, building spacing, landscaping and design standards that are tailored to *townhouse developments*. Such standards are intended to ensure that *townhouse developments* are compatible with the traditional character of Chicago's neighborhoods.

[amended: 09/13/2006, Council Journal: p. 84872]

17-2-0501-B Applicability

The *townhouse development* standards of this section apply in all districts in which townhouses are allowed.

[amended: 09/13/2006, Council Journal: p. 84872]

17-2-0501-C Number of Buildings on Zoning Lot

Multiple townhouse buildings are expressly allowed on a single zoning lot in those townhouse developments that comply with the townhouse development standards of this section (Sec. 17-2-0500), provided that each building contains no more than 9 townhouse units.

[amended: 09/13/2006, Council Journal: p. 84872]

17-2-0501-D Lot Frontage

The minimum *lot frontage* for a *townhouse development* is 35 feet.

(See Sec. 17-17-0303 for rules governing the measurement of *lot frontage*.)

[amended: 09/13/2006, Council Journal: p. 84872]

17-2-0501-E Building Setbacks for Front and Rear Walls

1. Front and Rear Walls Defined

Front walls and *rear walls* are those walls that are generally perpendicular to party walls. These walls are typically the primary sources of light and air for a *townhouse unit*.

2. Front or Rear Walls Facing a Public Street

- (a) *Front walls* and *rear walls* that face a public street must be set back from the *street property line* as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
RM4.5	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
All other districts	10

- (b) Required *front wall* and *rear wall* setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

3. Front or Rear Walls Facing a Side or Rear Property Line

- (a) When a *front wall* or *rear wall* faces the *side property line* or *rear property line* of adjoining property, the minimum required building setback is as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
RM4.5	12
All other districts	10

- (b) When a *rear wall* adjoins property improved with a railroad or CTA elevated right-of-way, no building setback is required.

4. Front or Rear Walls Facing an Alley

- (a) When a *front wall* (a wall with the principal pedestrian access) faces an *alley*, the minimum required building setback is 3 feet.
- (b) When a *rear wall* faces an *alley*, no building setback is required, provided that an on-site storage area is provided for trash receptacles and clearly identified on building plans.

5. Separation Between Front and Rear Walls

- (a) When the *front wall* or *rear wall* of one row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0501-H4) is as follows:

District	Minimum Separation (feet)
RT3.5	30
RT4	30
RM4.5	30
B/C dash 1	30
B/C dash 1.5	30
B/C dash 2	30
All other districts	26

(See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

- (b) Driveways and open parking areas may be located within this minimum separation area.
- (c) The minimum separation at the ground-floor only may be reduced to 20 feet for interior drives with garage doors facing garage doors, provided the upper-story living spaces comply with the separation requirements of Sec. 17-2-0501-E5(a).

[amended: 09/13/2006, Council Journal: p. 84872]

17-2-0501-F Building Setbacks for End Walls

1. End Walls Defined

An *end wall* is a wall that is generally parallel to party walls and located at the end of a row of *townhouse* units. Such walls are typically a secondary source of light and air for *townhouse* units.

2. End Wall Facing Public Street

- (a) *End walls* that face a public street must be set back from the *street property line* as follows:

District	Minimum Setback (feet)
RT3.5	12
RT4	12
RM4.5	12
B/C dash 1	12
B/C dash 1.5	12
B/C dash 2	12
All other districts	10

- (b) Required *end wall* setbacks may be reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

3. End Wall Facing Side or Rear Property Line

When an *end wall* adjoins a *side property line* or *rear property line*, the minimum required building setback is 3 feet. This required setback distance may be reduced to 2.5 feet if the building does not exceed 30 feet in height. Secondary stairs required by the Building Code may encroach into this required setback.

4. End Wall Facing Alley

When an *end wall* adjoins an *alley*, no building setback is required, provided an on-site storage area for trash receptacles is provided on-site and clearly identified on building plans.

5. Separation Between End Walls and Front or Rear Walls

(a) When the *end wall* of a row of *townhouse* units faces the *front wall* or *rear wall* of another row of *townhouse* units, the minimum required separation between such buildings (excluding minor building projections allowed under Sec. 17-2-0501-H4) is 20 feet in all districts. (See Sec. 17-17-0310 for rules governing the measurement of *building wall separation*.)

(b) Driveways and open parking areas may be located within this minimum separation area, provided that *landscaped* planting areas with a minimum depth of 4 feet from one building face are provided.

6. End Walls Facing Other End Walls

When an *end wall* of one row of *townhouses* faces the *end wall* of another row of *townhouses*, the minimum required separation between the facing *end walls* is 10 feet.

[amended: 03/09/2005, Council Journal: p. 4443; 09/13/2006, Council Journal: p. 84872-73]

17-2-0501-G Building Setbacks on Corner Lots

On a *corner lot*, the required building setback on one (street-facing) side of the *lot* may be reduced to 5 feet. This setback may be further reduced to match the predominant setbacks of adjoining structures on the same side of the *street* between the nearest intersecting *streets* or *alleys*, provided that a minimum setback of 3 feet is provided in all cases. Landscaping must be installed within these required setbacks.

[amended: 09/13/2006, Council Journal: p. 84873]

17-2-0501-H Private Yard Requirement

1. Private *yards* must be provided for each *townhouse* unit within a *townhouse development*. Each required private *yard* must have the following minimum area:

District	Minimum Contiguous Area (square feet)
RT3.5	200
RT4	200
RM4.5	200
B/C dash 1	200
B/C dash 1.5	200
B/C dash 2	200
All other districts	175

2. A required private *yard* may be located adjacent to a *front wall*, *rear wall*, or *end wall* provided that it is immediately adjacent to the *townhouse* unit it serves and directly accessible from the *townhouse* unit by way of a *door* or stair. Required private *yards* must be at *grade* or, if located on a terrace or patio, within 4 feet of *grade*. All private *yards* provided at *grade* must be *landscaped* so that they are substantially covered with grass, ground cover,

shrubs, plants, trees, or other landscape improvements, such as walkways or patios.

3. Required private *yards* may be located on a deck or patio more than 4 feet *above grade* if approved as an *administrative adjustment* by the Zoning Administrator in accordance with Sec. 17-13-1003-J. Required private *yards* may also be located within a *common open space* area (See Sec. 17-2-0501-I) provided that (a) such common area is contiguous and directly accessible to the *townhouse* unit and (b) the private *yard* area is in excess of any *common open space* Sec. 17-2-0501-I.
4. The *following* may encroach into required private *yards*:
 - (a) those encroachments allowed by Sec. 17-17-0309;
 - (b) open stairs exceeding 4 feet in height; and
 - (c) multi-story bay windows that project no more than 3 feet.
5. No *driveways* or parking spaces (open or enclosed) may be located within required *yards*.

[amended: 09/13/2006, Council Journal: p. 84873]

17-2-0501-I Common Open Space

1. In addition to required private *yards* (See Sec. 17-2-0501-H), any *townhouse development* of 40 or more *townhouse* units must provide a minimum of 150 square feet of *common open space* per *townhouse* unit.
2. Required *common open space* must be located in one or more usable, common areas, each with a minimum dimension of 25 feet and a minimum area of 2,000 square feet.
3. *Common open space* areas must be accessible to all *townhouse* units and must be improved with landscaping, recreational facilities, and/or walkways.
4. Trees must be planted within *common open space* areas at the rate of one tree for every 1,000 square feet of required *common open space*. Such trees must have a minimum 2.5-inch caliper.
5. Interior car courts that are at least 36 feet wide may be counted toward satisfying up to 50% of required *common open space*, provided such car courts include special paving materials (such as bomanite or brick pavers), pedestrian walkways and landscaping as required by Sec. 17-2-0501-J.

[amended: 09/13/2006, Council Journal: p. 84873]

17-2-0501-J Landscaping of Interior Drives

At least 5% of the *vehicular use area* in interior driveways must be *landscaped*. Interior driveway areas must include at least one tree (minimum 2.5-inch caliper) for every 4 *dwelling units* adjoining the driveway. Landscaping and trees in private *yards* adjoining interior driveways may count toward fulfillment of this requirement. These

landscaping requirements do not apply to interior drives that are bordered by garage doors that face other garage doors and that contain no pedestrian entrances.

[amended: 09/13/2006, Council Journal: p. 84873]

17-2-0501-K Building Façades Facing Public Streets

1. To avoid the appearance of blank walls, building *façades* that face public streets must include elements of a front *façade*, including doors and/or windows.
2. Garage door entrances for individual *townhouses* are not allowed to face a public street whenever an *alley* exists or when interior driveways may be used. This provision is not intended to prohibit garage doors that serve *common parking areas* for a row of *townhouse* units.
3. When garages for individual *townhouse* units must face a public street, the garage door must be set back at least 20 feet from the *property line* to prevent obstruction of the sidewalk by parked cars.

[amended: 09/13/2006, Council Journal: p. 84873]

[End of Chapter]

Los Angeles

Technical Summary & Clarifications

(Issued on June 24, 2008)

The Baseline Mansionization Ordinance (No. 179,883; effective date June 29, 2008) establishes new regulations for many single-family residential zoned properties, and primarily focuses on new size and height limitations.

What Properties Are Subject to the New Regulations?

The regulations apply to properties citywide zoned single-family residential (R1, RS, RE9, RE11, RE15, RA, RE20, and RE40), and which are not located in the Hillside Area, as defined in Section 12.03 of the LAMC, or Coastal Zone, as defined by the California Coastal Commission; approximately 304,410 properties. Affected properties are identified in ZIMAS with a Zoning Information Number “ZI-2391 – Baseline Mansionization Ordinance”; this identification will later be replaced by a specific line item titled Baseline Mansionization Ordinance and will include a Yes/No field.

Most affected lots are zoned R1 (234,575), and half of these (118,816) are in the 5,000 & 6,000 square-foot (sq-ft) ranges.

Properties for which this ordinance does not apply (located in the Hillside Area or Coastal Zone) will continue to be regulated and calculated as outlined in Sections 12.03 and 12.21.1 of the LAMC.

How to Calculate Residential Floor Area

The Baseline Mansionization Ordinance creates a new Residential Floor Area definition which is a method of calculating floor area specifically crafted for residential development. The following areas **shall** be counted towards the total square-footage for a lot:

- Area within the exterior walls of all structures on a lot, except as stated below.
Clarification: This area does not include the actual thickness of the walls.
- Portions of building, in excess of 100 sq-ft, with ceiling height greater than 14 ft shall count as twice the area.
- Area of stairwells shall only be counted once.
- Any attic, or portion thereof, with ceiling height more than 7 ft.

The following **shall not** be counted towards the total square-footage for a lot:

- First 400 sq-ft, of covered parking area.
- Detached accessory buildings, no greater than 200 sq-ft; the total combined area not to exceed 400 sq-ft.
Clarification: When a detached accessory building exceeds 200 sq-ft, the area of the entire structure shall be counted; in other words a structure that is 250 sq-ft will count as 250 sq-ft of Residential Floor Area.
Clarification: Detached covered parking is not subject to this 200 sq-ft limit, but is calculated as detailed above.
- First 250 sq-ft, of porches, patios, and breeze-ways with a solid roof open on at least 2 sides.
- Porches, patios, and breeze-ways that have an open lattice roof.
- Basements when the elevation of the upper surface of the floor or roof above does not exceed 2 ft in height above the finished or natural grade, whichever is lower.

BASELINE MANSIONIZATION ORDINANCE

Prepared by the City of Los Angeles – Department of City Planning

Verification of Existing Residential Floor Area

In order to ensure the timely processing of permit applications for relatively minor construction activity, the Baseline Mansionization Ordinance includes two methods of verifying existing Residential Floor Area.

Use Tax Assessor Data – Remodels & Additions/New Structures of 1,000 sq-ft or Less

For remodels and additions, or construction of new structures, which are 1,000 sq-ft or smaller the square footage of the existing structures shall be assumed to be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. In order to use this square footage, remodels must retain at least 50% of the perimeter length of the contiguous exterior walls and 50% of the roof of existing structures. The 1,000 sq-ft limit is a cumulative value which will need to be tracked over time.

Clarification: When the Los Angeles County Tax Assessor building square footage information includes multiple structures, those areas shall be added together to make up the total existing square footage. In order to ensure that an applicant discloses the total number of structures on a property, staff should verify the submitted site plan against the most recent aerial photograph available on ZIMAS. When other structures are present on a lot, a site plan should also include any accessory structures on a lot with information regarding their size, but do not need to be detailed floor plans and elevations.

As-Built Plans Required – Major Remodels, Additions/New Structures > 1,000 sq-ft, & All New Construction

The applicant shall be required to submit a complete set of fully dimensioned plans of all the structures on the lot, prepared by a licensed architect or engineer, with Residential Floor Area calculations as part of an application for a building permit when:

1. Any work goes beyond the 1,000 sq-ft cumulative limit for additions or new construction; or
2. Any work that involves the demolition of more than 50% of the perimeter length of the contiguous exterior walls and more than 50% of the roof of existing structures.

As is currently the case, new construction on a vacant lot or a lot where all structures have been demolished shall always be required to submit a complete set of fully dimensioned plans.

As-Built Plans Optional

The Tax Assessor method does not preclude an applicant from opting to submit a complete set of fully dimensioned plans of all the structures on the lot, prepared by a licensed architect or engineer, with Residential Floor Area calculations done as defined in the Baseline Mansionization Ordinance for any project, if they wish to do so.

What Are The New Residential Floor Area Limitations?

The new Residential Floor Area limitations can be found in Subsection C "Area (Development Standards)" of each Single-Family Zone. The Floor Area limitations for properties on which this ordinance does not apply (located in a Hillside Area or Coastal Zone) will continue to be limited by Section 12.21.1 of the LAMC.

BASELINE MANSIONIZATION ORDINANCE

Prepared by the City of Los Angeles – Department of City Planning

The maximum Residential Floor Area (RFA) contained in all building and accessory building shall not exceed the following limits:

Zone	Lot Size	Maximum RFA (% of Lot Size)
R1	5,000 sq-ft min.	50%
	Lots \geq 7,500 sq-ft	45% or 3,750 sq-ft, whichever is greater
RS	7,500 sq-ft min.	45%
	Lots \geq 9,000 sq-ft	40% or 4,050 sq-ft, whichever is greater
RE9	9,000 sq-ft min.	40%
	Lots \geq 15,000 sq-ft	35% or 6,000 sq-ft, whichever is greater
RE11	11,000 sq-ft min.	40%
	Lots \geq 15,000 sq-ft	35% or 6,000 sq-ft, whichever is greater
RE15	15,000 sq-ft min.	35%
RA	17,500 sq-ft min.	25%
	Lots \geq 20,000 sq-ft	20% or 5,000 sq-ft, whichever is greater
RE20	20,000 sq-ft min.	35%
RE40	40,000 sq-ft min.	35%

20% Residential Floor Area Bonus

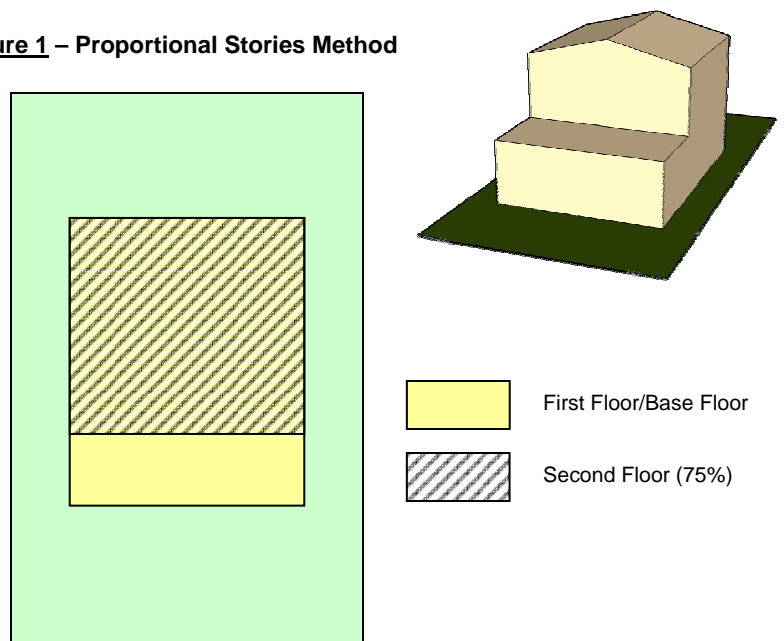
An additional 20% of the maximum residential floor area for the subject lot shall be allowed if at least one of the following the methods listed below is utilized. Only one 20% bonus is permitted per property. When an R1 lot is smaller than 5,000 sq-ft the bonus is increased to 30%.

Proportional Stories Method – The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75% of the area of the base floor.

What is the Base Floor?

That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square-feet confined within the exterior walls. When attached covered parking is at the same story as the base floor, that area is included in the base floor for the purposes of massing. However, patios with a solid roof are not counted. All levels within 4 vertical feet of each other shall count as a single story.

Figure 1 – Proportional Stories Method



Note: This figure is intended to illustrate the Proportional Stories Method in a simple manner, and is one of many second-floor configurations that could comply with this provision.

BASELINE MANSIONIZATION ORDINANCE

Prepared by the City of Los Angeles – Department of City Planning

Front Facade Stepback Method – The cumulative length of the exterior walls facing the front lot line, equal to a minimum of **25%** of the **building width** shall be stepped back a distance of at least **20%** of the **building depth** from a plane parallel to the front lot line.

What is the Building Width?

The building width shall be the greatest distance between the exterior walls of the building measure parallel to the lot width.

What is the Building Depth?

The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

What is Facing the Front Lot Line?

All exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line.

What about Curved Front Lot Lines?

When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used.

What about Through-Lots?

When through-lots have two front yards, the stepback shall be provided along both front lot lines.

Figure 2.1 – Front Facade Stepback Method

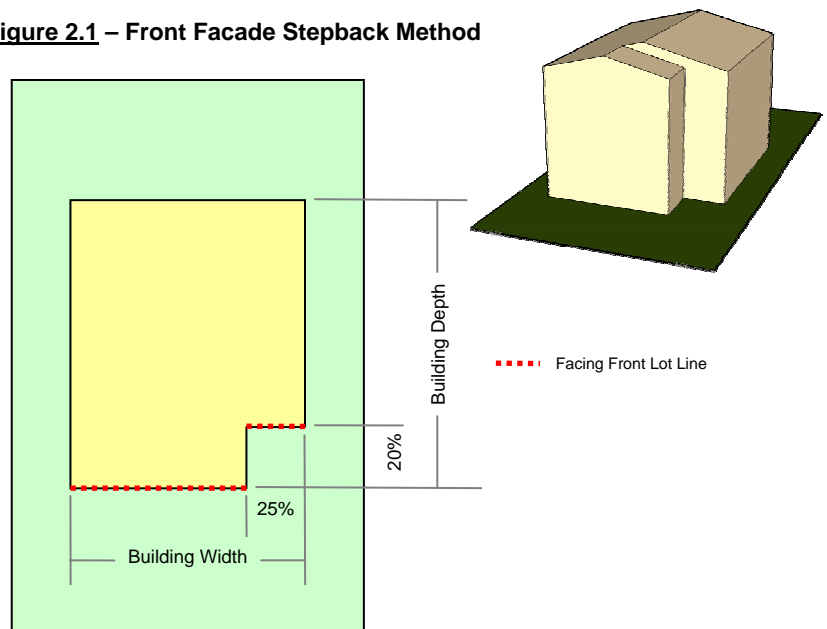
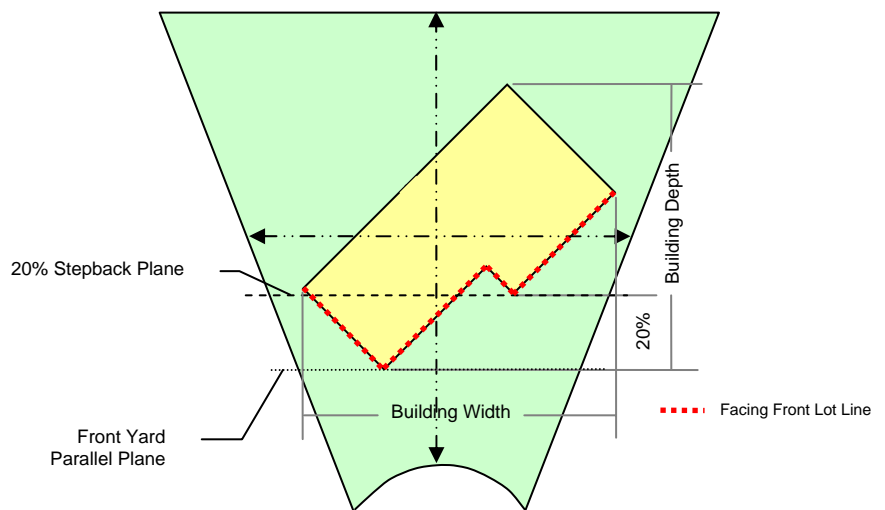


Figure 2.2 – Front Facade Stepback Method on Irregular-Lots



What is the Lot Depth?

The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

What is the Lot Width?

The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Green Building Method – This method is only available for new construction. In order to qualify, a project must be in “substantial compliance” with (also referred to as “meeting the intent of” in the Citywide Green Building Ordinance) the **U.S. Green Building Council’s (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the “Certified” level or higher.**

In order to submit an application to the Department of Building and Safety for a building permit, the applicant will need to obtain authorization from the Department of City Planning. Planning staff will work with the applicant and their USGBC-contracted LEED® for Homes Provider in order to determine that the project has been registered with the LEED® for Homes Program, and that the project will meet the requirements for a target certification at the “Certified” level or higher.

In order to obtain authorization from the Department of City Planning, the applicant shall provide:

1. Documentation that the project has been registered with the USGBC’s LEED® for Homes Program, and that the required fees have been paid;
2. A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the “Certified” or higher level;
3. A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the “Certified” or higher level; and
4. A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a

Figure 3 – Lot Depth & Lot Width on Rectangular-Shaped Lots

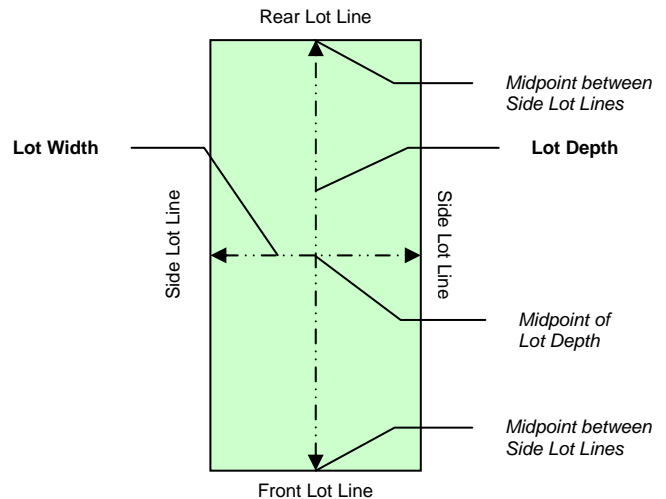
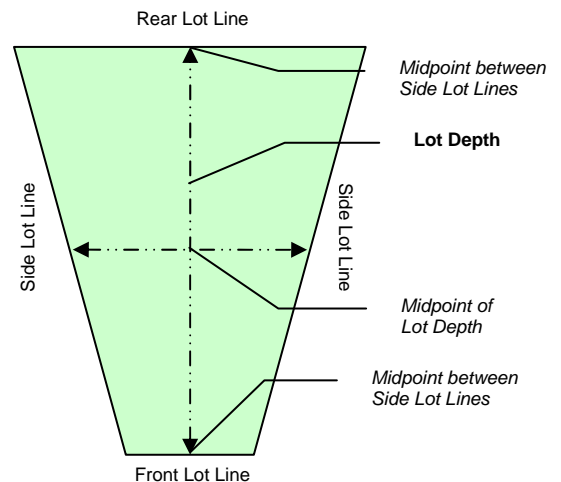


Figure 4 – Lot Depth & Lot Width on Irregular-Shaped Lots



BASELINE MANSIONIZATION ORDINANCE

Prepared by the City of Los Angeles – Department of City Planning

USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of City Planning prior to issuance of a building permit to obtain a sign-off on a Clearance Summary Worksheet in order to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including all other required documents, with the revisions necessary to make the project in substantial compliance with the requirements for LEED® for Homes Certification.

What Are The New Height Limitations?

The maximum height of structures depends on what Height District a property is in and whether it is a sloped roof (25% slope or greater) or a flat roof (less than 25% slope). The following table is a breakdown of the regulations:

Zone	Height Districts					
	Max. Height	1	1L	1VL	1XL	1SS ¹
R1 <i>One-Family Zone</i>	Sloped Roof (≥25%)	33 ft	33 ft	33 ft	30 ft	18 ft
	Flat Roof (<25%)	28 ft	28 ft	28 ft	28 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RS <i>Suburban Zone</i>	Sloped Roof (≥25%)	33 ft	33 ft	33 ft	30 ft	18 ft
	Flat Roof (<25%)	28 ft	28 ft	28 ft	28 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RE9 <i>Residential Estate Zone</i>	Sloped Roof (≥25%)	33 ft	33 ft	33 ft	30 ft	18 ft
	Flat Roof (<25%)	28 ft	28 ft	28 ft	28 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RE11 <i>Residential Estate Zone</i>	Sloped Roof (≥25%)	36 ft	36 ft	36 ft	30 ft	18 ft
	Flat Roof (<25%)	30 ft	30 ft	30 ft	30 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RE15 <i>Residential Estate Zone</i>	Sloped Roof (≥25%)	36 ft	36 ft	36 ft	30 ft	18 ft
	Flat Roof (<25%)	30 ft	30 ft	30 ft	30 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RA <i>Suburban Zone</i>	Sloped Roof (≥25%)	36 ft	36 ft	36 ft	30 ft	18 ft
	Flat Roof (<25%)	30 ft	30 ft	30 ft	30 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RE20 <i>Residential Estate Zone</i>	Sloped Roof (≥25%)	36 ft	36 ft	36 ft	30 ft	18 ft
	Flat Roof (<25%)	30 ft	30 ft	30 ft	30 ft	18 ft
	Max. Stories:	n/a	6	3	2	1
RE40 <i>Residential Estate Zone</i>	Sloped Roof (≥25%)	36 ft	36 ft	36 ft	30 ft	18 ft
	Flat Roof (<25%)	30 ft	30 ft	30 ft	30 ft	18 ft
	Max. Stories:	n/a	6	3	2	1

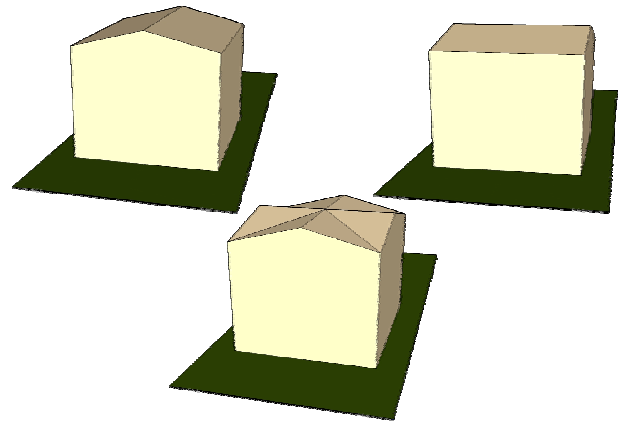
¹ The “1SS” Single-Story Height District was created by the Baseline Mansionization Ordinance. As of this date, the 1SS Height District has not been applied to any properties; June 12, 2008.

BASELINE MANSIONIZATION ORDINANCE

Prepared by the City of Los Angeles – Department of City Planning

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.



What About Projects Which Do Not Meet These New Requirements?

Any project which cannot meet the requirements established in the Baseline Mansionization Ordinance shall be referred to the Department of City Planning for the appropriate entitlements. An applicant can apply for a Zoning Administrator Adjustment for an increase of up to 10% beyond the new Residential Floor Area limits. For example, the Residential Floor Area limit for a 5,000 sq-ft R1 lot will be increased to 2,750 sq-ft, or 3,300 sq-ft when a structure is built utilizing the 20% Residential Floor Area bonus. When a project requires an increase of more than 10% to the Residential Floor Area limit it shall require a Variance.

CITY OF LOS ANGELES
DEPARTMENT OF CITY PLANNING
ZONING INFORMATION FILE

Effective Date: June 29, 2008

ZI NO. 2391
BASELINE MANSIONIZATION ORDINANCE

COUNCIL DISTRICT: ALL

COMMENTS

The Baseline Mansionization Ordinance (No. 179,883), effective on June 29, 2008, establishes new regulations for properties citywide zoned single-family residential (R1, RS, RE9, RE11, RE15, RA, RE20, and RE40) not located in a Hillside Area or Coastal Zone, and primarily focuses on new size and height limitations.

If this ZI is applied to a property then the ordinance applies. If this ZI is not applied to a property then the regulations in this ordinance do not apply.

INSTRUCTIONS

Vested Development Plans

This ordinance does not apply to development plans submitted for plan check prior to June 29, 2008 and vested under the provisions of Section 12.26 A.3 of the Los Angeles Municipal Code.

Projects For Which This Ordinance Applies

Development plans submitted for plan check on or after June 29, 2008 shall be reviewed in accordance with the size and height limitation as outlined in the Baseline Mansionization Ordinance (No. 179,883). A copy of the adopted ordinance is attached to this ZI, along with a technical summary of the new provisions.

CLEARANCE INFORMATION:

Plan checks and permit approvals for development plans are done by the Department of Building & Safety. If you have any questions regarding this matter, please call 1-888-LA-4-BUILD (1-888-524-2845); outside of L.A. County, call 213-482-0000.

Last Updated 6/24/2008

ORDINANCE NO. 179883

An ordinance amending Sections 12.03, 12.04, 12.07, 12.07.01, 12.07.1, 12.08, 12.21.1, 12.23, 12.28, 12.32, and adding Section 13.13 to the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties (RA, RE, RS, and R1) not located in a Hillside Area or Coastal Zone.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of "Base Floor" and "Floor Area, Residential" in proper alphabetical order to read:

BASE FLOOR. That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story.

FLOOR AREA, RESIDENTIAL. The area in square feet confined within the exterior walls of a building or accessory building on a lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the floor area calculation.

Except that the following areas shall not be counted:

1. The first 400 square feet of covered parking area.
2. Detached accessory buildings not exceeding 200 square feet; however, the total combined area exempted of all these accessory buildings on a lot shall not exceed 400 square feet.
3. The first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.
4. Porches, patios, and breezeways that have an open lattice roof.
5. The first 100 square feet of any story or portion of a story of the main building on a lot with a ceiling height greater than 14 feet shall be counted only once.

6. A Basement when the elevation of the upper surface of the floor or roof above the basement does not exceed two feet in height at any point above the finished or natural grade, whichever is lower.

Sec. 2. The definition of "Floor Area" in Section 12.03 of the Los Angeles Municipal Code is amended to read:

FLOOR AREA. The area in square feet confined within the exterior walls of a building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and basement storage areas. Except that buildings on properties zoned RA, RE, RS, and R1, and not located in a Hillside Area or Coastal Zone are subject to the definition of Residential Floor Area.

Sec. 3. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this chapter

"O"	Oil Drilling District
"S"	Animal Slaughtering
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District
"FH"	Fence Height District
"SN"	Sign District
"RFA"	Residential Floor Area District

The "**Zoning Map**" is amended to indicate these districts and the boundaries of each district.

Land classified in an "O" Oil Drilling District, "S" Animal Slaughtering District, "G" Surface Mining District, "RPD" Residential Planned Development District, "K" Equinekeeping District, "CA" Commercial and Artcraft District, "POD" Pedestrian Oriented District, "CDO" Community Design Overlay District, "MU" Mixed Use District, "FH" Fence Height District, "SN" Sign District or "RFA" Residential Floor Area District is also classified in one or more zones, and land classified in the "P" Automobile Parking Zone may also be classified in an "A" or "R" Zone.

These classifications are indicated on the “**Zoning Map**” with a combination of symbols, e.g., **R2-2-O**, **C2-4-S**, **M1-3-G**, **M1-1-P** and **R2-O**, **C2-G**, *etc.*, where height districts have not been established.

Sec. 4. The first unnumbered paragraph of Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended to read:

C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 5. Subsection C of Section 12.07 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

5. Maximum Residential Floor Area. For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 25 percent of the lot area, except that when the lot is 20,000 square feet or greater, then the residential floor area shall not exceed 20 percent of the lot area or 5,000 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to

the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

6. Verification of Existing Residential Floor Area. For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 6. The first unnumbered paragraph of Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended to read:

C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 7. Subsection C of Section 12.07.01 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

5. Maximum Residential Floor Area. For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed the following standards for each RE Zone: RE9 and RE11 - 40 percent of the lot area, except that when the lot is 15,000 square feet or greater then the residential floor area shall not exceed 35 percent of the lot area or 6,000 square feet, whichever is greater; RE15, RE20 and RE40 - 35 percent of the lot area.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have

been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the “Certified” or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

6. Verification of Existing Residential Floor Area. For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor’s records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 8. The first unnumbered paragraph of Subsection C of Sections 12.07.1 of the Los Angeles Municipal Code is amended to read:

C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 9. Subsection C of Section 12.07.1 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

5. Maximum Residential Floor Area. For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 45 percent of the lot area, except that when the lot is 9,000 square feet or greater, then the residential floor area shall not exceed 40 percent of the lot area or 4,050 square feet, whichever is greater.

An additional 20 percent of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one 20 percent bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

6. Verification of Existing Residential Floor Area. For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 10. The first unnumbered paragraph of Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended to read:

C. Area (Development Standards). No building or structure nor the enlargement of any building or structure shall be erected or maintained unless the following yards, lot areas, and floor area limitations are provided and maintained in connection with the building, structure, or enlargement:

Sec. 11. Subsection C of Section 12.08 of the Los Angeles Municipal Code is amended by adding two new subdivisions numbered 5 and 6 to read:

5. Maximum Residential Floor Area. For a lot located in a Hillside Area or Coastal Zone, the maximum floor area shall comply with Section 12.21.1 A 1 of this Code.

For all other lots, the maximum residential floor area contained in all buildings and accessory buildings shall not exceed 50 percent of the lot area, except that when the lot is 7,500 square feet or greater, then the residential floor area shall not exceed 45 percent of the lot area or 3,750 square feet, whichever is greater.

An additional 20 percent, or 30 percent for lots less than 5,000 square feet in area, of the maximum residential floor area for that lot shall be allowed if any of the methods listed below is utilized. Only one bonus per property is allowed.

a. The total residential floor area of each story other than the base floor in a multi-story building does not exceed 75 percent of the base floor area; or

b. The cumulative length of the exterior walls facing the front lot line, equal to a minimum of 25 percent of the building width shall be stepped-back a distance of at least 20 percent of the building depth from a plane parallel to the lot width established at the point of the building closest to the front lot line. When the front lot line is not straight, a line connecting the points where the side lot lines and the front lot line intersect shall be used. When through-lots have two front yards, the step-back shall be provided along both front lot lines.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth; or

c. For new single family dwelling construction only, the new construction shall be in substantial compliance with the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED®) for Homes program at the "Certified" level or higher.

Prior to submitting an application to the Department of Building and Safety for a building permit, the applicant shall be required to obtain an authorization to submit for plan check from the Department of Planning. In order to obtain this authorization, the applicant shall provide:

(1) Documentation that the project has been registered with the USGBC's LEED® for Homes Program, and that the required fees have been paid;

(2) A preliminary checklist from a USGBC-contracted LEED® for Homes Provider, which demonstrates that the project can be registered with the LEED® for Homes Program with a target of certification at the "Certified" or higher level;

(3) A signed declaration from the USGBC-contracted LEED® for Homes Provider stating that the plans and plan details have been reviewed, and confirms that the project can be registered with the LEED® for Homes Program with a target certification at the "Certified" or higher level; and

(4) A complete set of plans stamped and signed by a licensed architect or engineer that include a copy of the preliminary checklist and signed declaration identified in Subparagraphs (2) and (3) of this paragraph and identify the measures being provided for LEED® Certification. Each plan sheet must also be signed by a USGBC-contracted LEED® for Homes Provider verifying that the plans are consistent with the submitted preliminary checklist.

The Department of Building and Safety shall refer applicants to the Department of Planning prior to issuance of a building permit to obtain a clearance to verify the project compliance with the originally approved plans.

If changes are made to the project, the applicant shall be required to submit a revised set of plans, including the four requirements listed above, with all revisions necessary to make the project in substantial compliance with the requirements for LEED® Certification.

6. Verification of Existing Residential Floor Area. For additions with cumulative residential floor area of less than 1,000 square feet constructed after January 1, 2008, or remodels of buildings built prior to January 1, 2008, the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing this subdivision, a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 12. The second and third unnumbered paragraphs of Section 12.21.1 of the Los Angeles Municipal Code are amended to read:

In the A1, A2, RZ, RMP, and RW2 Zones, and in those portions of the RD and R3 Zones, which are also in Height District No. 1, no building or structure shall exceed 45 feet in height. In the RA, RE, RS, R1 and R2 Zones in Height District No. 1, located in a Hillside Area or a Coastal Zone, no building or structure shall exceed 45 feet in

height. In the RU and RW1 Zones, no building or structure shall exceed 30 feet in height.

Notwithstanding the preceding paragraph, the following height regulations shall apply on a lot that is not located in a Hillside Area or Coastal Zone: In the R2 Zone, no building or structure shall exceed 33 feet in height. In the R1, RS, or RE9 Zones, no building or structure shall exceed 33 feet in height; except that when the roof of the uppermost story of a building or structure or portion of the building or structure has a slope of less than 25 percent, the maximum height shall be 28 feet. In the RE11, RE15, RE20, RE 40 or RA Zones, no building or structure shall exceed 36 feet in height; except that when the roof of the uppermost story of a building or structure or portion of a building or structure has a slope of less than 25 percent, the maximum height shall be 30 feet. Notwithstanding the above, when 40 percent or more of the existing one-family dwellings with frontage on both sides of the block have building heights exceeding these limits, the maximum height for any building on that block may be the average height of the dwellings exceeding these limits. Height limitations in specific plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of this section. This section shall apply when there are no height limitations imposed on lots by a specific plan or a Historic Overlay Zone or created by a subdivision approval.

Sec. 13. Subdivision 1 of Subsection A of Section 12.21.1 of the Los Angeles Municipal Code is amended to read:

1. The total floor area contained in all the main buildings on a lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the buildable area of the lot; for a lot in all other zones, except RA, RE, RS, and R1 Zoned properties not located in a Hillside Area or Coastal Zone and developed primarily for residential uses, the total floor area contained in all the main buildings on a lot in Height District No. 1 shall not exceed three times the buildable area of the lot. For RA, RE, RS, and R1 Zoned properties not located in a Hillside Area or Coastal Zone, the total residential floor area shall comply with the floor area restrictions for each zone.

Portions of Height District No. 1 may be designated as being in an "L" Limited Height District, and no building or structure in Height District No. 1-L shall exceed six stories, nor shall it exceed 75 feet in height. Portions of Height District No. 1 may be designated as being in a "VL" Very Limited Height District, and no building or structure in Height District No. 1-VL shall exceed three stories, nor shall it exceed 45 feet in height. Notwithstanding that limitation, portions of Height District No. 1-VL that are also in the RAS3 or RAS4 Zones shall not exceed 50 feet in height. Portions of Height District No. 1 may also be designated as being in an "XL" Extra Limited Height District, and no building or structure in Height District No. 1-XL shall exceed two stories, nor shall the highest point of the

roof of any building or structure located in this District exceed 30 feet in height. In the RA, RE, RS, and R1 Zones, portions of Height District No. 1 may also be designated as being in an "SS" Single Story Limit Height District, and no building or structure in Height District No. 1-SS shall exceed one story, nor shall the highest point of the roof of any building or structure located in this District exceed 18 feet in height. For the purposes of Height District No. 1-SS, a basement does not count as a story when the elevation of the upper surface of the floor or roof above the basement does not exceed two feet in height at any point above the finished or natural grade, whichever is lower.

Sec. 14. Subdivision 1 of Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended by adding a new Paragraph (c) to read:

(c) A building, nonconforming as to the residential floor area regulations on properties zoned RA, RE, RS, and R1 and not located in the Hillside Area or Coastal Zone, shall not be added to or enlarged in any manner. However, alterations, other than additions or enlargements, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 15. Subsection A of Section 12.28 of the Los Angeles Municipal Code is amended by adding a second unnumbered paragraph to read:

The Zoning Administrator shall also have the authority to grant adjustments in residential floor area of no more than a ten percent increase beyond what is otherwise permitted by Chapter I of this Code. A request for an increase in residential floor area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code.

Sec. 16. Paragraphs (a) and (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code are amended by replacing the phrase "this article" with the phrase "Article 3 of this chapter" everywhere that the phrase "this article" appears.

Sec. 17. The list contained in Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended by adding a new entry to read "RFA" Residential Floor Area District at the end of the list.

Sec. 18. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(2) Additional Requirements for Application. One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District,

a Pedestrian Oriented District, an Equinekeeping District, a Community Design Overlay District, a Mixed Use District, a Sign District, or a Residential Floor Area District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Sec. 19. Subsubparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 is amended to read:

(iii) Time for Commission to Act on Application. The City Planning Commission shall act on an application to establish an "O," "S," "G," "K," "CA," "POD," "CDO," "MU," "FH," "SN" or "RFA" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

Sec. 20. Article 3 of Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 13.13 to read:

SEC. 13.13. "RFA" RESIDENTIAL FLOOR AREA DISTRICT.

A. Purpose. This section sets forth procedures and guidelines for the establishment of "RFA" Residential Floor Area Districts in residential areas of the City. The purpose of the "RFA" Residential Floor Area District is to permit residential floor area maximums in residential zones to be higher or lower than normally permitted by this Code in areas where the proposed district will further enhance the existing scale of homes and help to preserve the existing character of the neighborhood as effectively as the residential floor area limitations established in this Code; and where the increased or decreased residential floor area maximums will be consistent with the policies and objectives set forth in the applicable Community Plan.

B. Establishment of the District. The procedures set forth in Section 12.32 S of this Code shall be followed, however each "RFA" Residential Floor Area District shall include only properties in the RA, RE, RS, or R1 zones. The district shall not generally be less than 100 acres in area. The precise boundary of a district may be adjusted for

urban features such as topography, freeways or streets/highways. Boundaries shall be along street frontages and shall not split parcels. An "RFA" Residential Floor Area District may encompass an area, which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The "RFA" Residential Floor Area District shall include contiguous parcels, which may only be separated by public streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for or initiation of an individual district.

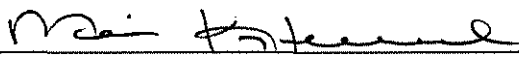
C. Development Regulations. The Department of Building and Safety shall not issue a building permit for a residential structure within an "RFA" Residential Floor Area District unless the residential structure conforms to the regulations set forth in a specific "RFA" Residential Floor Area District. The development regulations for each "RFA" Residential Floor Area District shall be determined at the time the district is established. The development regulations shall enhance the character of the district.

Sec. 21. The provisions of this ordinance shall sunset two years from the effective date of this ordinance, unless the City Council votes by resolution to extend these provisions.

Sec. 22. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of MAY 06 2008.

KAREN E. KALFAYAN, City Clerk

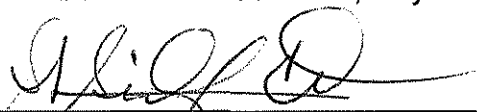
By 
Deputy

Approved MAY 16 2008


Mayor

Approved as to Form and Legality

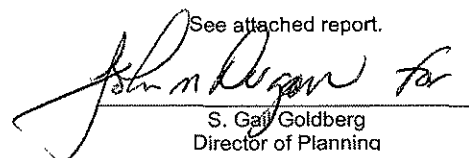
ROCKARD J. DELGADILLO, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date MAY 06 2008

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted

May 6, 2008

See attached report.

S. Gail Goldberg
Director of Planning

File No(s). CF 06-1293;CPC 2007-0106-CA

DECLARATION OF POSTING ORDINANCE

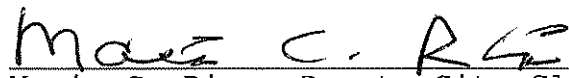
I, MARIA C. RICO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 179883 - Amending and adding various sections to the Los Angeles Municipal Code to establish new regulations for all single-family residential zoned properties (RA, RE, RS, and R1) not located in a Hillside Area or Coastal Zone - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **May 6, 2008**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **May 20, 2008** I posted a true copy of said ordinance at each of three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Hall of Records of the County of Los Angeles.

Copies of said ordinance were posted conspicuously beginning on **May 20, 2008** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **20th** day of **May 2008** at Los Angeles, California.

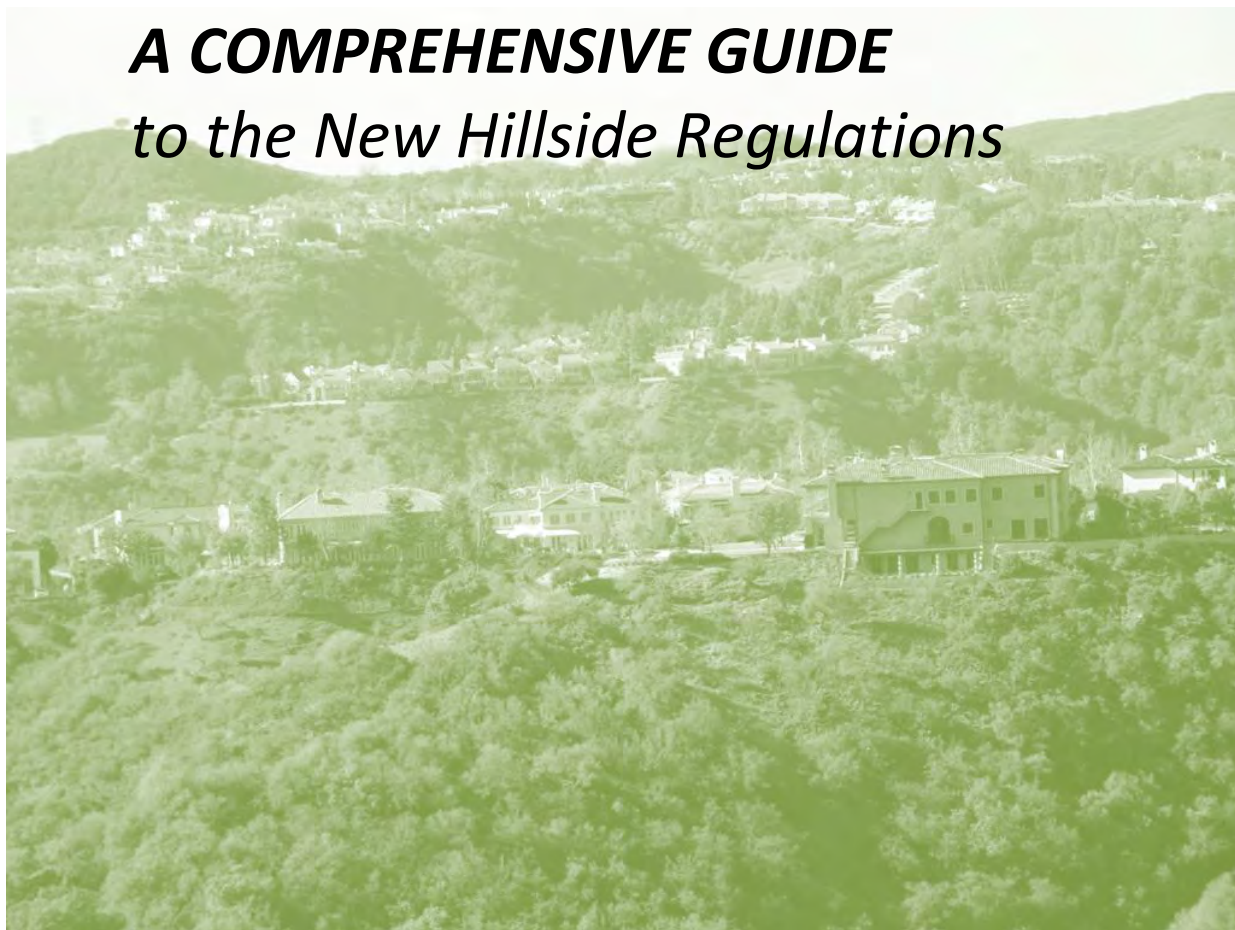


Maria C. Rico, Deputy City Clerk

Ordinance Effective Date: June 29, 2008
Rev. (2/21/06)

Council File No. 06-1293

Baseline Hillside Ordinance
A COMPREHENSIVE GUIDE
to the New Hillside Regulations



May 9, 2011



First Release – Monday, May 9, 2011

Prepared by the Department of City Planning

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Contributions by the Department of Building & Safety

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Ken Gill, Acting Assistant Bureau Chief

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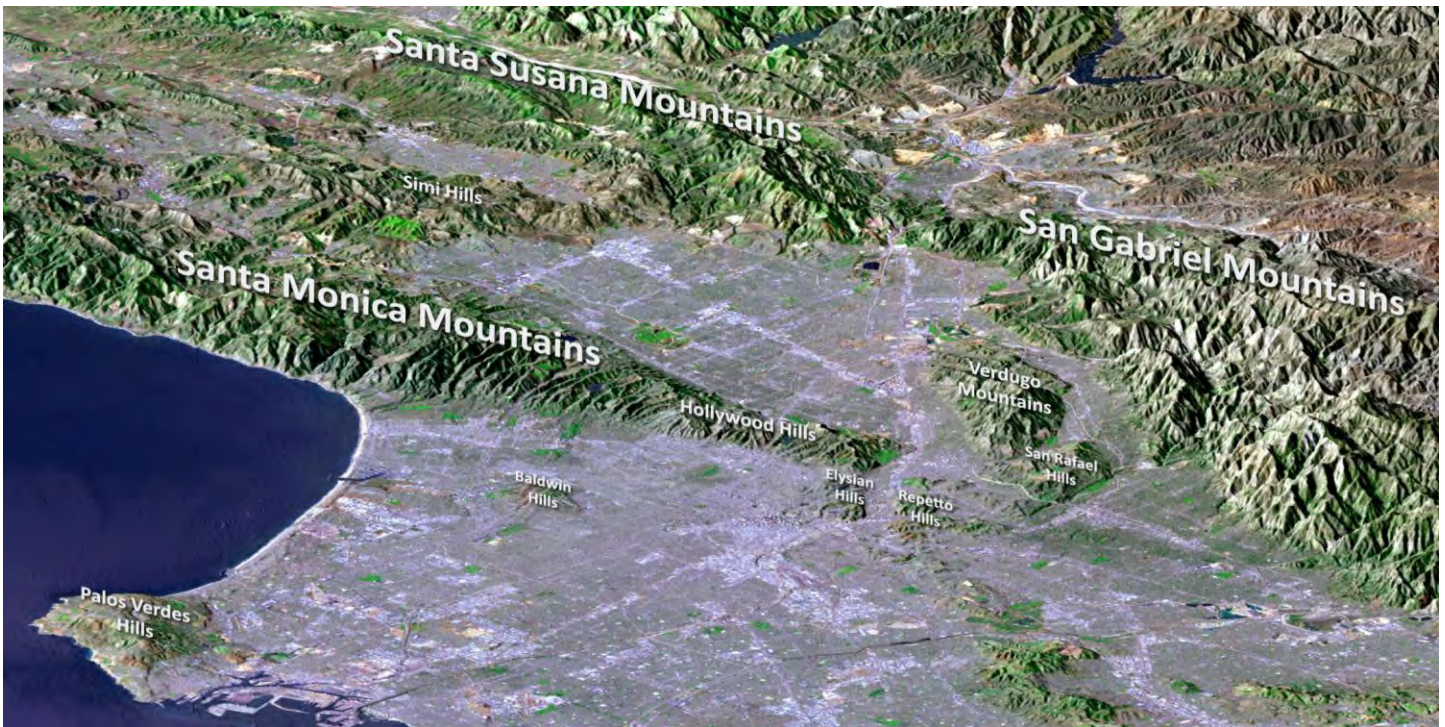
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BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

Prepared by the City of Los Angeles – Department of City Planning

INTRODUCTION:

There are many factors that make the City of Los Angeles both unique and special to its residents. Among its natural resources, such as our beautiful beaches and great weather, the region's hillsides and mountains are one of its most prominent features. As you can see in the image below, there are very few areas in the Los Angeles region that are not defined by some sort of sloping terrain. Drawn by the natural beauty and spectacular panoramic views they provide, many of our most iconic neighborhoods have been built in our City's hillside areas. The Baseline Hillside Ordinance was adopted in order to establish new regulations that protect these hillsides and the many communities that have sprung up among them.



This document is intended to be a comprehensive guide to the new Single-Family Residential hillside regulations of the Zoning Code established by the Baseline Hillside Ordinance (BHO). In it, you will find the various sections of the code that pertain to the most commonly used and reference residential development and use standards grouped by topic and simplified whenever possible.

Although steps were taken in the preparation of this information to ensure that all provisions were included, the language has been modified below to be more accessible and easier to understand. It is recommended that the user continue to reference Chapter 1 (*General Provisions and Zoning*), Article 2 (*Specific Planning-Zoning Comprehensive Zoning Plan*), Section 12.21 (*General Provisions*), Subsection C of the Los Angeles Municipal Code (LAMC) for the adopted code language. This document has been drafted with the intent to be the primary source for clarifications and interpretations regarding the City's hillside regulations, and is intended to be updated periodically to include this information as it becomes available.

DOES BHO APPLY TO MY PROPERTY?

The Baseline Hillside Ordinance applies to all properties which are zoned R1, RS, RE(9, 11, 15, 20, and 40), and RA and are designated as Hillside Area on the Department of City Planning Hillside Area Map, as defined in Section 12.03 of the LAMC.

The easiest way to verify whether the new hillside regulations apply is to use our Zoning Information and Map Access System (ZIMAS) by going to <http://zimas.lacity.org/> and typing in the property address and clicking on “Planning and Zoning” Information. If the property is zoned Single-Family (see list above) and the “Hillside Area (Zoning Code)” field says “Yes”, then the new regulations apply. Planning staff has also identified the properties for which the new regulations apply with a Zoning Information file number “ZI-2415 Baseline Hillside -Ord 181624, eff 5/9/11”.

ZIMAS

Search: 3624 N COLDWATER CANYON AVE

Font: A A A

Address/Legal

Site Address: 3624 N COLDWATER CANYON AVE
 ZIP Code: 91604
 PIN Number: 158B101 91
 Lot/Parcel Area (Calculated): 10,203.0 (sq ft)
 Thomas Brothers Grid: PAGE 502 - GRID E6
 Assessor Parcel No. (APN): 2364019007
 Tract: TR 7442
 Map Reference: M B 148-9/12
 Block: None
 Lot: 7
 Arb (Lot Cut Reference): None
 Map Sheet: 158B101

Jurisdictional

Planning and Zoning

Assessor

Case Numbers

Citywide/Code Amendment Cases

Additional

Economic Development Area

Public Safety

Planning and Zoning

Special Notes: None

Zoning: R1-1

Zoning Information (ZI): **ZI-2415 Baseline Hillside - Ord 181624, eff 5/9/11**

General Plan Land Use: Low Residential

General Plan Footnotes: Yes

Hillside Area (Zoning Code): **Yes**

Specific Plan Area: **Mulholland Scenic Parkway (Quiet Corridor)**

Historic Preservation Review: No

POD - Pedestrian Oriented District: None

CCD - Community Design Overlay: None

NSO - Neighborhood Stabilization Overlay: No

Streetscape: No

Sign District: No

Adaptive Reuse Incentive Area: None

Baseline Mansionization Ordinance: No

CRA - Community Redevelopment Agency: None

Central City Parking: No

Downtown Parking: No

Building Line: None

500 Ft School Zone: No

500 Ft Park Zone: No

Clarification:

Lots with a “H” Hillside or Mountainous Area suffix on their zoning (example: RE11-1-H), more commonly referred to as an “H-Zone” or H-Designation”, do not necessarily have a Hillside Area designation as defined in Section 12.03 of the LAMC. As such, the “H” suffix will not determine whether the Baseline Hillside Ordinance applies to the subject lot.

HILLSIDE DEVELOPMENT STANDARDS

The following are the single-family hillside development standards as established by the Baseline Hillside Ordinance (Ordinance No. 181,624; Effective Date May 9, 2011). Below you will find a comprehensive guide to the following hillside provisions:

- | | |
|--|------------------------------------|
| 1. Setback Requirements | 7. Off-Street Parking Requirements |
| 2. Maximum Residential Floor Area | 8. Fire Protection |
| 3. Verification of Existing Residential Floor Area | 9. Street Access |
| 4. Height Limits | 10. Sewer Connection |
| 5. Lot Coverage | 11. Hillside Neighborhood Overlay |
| 6. Grading | 12. Exceptions |

New structures or additions to existing structures will not be permitted unless they comply with these development standards, or have been granted an approval to deviate from these regulations. Existing structures which have been built with permits prior to May 9, 2011, and which do not comply with these hillside regulations will be allowed to be maintained, repaired or remodeled pursuant to the “nonconforming” provision in [Section \(§\) 12.23 of the LAMC](#).

1. Setback Requirements. [[§ 12.21 C.10.\(a\) of the LAMC](#)]

[Table 1](#) below outlines the standard setback requirements for any new building, structure, or enlargement.

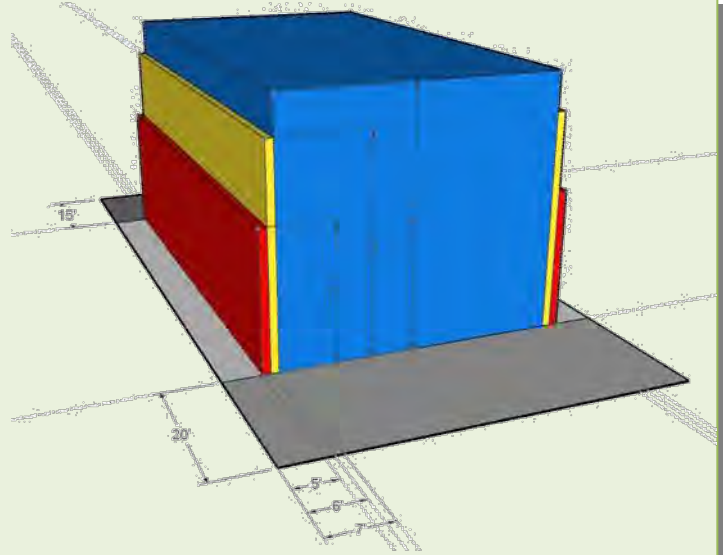
Table 1 Single-Family Zone Hillside Area Setback Requirements							
	R1	RS	RE9	RE11	RE15	RE20	RE40 RA
Front Yard							
Not less than:	20% of LD						
Need not exceed:	20 ft	25 ft					
Side Yard							
Not less than:	5 ft	7ft	10% of LW, but not < 5 ft	10 ft			
Need not exceed:	n/a			10 ft	n/a		
The required side yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the lot is less than the following widths:	50 ft	70 ft	n/a		70 ft*		
For buildings or structures with a height larger than 18 feet:	One additional foot shall be added to each required side yard for each increment of 10 feet or fraction thereof above the first 18 feet. [See Figure 1 below]						
Rear Yard							
Not less than:	15 ft	20 ft	25% of lot depth				
Need not exceed:	n/a		25 ft				
ft – feet n/a – the provision is not applicable	LD – Lot Depth (see Definitions section) LW – Lot Width (see Definitions section)						
Notes: * Only applicable for lots which are of record prior to July 1, 1966.							

Figure 1 – Additional Side Yard Setback, R1 Example

In this example, we use a flat R1-zoned lot to illustrate this provision. The minimum side yard setback for the R1 Zone is 5 feet.

- If the height of the building is less than or equal to 18 feet, the required side yard setback is 5 feet.
- If the height of the building is greater than 18 feet and less than or equal to 28 feet, the required side yard setback is 6 feet.
- If the height of the building is greater than 28 feet and less than or equal to 33 feet, the required side yard setback is 7 feet.

The same principal will apply for the minimum side yard setback requirement for the other Zones.



Clarifications

The height for the purposes of this provision is the highest Envelope Height, or worst case scenario (typically shown on a section drawing), as defined in the Height section.

This additional side yard setback applies to the entire structure. Simply stepping back the building within each height interval (like a “wedding cake”) will not comply.

Special Setback Requirements

The following are special setback requirements that supersede the standard setback requirements outlined in Table 1 above. Exceptions to these setback provisions may also be found in Section 12.22 of the LAMC.

a. Prevailing Front Yard Setbacks. [§ 12.21 C.10.(a)(1) of the LAMC]

- (1) Where there are two or more developed Lots which have Front Yards that vary in depth by not more than 10 feet, and such Lots comprise 40% or more of the Frontage, then the minimum Front Yard depth shall be the average depth of the Front Yards of such Lots. [*Frontage is defined in the Definitions section of this document.*]
- (2) Where there are two or more possible combinations of developed Lots comprising 40% or more of the Frontage, and these Lots have Front Yards that vary in depth by not more than 10 feet, then the minimum Front Yard depth shall be the average depth of the Front Yards of that combination which has the shallowest average depth.
- (3) In determining the required Front Yard, the following shall not be taken into account: Buildings located on key Lots, entirely on the rear half of Lots, or on Lots in the “C” or “M” Zones.
- (4) Nothing contained in this subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth.

Determining Prevailing Front Yard Setback

For more information on how to determine the Prevailing Front Yard Setback, please refer to the Department of Building and Safety Information Bulletin No. P/ZC 2002-015. This document can be found by going to the following link: http://www.ladbs.org/LADBSWeb/LADBS_Forms/InformationBulletins/IB-P-ZC2002-015PrevailingSetback.pdf

The Department of Building & Safety has developed a very useful “Prevailing Setback Calculator” tool to help in the process of determining the prevailing setback; this can be found by going to the following link: <http://www.permitla.org/PS/index.cfm>

BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

b. **Front Yards on Lots Fronting on Substandard Hillside Limited Street.** [[§ 12.21 C.10.\(a\)\(2\) of the LAMC](#)]

For any Lot that fronts on a **Substandard Hillside Limited Street**, the minimum Front Yard setback is five feet. However, the prevailing Front Yard setback, as outlined in [Paragraph a](#) above, will supersede this provision if it is greater than five feet.

Figure 2 – Substandard Hillside Limited Street

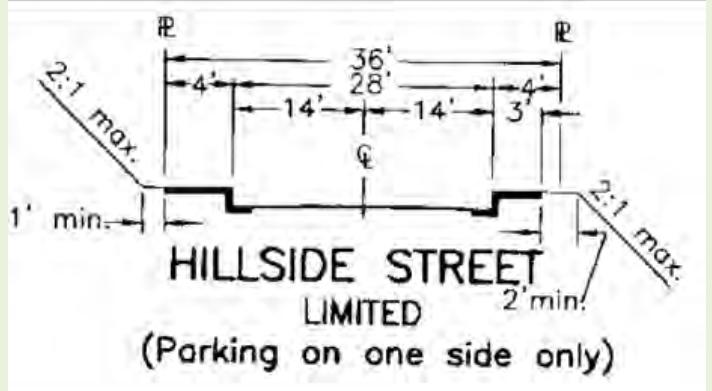
Definition

SUBSTANDARD HILLSIDE LIMITED STREET is a street (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet.

Official Determination

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out; this form is also attached to this document in [Appendix B – Commonly Used Hillside Forms](#).

Standard Hillside Limited Street



Source: Bureau of Engineering, Standard Street Dimensions (Standard Plan S-470-0)

In order to obtain this determination please go to the BOE public counter at the locations below:

Central District Office

201 N. Figueroa Street
Los Angeles, CA 90012-2601
3rd floor counter
(213)482-7030
7th floor counter
(213)482-7474

Valley District Office

Braude Building
6262 Van Nuys Blvd., Suite 251
Van Nuys, CA 91401-2615
(818)374-5090

West Los Angeles District Office

1828 Sawtelle Blvd., 3rd floor
Los Angeles, CA 90025-5516
(310)575-8384

c. **Front Yard Setbacks on Key Lots*.** [[§ 12.21 C.10.\(a\)\(3\) of the LAMC](#)]

On Key Lots*, the minimum Front Yard **may** be the average of the required Front Yard for the adjoining Interior Lot* and the required Side Yard along the Street side of a Reversed Corner Lot*. But such minimum Front Yard may apply for a distance of not more than 85 feet from the rear Lot line of the Reversed Corner Lot*, beyond which point the Front Yard specified in [Table 1](#) or [Paragraph a](#) above shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by [Table 1](#) or [Paragraph a](#), the Yards established by such existing buildings may be used in computing the required Front Yard for a Key Lot.

*See [Definitions Section](#) for Lot Type definitions.

d. **Front Yards on Through Lots*.** [[§ 12.21 C.10.\(a\)\(4\) of the LAMC](#)]

A Front Yard setback, as required by this [Table 1](#) or [Paragraph a](#), must be provided at each end of a Through Lot* for the zone in which each Street Frontage is located.

However, only one Front Yard needs to be provided on those Through Lots which abut on a primary, Major or Secondary Highway, as such highways are shown on the "Highways and Freeways Element of the General Plan", when the rights to vehicular ingress and egress from such Through Lots to the highways have been abandoned or prohibited by a tract restriction. Where only one Front Yard is required on a Through Lot, as provided herein, the Rear Yard shall be located on the portion of such Lot adjacent to the highway.

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Where a Through Lot is less than 150 feet in depth or is developed as a single Building site, and the two required Front Yards are provided, no Rear Yard is required.

**See Definitions Section for Lot Type definitions.*

e. Front Yard Paving. [§ 12.21 C.10.(a)(5) of the LAMC]

All portions of the required Front Yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved.

f. Front Yard on Lots Existing Prior to June 1, 1946. [§ 12.21 C.10.(a)(6) of the LAMC]

This provision shall apply to any Lot of less than one acre which was of record or held in separate ownership on June 1, 1946, or was subsequently created either by the recording of a division of land map or otherwise in accordance with the applicable zoning regulations. On any such Lot, the originally required Front Yard shall be provided and maintained in addition to any new Front Yard required by any subsequent rearrangement of the Lot lines by sale or division (without recording a subdivision map) creating a new Lot fronting on a different Street than that on which the original Lot fronted.

*Please refer to the Department of Building and Safety Zoning Manual for more details:
http://ladbs.org/LADBSWeb/LADBS_Forms/Zoning/zoning_manual.pdf*

g. Side and Rear Yards for Basements. [§ 12.21 C.10.(a)(7) of the LAMC]

In determining the required Side and Rear Yards of a Building, any Basement containing Habitable Rooms shall be considered a Story.

h. Yards in the Coastal Zone. [§ 12.21 C.10.(a)(8) of the LAMC]

The following setback requirements shall apply to lots located in a Coastal Zone:

- (1) On a lot in the RE9 or RE11 Zone, there shall be a side yard on each side of a main building of not less than 5 feet, except that, where the lot is less than 50 feet in width, the side yard may be reduced to 10% of the width of the lot, but in no event less than 3 feet.
- (2) In lieu of the additional side yard requirement specified in [Table 1](#) or [Paragraph a](#) above, for a building more than two-stories in height on lots in the R1, RS, or RE Zone, one foot shall be added to the width of each required side yard for each additional story above the second story.
- (3) On a lot in the RA Zone, where a side yard is less than 10 feet in width, and the building erected on the lot is three or more stories in height, one foot shall be added to such side yard.

i. Side Yards in Specific Plans, Historic Preservation Overlay Zones or in Subdivision Approvals. [§ 12.21 C.10.(a)(9) of the LAMC]

Side Yard requirements in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over requirements of [Section 12.21 C.10 of the LAMC](#) (*the regulations outlined in this document*). Otherwise, [Section 12.21 C.10 of the LAMC](#) shall apply (*to put it more simply - when those overlays are silent, the Baseline Hillside Ordinance will apply*).

j. Encroachments Into Required Yards. [§ 12.21 C.10.(a)(10) of the LAMC]

Every required Front, Side and Rear Yard shall be open and unobstructed from the ground to the sky except for the following:

- (1) **Garages in Front Yards.** A Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the Front Lot Line of a Lot and midway between the Side Lot Lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5

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Table 3 Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		FAR	=	Residential Floor Area
0 – 14.99	A ¹	X	FAR ¹	=	RFA ¹
15 – 29.99	A ²	X	FAR ²	=	RFA ²
30 – 44.99	A ³	X	FAR ³	=	RFA ³
45 – 59.99	A ⁴	X	FAR ⁴	=	RFA ⁴
60 – 99.99	A ⁵	X	FAR ⁵	=	RFA ⁵
100 +	A ⁶	X	FAR ⁶	=	RFA ⁶
Maximum Residential Floor Area				=	Sum of RFA ¹ through RFA ⁶

What Is Residential Floor Area (RFA)?

The area in square feet confined within the exterior walls of a Building or Accessory Building. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

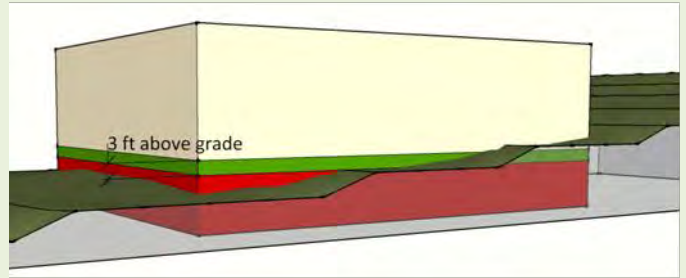
Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area [space]. *Taking into account that the Zoning Code currently only requires 2 covered parking spaces, this means that only the first 400 square-feet of garage will be exempted from the Residential Floor Area calculation and that anything over 400 square-feet is counted. This may change in the future or may be different in a specific area through the use of some sort of overlay or special condition.*
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet. *This means that you can have two 200 sq-ft or four 100 sq-ft Accessory Buildings, or whatever combination of area that does not violate either of these two area limits. This does not mean that a 400 sq-ft detached garage will be counted.*
3. **Covered Porches, Patios, and Breezeways.** The total area of all covered porches, patios, and breezeways up to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:
 - a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.
 - b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once. *The intent of the second part of this exception is to not penalize buildings which are built into a hillside and do not add to the exterior bulk of the structure; the height is taken from the perimeter of the “sunken room”.*

What Is Residential Floor Area (RFA)? (continued)

- 6. **Basements.** A Basement, whether it is habitable or not, when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.



Visible from a public right-of-way means that the light-well is located in the Front Yard; and in the case of Corner, or Reversed Corner Lots it is located in a Side Yard.

a. Slope Analysis Map. [§ 12.21 C.10.(b)(1) of the LAMC]

As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in Section 16.05 B of the LAMC to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered (in the State of California) civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in Table 2.

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

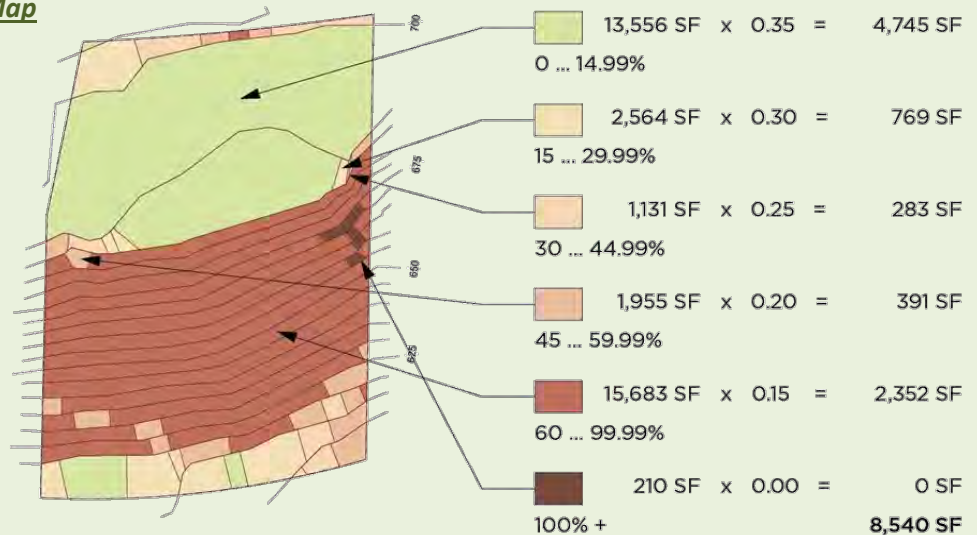
The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 3.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

Example of a Slope Analysis Map

For more details on how to produce a Slope Analysis Map please refer to Appendix A – Slope Analysis.

Graphic courtesy of:
URBAN STUDIO
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The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered (in the State of California) civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

Slope Analysis and Residential Floor Area Verification – Planning Public Counters

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a Slope Analysis and Maximum Residential Floor Area Verification Form (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website, and is also attached to this document in Appendix B – Commonly Used Hillside Forms. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

Downtown Office

Figuroa Plaza
201 North Figuroa Street, 4th Floor (Station No. 7)
Los Angeles, CA 90012
(213) 482-7077

Valley Office

Marvin Braude Constituent Services Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at Planning.FigCounter@lacity.org.

b. Guaranteed Minimum Residential Floor Area. [§ 12.21 C.10.(b)(2) of the LAMC]

Regardless of what the Slope Band calculations give a property, the maximum Residential Floor Area for any Lot may be at least the percentage of the Lot size as outlined in Table 4 below or 1,000 square feet, whichever is greater.

Zone	Percentage of Lot Size
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

The guaranteed minimum for the original zone as stated above shall apply to Lots that meet the following criteria (*all three conditions need to apply*):

- have an area that is less than 50% of the minimum Lot size for its Zone;
- were made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size; **and**
- met the minimum Lot size requirements of the original zone.

Example:

If a 6,000 sq-ft property currently has an RE20 Zone but used to have an R1 Zone, then that property would be entitled to the guaranteed minimum for the R1 Zone.

c. Residential Floor Area Bonus. [§ 12.21 C.10.(b)(3) of the LAMC]

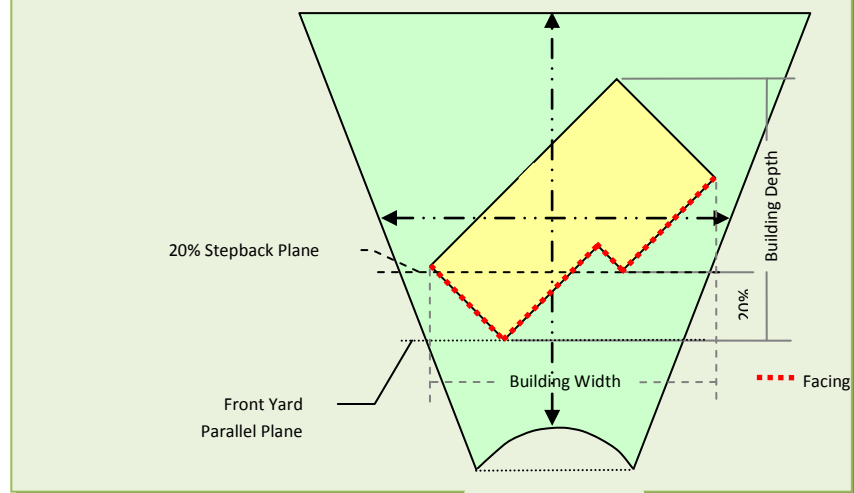
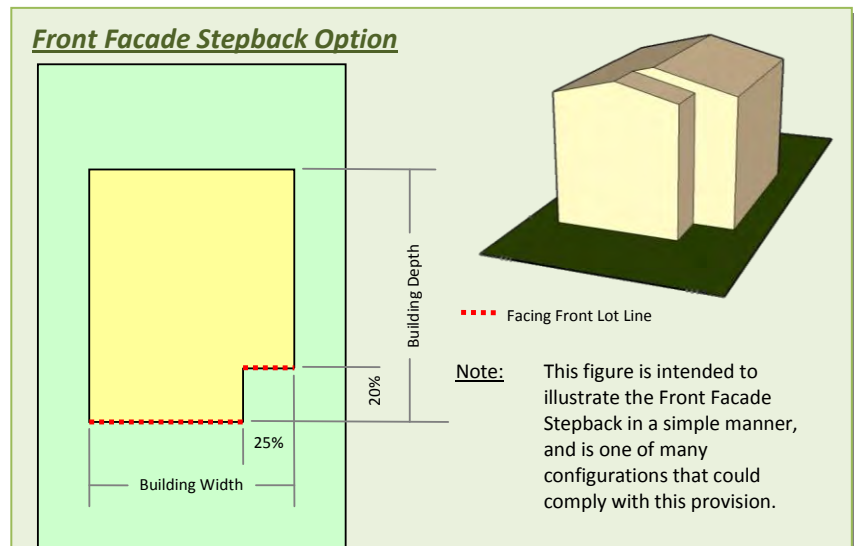
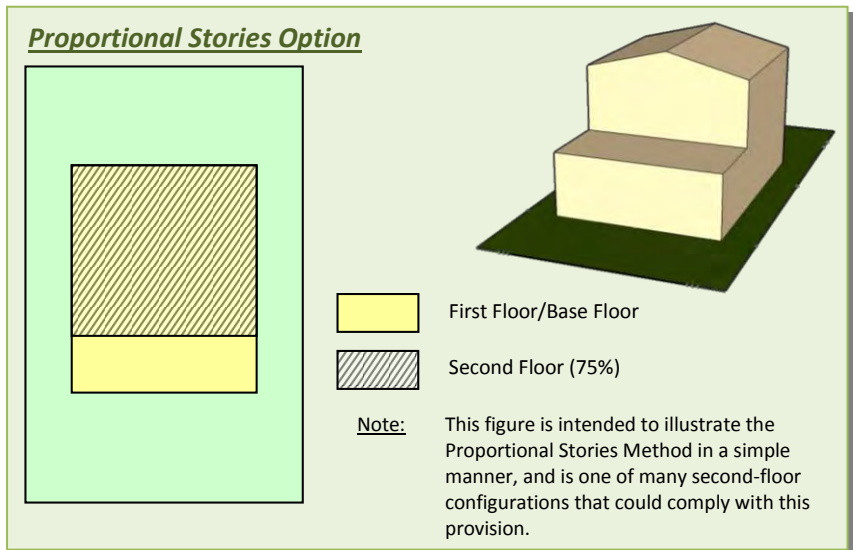
An additional 20% of the maximum Residential Floor Area as determined by Table 2 (Single-Family Zone Hillside Area Residential Floor Area Ratios) above, or an additional 30% for Lots where the guaranteed minimum outlined in Paragraph b (Guaranteed Minimum Residential Floor Area) above is utilized, for that Lot shall be allowed if any of the options listed below are utilized. Only one bonus per property is allowed.

(1) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75% of the Base Floor Area.

This option only applies to flat building pads. A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

Clarification: The area of porches, patios, and breeze-ways with a solid roof does not count towards the Base Floor Calculation; these spaces are not considered part of the mass of a building.

(2) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the Front Lot Line, equal to a minimum of 25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line.



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When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width.

When Through Lots are required to provide two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines.

For the purposes of [this provision](#), all exterior walls that intersect a plane parallel to the front lot line at 45 degrees or less shall be considered to be facing the front lot line. The building width shall be the greatest distance between the exterior walls of the building measured parallel to the lot width. The building depth shall be the greatest distance between the exterior walls of the building measured parallel to the lot depth.

This option only applies to Structures which are no more than 35 feet from the Frontage along an improved Street and on a flat building pad. A building pad is flat when the Slope of the building pad area prior to any Grading is less than 15%, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure.

Clarification:

The key to figuring out how to comply with this bonus option is to know where the Front Lot Lines are on any particular Lot.

LOT LINE, FRONT. *In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.*

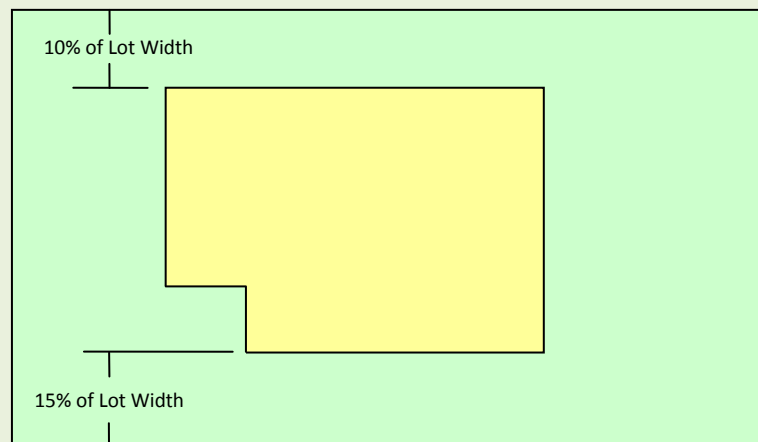
However, for unusual Building and/or Lot configuration, the Department of Building and Safety can refer to the Director of Planning or his/her designee to determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

(3) **Cumulative Side Yard Setbacks Option.**

The combined width of Side Yards shall be at least 25% of the total Lot Width, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by the Zone, whichever is greater. One foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height.

The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other.

Cumulative Side Yard Setbacks Option



The figure above is an example of 10% minimum side yard setback, which leaves a minimum of 15% on the other side. It is important to note that this is not the only combination possible.

(4) **18-Foot Envelope Height Option.** For properties which are not in the “1SS” Single-Story Height District, the maximum envelope height shall be no more than 18 feet, as measured in [Section 4 – Height Limits](#).

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(5) **Multiple Structures Option.** In addition to the Lot Coverage requirements in [Section 5 – Lot Coverage](#), any one Building and Structure extending more than 6 feet above Hillside Area Grade shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width.

(6) **Minimal Grading Option.** The total amount of any Grading on the site (including exempted Grading, as outlined in [Section 6 – Grading](#), does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less.

Example: A project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option.

This option only applies to properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map.

(7) **Green Building Option.** For a new One-Family Dwelling only, the new construction must satisfy the Tier 1 requirements or higher of the [LA Green Building Code](#), as defined in [Section 99.01.101.1 of the LAMC](#).

d. Zoning Administrator’s Authority. [[§ 12.21 C.10.\(b\)\(4\) of the LAMC](#)]

(1) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of [this Section](#) of not more than 10%, pursuant to the authority and procedures established in [Subsection A of Section 12.28 of this Code](#).

(2) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of [this Section](#), pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#), provided:

- (i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and
- (ii) the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and
- (iii) at least two off-street covered parking spaces are provided.

3. Verification of Existing Residential Floor Area. [[§ 12.21 C.10.\(c\) of the LAMC](#)]

For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after [August 1, 2010](#), or remodels of buildings built prior to [August 1, 2010](#), the existing residential floor area shall be the same as the building square footage shown on the most recent Los Angeles County Tax Assessor’s records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that residential floor area may be calculated as defined in [Section 12.03 of the LAMC](#) when a complete set of fully dimensioned plans with area calculations of all the structures on the lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in [the paragraph below](#), or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the structures on the lot prepared by a licensed architect or engineer.

For the purposes of implementing [this Subdivision](#), a remodel shall mean the alteration of an existing building or structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

4. Height Limits. [§ 12.21 C.10.(d) of the LAMC]

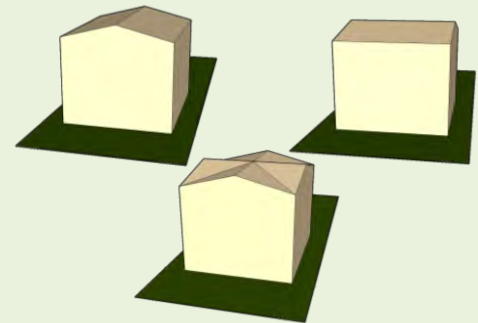
No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in [Table 5 – Maximum Height of Structures](#), or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in the Definitions Section of this document (or [Section 12.03 of the LAMC](#)).

Table 5 Maximum Height of Structures (in feet)								
Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost story of a building or structure or portion thereof has a slope of 25% or greater, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost story of a building or structure or portion thereof has a slope of less than 25%, the maximum height for said portion of building or structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

25% Roof Slope

The 25% roof slope is a Southern California standard which is also commonly referred to as the 3:12 slope. This slope can be expressed as a ratio of 1 foot of vertical rise for every 4 feet of horizontal distance. In order to determine what the minimum height of the standard gabled roof, as measured from the top-plate of the building wall, simply divide the horizontal distance of the wall by 8.

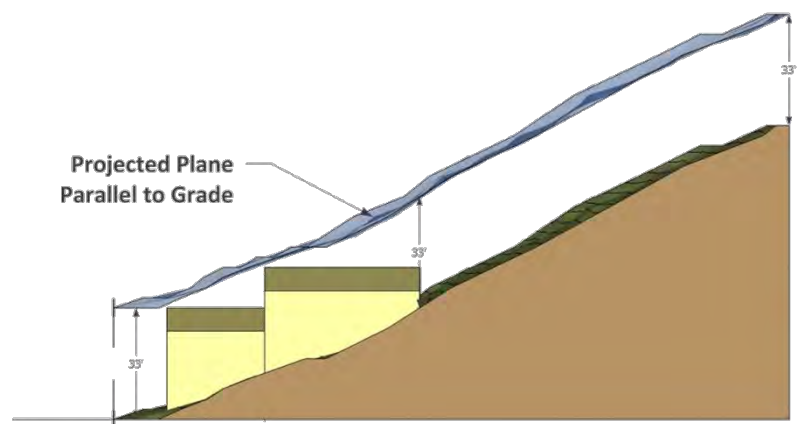
When a roof is made up of a combination of roof slopes, the portions of the structure with a roof slope less than 25% will be considered flat and as a result be required to comply with the lower height.



a. Measurement of Height. [§ 12.21 C.10.(d)(1) of the LAMC]

Notwithstanding any other provision in the Code, the height limits in [Table 5 – Maximum Height of Structures](#) above shall be measured as set forth below.

(1) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure.



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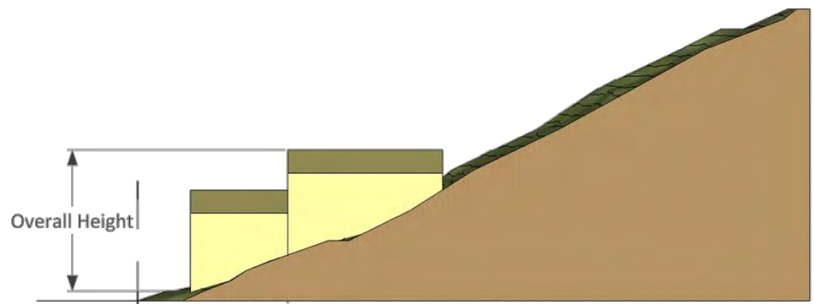
At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with [this provision](#).

b. Zoning Administrator’s Authority. [§ 12.21 C.10.(d)(2) of the LAMC]

A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of [Table 5 – Maximum Height of Structures](#); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.



c. Prevailing Height. [§ 12.21 C.10.(d)(3) of the LAMC]

Notwithstanding the height limits in [Table 5 – Maximum Height of Structures](#), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

d. Lots in a Single-Story Height District. [§ 12.21 C.10.(d)(4) of the LAMC]

As enabled by [Section 12.21.1 A.1 of the LAMC](#), on Lots in a “SS” Single Story Height District, shown as “1SS” on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

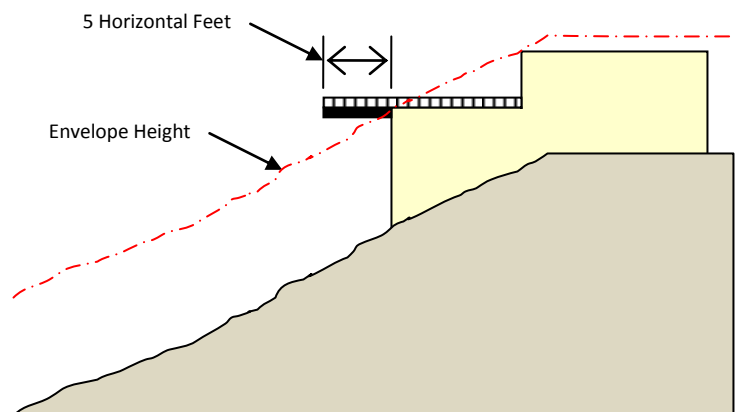
Notwithstanding the provision in [Section 12.21.1 A.8 of the LAMC](#), in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in [Section 12.03 of the LAMC](#), shall not be considered a Story.

e. Lots Fronting on Substandard Hillside Limited Streets. [§ 12.21 C.10.(d)(5) of the LAMC]

For any Lot fronting onto a Substandard Hillside Limited Street and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

f. Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies. [§ 12.21 C.10.(d)(6) of the LAMC]

Unenclosed/uncovered rooftop decks, cantilevered balconies and “visually permeable railing” (no more than 42 inches in height), may project beyond the maximum envelope height no more than 5 horizontal feet.



For the purposes of [this provision](#), “visually

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permeable railing” means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.

g. Roof Structures. [§ 12.21 C.10.(d)(7) of the LAMC]

Roof Structures as described in Table 6 – Projecting Roof Structures below, or similar Structures, may be erected above the height limit specified in Table 5 – Maximum Height of Structures.

Table 6 Projecting Roof Structures		
Roof Structures	Projection Above Height Limit	Setback from Roof Perimeter
Elevator Housing	No more than 5 feet.	Not less than 5 feet.
Tanks		
Ventilating Fans or similar equipment required to operate and maintain the Building.		
Skylights, covering up to 33 1/13% of the roof area upon which the skylight is constructed.		
Towers		
Steeple		
Flagpoles		
Smokestacks		
Wireless Masts		
Water Tanks		
Silos		
Solar Energy Devices		
Chimneys		
Exhaust Ducts/Ventilation Shafts		
Stairway Housing, no larger than 36 square-feet.		
Skylights, covering more than 33 1/3% of the roof area upon which the skylight is constructed.	No more than 30 inches.	

No roof Structure or any other space above the height limit specified in Table 5 – Maximum Height of Structures shall be allowed for the purpose of providing additional floor space.

h. Specific Plans, Historic Preservation Overlay Zones or Subdivision Approvals. [§ 12.21 C.10.(d)(8) of the LAMC]

Height limitations in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of these regulations and of Section 12.21 of the LAMC. Otherwise, this Section 12.21 of the LAMC shall apply.

5. Lot Coverage. [§ 12.21 C.10.(e) of the LAMC]

Buildings and Structures extending more than 6 feet above natural ground level shall cover no more than 40% of the area of a Lot.

a. Lot Coverage on Substandard Lots. [§ 12.21 C.10.(e)(1) of the LAMC]

Notwithstanding the provision above, for a Lot which is substandard as to width (less than 50 feet) and as to area (less than 5,000 square feet), Buildings and Structures shall cover no more than 45% of the area of a Lot.

b. Zoning Administrator’s Authority. [§ 12.21 C.10.(e)(2) of the LAMC]

A Zoning Administrator may grant limited deviations from these requirements, pursuant to the authority and procedures established in Section 12.24 X.28 of the LAMC.

6. Grading. [§ 12.21 C.10.(f) of the LAMC]

Notwithstanding any other provisions of the Municipal Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading Permits shall be issued until a Building Permit is approved.

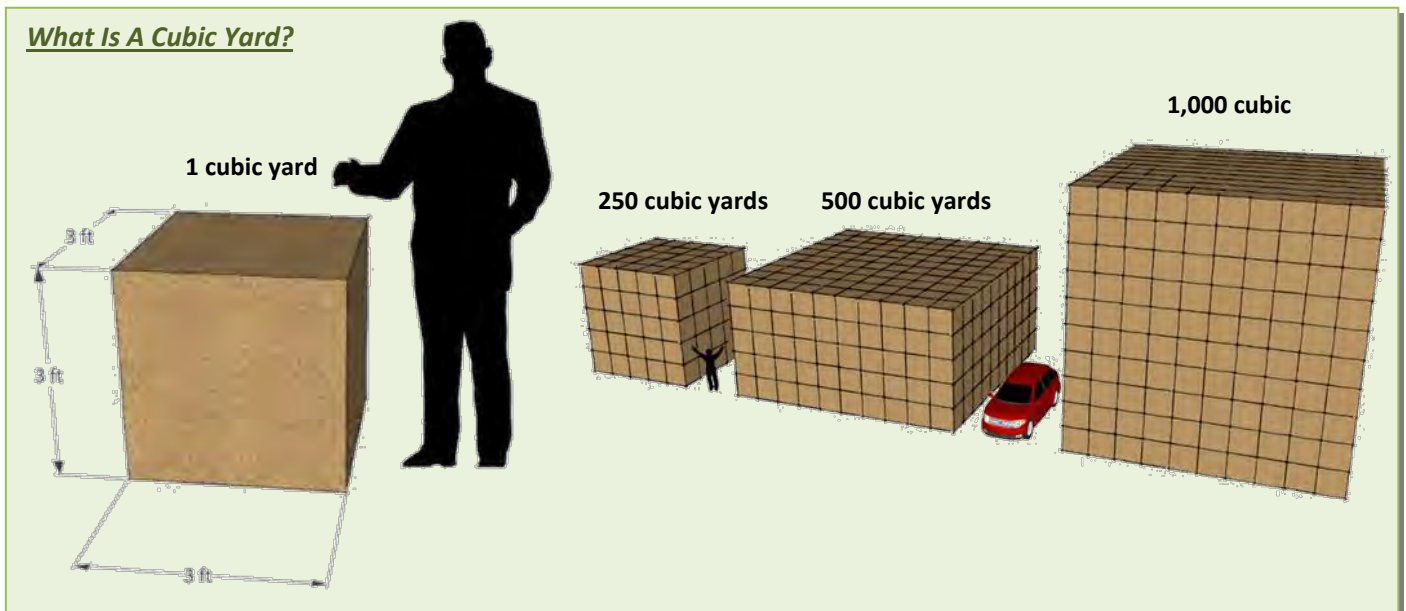
a. Maximum Grading Quantities. [§ 12.21 C.10.(f)(1) of the LAMC]

The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

Example: a 5,000 square-foot Lot would have a maximum Grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).

However, the cumulative quantity of Grading shall not exceed the maximum “by-right” Grading quantities outlined by Zone in Table 7 – Maximum “By-Right” Grading Quantities below.

Table 7 Maximum “By-Right” Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800



b. Import/Export Limits. [§ 12.21 C.10.(f)(2) of the LAMC]

The maximum quantity of earth import or export shall be limited to the following quantities:

- (1) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, the maximum quantity of earth import shall be no more than 500 cubic

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yards, *as long as additional on-site Grading (grading outside the footprint of a building)* in conjunction with the amount of import does not exceed the requirements established in [Paragraph a](#) above. The maximum quantity of earth export shall be no more than 1,000 cubic yards.

Example: If a property has a maximum of 1,000 cubic yards of non-exempted grading, and a cut of 800 cubic yards of exempted grading is used as fill outside the footprint of the house, this provision does will only allow an additional 200 cubic yards (not 500 cubic yards) of import to be used for non-exempt purposes.

- (2) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, the maximum quantity of earth import shall be no more than 375 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in [Paragraph a](#) above. The maximum quantity of earth export shall be no more than 750 cubic yards.
- (3) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in [Paragraph c](#) below shall be exempted from the maximum import and export quantities set forth in this [Paragraph b](#). A plan indicating the destination and/or source (i.e. exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

c. **Exceptions.** [[§ 12.21 C.10.\(f\)\(3\) of the LAMC](#)]

The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in [Paragraphs a and b](#) above. However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in [Paragraph a](#) above.

- (1) Cut and/or Fill underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces – *not including pools and sports courts*), as well as for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.
- (2) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.
- (3) Remedial Grading as defined in [Section 12.03 of the LAMC](#) as recommended in a Geotechnical Investigation Report, prepared in accordance with [Sections 91.7006.2, 91.7006.3, and 91.7006.4 of the LAMC](#), and approved by the Department of Building and Safety - Grading Division.

d. **Zoning Administrator's Authority.** [[§ 12.21 C.10.\(f\)\(4\) of the LAMC](#)]

A Zoning Administrator may grant the following deviations from the requirements of [Paragraphs a and b](#) above, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

- (1) Grading in excess of the maximum “by-right” Grading quantities listed in [Paragraph a](#) above, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.
- (2) For a property which fronts onto a Standard Hillside Limited Street or larger, increase the maximum quantity of earth import greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to [Paragraph b](#) above.

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For a property which fronts onto a Substandard Hillside Limited Street, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to [Paragraph b](#) above.

e. *New Graded Slopes.* [[§ 12.21 C.10.\(f\)\(5\) of the LAMC](#)]

All new Graded Slopes shall be no steeper than 2:1 (horizontal : vertical), except when the Department of Building and Safety - Grading Division has determined that Slopes may exceed 2:1 pursuant to [Section 91.105 of the LAMC](#).

f. *Grading Activity on 100% Slopes.* [[§ 12.21 C.10.\(f\)\(6\) of the LAMC](#)]

Notwithstanding the Grading, Excavations and Fills provisions in [Chapter IX of the LAMC \(the Los Angeles Building Code\)](#), when any Grading activity is proposed on any slope of 100% or greater, as identified on the Slope Analysis Map, the Department of Building and Safety – Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans, and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

g. *Grading Plancheck Criteria.* [[§ 12.21 C.10.\(f\)\(7\) of the LAMC](#)]

Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by [Section 91.7006 of the LAMC](#).

7. Off-Street Parking Requirements. [[§ 12.21 C.10.\(g\) of the LAMC](#)]

Notwithstanding those exceptions found in [Section 12.22 of the LAMC](#), no Building or Grading permit shall be issued for the construction of any One-Family Dwelling, Accessory Building, or addition thereto, unless the following requirements are met.

a. *Number of Required Covered Spaces.* [[§ 12.21 C.10.\(g\)\(1\) of the LAMC](#)]

There shall be at least two Automobile Parking Spaces on the same Lot with each One-Family Dwelling thereon. These required parking spaces shall be provided within a Private Garage. These required parking spaces shall not be provided or maintained within a required Front Yard, unless otherwise permitted by [Paragraph j – Encroachments Into Required Yards of Section 1 – Setback Requirements of this document](#).

(1) **Exception for Dwelling on Narrow Lot.** Where only one One-Family Dwelling is located on a nonconforming Lot 40 feet or less in width and not abutting an alley, only one Automobile Parking Space need be provided. This exception shall not apply to any Lot which fronts on a Substandard Hillside Limited Street.

b. *Additional Required Spaces.* [[§ 12.21 C.10.\(g\)\(2\) of the LAMC](#)]

For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of 5 total on-site spaces. These additional required parking spaces may be uncovered. Notwithstanding the provisions of [Paragraph a](#) above, when a Lot fronts onto

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a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

(1) **Zoning Administrator's Authority.** A Zoning Administrator may reduce the number of off-street parking spaces required by [Paragraph b](#) above, pursuant to the authority and procedures established in [Section 12.24 X.28 of the LAMC](#).

c. *Parking Stall Dimensions.* [[§ 12.21 C.10.\(g\)\(3\) of the LAMC](#)]

In each parking area or garage devoted to parking for Dwelling uses, all Parking Stalls in excess of one per Dwelling Unit may be designed as Compact Parking Stalls to accommodate parking cars. Every **Standard Parking Stall** provided for Dwelling Units shall be at least 8 feet 6 inches in width and 18 feet in length; every **Compact Parking Stall** shall be at least 7 feet 6 inches in width and 15 feet in length.

d. *Tandem Parking.* [[§ 12.21 C.10.\(g\)\(4\) of the LAMC](#)]

Automobile parking may be parked in tandem in a Private Garage or Private Parking Area serving a One-Family Dwelling where the tandem parking is not more than two cars in depth. Each required Parking Stall within a parking area or garage shall be accessible. Tandem parking shall not be allowed in parking areas for recreational vehicles.

e. *Garage Doors.* [[§ 12.21 C.10.\(g\)\(5\) of the LAMC](#)]

Any door or doors installed at the automobile entry to a garage serving a One-Family Dwelling where the required parking spaces are located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles in each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

f. *Driveway Width.* [[§ 12.21 C.10.\(g\)\(6\) of the LAMC](#)]

Every access driveway shall be at least 9 feet in width.

h. *Mechanical Automobile Lifts and Robotic Parking Structures.* [[§ 12.21 C.10.\(g\)\(7\) of the LAMC](#)]

The stacking of two or more automobiles via a mechanical car lift or computerized parking Structure is permitted. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of [Paragraphs \(a\), \(b\), and \(i\) of Section 12.21 A.5 of the LAMC](#). The lift equipment or computerized parking Structure shall meet any applicable Building, Mechanical and Electrical Code requirements as approved by the Department of Building and Safety.

8. *Fire Protection.* [[§ 12.21 C.10.\(h\) of the LAMC](#)]

Notwithstanding any other provisions of [the LAMC](#) to the contrary, on a Lot fronting onto a Substandard Hillside Limited Street, or on any Lot located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company, the following fire protection measures shall be required.

a. *New Buildings or Structures.* [[§ 12.21 C.10.\(h\)\(1\) of the LAMC](#)]

Any new construction of a One-Family Dwelling or detached Accessory Building shall be protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code.

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b. Existing Buildings or Structures. [§ 12.21 C.10.(h)(2) of the LAMC]

An approved automatic fire sprinkler system in compliance with the Los Angeles Plumbing Code shall be installed:

- (1) whenever an addition to an existing One-Family Dwelling or Accessory Building increases Residential Floor Area by 50% or more of the area of the existing Dwelling or Building; or
- (2) whenever the aggregate value of Major Remodels within a one-year period exceeds 50% of the replacement cost of the Dwelling or Accessory Building.

c. Fire Sprinkler Coverage. [§ 12.21 C.10.(h)(3) of the LAMC]

The sprinkler systems required in [this Section](#) shall be sufficient to cover the entire Dwelling or Building, unless otherwise determined by the Department of Building and Safety, and shall be installed in compliance with all applicable Codes.

d. Exempt Accessory Structures. [§ 12.21 C.10.(h)(4) of the LAMC]

The provisions of [this Section](#) shall not apply to accessory Structures such as gazebos, pergolas, or storage sheds provided these Structures are not supported by or attached to any portion of a Dwelling or Accessory Building and do not exceed 200 square feet in area.

9. Street Access. [§ 12.21 C.10.(i) of the LAMC]

a. Street Dedication. [§ 12.21 C.10.(i)(1) of the LAMC]

For any new construction of, or addition to, a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street, no Building permit or Grading permit shall be issued unless at least one-half of the width of the Street(s) has been dedicated for the full width of the Frontage of the Lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate procedures provided in [Section 12.37 I of the LAMC](#) shall be available for relief from this requirement.

b. Adjacent Minimum Roadway Width. [§ 12.21 C.10.(i)(2) of the LAMC]

For any new construction of, or addition to a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no Building permit or Grading permit shall be issued unless the construction or addition has been approved pursuant to [Section 12.24 X.28 of the LAMC](#).

c. Minimum Roadway Width (Continuous Paved Roadway). [§ 12.21 C.10.(i)(3) of the LAMC]

For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless the construction or addition meets the requirements of this [Section 12.21 C.10 of the LAMC \(the provisions contained in this document\)](#) or has been approved by a Zoning Administrator pursuant to [Section 12.24 X.28 of the LAMC](#).

10. Sewer Connection. [§ 12.21 C.10.(j) of the LAMC]

No Building permit shall be issued for the construction of any new One-Family Dwelling on a Lot located 200 feet or less from a sewer mainline unless a sewer connection is provided to the satisfaction of the City Engineer.

11. Hillside Neighborhood Overlay. [§ 12.21 C.10.(k) of the LAMC]

The provisions of [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document may be superseded by a Hillside Neighborhood Overlay adopted pursuant to [Section 13.14 of the LAMC](#).

12. Exceptions. [§ 12.21 C.10.(l) of the LAMC]

The provision of this Subdivision shall not apply to:

a. Tracts With CC&Rs Approved After February 1, 1985. [§ 12.21 C.10.(l)(1) of the LAMC]

One-Family Dwellings, Accessory Buildings and additions thereto within a subdivision for which a tentative or final tract map was approved by the City of Los Angeles after February 1, 1985, and is still valid, provided that the map resulted in the establishment of covenants, conditions and restrictions governing Building height, yards, open space or Lot coverage, and provided, further, that such covenants, conditions and restrictions were recorded on or after February 1, 1985.

b. Additions to Dwellings Built Prior to August 1, 2010. [§ 12.21 C.10.(l)(2) of the LAMC]

Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which Building permits have been previously obtained, provided that:

- (1) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and
- (2) the resulting Building complies with the requirements of [Section 1 – Setback Requirements](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document.

c. Hillside Major Remodel. [§ 12.21 C.10.(l)(3) of the LAMC]

As defined in [Section 12.03 of this Code](#), any remodeling of a main Building on a Lot in the Hillside Area, which does not add square footage and for which the aggregate value of all the alterations within a one-year period does not exceed 50% of the replacement cost of the main Building.

d. Northeast Los Angeles Hillside Ordinance. [§ 12.21 C.10.(l)(4) of the LAMC]

Properties subject to the Northeast Los Angeles Hillside Ordinance established by Ordinance No. 180,403, shall be exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document.

e. The Oaks Hillside Ordinance. [§ 12.21 C.10.(l)(5) of the LAMC]

Properties subject to The Oaks Hillside Ordinance established by Ordinance No. 181,136, shall be exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 5 – Lot Coverage](#) of this document.

e. Large Active Remedial Grading Projects. [§ 12.21 C.10.(l)(6) of the LAMC]

Properties with active Remedial Grading permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety – Grading Division before July 1, 2010, are exempted from [Section 2 – Maximum Residential Floor Area](#), [Section 4 – Height Limits](#), and [Section 6 – Grading](#) of this document. Such properties shall remain subject to the provisions of [Section 12.21 A.17 of the LAMC](#), and [Section 12.21.1 of the LAMC](#), and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 60 months after July 1, 2010.

DEFINITIONS

The following are a selection of definitions from [Section 12.03 of the LAMC](#) that are most commonly used when applying the new hillside regulations.

ACCESSORY BUILDING. A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located in the same or a less restrictive zone and on the same lot with the main building or use. The relationship between the more restrictive and the less restrictive zones shall be determined by the sequence of zones set forth in Sec. 12.23 B.1.(c).

BASE FLOOR. That story of a main building, at or above grade, which is not considered a basement, and which has the greatest number of square feet confined within the exterior walls, including the area of the attached covered parking at the same story. All levels within four vertical feet of each other shall count as a single story.

BASEMENT. Any story below the first story of a building.

BUILDING. Any structure having a roof supported by columns or walls, for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

COMPACTION. The densification of a Fill by mechanical means.

CUT. A portion of land surface or areas from which earth has been removed or will be removed by excavation.

ELEVATION. Vertical distance in feet above sea level.

FILL. The depositing of soil, rock or other earth materials by artificial means.

FLOOR AREA, RESIDENTIAL. The area in square feet confined within the exterior walls of a Building or Accessory Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area.
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.
3. **Covered Porches, Patios, and Breezeways.** For Lots not located in the Hillside Area or Coastal Zone, the first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

For Lots located in the Hillside Area, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:

- a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

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- b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.
4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.
5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior Grade (or “sunken rooms”), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.
6. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.

For Lots located in the Hillside Area, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.

FLOOR AREA RATIO (FAR). A ratio establishing relationship between a property and the amount of development permitted for that property, and is expressed as a percentage or a ratio of the Buildable Area or Lot size (example: “3 times the Buildable Area” or “3:1”).

FRONTAGE. All property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and right-of-way, waterway, end of dead-end street, or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE, PRIVATE. An accessory building or portion of a main building designed or used for parking or storage of motor vehicles of the occupants of a residential use.

GRADE, HILLSIDE AREA. For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10 of this Code, Hillside Area Grade shall be defined as the Elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

GRADING. Any Cut or Fill, or combination thereof, or recompaction of soil, rock or other earth materials.

GRADING, LANDFORM. A contour grading method which creates artificial Slopes with curves and varying Slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain. The graded Slopes are non-linear in plan view, have varying Slope gradients, and significant transition zones between human-made and natural Slopes resulting in pad configurations that are irregular. The concept of Landform Grading incorporates the created ravine and ridge shapes with protective drainage control systems and integrated landscaping designs.

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GRADING, REMEDIAL. For the purposes of Section 12.21 C.10 of this Code, Remedial Grading shall mean grading recommended by a California Licensed Geologist and/or Licensed Engineer prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety-Grading Division, that is necessary to mitigate a geologic or geotechnical hazard on a site (including for access driveways), including, but not limited to: 1) correction of hazardous soil and earth conditions, when notified by the Department of Building and Safety in accordance with Section 91.7005.7 of this Code, 2) removal and re-compaction of soil for a Building site to remediate expansive, compressible or seismically unstable soils, 3) grading required to provide a minimum factor of safety of 1.5 for stability of slopes, and/or 4) grading to bring existing steep non-conforming graded slopes into conformance with current Code requirements for fill and excavated slope gradients.

HILLSIDE AREA. Any land designated as Hillside Area as shown in the shaded portion of the Department of City Planning Hillside Area Map, dated September 23, 2009, attached to Council File No. 09-1390. The map is maintained by the Department of City Planning as part of the Geographic Information Systems database.

LOT. A parcel of land occupied or to be occupied by a use, building or unit group of buildings and accessory buildings and uses, together with the yards, open spaces, lot width and lot area as are required by this chapter and fronting for a distance of at least 20 feet upon a street as defined here, or upon a private street as defined in Article 8 of this chapter. The width of an access-strip portion of a lot shall not be less than 20 feet at any point. In a residential planned development or an approved small lot subdivision a lot need have only the street frontage or access as is provided on the recorded subdivision tract or parcel map for the development.

LOT, FLAG. A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip not less than 20 feet in width at any point connecting the main building site area to the frontage street.

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

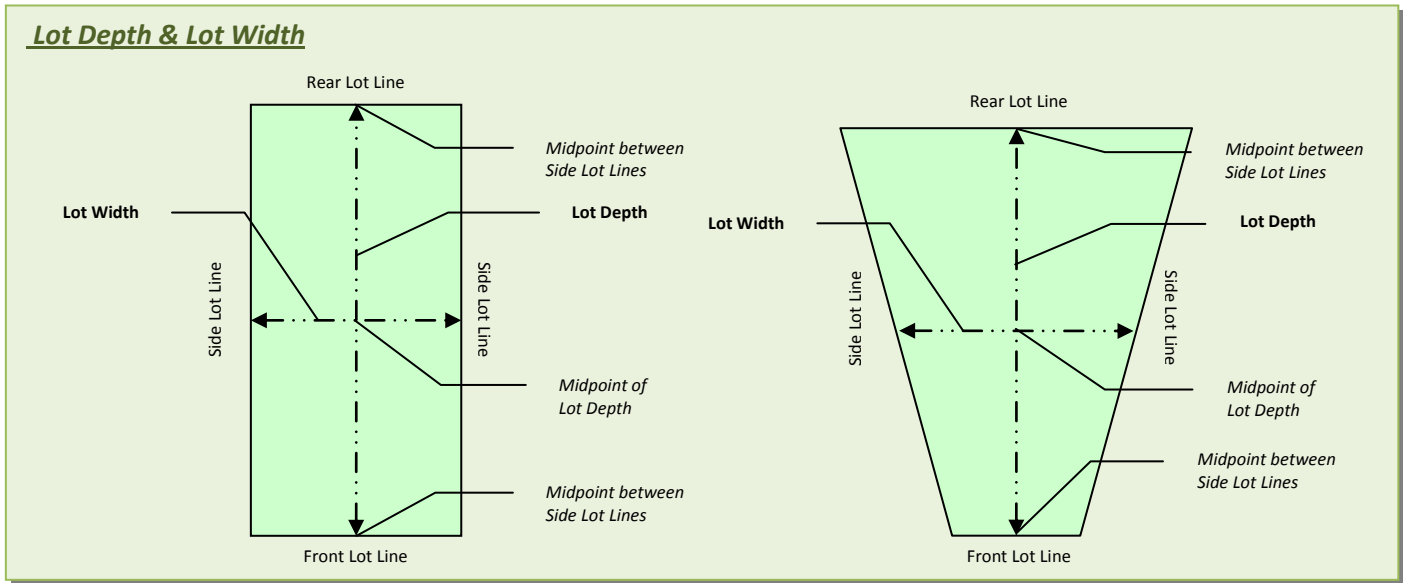
LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line and, in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front line.

LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT DEPTH. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

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LOT AREA. The total horizontal area within the lot lines of a lot.

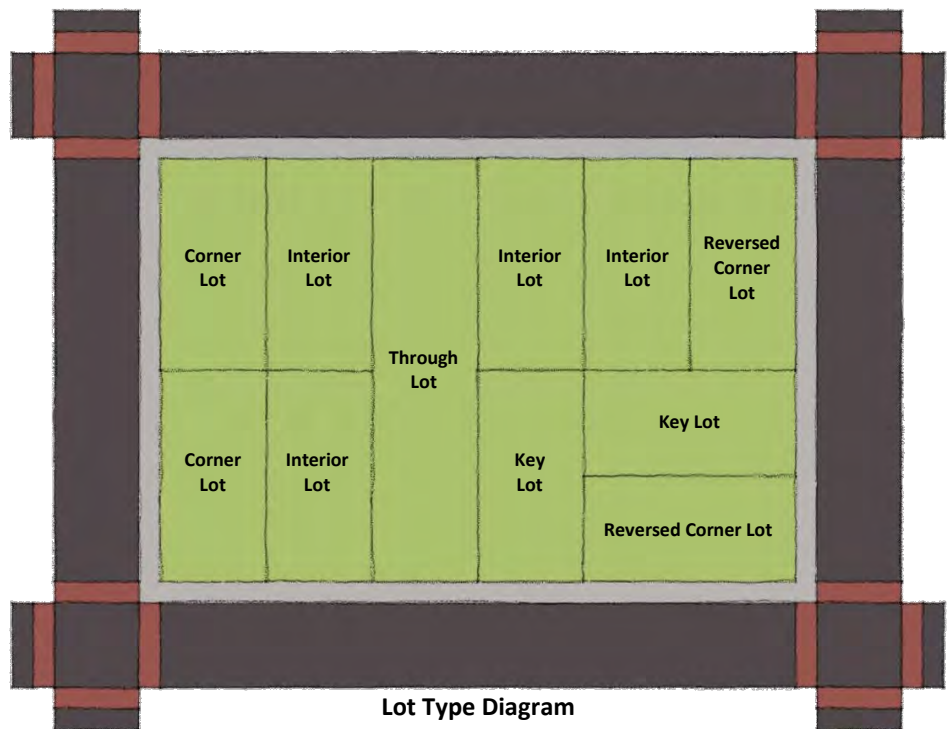
LOT, CORNER. A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty five (135) degrees.

LOT, REVERSED CORNER. A corner lot the side street line of which is substantially a continuation of the front line of the first lot to its rear.

LOT, INTERIOR. A lot other than a corner lot.

LOT, KEY. The first interior lot to the rear of a reversed corner lot and not separated therefrom by an alley.

LOT, THROUGH. A lot having a frontage or two parallel or approximately parallel streets, but not including those lots having frontage on a street and frontage on a navigable public canal or waterway parallel or approximately parallel to said street.



LOT, DOWNHILL. A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a higher Elevation than the Rear Lot Line.

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LOT, UPHILL. A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a lower Elevation than the Rear Lot Line.

MAJOR REMODEL - HILLSIDE. Any remodeling of a main building on a lot in the Hillside Area whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.

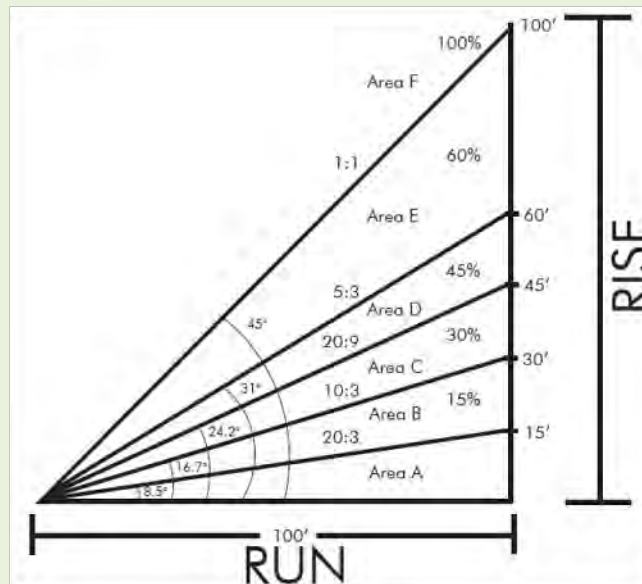
ROOF, LATTICE. A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition, beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches.

SLOPE. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

SLOPE BAND. The area of a property contained within a defined Slope interval as identified in Section 12.21 C.10 of this Code and shown on a Slope Analysis Map prepared by a *registered (in the State of California) civil engineer or licensed surveyor* based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property.

What Are Slope Bands?

Slope Band	Angle (in degrees)	Description
0% - 15%	0° – 8.5°	Flat to Moderate Slope
15% - 30%	8.5° – 16.7°	Strong Slopes (true hillside)
30% - 45%	16.7° – 24.2°	Very Strong Slopes
45% - 60%	24.2° – 31°	Moderately Severe Slopes
60% - 100%	31° – 45°	Severe Slopes
100% or greater	45° or greater	Extreme Slopes



BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

STREET, STANDARD HILLSIDE LIMITED. A street (public or private) with a minimum width of 36 feet and paved to a minimum roadway width of 28 feet, as determined by the Bureau of Engineering.

STREET, SUBSTANDARD HILLSIDE LIMITED. A Street which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section 12.03 of this Code (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet, as determined by the Bureau of Engineering.

Standard Hillside Limited Street



*Source: Bureau of Engineering, Standard Street Dimensions
(Standard Plan S-470-0)*

STRUCTURE. Anything constructed or erected which is supported directly or indirectly on the earth, but not including any vehicle which conforms to the California State Vehicle Act.

YARD. An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

YARD, FRONT. A yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot.

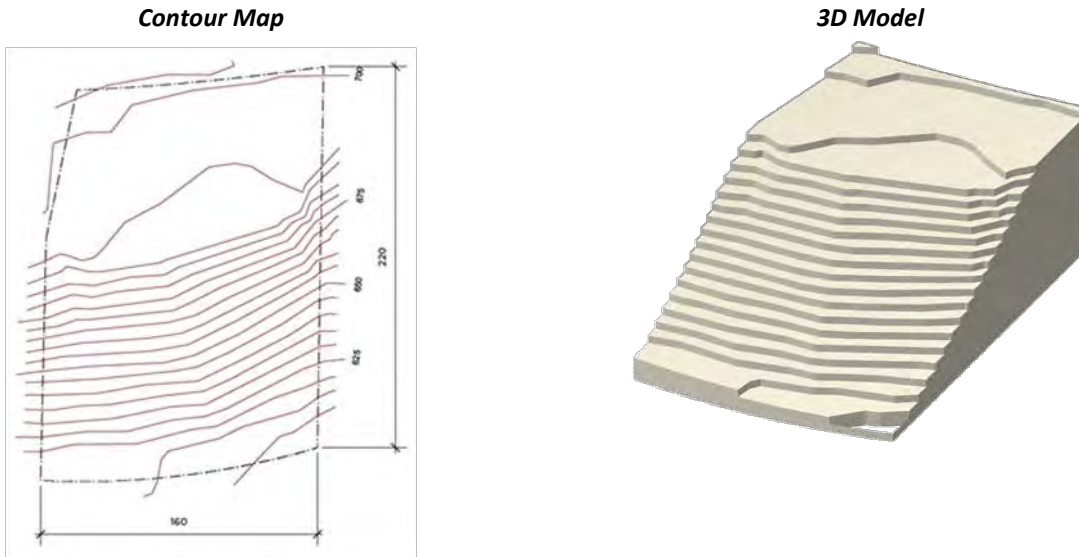
YARD, SIDE. A yard more than six (6) inches in width between a main building and the side lot line, extending from the front yard or the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

Appendix A – Slope Analysis

What Is A Slope Analysis Map?

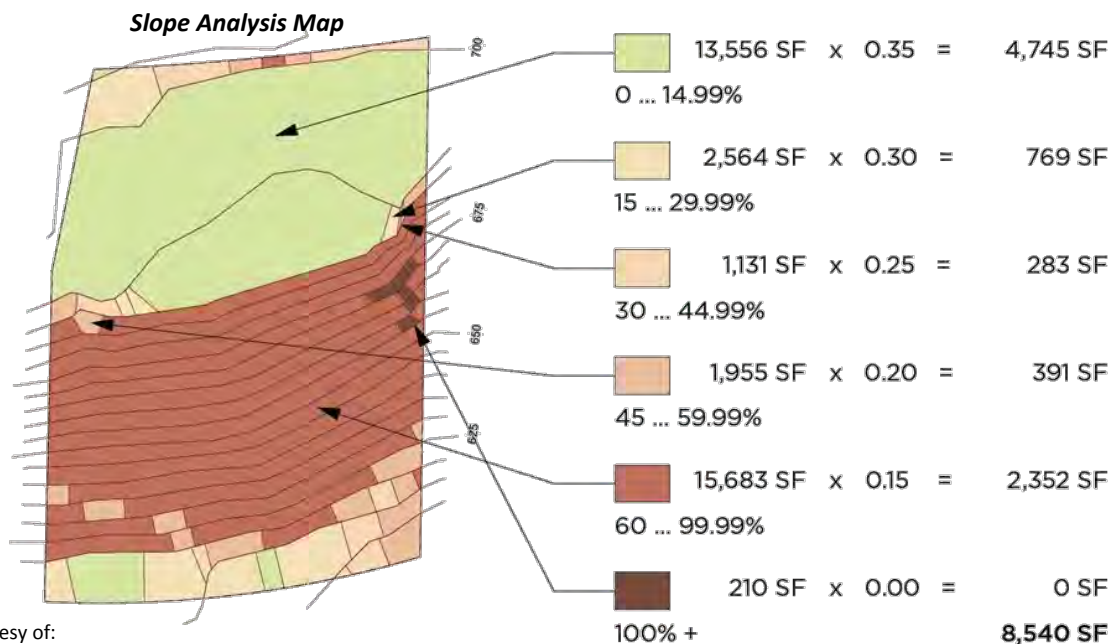
In order to prepare a Slope Analysis Map, a Licensed Surveyor or Civil Engineer will need to prepare a topographical contour map of a property (image on the left below).

A contour map identifies the slopes of a property by establishing height changes (slopes) on a lot using lines which identify specific elevations (from sea level). The 3D Model on the right below gives you an idea of what this information represents.



A Slope Analysis Map measures the closest distance between each line and identifies which Slope Band the area falls into. The result is a patchwork of areas that identifies the slope conditions of a property (see the example below).

This particular property is 35,100 square-feet and is zoned RE20-1-H. Using the Slope Analysis below, the base maximum Residential Floor Area for this property is 8,540 square-feet.



Graphics courtesy of:
URBAN STUDIO
 www.urbanstudio.com

BASELINE HILLSIDE ORDINANCE – COMPREHENSIVE GUIDE

How to Produce a Slope Analysis Map

There are a variety of ways to develop a slope analysis as there is a myriad of software that can analyze slope quickly. However, CAD- and GIS-based software are the most commonly utilized. There are other programs that are developed solely for slope analysis and would be left up to the discretion of the Licensed Surveyor or Civil Engineer.

Geographic Information System (GIS) Software

In order to use GIS, one could follow the following general steps:

1. **Acquire contour lines:** The data of interest may be acquired in various forms.
2. **Create DEM using the contour lines:** A DEM is a raster file that is broken down into a grid with specific elevation data associated with each cell. This file can be rendered in 3D.
3. **Compute slope:** Using the DEM, simply calculate the slope between the contour lines by using the slope tool in GIS. The slope function calculates the maximum rate of change between each cell and its neighbor, for example, the steepest downhill descent for the cell (the maximum change in elevation over the distance between the cell and its eight neighbors). Every cell in the output raster has a slope value. The lower the slope value, the flatter the terrain; the higher the slope value, the steeper the terrain. The output slope raster can be calculated as percent of slope or degree of slope.

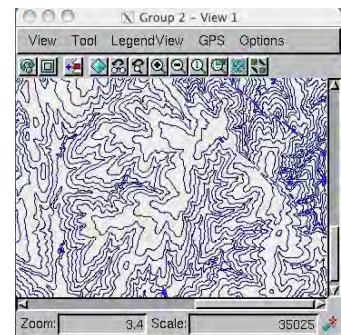
The Slope function is most frequently run on an elevation dataset, as the following diagrams show. Steeper slopes are shaded red on the output slope raster. However, the function can also be used with other types of continuous data, such as population, to identify sharp changes in value.

4. **Calculate area included in each slope band:** GIS also has another tool which can calculate the area within certain slope ranges.

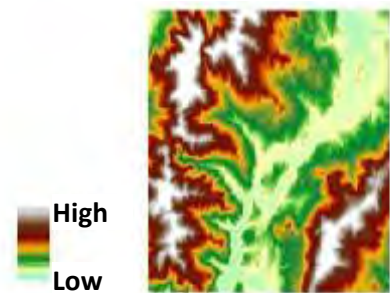
AutoCAD

Like GIS, once a 3D surface has been created, AutoCAD has automated tools or software plug-ins that can calculate the steepest slope between contours and the area contained within slope ranges. There is a variety of software available that can convert the 2D contour map into a 3D file that can be then analyzed.

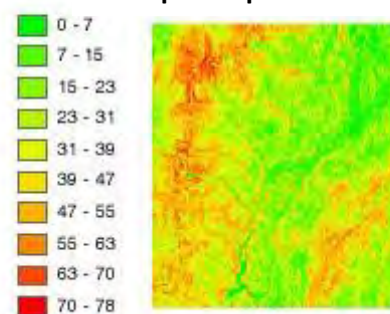
Topographic Survey



Elevation Dataset



Output Slope Data Set



Appendix B – Commonly Used Hillside Forms

The following pages are the most commonly used hillside forms.

Slope Analysis and Maximum Residential Floor Area Form (a.k.a. Slope Analysis Form)

To get your Slope Analysis Map and the Maximum Residential Floor Area for a property verified by the Department of City Planning, you will need to get a **Slope Analysis and Maximum Residential Floor Area Verification Form** (a.k.a. Slope Analysis Form) from the Department of Building & Safety. This form is available at any of the LADBS Public Counters or on their website. Please go to either of Planning Public Counters to obtain the proper authorization to submit for Plan Check:

Downtown Office

Figuroa Plaza
City Planning Counter (Station No. 7)
201 North Figuroa Street, 4th Floor
Los Angeles, CA 90012
(213) 482-7077

Valley Office

Marvin Braude Constituent Services Center
6262 Van Nuys Boulevard, Suite 251
Van Nuys, CA 91401
(818) 374-5050

To schedule an appointment, please visit our website (<http://planning.lacity.org/>) and click on “Public Counter Locations”, then click on “Make Appointment”, or you can email the Downtown Office directly at Planning.FigCounter@lacity.org.

Hillside Referral Form

The Bureau of Engineering (BOE) is responsible for determining whether a lot fronts onto a Substandard Hillside Limited Street. The Department of Building & Safety (LADBS) will give you a **Hillside Referral Form** for BOE staff to fill out.

In order to obtain this determination please go to the BOE public counter at the locations below:

Central District Office

201 N. Figuroa Street
Los Angeles, CA 90012-2601
3rd floor counter
(213)482-7030
7th floor counter
(213)482-7474

Valley District Office

Braude Building
6262 Van Nuys Blvd., Suite 251
Van Nuys, CA 91401-2615
(818)374-5090

West Los Angeles District Office

1828 Sawtelle Blvd., 3rd floor
Los Angeles, CA 90025-5516
(310)575-8384

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Department of Building and Safety / City Planning

JOINT REFERRAL FORM

Slope Analysis and Maximum Residential Floor area Verification Form

Baseline Hillside Ordinance (BHO), Ordinance No. 181624

Instructions:

1. This form is used by the Department of Building and Safety and City Planning to determine a permitted maximum Residential Floor Area for a project (new construction or addition to an existing construction) in R1, RS, RA and RE zones located within the Hillside Area as defined in Section 12.03 of the Code.
2. Proposed construction subject to BHO requirements will be accepted for Plan Check by the Department of Building and Safety, only if they have a completed Slope Analysis Verification Form, signed by City Planning Staff.
3. Complete Section I, II, and III on page 2 and submit this form along with two stamped and signed copies of Slope Analysis map prepared by a State of California registered civil engineer or licensed surveyor that includes the following information to the Department of City Planning at one of the locations listed in Section 4:
 - a. A Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a State of California registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.
 - b. A Slope Analysis Map that clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.
 - c. The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.
4. City Planning Staff are located at the following locations:

Downtown Office

City Planning Counter (Station No. 7)
201 N. Figueroa St., 4th Floor
Los Angeles, CA 90012
(213) 482-7077

Van Nuys Office

City Planning Counter
6262 Van Nuys Blvd., Suite 251
Van Nuys, CA 91401
(818) 374-5050

Department of Building and Safety / City Planning

JOINT REFERRAL FORM

SECTION I. Name Applicant(s)/Property Owner(s) _____

Address: _____ Phone Number: _____

SECTION II. Project Address: _____ Assessor Parcel Number: _____

Lot: _____ Tract: _____

Proposed Project Description: (describe in detail, including all proposed work and dimensions)

SECTION III. Circle the Zone of the project site in Table 1 and complete Worksheet 1.

*Residential Floor Area shall be calculated as defined in LAMC Section 12.03

Table 1. Single-Family Zone Hillside Area Residential Floor Area Ratios (FAR)								
Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.5	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Worksheet 1. Hillside Area Maximum Residential Floor Area Formula					
(A)	(B)		(C)		(D)
Slope Bands (%)	Lot Area within each slope band (sq-ft). From survey/ contour map.		FAR from the Zone circled in Table 1		Max. Residential Floor Area* allowed within each slope band
0 – 14.99		X		=	
15 – 29.99		X		=	
30 – 44.99		X		=	
45 – 59.99		X		=	
60 – 99.99		X		=	
100 +		X		=	
Maximum Residential Floor Area =					

Department of Building and Safety / City Planning

JOINT REFERRAL FORM

I _____, am the licensed professional surveyor or Registered Civil

(Print Name)

Engineer in the State of California (License # _____, Expiration Date : _____)
certify that all the above information is correct.

Signature _____ Date: _____

SECTION IV. (To be completed by City Planning Staff)

City Planning Staff:

Maximum Residential Floor Area: _____

Property Information:

Lot: _____ Tract: _____

Assessor Parcel Number: _____

Address: _____

Staff Name (Please Print): _____

Signature: _____ Date: _____

**DEPARTMENT OF BUILDING AND SAFETY/ DEPARTMENT OF PUBLIC WORKS
PRELIMINARY REFERRAL FORM FOR HILLSIDE ORDINANCE #168,159 & #174,652**

PIN: 150B177-615

Building and Safety

Address: _____ Applicant: _____
 District Map: _____ Tract: _____ Project Description: _____
 Block: _____ Lot: _____ Phone: _____
 Fax: _____

Public Works: "B-Permits Counter"

Vehicular Access: (for exceptions per 12.21A17(i))

1. Is the Continuous Paved Roadway (CPR)* at least 28ft wide from the driveway apron of the subject lot to the boundary of the Hillside Area? Yes No
 If "YES", **STOP**, project is exempt from the Hillside Ordinance.
 If "NO", answer ALL of the following questions:

2. Is the CPR at least 20ft wide, from the driveway apron of the subject lot to the boundary of the Hillside Area? Yes No

3. Is the street adjacent to the subject lot at least 20ft wide? Yes No
 (Note: all streets adjacent to a lot must be considered when the lot has multiple street frontages, such as a corner lot or a through lot.)

* CPR = begins at the driveway apron and must be continuous and without permanent obstacles to the boundary of the Hillside Area.
 If "2" and "3" are Yes: COMPLY WITH HILLSIDE ORD. ZA APPROVAL IS NOT REQ'D
 If "2" or "3" are No: REFER TO PLANNING FOR APPROVAL PER 12.24X21

Street Type: (for front yards and street improvements, per 12.21A17(a) and (e))

1st Street Name: _____ R/W width: _____ Roadway width: _____
 Lot fronts on a standard hillside limited street Dedication required width: _____ Plan Index: _____
 Lot fronts on a sub standard hillside limited street Improvement required

Comments: _____

2nd Street Name: _____ R/W width: _____ Roadway width: _____
 Lot fronts on a standard hillside limited street Dedication required width: _____ Plan Index: _____
 Lot fronts on a sub standard hillside limited street Improvement required

Comments: _____

Sewer Connection:

Lot located less than 200 ft from sewer mainline:
 Use existing wye and permit Obtain new connection and new permit
 Use existing wye, obtain new permit Obtain B-Permit from PW/BOE to construct new mainline

Lot located greater than 200 ft from sewer mainline:
 Obtain LADBS approval for on-site sewer Obtain B-Permit from PW/BOE to construct new mainline

Public Works Employee completing this form:

Sign: _____ Print Name: _____
 Date: _____ Phone: _____ Location: _____

† The final determination of Hillside Ordinance applicability shall be made after any and all dedication/improvements (if required) have been made.

ORDINANCE NO. 181624

An ordinance amending Sections 12.03, 12.04, 12.21, 12.21.1, 12.23, 12.24, 12.28, 12.32, and 19.01 of, and adding Section 13.14 to, the Los Angeles Municipal Code to establish new regulations for single-family residential zoned properties (R1, RS, RE, and RA) located in the Hillside Area as defined in Section 12.03 of the Code.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the definitions of "Compaction", "Cut", "Elevation", "Fill", "Floor Area Ratio", "Grade, Hillside Area", "Grading", "Grading, Landform", "Grading, Remedial", "Lot, Downhill", "Lot, Uphill", "Roof, Lattice", "Slope", "Slope Band", and "Substandard Hillside Limited Street" in proper alphabetical order to read:

COMPACTION. The densification of a Fill by mechanical means.

CUT. A portion of land surface or areas from which earth has been removed or will be removed by excavation.

ELEVATION. Vertical distance in feet above sea level.

FILL. The depositing of soil, rock or other earth materials by artificial means.

FLOOR AREA RATIO (FAR). A ratio establishing relationship between a property and the amount of development permitted for that property, and is expressed as a percentage or a ratio of the Buildable Area or Lot size (example: "3 times the Buildable Area" or "3:1").

GRADE, HILLSIDE AREA. For the purpose of measuring height on an R1, RS, RE, or RA zoned Lot in the Hillside Area, pursuant to Section 12.21 C.10 of this Code, Hillside Area Grade shall be defined as the Elevation of the finished or natural surface of the ground, whichever is lower, or the finished surface of the ground established in conformance with a grading plan approved pursuant to a recorded tract or parcel map action. Retaining walls shall not raise the effective Elevation of Grade for purposes of measuring Height of a Building or Structure.

GRADING. Any Cut or Fill, or combination thereof, or recompaction of soil, rock or other earth materials.

GRADING, LANDFORM. A contour grading method which creates artificial Slopes with curves and varying Slope ratios in the horizontal plane designed to simulate the appearance of surrounding natural terrain. The graded Slopes are non-linear in plan view, have varying Slope gradients, and significant transition zones between human-made and natural Slopes resulting in pad configurations that are irregular. The

concept of Landform Grading incorporates the created ravine and ridge shapes with protective drainage control systems and integrated landscaping designs.

GRADING, REMEDIAL. For the purposes of Section 12.21 C.10 of this Code, Remedial Grading shall mean grading recommended by a California Licensed Geologist and/or Licensed Engineer prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety-Grading Division, that is necessary to mitigate a geologic or geotechnical hazard on a site (including for access driveways), including, but not limited to: 1) correction of hazardous soil and earth conditions, when notified by the Department of Building and Safety in accordance with Section 91.7005.7 of this Code, 2) removal and re-compaction of soil for a Building site to remediate expansive, compressible or seismically unstable soils, 3) grading required to provide a minimum factor of safety of 1.5 for stability of slopes, and/or 4) grading to bring existing steep non-conforming graded slopes into conformance with current Code requirements for fill and excavated slope gradients.

LOT, DOWNHILL. A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a higher Elevation than the Rear Lot Line.

LOT, UPHILL. A Lot for which the Front Lot Line, or Street which serves as the primary vehicular access point for the required parking, is at a lower Elevation than the Rear Lot Line.

ROOF, LATTICE. A roof covering constructed as an Open Egg-Crate Roof or Spaced Roof. An Open Egg-Crate roof is constructed of lattice members so that a sphere of 10 inches minimum in diameter can pass through. All lattice members must have a minimum nominal width of 2 inches. A Spaced Roof is constructed of members running in one direction only with a minimum clear spacing between the members of not less than 4 inches. In addition, beams supporting and placed perpendicular to the members shall be spaced not less than 24 inches on center. All members or beams must have a minimum nominal width of 2 inches.

SLOPE. An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance (i.e. 2:1 or 1:1) or as a percentage (i.e. 50% or 100%).

SLOPE BAND. The area of a property contained within a defined Slope interval as identified in Section 12.21 C.10 of this Code and shown on a Slope Analysis Map prepared by a licensed surveyor based on a survey of the natural/existing topography. Slope bands need not necessarily be located in a contiguous manner and can be one or more areas as small or as large as they exist on said property.

SUBSTANDARD HILLSIDE LIMITED STREET. A Street which does not meet the minimum requirements of a Standard Hillside Limited Street as defined in Section

12.03 of this Code (public or private) with a width less than 36 feet and paved to a roadway width of less than 28 feet, as determined by the Bureau of Engineering.

Sec. 2. The definitions of "Floor Area" and "Residential Floor Area" in Section 12.03 of the Los Angeles Municipal Code are amended to read:

FLOOR AREA. The area in square feet confined within the exterior walls of a Building, but not including the area of the following: exterior walls, stairways, shafts, rooms housing Building-operating equipment or machinery, parking areas with associated driveways and ramps, space for the landing and storage of helicopters, and Basement storage areas.

Buildings on properties zoned RA, RE, RS, and R1, except properties in the Coastal Zone which are not designated as Hillside Area, are subject to the definition of Residential Floor Area.

FLOOR AREA, RESIDENTIAL. The area in square feet confined within the exterior walls of a Building or Accessory Building on a Lot in an RA, RE, RS, or R1 Zone. Any floor or portion of a floor with a ceiling height greater than 14 feet shall count as twice the square footage of that area. The area of stairways and elevator shafts shall only be counted once regardless of ceiling height. Area of an attic or portion of an attic with a ceiling height of more than seven feet shall be included in the Floor Area calculation.

Except that the following areas shall not be counted:

1. **Required Covered Parking.** The total area of 200 square feet per required covered parking area.
2. **Detached Accessory Buildings.** Detached Accessory Buildings not exceeding 200 square feet; however, the total combined area exempted of all these Accessory Buildings on a Lot shall not exceed 400 square feet.
3. **Covered Porches, Patios, and Breezeways.** For Lots not located in the Hillside Area or Coastal Zone, the first 250 square feet of attached porches, patios, and breezeways with a solid roof if they are open on at least two sides.

For Lots located in the Hillside Area, the exempted area shall be limited to 5% of the maximum Residential Floor Area for a Lot, but need not be less than 250 square feet, and:

- a. Attached porches or patios with a solid roof may be open on only one side if two of the other sides are retaining walls.

b. Breezeways no wider than 5 feet and no longer than 25 feet connecting a garage at the Street level to a Dwelling, either directly or through a stairway or elevator, shall not count as Residential Floor Area and shall not be counted against the aforementioned exemption.

4. **Lattice Roof Porches, Patios, and Breezeways.** Porches, patios, and breezeways that have an open Lattice Roof, as defined in this Section.

5. **Over-In-Height Ceilings.** The first 100 square feet of any Story or portion of a Story of the main Building on a Lot with a ceiling height greater than 14 feet shall be counted only once. Except that in the Hillside Area, for a room or portion of a room which has a floor height below the exterior Grade (or "sunken rooms"), when the ceiling height as measured from the exterior natural or finished Grade, whichever is lower, is not greater than 14 feet it shall only be counted once.

6. **Basements.** For Lots not located in the Hillside Area or Coastal Zone, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 2 feet in height at any point above the finished or natural Grade, whichever is lower.

For Lots located in the Hillside Area, a Basement when the Elevation of the upper surface of the floor or roof above the Basement does not exceed 3 feet in height at any point above the finished or natural Grade, whichever is lower, for at least 60% of the perimeter length of the exterior Basement walls.

For all Lots, a maximum of 2 light-wells which are not visible from a public right-of-way and do not project more than 3 feet from the exterior walls of the Basement and no wider than 6 feet shall not disqualify said Basement from this exemption.

Sec. 3. Subsection D of Section 12.04 of the Los Angeles Municipal Code is amended to read:

D. Supplemental Use Districts. Certain portions of the City are also designated as being in one or more of the following districts, by the provision of Article 3 of this Chapter:

"O"	Oil Drilling District
"S"	Animal Slaughtering
"G"	Surface Mining District
"RPD"	Residential Planned Development District
"K"	Equinekeeping District
"CA"	Commercial and Artcraft District
"POD"	Pedestrian Oriented District
"CDO"	Community Design Overlay District
"MU"	Mixed Use District

“FH”	Fence Height District
“SN”	Sign District
“RFA”	Residential Floor Area District
“NSO”	Neighborhood Stabilization Overlay District
“HS”	Hillside Standards Overlay District

The “**Zoning Map**” is amended to indicate these districts and the boundaries of each district.

Land classified in one or more of the Supplemental Use Districts listed above shall be classified in one or more zones. Land classified in the “P” Automobile Parking Zone may also be classified in an “A” or “R” Zone.

These classifications are indicated on the “**Zoning Map**” with a combination of symbols, e.g., **R2-2-O**, **C2-4-S**, **M1-3-G**, **M1-1-P** and **R2-O**, **C2-G**, etc., where height districts have not been established.

Sec. 4. The first unnumbered paragraph of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

17. **One-Family Dwellings, Accessory Buildings and Additions. Hillside Regulations.** Notwithstanding any other provisions of this Code to the contrary, the following regulations shall apply to any Major Remodel - Hillside, or construction of or addition to any One-Family Dwelling or Accessory Building on a Lot in the A1, A2 or RD Zones which is located in whole or in part in a Hillside Area as defined in Section 12.03 of this Code.

Sec. 5. Subparagraph (2) of Paragraph (b) of Subdivision 17 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is amended to read:

(2) For any main Building on a Lot in the RD Zones, the above required Side Yard or the Side Yard required by the zone in which the Lot is located, whichever requirement is greater, shall be increased one foot for each increment of ten feet or fraction thereof above the first 18 feet of height of the main Building.

Sec. 6. Subsection C of Section 12.21 of the Los Angeles Municipal Code is amended by adding a new Subdivision 10 to read:

10. **Single-Family Zone Hillside Area Development Standards.** Notwithstanding any other provisions of this Code to the contrary, for any Lot zoned R1, RS, RE, or RA and designated Hillside Area on the Department of City Planning Hillside Area Map, no Building or Structure nor the enlargement of any Building or Structure shall be erected or maintained unless the following development standards are provided and maintained in connection with the Building, Structure, or enlargement:

(a) **Setback Requirements.** No Building or Structure shall be erected, maintained or enlarged unless the setbacks as outlined in Table 12.21 C.10-1 are provided and maintained in connection with the Building, Structure, or enlargement.

Table 12.21 C.10-1 Single-Family Zone Hillside Area Setback Requirements								
	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
Front Yard								
Not less than:	20% of Lot Depth							
Need not exceed:	20 ft	25 ft						
Side Yard								
Not less than:	5 ft	7ft	10% of Lot Width, but not less than 5 ft	10 ft				
Need not exceed:	n/a			10 ft	n/a			
The required Side Yard may be reduced to 10% of the Lot Width, but in no event to less than 3 ft, where the Lot is less than the following widths:	50 ft	70 ft	n/a		70 ft*			
For Buildings or Structures with a height greater than 18 feet:	One additional foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof above the first 18 feet.							
Rear Yard								
Not less than:	15 ft	20 ft	25% of Lot Depth					
Need not exceed:	n/a		25 ft					
ft – feet n/a – the provision is not applicable Lot Depth – as defined in Section 12.03 of this Code Lot Width – as defined in Section 12.03 of this Code Notes: * Only applicable for Lots which are of record prior to July 1, 1966.								

Notwithstanding the required yards, or setbacks, outlined in Table 12.21 C.10-1 above, or those exceptions found in Section 12.22 of this Code, the following provisions shall apply:

- (1) **Prevailing Front Yard Setbacks.**

(i) Where there are two or more developed Lots which have Front Yards that vary in depth by not more than 10 feet, and such Lots comprise 40% or more of the Frontage, then the minimum Front Yard depth shall be the average depth of the Front Yards of such Lots.

(ii) Where there are two or more possible combinations of developed Lots comprising 40% or more of the Frontage, and these Lots have Front Yards that vary in depth by not more than 10 feet, then the minimum Front Yard depth shall be the average depth of the Front Yards of that combination which has the shallowest average depth.

(iii) In determining the required Front Yard, the following shall not be taken into account: Buildings located on key Lots, entirely on the rear half of Lots, or on Lots in the "C" or "M" Zones.

(iv) Nothing contained in this subparagraph (1) shall, however, be deemed to require Front Yards which exceed 40 feet in depth.

(2) **Front Yard Setback on Lots Fronting on Substandard Hillside Limited Street.** For any Lot that fronts on a Substandard Hillside Limited Street, there shall be a minimum Front Yard setback of at least five feet. However, the prevailing Front Yard setback regulations, as outlined in Subparagraph (1) of this Paragraph (a), shall apply, so long as a Front Yard setback of no less than five feet is provided.

(3) **Front Yard Setbacks on Key Lots.** On Key Lots, the minimum Front Yard may be the average of the required Front Yard for the adjoining Interior Lot and the required Side Yard along the Street side of a Reversed Corner Lot. But such minimum Front Yard may apply for a distance of not more than 85 feet from the rear Lot line of the Reversed Corner Lot, beyond which point the Front Yard specified in Table 12.21 C.10-1 or Subparagraph (1) of this Paragraph (a) shall apply. Where existing Buildings on either or both of said adjoining Lots are located nearer to the front or side Lot lines than the Yard required by this Paragraph (a), the Yards established by such existing buildings may be used in computing the required Front Yard for a Key Lot.

(4) **Front Yard Setbacks on Through Lots.** At each end of a Through Lot, there shall be a Front Yard setback as required by this Paragraph (a) for the zone in which each Street

Frontage is located. But only one Front Yard need be provided on those Through Lots which abut on a primary, Major or Secondary Highway, as such highways are shown on the "Highways and Freeways Element of the General Plan", when the rights to vehicular ingress and egress from such Through Lots to the highways have been abandoned or prohibited by a tract restriction. Where only one Front Yard is required on a Through Lot, as provided herein, the Rear Yard shall be located on the portion of such Lot adjacent to the highway.

Where a Through Lot is less than 150 feet in depth or is developed as a single Building site, and the two required Front Yards are provided, no Rear Yard is required.

(5) **Front Yard Paving.** All portions of the required Front Yard not used for necessary driveways and walkways, including decorative walkways, shall be used for planting, and shall not otherwise be paved.

(6) **Front Yard on Lots Existing Prior to June 1, 1946.** This provision shall apply to any Lot of less than one acre which was of record or held in separate ownership on June 1, 1946, or was subsequently created either by the recording of a division of land map or otherwise in accordance with the applicable zoning regulations. On any such Lot, the originally required Front Yard shall be provided and maintained in addition to any new Front Yard required by any subsequent rearrangement of the Lot lines by sale or division (without recording a subdivision map) creating a new Lot fronting on a different Street than that on which the original Lot fronted.

(7) **Side and Rear Yards for Basements.** In determining the required Side and Rear Yards of a Building, any Basement containing Habitable Rooms shall be considered a Story.

(8) **Yards in the Coastal Zone.** The following setback requirements shall apply to Lots located in a Coastal Zone:

(i) On a Lot in the RE9 or RE11 Zone, there shall be a Side Yard on each side of a main Building of not less than 5 feet. Where the Lot is less than 50 feet in width, the Side Yard may be reduced to 10% of the width of the Lot, but in no event less than 3 feet.

(ii) In lieu of the additional Side Yard requirement in Table 12.21 C.10-1, for a Building more than two-stories in

height on Lots in the R1, RS, or RE Zone, one foot shall be added to the width of each required Side Yard for each additional Story above the second Story.

(iii) On a Lot in the RA Zone, where a Side Yard is less than 10 feet in width, and the Building erected on the Lot is three or more Stories in height, one foot shall be added to such Side Yard.

(9) **Side Yards in Specific Plans, Historic Preservation Overlay Zones or in Subdivision Approvals.** Side Yard requirements in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over requirements of this Subdivision 10. Otherwise, this Subdivision shall apply.

(10) **Encroachments Into Required Yards.** Every required Front, Side and Rear Yard shall be open and unobstructed from the ground to the sky except for the following:

(i) **Garages in Front Yards.** A Private Garage may be located on the required Front Yard of a Lot where the Elevation of the ground at a point 50 feet from the front Lot line of a Lot and midway between the side Lot lines differs 10 feet or more from the curb level, provided every portion of the garage Building is at least 5 feet from the front Lot line. Where the wall of such garage is two-thirds below natural or finished Grade of the Lot, whichever is lower, said wall may extend to the adjacent side Lot line; in all other cases, said garage shall not be nearer to the side Lot line than the width of the Side Yard required for a main Building of the same height.

(ii) **Open, Unenclosed Stairways, Porches, Platforms, Landing Places, or Balconies.** Notwithstanding any other provisions of this Code, on Lots fronting onto a Substandard Hillside Limited Street, open unenclosed stairways, porches, platforms and landing places not covered by a roof or canopy shall not project or extend into the Front Yard. Balconies with 10 feet or more of vertical clearance beneath them may project or extend no more than 30 inches into a Front Yard.

(iii) **Other Exceptions.** All of those exceptions found in Subdivision 5 of Subsection C of Section 12.21 and in Section 12.22 of this Code.

(11) **Pools, Ponds, or Body of Water in Required Yards.** No swimming pool, fish pond or other body of water which is designed or used to contain water 18 inches or more in depth shall be permitted in any required Yard Space in which fences over 42 inches in height are prohibited, even though the pool, pond or body of water extends below the adjacent natural ground level.

(12) **Zoning Administrator's Authority.** For Lots fronting on a Substandard Hillside Limited Street, a Zoning Administrator may grant a reduction of the front Setback requirements of Subparagraph (2) of this Paragraph and Side Yard requirements in Table 12.21 C.10-1, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code; however, in no event shall the Side Yard be less than 4 feet.

(b) **Maximum Residential Floor Area.** The maximum Residential Floor Area contained in all Buildings and Accessory Buildings shall not exceed the sum of the square footage of each Slope Band multiplied by the corresponding Floor Area Ratio (FAR) for the zone of the Lot, as outlined in Table 12.21 C.10-2a. This formula can be found in Table 12.21 C.10-2-b, where "A" is the area of the Lot within each Slope Band, "FAR" is the FAR of the corresponding Slope Band, and "RFA" is the sum of the Residential Floor Area of each Slope Band.

Slope Bands (%)	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
0 – 14.99	0.5	0.45	0.40	0.40	0.35	0.35	0.35	0.25
15 – 29.99	0.45	0.40	0.35	0.35	0.30	0.30	0.30	0.20
30 – 44.99	0.40	0.35	0.30	0.30	0.25	0.25	0.25	0.15
45 – 59.99	0.35	0.30	0.25	0.25	0.20	0.20	0.20	0.10
60 – 99.99	0.30	0.25	0.20	0.20	0.15	0.15	0.15	0.05
100 +	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Table 12.21 C.10-2b Hillside Area Maximum Residential Floor Area Formula					
Slope Bands (%)	Area (sq-ft)		FAR		Residential Floor Area
0 – 14.99	A ¹	X	FAR ¹	=	RFA ¹
15 – 29.99	A ²	X	FAR ²	=	RFA ²
30 – 44.99	A ³	X	FAR ³	=	RFA ³
45 – 59.99	A ⁴	X	FAR ⁴	=	RFA ⁴
60 – 99.99	A ⁵	X	FAR ⁵	=	RFA ⁵
100 +	A ⁶	X	FAR ⁶	=	RFA ⁶
Maximum Residential Floor Area				=	Sum of RFA ¹ through RFA ⁶

(1) **Slope Analysis Map.** As part of an application for a permit to the Department of Building and Safety, or for a Discretionary Approval as defined in Section 16.05 B of this Code to the Department of City Planning, the applicant shall submit a Slope Analysis Map based on a survey of the natural/existing topography, prepared, stamped, and signed by a registered civil engineer or licensed land surveyor, to verify the total area (in square feet) of the portions of a property within each Slope Band identified in Table 12.21 C.10-2a. The Director of Planning, or his/her designee, shall verify that the Slope Analysis Map has been prepared by a registered civil engineer or licensed land surveyor. In addition, the Director of Planning, or his/her designee shall approve the calculated Maximum Residential Floor Area for the Lot by the registered civil engineer or licensed land surveyor using the Slope Analysis Map prior to applying for a permit from the Department of Building and Safety.

The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with two-foot intermediates. The map shall also indicate the datum, source, and scale of topographic data used in the Slope analysis, and shall attest to the fact that the Slope analysis has been accurately calculated.

The Slope Analysis Map shall clearly delineate/identify the Slope Bands (i.e. with contrasting colors or hatching), and shall include a tabulation of the total area in square-feet within each Slope Band, as well as the FAR and Residential Floor Area value of each corresponding Slope Band as shown on Table 12.21 C.10-2b.

The Slope Analysis Map shall be prepared using CAD-based, GIS-based, or other type of software specifically designed for such purpose.

(2) **Guaranteed Minimum Residential Floor Area.**

Notwithstanding the above, the maximum Residential Floor Area for all Buildings and Accessory Buildings on any Lot may be least the percentage of the Lot size as outlined in Table 12.21 C.10-3 below or 1,000 square feet, whichever is greater.

Zone	Percentage of Lot Size
R1	25%
RS	23%
RE9	20%
RE11	20%
RE15	18%
RE20	18%
RE40	18%
RA	13%

The guaranteed minimum for the original zone as stated in the paragraph above shall apply to Lots that meet the following criteria: have an area that is less than 50% of the minimum Lot size for its Zone, were made nonconforming in Lot size as a result of an adopted zone change or code amendment changing the minimum Lot size, and met the minimum Lot size requirements of the original zone.

(3) **Residential Floor Area Bonus.** An additional 20% of the maximum Residential Floor Area as determined by Table 12.21 C.10-2 of this Paragraph (b), or an additional 30% for Lots where the guaranteed minimum outlined in Subparagraph (2) of this Paragraph (b) is utilized, for that Lot shall be allowed if any of the options listed below is utilized. Only one bonus per property is allowed.

(i) **Proportional Stories Option.** The total Residential Floor Area of each Story other than the Base Floor in a multi-Story Building does not exceed 75% of the Base Floor Area. This option shall only apply to flat Building pads where the Slope of the Building pad area prior to any Grading, as measured from the highest and lowest Elevation points of the existing Grade within 5 horizontal feet of the exterior walls of the proposed Building or Structure, is less than 15%; or

(ii) **Front Facade Stepback Option.** The cumulative length of the exterior walls which are not a part of a garage facing the Front Lot Line, equal to a minimum of

25% of the Building width, shall be stepped-back a distance of at least 20% of the Building depth from a plane parallel to the Lot width established at the point of the Building closest to the Front Lot line. When the Front Lot line is not straight, a line connecting the points where the Side Lot lines and the Front Lot line intersect shall be used to establish the plane parallel to the front Lot width. When Through Lots have, or are required to provide, two Front Yard setbacks, the step-back shall be provided along both Front Lot Lines. When referred by the Department of Building and Safety, for unusual Building and/or Lot configuration, the Director of Planning or his/her designee shall determine that the proposed project complies with this provision and qualifies for a Residential Floor Area bonus.

For the purposes of this provision, all exterior walls that intersect a plane parallel to the Front Lot Line at 45 degrees or less shall be considered to be facing the Front Lot Line. The Building width shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot width. The Building depth shall be the greatest distance between the exterior walls of the Building measured parallel to the Lot depth.

This option shall only apply to Structures which are no more than 35 feet from the Frontage along an improved Street and on a "flat" Building pad where the Slope of the Building pad prior to any Grading, as measured from the highest point of the existing Grade within 5 horizontal feet of the exterior wall of the proposed Building or Structure to the lowest point of the existing natural Grade within 5 horizontal feet, is less than 15%; or

(iii) **Cumulative Side Yard Setbacks Option.**

The combined width of Side Yards shall be at least 25% of the total Lot Width, as defined in Section 12.03 of this Code, but in no event shall a single Side Yard setback be less than 10% of the Lot Width or the minimum required by Paragraph (a) of this Subdivision, whichever is greater. One foot shall be added to each required Side Yard for each increment of 10 feet or fraction thereof of height above the first 18 feet of height. The width of a required Side Yard setback shall be maintained for the entire length of a Side Yard and cannot alternate from one Side Yard to the other; or

(iv) **18-Foot Envelope Height Option.** For properties which are not in the "1SS" Single-Story Height District, the maximum envelope height, measured pursuant to Subparagraph (1) of Paragraph (d) of this Subdivision 10, shall be no more than 18 feet; or

(v) **Multiple Structures Option.** In addition to the Lot coverage requirements in Paragraph (e) of this Subdivision, any one Building and Structure extending more than 6 feet above Hillside Area Grade, as defined in Section 12.03 of this Code, shall cover no more than 20% of the area of a Lot. Such Buildings or Structures may only be connected by one breezeway, fully enclosed walkway, elevator, or combination thereof of not more than 5 feet in width; or

(vi) **Minimal Grading Option.** For properties where at least 60% of the Lot is comprised of Slopes which are 30% or greater, as determined by a Slope Analysis Map prepared in accordance with Subparagraph (1) of this Paragraph (b), the total amount of any Grading on the site (including exempted Grading, as outlined in Paragraph (f) of this Subdivision (10)) does not exceed the numeric value of 10% of the total Lot size in cubic yards or 1,000 cubic yards, whichever is less (example: a project involving 500 cubic-yards of Grading on a 5,000 square-foot Lot will be eligible for this bonus option); or

(vii) **Green Building Option.** For a new One-Family Dwelling only, the new construction must satisfy the Tier 1 requirements or higher of the LA Green Building Code, as defined in Section 99.01.101.1 of this Code.

(4) **Zoning Administrator's Authority.**

(i) **10% Adjustments.** The Zoning Administrator has the authority to grant adjustments from the requirements of this Paragraph (b) of not more than 10%, pursuant to the authority and procedures established in Subsection A of Section 12.28 of this Code.

(ii) **Additions to Structures Existing Prior to August 1, 2010.** The Zoning Administrator has the authority to approve any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the

requirements of this Paragraph (b), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code, provided:

a. the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

b. the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of this Subdivision 10 below, whichever is greater; and

c. at least two off-street covered parking spaces are provided.

(c) **Verification of Existing Residential Floor Area.** For additions with cumulative Residential Floor Area of less than 1,000 square feet constructed after August 1, 2010, or remodels of Buildings built prior to August 1, 2010, the existing Residential Floor Area shall be the same as the Building square footage shown on the most recent Los Angeles County Tax Assessor's records at the time the plans are submitted to the Department of Building and Safety and a plan check fee is paid. Except that Residential Floor Area may be calculated as defined in Section 12.03 of this Code when a complete set of fully dimensioned plans with area calculations of all the Structures on the Lot, prepared by a licensed architect or engineer, is submitted by the applicant.

Any work that does not qualify as a remodel, as defined in the paragraph below, or additions that are 1,000 square feet or larger shall require a complete set of fully dimensioned plans with area calculations of all the Structures on the Lot prepared by a licensed architect or engineer.

For the purposes of implementing this Paragraph (c), a remodel shall mean the alteration of an existing Building or Structure provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

(d) **Height Limits.** No portion of a Building or Structure shall be erected or enlarged which exceeds the envelope height limits as outlined in Table 12.21 C.10-4, or as otherwise stated in the paragraphs below. For the provisions below, whenever Grade is mentioned, it shall mean Hillside Area Grade as defined in Section 12.03 of this Code.

Table 12.21 C.10-4 Maximum Height of Structures (in feet)								
Height Districts	R1	RS	RE9	RE11	RE15	RE20	RE40	RA
When the roof of the uppermost Story of a Building or Structure or portion thereof has a Slope of 25% or greater, the maximum height for said portion of Building or Structure thereof shall be as follows:								
1, 1L, & 1VL	33	33	33	36	36	36	36	36
1XL	30	30	30	30	30	30	30	30
1SS	22	22	22	22	22	22	22	22
When the roof of the uppermost Story of a Building or Structure or portion thereof has a Slope of less than 25%, the maximum height for said portion of Building or Structure thereof shall be as follows:								
1, 1L, & 1VL	28	28	28	30	30	30	30	30
1XL	28	28	28	30	30	30	30	30
1SS	18	18	18	18	18	18	18	18

(1) **Measurement of Height.** Notwithstanding any other provision in this Code, the height limits in Table 12.21 C.10-4 shall be measured as set forth below.

(i) **Maximum Envelope Height.** Envelope height (otherwise known as vertical height or “plumb line” height) shall be the vertical distance from the Grade of the site to a projected plane at the roof Structure or parapet wall located directly above and parallel to the Grade. Measurement of the envelope height shall originate at the lowest Grade within 5 horizontal feet of the exterior walls of a Building or Structure. At no point shall any given section of any part of the proposed Building or Structure exceed the maximum envelope height.

A topographic map shall be submitted as a separate plan sheet or as part of the site plan identifying the 5-foot perimeter of the exterior walls, or any other information which the Department of Building and Safety deems necessary to determine compliance with this Paragraph (i).

(2) **Zoning Administrator’s Authority.** A Zoning Administrator may allow Structures which exceed the maximum envelope height requirements of Subparagraph (1) of this Paragraph (d); however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet, pursuant to the authority and procedures established in Subdivision

28 of Subsection X of Section 12.24 of this Code. The overall height shall be measured from the lowest Elevation point within 5 horizontal feet of the exterior walls of a Building or Structure to the highest Elevation point of the roof Structure or parapet wall.

(3) **Prevailing Height.** Notwithstanding Table 12.21 C.10-4 of this Paragraph (d), when 40% or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum envelope height for any Building on that block may be the average height of the Dwellings exceeding these limits.

(4) **Lots in a Single-Story Height District.** As enabled by Section 12.21.1 A.1 of this Code, on Lots in a "SS" Single Story Height District, shown as "1SS" on a Zoning Map, no Building or Structure shall be erected or enlarged which exceeds one Story.

Notwithstanding the provision in Section 12.21.1 A.8, in determining the number of Stories, any Basement which is exempt from the Residential Floor Area calculation, as outlined in Section 12.03 of this Code, shall not be considered a Story.

(5) **Lots Fronting on Substandard Hillside Limited Streets.** For any Lot-fronting onto a Substandard Hillside Limited Street, as defined in Section 12.03, and subject to the 5-foot Front Yard setback, no portion of a Building or Structure within 20 feet of the Front Lot Line shall exceed 24 feet in height. The 24 foot maximum Building and Structure height shall be measured from the Elevation at the centerline or midpoint of the Street on which the Lot fronts.

(6) **Unenclosed/Uncovered Rooftop Decks and Cantilevered Balconies.** Unenclosed/uncovered rooftop decks, cantilevered balconies and "visually permeable railing" (no more than 42 inches in height), may project beyond the maximum envelope height, as limited and measured in Subparagraph (1) of this Paragraph (d), no more than 5 horizontal feet.

For the purposes of this Subparagraph (6), "visually permeable railing" means railing constructed of material that is transparent, such as glass or plastic panels, or wrought iron or other solid material which is 80% open to light and air.

(7) **Roof Structures.** Roof Structures as described in Table 12.21 C.10-5 below, or similar Structures, may be erected above the height limit specified in Table 12.21 C.10-4.

Table 12.21 C.10-5 Projecting Roof Structures		
Roof Structures	Projection Above Height Limit	Setback from Roof Perimeter
Elevator Housing	No more than 5 feet.	Not less than 5 feet.
Tanks		
Ventilating Fans or similar equipment required to operate and maintain the Building.		
Skylights, covering up to 33 1/13% of the roof area upon which the skylight is constructed.		
Towers		
Steeple		
Flagpoles		
Smokestacks		
Wireless Masts		
Water Tanks		
Silos		
Solar Energy Devices		
Chimneys		
Exhaust Ducts/Ventilation Shafts	None.	
Stairway Housing, no larger than 36 square-feet.		
Skylights, covering more than 33 1/3% of the roof area upon which the skylight is constructed.	No more than 30 inches.	

No roof Structure or any other space above the height limit specified in Table 12.21 C.10-4 shall be allowed for the purpose of providing additional floor space.

(8) **Specific Plans, Historic Preservation Overlay Zones or Subdivision Approvals.** Height limitations in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of this Section 12.21. Otherwise, this Section 12.21 shall apply.

(e) **Lot Coverage.** Buildings and Structures extending more than 6 feet above natural ground level shall cover no more than 40% of the area of a Lot.

(1) **Lot Coverage on Substandard Lots.** Notwithstanding Paragraph (e) above, for a Lot which is substandard as to width (less than 50 feet) and as to area (less than 5,000 square feet), Buildings and Structures shall cover no more than 45% of the area of a Lot.

(2) **Zoning Administrator's Authority.** A Zoning Administrator may grant limited deviations from these requirements, pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code.

(f) **Grading.** Notwithstanding any other provisions of this Code, total Grading (Cut and Fill) on a Lot shall be limited as outlined below. No Grading permits shall be issued until a Building permit is approved.

(1) **Maximum Grading Quantities.** The cumulative quantity of Grading, or the total combined value of both Cut and Fill or incremental Cut and Fill, for any one property shall be limited to a base maximum of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards. Example: a 5,000 square-foot Lot would have a maximum Grading amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards for the 5% calculation).

However, the cumulative quantity of Grading shall not exceed the maximum "by-right" Grading quantities outlined by Zone in Table 12.21 C.10-6 below.

Table 12.21 C.10-6 Maximum "By-Right" Grading Quantities	
Zone	Maximum Grading (cubic yards)
R1	1,000
RS	1,100
RE9	1,200
RE11	1,400
RE15	1,600
RE20	2,000
RE40	3,300
RA	1,800

(2) **Import/Export Limits.** The maximum quantity of earth import or export shall be limited to the following quantities:

(i) **Lots Fronting on Standard Hillside Limited Streets or Larger.** For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, the maximum quantity of earth import shall be no more than 500 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in Subparagraph (1) of this Paragraph (f). The maximum

quantity of earth export shall be no more than 1,000 cubic yards.

(ii) **Lots Fronting on Substandard Hillside Limited Streets.** For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, the maximum quantity of earth import shall be no more than 375 cubic yards, where additional Grading on-site in conjunction with the amount of import does not exceed the requirements established in Subparagraph (1) of this Paragraph (f). The maximum quantity of earth export shall be no more than 750 cubic yards.

(iii) **Exempted On-Site Grading Activity.** Earth quantities which originate from, or will be utilized for any exempted Grading activity listed in Subparagraph (3) of this Paragraph (f) shall be exempted from the maximum import and export quantities set forth in this Paragraph (f). A plan indicating the destination and/or source (i.e. exempted Grading activity or non-exempted Grading activity) of any import and/or export shall be submitted as part of a Grading permit application.

(3) **Exceptions.** The Grading activities outlined in the sub-subparagraphs below shall be exempt from the Grading and/or earth transport limitations established in Subparagraphs (1) and (2) of this Paragraph (f). However, any excavation from an exempted activity being used as Fill, outside of a 5-foot perimeter from the exempted Grading activities, for any other on-site purpose shall be counted towards the limits established in Subparagraph (1) of this Paragraph (f).

(i) Cut and/or Fill underneath the footprint of a Structure(s) (such as foundations, understructures including Basements or other completely subterranean spaces), as well as for water storage tanks, required stormwater retention improvements, and required animal keeping site development that do not involve the construction of any freestanding retaining walls.

(ii) Cut and/or Fill, up to 500 cubic yards, for driveways to the required parking or fire department turnaround closest to the accessible Street for which a Lot has ingress/egress rights.

(iii) Remedial Grading as defined in Section 12.03 of this Code as recommended in a Geotechnical Investigation Report, prepared in accordance with Sections 91.7006.2, 91.7006.3, and 91.7006.4 of this Code, and approved by the Department of Building and Safety - Grading Division.

(4) **Zoning Administrator's Authority.** A Zoning Administrator may grant the following deviations from the requirements of Subparagraphs (1) and (2) of this Paragraph (f), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code.

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of this Paragraph (f), but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street or larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (2) of this Paragraph (f).

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (2) of this Paragraph (f).

(5) **New Graded Slopes.** All new Graded Slopes shall be no steeper than 2:1 (horizontal:vertical), except when the Department of Building and Safety - Grading Division has determined that Slopes may exceed 2:1 pursuant to Section 91.105 of this Code.

(6) **Grading Activity on 100% Slopes.** Notwithstanding the Grading, Excavations and Fills provisions in Chapter IX of this Code (the Los Angeles Building Code), when any Grading activity is proposed on any slope of 100% or greater, as identified on the Slope Analysis Map, the Department of Building and Safety - Grading Division shall require the Geotechnical Investigation Report (also referred to as a soils and/or geological report) to

include the most stringent level of geotechnical analysis and reporting feasible, and in sufficient detail to substantiate and support the design and construction methods being proposed.

A Deputy Grading Inspector, also referred to as a Registered (Licensed) Deputy Inspector, paid for by the owner, will be required to be on site when said Grading activity is being conducted in order to ensure that all work is being done in accordance with the recommendations of the Geotechnical Report, the approved plans, and/or the applicable Grading requirements of the Los Angeles Building Code for applicable Grading or foundation earthwork in Hillside Areas.

(7) **Grading Plan Check Criteria.** Grading plans and reports shall be submitted for approval with Building plans, and shall include those items required by Section 91.7006 of this Code.

(g) **Off-Street Parking Requirements.** Notwithstanding those exceptions found in Section 12.22 of this Code, no Building or Grading permit shall be issued for the construction of any One-Family Dwelling, Accessory Building, or addition thereto, unless the following requirements are met.

(1) **Number of Required Covered Spaces.** There shall be at least two Automobile Parking Spaces on the same Lot with each One-Family Dwelling thereon. These required parking spaces shall be provided within a Private Garage. These required parking spaces shall not be provided or maintained within a required Front Yard, unless otherwise permitted by Subparagraph (10) of Paragraph (a) of this Subdivision 10.

(i) **Exception for Dwelling on Narrow Lot.** Where only one One-Family Dwelling is located on a nonconforming Lot 40 feet or less in width and not abutting an alley, only one Automobile Parking Space need be provided. This exception shall not apply to any Lot which fronts on a Substandard Hillside Limited Street.

(2) **Additional Required Spaces.** For a main Building and any Accessory Building located on a Lot which fronts on a Substandard Hillside Limited Street, excluding Floor Area devoted to required parking, which exceed a combined Residential Floor Area of 2,400 square feet, there shall be one additional parking space provided for each additional increment of 1,000 square feet or fraction thereof of Floor Area for a maximum of 5 total on-site spaces. These additional required parking spaces may be

uncovered. Notwithstanding the provisions of Subparagraph (1) of this Paragraph (g), when a Lot fronts onto a Substandard Hillside Limited Street, the additional parking spaces may be located within the required Front Yard.

(i) **Zoning Administrator's Authority.** A Zoning Administrator may reduce the number of off-street parking spaces required by Subparagraph (2) of this Paragraph (g), pursuant to the authority and procedures established in Subdivision 28 of Subsection X of Section 12.24 of this Code.

(3) **Parking Stall Dimensions.** In each parking area or garage devoted to parking for Dwelling uses, all Parking Stalls in excess of one per Dwelling Unit may be designed as compact stalls to accommodate parking cars. Every standard Parking Stall provided for Dwelling Units shall be at least 8 feet 6 inches in width and 18 feet in length; every compact stall shall be at least 7 feet 6 inches in width and 15 feet in length.

(4) **Tandem Parking.** Automobile parking may be parked in tandem in a Private Garage or Private Parking Area serving a One-Family Dwelling where the tandem parking is not more than two cars in depth. Each required Parking Stall within a parking area or garage shall be accessible. Tandem parking shall not be allowed in parking areas for recreational vehicles.

(5) **Garage Doors.** Any door or doors installed at the automobile entry to a garage serving a One-Family Dwelling where the required parking spaces are located shall be of conventional design constructed so as to permit the simultaneous entry of automobiles in each required parking space without damaging the door or door frame and constructed so as to permit the flow of air through the automobile entry when the door is in the fully closed position.

(6) **Driveway Width.** Every access driveway shall be at least 9 feet in width.

(7) **Mechanical Automobile Lifts and Robotic Parking Structures.** The stacking of two or more automobiles via a mechanical car lift or computerized parking Structure is permitted. The platform of the mechanical lift on which the automobile is first placed shall be individually and easily accessible and shall be placed so that the location of the platform and vehicular access to the platform meet the requirements of Paragraphs (a), (b), and (i) of

Subdivision 5 of Subsection A of Section 12.21 of this Code. The lift equipment or computerized parking Structure shall meet any applicable Building, Mechanical and Electrical Code requirements as approved by the Department of Building and Safety.

(h) **Fire Protection.** Notwithstanding any other provisions of this Code to the contrary, on a Lot fronting onto a Substandard Hillside Limited Street, or on any Lot located either more than 2 miles from a fire station housing a Los Angeles City Fire Department Truck Company or more than 1½ miles from a fire station housing a Los Angeles Fire Department Engine Company, the following fire protection measures shall be required.

(1) **New Buildings or Structures.** Any new construction of a One-Family Dwelling or detached Accessory Building shall be protected throughout with an approved automatic fire sprinkler system, in compliance with the Los Angeles Plumbing Code.

(2) **Existing Buildings or Structures.** An approved automatic fire sprinkler system in compliance with the Los Angeles Plumbing Code shall be installed:

(i) whenever an addition to an existing One-Family Dwelling or Accessory Building increases Residential Floor Area by 50% or more of the area of the existing Dwelling or Building; or

(ii) whenever the aggregate value of Major Remodels within a one-year period exceeds 50% of the replacement cost of the Dwelling or Accessory Building.

(3) **Fire Sprinkler Coverage.** The sprinkler systems required in this Paragraph shall be sufficient to cover the entire Dwelling or Building, unless otherwise determined by the Department of Building and Safety, and shall be installed in compliance with all applicable Codes.

(4) **Exempt Accessory Structures.** The provisions of this Paragraph shall not apply to accessory Structures such as gazebos, pergolas, or storage sheds provided these Structures are not supported by or attached to any portion of a Dwelling or Accessory Building and do not exceed 200 square feet in area.

(i) **Street Access.**

(1) **Street Dedication.** For any new construction of, or addition to, a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street, no Building permit or Grading permit shall be issued unless at least one-half of the width of the Street(s) has been dedicated for the full width of the Frontage of the Lot to Standard Hillside Limited Street dimensions or to a lesser width as determined by the City Engineer. The appellate procedures provided in Section 12.37 I of this Code shall be available for relief from this requirement.

(2) **Adjacent Minimum Roadway Width.** For any new construction of, or addition to a One-Family Dwelling on a Lot fronting on a Substandard Hillside Limited Street that is improved with a roadway width of less than 20 feet, no Building permit or Grading permit shall be issued unless the construction or addition has been approved pursuant to Section 12.24 X.28 of this Code.

(3) **Minimum Roadway Width (Continuous Paved Roadway).** For any new construction of, or addition to, a One-Family Dwelling on a Lot that does not have a vehicular access route from a Street improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area, no Building permit or Grading permit shall be issued unless the construction or addition meets the requirements of this Subdivision 10 or has been approved by a Zoning Administrator pursuant to Section 12.24 X.28 of this Code.

(j) **Sewer Connection.** No Building permit shall be issued for the construction of any new One-Family Dwelling on a Lot located 200 feet or less from a sewer mainline unless a sewer connection is provided to the satisfaction of the City Engineer.

(k) **Hillside Standards Overlay Districts.** The provisions of Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits), and (f) (Grading) of this Subdivision 10 may be superseded by a Hillside Neighborhood Overlay adopted pursuant to Section 13.14 of this Code.

(l) **Exceptions.** The provision of this Subdivision shall not apply to:

(1) **Tracts With CC&Rs Approved After February 1, 1985.** One-Family Dwellings, Accessory Buildings and additions thereto within a subdivision for which a tentative or final tract map

was approved by the City of Los Angeles after February 1, 1985, and is still valid, provided that the map resulted in the establishment of covenants, conditions and restrictions governing Building height, yards, open space or Lot coverage, and provided, further, that such covenants, conditions and restrictions were recorded on or after February 1, 1985.

(2) **Additions to Dwellings Built Prior to August 1, 2010.** Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which Building permits have been previously obtained, provided that:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 500 square feet (excluded from calculations of this 500 square foot limitations is Floor Area devoted to required covered parking); and

(ii) the resulting Building complies with the requirements of Paragraphs (a) (Setback Requirements), (d) (Height Limits), and (f) (Grading) of this Subdivision 10.

(3) **Hillside Major Remodel.** As defined in Section 12.03 of this Code, any remodeling of a main Building on a Lot in the Hillside Area, which does not add square footage and for which the aggregate value of all the alterations within a one-year period does not exceed 50% of the replacement cost of the main Building.

(4) **Northeast Los Angeles Hillside Ordinance.** Properties subject to the Northeast Los Angeles Hillside Ordinance established by Ordinance No. 180,403, shall be exempted from Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits), and (f) (Grading) of this Subdivision 10.

(5) **The Oaks Hillside Ordinance.** Properties subject to The Oaks Hillside Ordinance established by Ordinance No. 181,136, shall be exempted from Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits), and (e) (Lot Coverage) of this Subdivision 10.

(6) **Large Active Remedial Grading Projects.** Properties with active Remedial Grading permits for 100,000 cubic yards or more which have been issued by the Department of Building and Safety – Grading Division before July 1, 2010, are exempted from Paragraphs (b) (Maximum Residential Floor Area), (d) (Height Limits), and (f) Grading of this Subdivision. Such

properties shall remain subject to the provisions of Subdivision 17 of Subsection A of Section 12.21 of this Code, and Section 12.21.1 of this Code, and all other zoning and Building regulations applicable at the time Building Permits are issued. This exception shall expire 60 months after July 1, 2010.

Sec. 7. The second and third unnumbered paragraphs of Section 12.21.1 of the Los Angeles Municipal Code are replaced by the following three unnumbered paragraphs:

In the A1, A2, RZ, RMP, and RW2 Zones, and in those portions of the RD and R3 Zones, which are also in Height District No. 1, no Building or Structure shall exceed 45 feet in height. In the RA, RE, RS, R1 and R2 Zones in Height District No. 1, located in a Coastal Zone, no Building or Structure shall exceed 45 feet in height. In the RU and RW1 Zones, no Building or Structure shall exceed 30 feet in height. In the RA, RE, RS, and R1 Zones in Height District No. 1, located in a Hillside Area, as defined in Section 12.03 of this Code, no Building or Structure shall exceed the height limits established in Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of this Code.

Notwithstanding the preceding paragraph, the following height regulations shall apply on a Lot that is not located in a Hillside Area or Coastal Zone: In the R2 Zone, no Building or Structure shall exceed 33 feet in height. In the R1, RS, or RE9 Zones, no Building or Structure shall exceed 33 feet in height; except that when the roof of the uppermost Story of a Building or Structure or portion of the Building or Structure has a Slope of less than 25 percent, the maximum height shall be 28 feet. In the RE11, RE15, RE20, RE 40 or RA Zones, no Building or Structure shall exceed 36 feet in height; except that when the roof of the uppermost Story of a Building or Structure or portion of a Building or Structure has a Slope of less than 25 percent, the maximum height shall be 30 feet.

Notwithstanding the above, when 40 percent or more of the existing One-Family Dwellings with Frontage on both sides of the block have Building heights exceeding these limits, the maximum height for any Building on that block may be the average height of the Dwellings exceeding these limits. Height limitations in Specific Plans, Historic Preservation Overlay Zones or in subdivision approvals shall take precedence over the requirements of this Section 12.21.1. This section shall apply when there are no height limitations imposed on Lots by a Specific Plan or a Historic Overlay Zone or created by a subdivision approval.

Sec. 8. Subdivision 1 of Subsection A of Section 12.21.1 of the Los Angeles Municipal Code is amended to read:

1. The total Floor Area contained in all the main Buildings on a Lot in a commercial or industrial zone in Height District No. 1 shall not exceed one-and-one-half times the Buildable Area of the Lot; for a Lot in all other zones, except

the RA, RE, RS, and R1 Zones, the total Floor Area contained in all the main Buildings on a Lot in Height District No. 1 shall not exceed three times the Buildable Area of the Lot.

For RA, RE, RS, and R1 Zoned properties not located in a Hillside Area or Coastal Zone, the total Residential Floor Area shall comply with the Floor Area restrictions for each zone. For RA, RE, RS, and R1 Zoned properties located in a Hillside Area, as defined in Section 12.03 of this Code, the total Residential Floor Area shall comply with the limits established in Paragraph (b) of Subdivision 10 of Subsection C of Section 12.21 of this Code. For RA, RE, RS, and R1 Zoned properties in a Coastal Zone not located in a Hillside Area, as defined in Section 12.03 of this Code, the total Floor Area contained in all the main buildings on a Lot shall not exceed three times the Buildable Area of the Lot.

Portions of Height District No. 1 may be designated as being in an "L" Limited Height District, and no Building or Structure in Height District No. 1-L shall exceed six Stories, nor shall it exceed 75 feet in height. Portions of Height District No. 1 may be designated as being in a "VL" Very Limited Height District, and no Building or Structure in Height District No. 1-VL shall exceed three Stories, nor shall it exceed 45 feet in height. Notwithstanding that limitation, portions of Height District No. 1-VL that are also in the RAS3 or RAS4 Zones shall not exceed 50 feet in height. Portions of Height District No. 1 may also be designated as being in an "XL" Extra Limited Height District, and no Building or Structure in Height District No. 1-XL shall exceed two Stories, nor shall the highest point of the roof of any Building or Structure located in this District exceed 30 feet in height. In the RA, RE, RS, and R1 Zones, portions of Height District No. 1 may also be designated as being in an "SS" Single Story Limit Height District, and no Building or Structure in Height District No. 1-SS shall exceed one Story, nor shall the highest point of the roof of any Building or Structure located in this District exceed 18 feet in height. For the purposes of Height District No. 1-SS, a Basement does not count as a Story when the Elevation of the upper surface of the floor or roof above the Basement does not exceed two feet in height at any point above the finished or natural Grade, whichever is lower.

EXCEPTION: A Building in Height District Nos. 1-XL, 1-VL, designed and used entirely for residential purposes, or a Building in the RAS3 or RAS4 Zones shall be limited as to the number of feet in height, but not as to the number of Stories.

Sec. 9. Subdivision 1 of Subsection A of Section 12.23 of the Los Angeles Municipal Code is amended by adding a new Paragraph (c) to read:

(c) A Building, nonconforming as to the Residential Floor Area regulations on properties zoned RA, RE, RS, and R1, not including properties in

the Coastal Zone which are not located in a Hillside Area, as defined in Section 12.03 of this Code, shall not be added to or enlarged in any manner, except as may be approved or permitted pursuant to a discretionary approval, as that term is defined in Section 16.05 B. of this Code. However, alterations, other than additions or enlargements, may be made provided that at least 50 percent of the perimeter length of the contiguous exterior walls and 50 percent of the roof are retained.

Sec. 10. The first unnumbered paragraph of Subdivision 11 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

A Zoning Administrator may, upon application, permit Buildings and Structures on Lots in the A1, A2, and RD Zones which are located in a Hillside Area as defined in Section 12.03 of this Code to:

Sec. 11. Paragraph (a) of Subdivision 21 of Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended to read:

(a) **Requirements.** If an owner seeks relief, a Zoning Administrator may permit the Grading and construction of Buildings and Structures on Lots in the A1, A2 and RD Zones, which:

Sec. 12. Subsection X of Section 12.24 of the Los Angeles Municipal Code is amended by adding a new Subdivision numbered 28 to read:

28. **Single-Family Zones in Hillside Area.** A Zoning Administrator may, upon application, grant the deviations outlined in Paragraph (a) of this Subdivision 28 on Lots in the R1, RS, RE, and RA Zones which are located in a Hillside Area as defined in Section 12.03 of this Code.

(a) **Zoning Administrator Authority.** If an owner seeks relief, a Zoning Administrator has the authority to grant the following deviations:

(1) **Setback Requirements.** A reduction of the Front and Side Yard setback requirements outlined in Paragraph (a) of Subdivision 10 of Subsection C of Section 12.21 of this Code for Lots fronting on a Substandard Hillside Limited Street; however, in no event shall the Side Yard be less than 4 feet.

(2) **Additions to Structures Existing Prior to August 1, 2010.** Any additions made after August 1, 2010, to a One-Family Dwelling existing prior to that date for which permits have been previously obtained which exceed the requirements of Paragraph (b) of Subdivision 10 of Subsection C of Section 12.21 of this Code, provided:

(i) the total cumulative Residential Floor Area of all such additions does not exceed 1,000 square feet; and

(ii) the resulting Building does not exceed the height of the original Building or the height permitted in Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of this Code, whichever is greater; and

(iii) at least two off-street covered parking spaces are provided.

(3) **Height.** Exceed the maximum envelope height requirements required by Paragraph (d) of Subdivision 10 of Subsection C of Section 12.21 of this Code; however, the increase in height may not result in a Building or Structure which exceeds an overall height of 45 feet. The overall height shall be measured from the lowest Elevation point, within 5 horizontal feet of the exterior walls of a Building or Structure, to the highest elevation point of the roof Structure or parapet wall.

(4) **Lot Coverage.** Increase the maximum Lot coverage limitations as outlined in Paragraph (e) of Subdivision 10 of Subsection C of Section 12.21 of this Code, up to a maximum of 50% of the Lot area.

(5) **Grading.**

(i) Grading in excess of the maximum "by-right" Grading quantities listed in Subparagraph (1) of Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of this Code, but in no event shall the quantities exceed the true value of 500 cubic yards plus the numeric value equal to 5% of the total Lot size in cubic yards.

(ii) For a property which fronts onto a Standard Hillside Limited Street of Larger, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import or export greater than 500 cubic yards, and increase the maximum quantity of export greater than 1,000 cubic yards; calculated pursuant to Subparagraph (2) of Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of this Code.

For a property which fronts onto a Substandard Hillside Limited Street, as defined in Section 12.03 of this Code, increase the maximum quantity of earth import greater than 375 cubic yards, and increase the maximum quantity of earth export greater than 750 cubic yards; calculated pursuant to Subparagraph (2) of Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of this Code.

(6) **Off-Street Parking.** Reduce the number of off-Street parking spaces required by Subparagraph (2) of Paragraph (g) of Subdivision 10 of Subsection C of Section 12.21 of this Code.

(7) **Street Access.** The construction of Buildings and Structures on Lots in the R1, RS, RE, and RA Zones which:

(i) **Adjacent Minimum Roadway Width.** Do not meet the requirements of Subparagraph (2) of Paragraph (i) of Subdivision 10 of Subsection C of Section 12.21 of this Code because they front on a Substandard Hillside Limited Street improved to a roadway width of less than 20 feet.

(ii) **Minimum Roadway Width (Continuous Paved Roadway).** Do not meet the requirements of Subparagraph (3) of Paragraph (i) of Subdivision 10 of Subsection C of Section 12.21 of this Code because they do not have vehicular access from streets improved with a minimum 20-foot wide continuous paved roadway from the driveway apron that provides access to the main residence to the boundary of the Hillside Area.

(b) **Findings.** The Zoning Administrator shall find that approval of any use in this Subsection is in conformity with the public necessity, convenience, general welfare and good zoning practice and that the action will be in substantial conformance with the various elements and objectives of the General Plan, and that the approval is consistent with the following applicable findings:

(1) **Setback Requirements.** That the reduction in yards will not be materially detrimental to the public welfare or injurious to the adjacent property or improvements.

(2) **Additions to Structures Existing Prior to August 1, 2010.** That the increase in Residential Floor Area will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(3) **Height.** That the increase in height will result in a Building or Structure which is compatible in scale with existing Structures in the vicinity; and that the approval is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity.

(4) **Lot Coverage.** That the increase in Lot coverage will result in a development which is compatible in size and scale with other

improvements in the immediate neighborhood; and that the increase will not result in a loss of privacy or access to light enjoyed by adjacent properties.

(5) **Grading.**

(i) That Grading in excess of the absolute maximum Grading quantities listed in Subparagraph (1) of Paragraph (f) of Subdivision 10 of Subsection C of Section 12.21 of this Code is done in accordance with the Department of City Planning – Planning Guidelines Landform Grading Manual (adopted by the City Council on June 1983), and is used to reflect original landform and result in minimum disturbance to natural terrain. Notching into hillsides is encouraged so that projects are built into natural terrain as much as possible.

(ii) That the increase in the maximum quantity of earth import or export will not lead to the significant alteration of the existing natural terrain, that the hauling of earth is being done in a manner that does not significantly affect the existing conditions of the Street improvements and traffic of the Streets along the haul route, and that potentially significant impacts to the public health, safety, and welfare of the surrounding community are being mitigated to the fullest extent feasible.

(6) **Off-Street Parking.** That the reduction of the parking requirements will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and that the reduction will not be materially detrimental or injurious to the property or improvements in the vicinity in which the Lot is located.

(7) **Street Access.**

(i) That the vehicular traffic associated with the Building or Structure will not create an adverse impact on Street access or circulation in the surrounding neighborhood; and

(ii) That the Building or Structure will not be materially detrimental or injurious to the adjacent property or improvements; and

(iii) That the Building or Structure will not have a materially adverse safety impact on the surrounding neighborhood.

(iv) That the site and/or existing improvements make strict adherence to Paragraph (i) of Subdivision 10 of Subsection C of Section 12.21 of this Code impractical or infeasible.

(c) **Procedures.** An application pursuant to this Subdivision 28 shall follow the procedures set forth in Section 12.28 C.1, 2 and 3 of this Code. Except that public hearings for fences, walls, and retaining walls within required yards may not be required if the applicant submits with the application the written approval of the owners of all properties abutting, across the Street or alley from, or having a common corner with the subject property.

(1) **Import/Export (Haul Route) Review.** Upon filing an application pursuant to this Subdivision 28 for the import or export of earth materials pursuant to the authority granted in Subparagraph (5) of Paragraph (a) of this Subdivision, the Zoning Administrator shall request that the General Manager of the Department of Transportation investigate the circumstances of the proposed import or export of earth materials and the effect thereof upon the public health, safety, and welfare. The Zoning Administrator shall request the City Engineer to determine the effect of any import or export on the structural integrity of the public Streets and to determine the effect on public safety relative to Street alignment, width, and Grade.

In taking action on such Zoning Administrator Determination, the Zoning Administrator shall impose conditions of approval to mitigate any detrimental effects of the hauling operations necessary to import or export earth, including but not limited to: limiting truck weight, length and/or speed; and other conditions of approval as may be necessary to ensure repair of damages to public Streets along the hauling route that may reasonably be expected to be caused by hauling operations. Such additional conditions may include a condition that the developer shall file a bond for the benefit of the City. Any such bond shall be in a form approved by the City Attorney, executed by the developer and a corporate surety authorized to do business in the State in an amount sufficient to cover the repair of any damage to the public Streets reasonably expected to be caused by the hauling operations. The conditions of the bond shall guarantee to indemnify the City for all costs and expense in repairing the damaged Streets or other public facilities. In lieu of a surety bond, the developer may file a cash bond with the Department upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted may be in the form of cash or negotiable United States securities. The term of such effect until the completion of the hauling operations and subsequent inspection of the affected public Streets by the Department of Public Works.

(d) **Conditions for Approval.** In approving the uses and activities authorized in this Subdivision, the Zoning Administrator may impose those conditions he or she deems necessary to remedy a disparity of privileges and that are necessary to protect the public health, safety or welfare and assure compliance with the objectives of the General Plan and the purpose and intent of the zoning.

Sec. 13. Subsection A of Section 12.28 of the Los Angeles Municipal Code is amended to read:

A. Adjustments. The Zoning Administrator shall have the authority to grant adjustments in the Yard, area, Building line and height requirements of Chapter I of this Code. An adjustment shall not be permitted for relief from a density (Lot area per unit) or height requirement, excluding fences and hedges, if the request represents an increase of 20 percent or more than what is otherwise permitted by this Code. A request for an increase of 20 percent or more shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter I of this Code.

The Zoning Administrator shall also have the authority to grant adjustments in Residential Floor Area of no more than a ten percent increase beyond what is otherwise permitted by Chapter I of this Code. A request for an increase in Residential Floor Area greater than ten percent shall be made as an application for a variance pursuant to Section 12.27 of this Code, except as may be permitted by other provisions of Chapter I of this Code.

Sec. 14. Subdivision 2 of Subsection C of Section 12.28 of the Los Angeles Municipal Code is amended by adding a new Paragraph (d) to read:

(d) For R1, RS, RE, and RA Zoned properties in the Hillside Area, as defined in Section 12.03 of this Article, the Zoning Administrator must conduct a public hearing for any Adjustment or Slight Modification requests.

Sec. 15. The list contained in Paragraph (b) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended by adding the following new entry: "HS" Hillside Standards Overlay District.

Sec. 16. Subparagraph (2) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(2) **Additional Requirements for Application.** One or more of the owners or lessees of property within the boundaries of the proposed district may submit a verified application for the establishment of a district. An application for the establishment of a Commercial and Artcraft District, a Pedestrian Oriented District, an Equinekeeping District, a Community

Design Overlay District, a Mixed Use District, a Sign District, a Residential Floor Area District, a Neighborhood Stabilization Overlay District, or a Hillside Standards Overlay District shall contain the signatures of at least 75 percent of the owners or lessees of property within the proposed district. An application for the establishment of a Fence Height District shall contain the signatures of at least 50 percent of the owners or lessees of property within the proposed district. An application shall be accompanied by any information deemed necessary by the Department.

If establishment of a district is initiated by the City Council, City Planning Commission, or Director of Planning, the signatures of the property owners or lessees shall not be required.

Sec. 17. Subsubparagraph (iii) of Subparagraph (3) of Paragraph (c) of Subdivision 1 of Subsection S of Section 12.32 of the Los Angeles Municipal Code is amended to read:

(iii) **Time for Commission to Act on Application.** The City Planning Commission shall act on an application to establish an "O", "S", "G", "K", "CA", "POD", "CDO", "MU", "FH", "SN", "RFA", "NSO", or "HS" District within 75 days from the date of the filing of the application. The City Planning Commission shall act on an application to establish an "RPD" District within 75 days from receipt of the Subdivision Committee report and recommendation. The City Planning Commission shall act on proceedings initiated by the Council within 75 days of receipt of that action from the Council, or within the time that the Council may otherwise specify.

Sec. 18. Article 3 of Chapter I of the Los Angeles Municipal Code is amended by adding a new Section 13.16 to read:

SEC. 13.16. "HS" HILLSIDE STANDARDS OVERLAY DISTRICT.

A. Purpose. This Section sets forth procedures and guidelines for the establishment of "HS" Hillside Standards Overlay Districts in single-family residential neighborhoods in designated Hillside Areas, as defined in Section 12.03 of this Chapter, throughout the City. The purpose of the "HS" Hillside Standards Overlay District is to permit Residential Floor Area, height, and Grading limits in the R1, RS, RE, and RA zones to be higher or lower than normally permitted by this Code in areas where the proposed overlay will further enhance the existing scale of homes and/or help to preserve the existing character of the neighborhood as effectively as the limitations or requirements otherwise established in this Code; and where these changes will be consistent with the policies and objectives set forth in the applicable Community Plan.

B. Establishment of the District. The procedures set forth in Section 12.32 S of this Code shall be followed, however, each "HS" Hillside Standards Overlay District shall include only properties in the RA, RE, RS, or R1 zones. The overlay shall not generally be less than 100 acres in area; however, the 100 acres do not need to be within one contiguous boundary as long as no one subarea is less than 25 acres in area, and the entire 100 acres is located within an overall area of 200 contiguous acres. The precise boundary of a district may be adjusted for urban features such as topography, freeways or Streets/Highways. Boundaries shall be along Street Frontages and shall not split parcels. An "HS" Hillside Standards Overlay District may encompass an area, which is designated, in whole or in part, as a Historic Preservation Overlay Zone and/or Specific Plan. The "HS" Hillside Standards Overlay District shall include contiguous parcels, which may only be separated by public Streets, ways or alleys or other physical features, or as set forth in the rules approved by the Director of Planning. Precise boundaries are required at the time of application for, or initiation of, an individual overlay.

C. Development Regulations. The Department of Building and Safety shall not issue a Building permit for a residential Structure within an "HS" Hillside Standards Overlay District unless the residential Structure conforms to the regulations set forth in a specific "HS" Hillside Standards Overlay District. The development regulations for each "HS" Hillside Standards Overlay District shall be limited to changes in the numerical values of the Residential Floor Area, height, and Grading limits in the R1, RS, RE, and RA zones stated in this Chapter (Subdivision 10 of Subsection C of Section 12.21 – Paragraphs (a) Residential Floor Area, (d) Height Limits, and (f) Grading) and shall not result in a substantial deviation in approach, method of calculation, or measurement from the corresponding language already in place in this Chapter I. The development regulations shall be determined at the time the overlay is established. The development regulations shall serve to enhance the existing or envisioned character of the overlay.

Sec. 19. Subsection U of Section 19.01 of the Los Angeles Municipal Code is amended to read:

U. Hillside. Application pursuant to Section 12.21 A.17 of this Code to permit increased Lot coverage, reduced parking or additional height for One-Family Dwellings on properties designated Hillside Area on the Department of City Planning Hillside Area Map (Section 12.24 X.11); and application to permit construction of or addition to One-Family Dwellings on properties designated Hillside Area on the Department of City Planning Hillside Area Map which front onto Substandard Hillside Limited Streets, which are improved to a width of less than 20 feet; and application to permit construction of, or addition to, One-Family Dwellings on properties designated Hillside Area on the Department of City Planning Hillside Area Map on Substandard Hillside Limited Streets where providing parking requires the Grading of 1,000 or more cubic yards from the Lot (Section 12.24 X.21).

Application pursuant to Section 12.21 C.10 and Section 12.24 X.28 on properties zoned R1, RS, RE, or RA and designated Hillside Area on the Department of City Planning Hillside Area Map to:

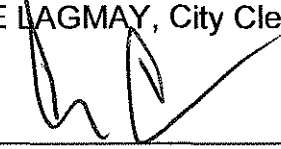
1. Reduce Front and Side Yard setback requirements;
2. Permit additions of up to 1,000 square-feet to Structures existing prior to August 1, 2010;
3. Exceed the maximum envelope height;
4. Increase the maximum Lot coverage;
5. Exceed the Grading, import and export limits;
6. Reduce the number of required off-street parking; or
7. Permit construction of or addition to One-Family Dwellings on properties which front onto Substandard Hillside Limited Streets, which are improved to a width of less than 20 feet.

Filing Fee	Fee for Each Appeal
\$4,698	85% of filing fee

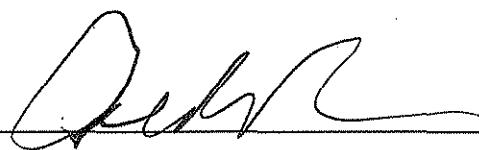
Sec. 20. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles MAR 04 2011, and passed at it's meeting of MAR 18 2011.

JUNE LAGMAY, City Clerk

By  Deputy

Approved MAR 25 2011

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
KENNETH FONG
Deputy City Attorney

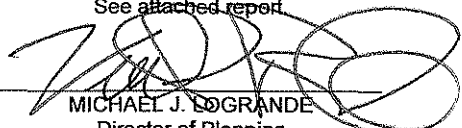
Date 2-11-2011

File No(s). CF 10-1001; CPC 2010-581-CA

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted.

February 9, 2011

See attached report


MICHAEL J. LOGRANDE
Director of Planning

DECLARATION OF POSTING ORDINANCE

I, MARIA VIZCARRA, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. 181624 – Amending Sections 12.03, 12.04, 12.21, 12.21.1, 12.23, 12.24, 12.28, 12.32, and 19.01 of, and adding Section 13.14 to, the Los Angeles Municipal Code to establish new regulations for single-family residential zoned properties (R1, RS, RE, and RA) located in the Hillside Area as defined in Section 12.03 of the Code - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **March 18, 2011**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **March 30, 2011** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **March 30, 2011** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **30th** day of **March 2011** at Los Angeles, California.



Maria Vizcarra, Deputy City Clerk

Ordinance Effective Date: **May 9, 2011**

Council File No. **10-1001**

Mill Valley

City of Mill Valley FAR Calculations

20.16.040 Property development regulations.

The following property development regulations shall apply to all permitted uses within RS districts.

A. **Floor Area Calculations.** These are the standards applied, along with other applicable development standards in this title and residential design guidelines, to effectively manage the height, bulk and mass of a given project in relation to the lot on which the project stands, in relation to surrounding structures on adjoining properties and in relation to the public realm (streets, sidewalks, open space, etc.).

1. Adjusted floor area (as defined in Section 20.08.032) for a proposed project will be calculated as follows:

a. The total gross floor area, measured from the outside faces of the structural walls, of all of the following will be totaled:

i. All enclosed structures on the lot including but not limited to the main dwelling structure, accessory structures, residential second units, and sheds that require a building permit. Enclosed patios, terraces and balconies are included, but basements, exterior areas under roof eaves or other cantilevered overhangs and non-enclosed spaces (e.g., balconies, decks and porches) or structures (e.g., gazebos and carports) are not included. A space is considered non-enclosed if it is substantially open on at least two sides (sides with guardrails are considered open).

ii. All enclosed but undeveloped volumes which could be utilized in the future as floor area and have minimum dimensions of eight feet by 10 feet and seven feet headroom without additional excavation. All space horizontally contiguous to this minimum space which maintains at least a width of eight feet and seven feet head room without additional excavation will be included.

b. The following will be subtracted from the paragraph 20.16.040(A)(1)(a) total above:

i. For lots of up to 8,000 square feet of gross area, up to 500 square feet of garage floor area.

ii. For lots ranging from 8,000 to 10,000 square feet of gross area, up to 500 square feet of garage area or up to 800 square feet of combined garage and residential second unit area.

iii. For lots over 10,000 square feet in gross floor area, up to 500 square feet of garage area or up to 1,000 square feet of combined garage and residential second unit area.

- c. A 50% premium (floor area multiplied by 1.5) will be added for floor area in interior spaces that has a height over 14 feet wherever the 14-foot height measurement is exceeded. The height will be measured as follows.
 - i. On a “top floor” (as defined in Section 20.08.192), wherever the slope of the roof is less than a ratio of four feet of rise to 12 feet of run, the height measurement shall be the vertical distance from the finished floor to the “roof surface” (as defined in Section 20.08.161).
 - ii. On a top floor, wherever the slope of the roof is equal to or greater than a ratio of four feet of rise to 12 feet of run, the height measurement shall be the vertical distance from the finished floor to the roof surface, except any roof surface higher than the midpoint elevation between the elevation of the roof ridge and the elevation of the roof surface at the point directly above the exterior wall surface of the structure shall be ignored and the midpoint elevation shall be considered the top measurement point for this area. If the slope of the roof does not continue linearly to a roof ridge (e.g., as with gambrel and mansard roof styles), then the midpoint elevation will be calculated using the projected intersection of the roof lines as the ridge elevation.
 - iii. On any floor or portion thereof with developed space above (see top floor definition at Section 20.08.192 for attic space), the height measurement shall be the vertical distance from the finished floor to the ceiling.
- d. Stair well or elevator shaft floor area shall only be counted once for a building regardless of the number of floors through which the stair well or elevator passes.
- e. Interpretations of how to calculate adjusted floor area shall be made by the Director of Planning and Building and may be appealed to the Planning Commission as specified in Chapter 20.100.

2. The maximum amount of adjusted floor area allowed on a specific lot shall be calculated using the applicable floor area ratio based on effective lot area (as defined in Section 20.08.090) as follows:

- a. Lots with less than 8,000 square feet of effective lot area: 35% of the effective lot area.
- b. Lots with 8,000 to 20,000 square feet of effective lot area: 10% of the effective lot area plus 2,000 square feet.
- c. Lots with more than 20,000 square feet of effective lot area: five percent of the effective lot area plus 3,000 square feet, to a maximum of 7,000 square feet.

The maximum adjusted floor area may be reduced through design review pursuant to Chapter 20.66.

3. During the improvement of an existing single-family dwelling, any enclosed but undeveloped volumes may be converted to habitable space and shall not be restricted to the maximum adjusted floor area as determined by Section 20.16.040(A)(2); provided that the conversion of the existing space does not change the existing height, bulk, mass or footprint of the structure and only if minimal excavation or modification of the existing grade is required.

4. For any existing single-family dwelling where the adjusted floor area which existed on May 6, 1991 exceeded or was within 100 square feet of the maximum adjusted floor area specified in this section, a building permit may be obtained for up to 100 square feet of additional floor area where the proposed addition complies with all other provisions of this title (e.g., no variances allowed). This additional floor area will only be available once per parcel.

Definitions

20.08.032 Adjusted floor area.

“Adjusted floor area” is the square footage of a proposed project on the subject lot as calculated in Section 20.16.040(A)(1) with square footage disincentives for floor height over 14 feet and incentives to encourage appropriately proportioned garages and second units. (Ord. 1199 § 1, March 1, 2004; Ord. 1258 § 2, October 7, 2013)

Minneapolis

Minneapolis SF FAR Standards

DEFINITIONS

Floor area, gross (GFA). The gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls, or from the centerline of walls separating two (2) buildings. The gross floor area of a building shall include basement floor area when one-half (½) or more of the basement height is above natural grade for more than fifty (50) percent of the total perimeter. The gross floor area shall also include elevator shafts and stairwells to each floor, penthouses, attic space having headroom clearances that meet building code minimum ceiling heights, interior balconies and mezzanines, enclosed porches, floor area devoted to accessory uses, and floor space used for mechanical equipment, except equipment located on the roof, unless otherwise specified in this chapter. The gross floor area of structures devoted to bulk storage of materials, including but not limited to grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet, assuming one (1) floor for each fourteen (14) feet in height. In determining the gross floor area of an individual use within a multiple tenant building, the gross floor area is the sum of the gross horizontal areas measured from the interior faces of the interior walls of the space occupied by the use. Except for garages attached to single- and two-family dwellings, gross floor area shall not include space devoted to accessory off-street parking or loading facilities, including aisles, ramps and maneuvering space.

Floor area ratio. The floor area ratio of the building or buildings on any zoning lot is the gross floor area of the building or buildings on that zoning lot divided by the area of such zoning lot.

SINGLE FAMILY RESIDENTIAL DISTRICT: FAR CONTROLS

- **546.300. - Building bulk requirements.**

(a) *In general.* The maximum height for all principal structures, except for single- and two-family dwellings, located in the R1A District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The maximum height for all single- or two-family dwellings located in the R1A District shall be two and one-half (2.5) stories or twenty-eight (28) feet, whichever is less. The highest point of the roof of a single- or two-family dwelling with a gable, hip, or gambrel roof shall not exceed thirty-three (33) feet. The maximum floor area ratio shall be as specified in Table 546-5, R1A Lot Dimension and Building Bulk Requirements.

(b)

Gross floor area computation for single- or two-family dwellings. The floor area will be counted twice for each story with a ceiling height greater than fourteen (14) feet. Gross floor area for single- or two-family dwellings shall not include the following:

(1)

Detached accessory structures.

(2)

Open porches.

(3)

The basement floor area if the finished floor of the first story is forty-two (42) inches or less from natural grade for more than fifty (50) percent of the total perimeter.

(4)

Half story floor area.

(c)

Floor area ratio increase. Notwithstanding the floor area ratio limitations of this chapter, the maximum floor area ratio may be increased as follows:

(1)

The maximum floor area ratio of single- and two-family dwellings may be increased when the established floor area ratio of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum floor area ratio. When floor area ratio is increased through this method, the floor area ratio shall not exceed the maximum floor area ratio of the largest single- and two-family dwelling within the one hundred (100) foot radius.

(2)

Single- and two-family dwellings existing on January 1, 2008, that exceed the maximum floor area ratio, or building additions that would cause the building to exceed the maximum floor area ratio, may increase the gross floor area one (1) time by no more than five hundred (500) square feet.

(d)

Height increase. Notwithstanding the height limitations of this chapter, the maximum height of single- and two-family dwellings may be increased to thirty-five (35) feet when the established height of a minimum of fifty (50) percent of the single- and two-family dwellings within one hundred (100) feet of the subject site exceed the maximum height. The highest point of a gable, hip, or gambrel roof shall not exceed forty (40) feet.

(2007-Or-050, § 5, 6-29-2007; 2010-Or-054, § 3, 5-28-2010; 2014-Or-060, § 7, 8-29-2014, eff. 10-1-2014; [2015-Or-014](#), § 2, 5-15-2015)

- **546.310. - Cluster developments.**

No dwelling unit shall intrude on the vertical airspace of any other dwelling unit.

Table 546-5 R1A Lot Dimension and Building Bulk Requirements

Uses	Minimum Lot Area (Square Feet)	Minimum Lot Width (Feet)	Maximum Floor Area Ratio (Multiplier)
RESIDENTIAL USES			
Dwellings			
Single-family dwelling	5,000	40	0.5 or 2,500 sq. ft. of GFA, whichever is greater
Cluster development	15,000 or 5,000 sq. ft. per dwelling unit, whichever is greater*	80	0.5
Congregate Living			
Community residential facility for six (6) or fewer persons	5,000	40	None
Emergency shelter serving six (6) or fewer persons	5,000	40	None
INSTITUTIONAL AND PUBLIC USES			

Educational Facilities			
Early childhood learning center	20,000	100	0.5
Preschool	5,000	40	0.5
School, K—12	20,000	100	0.5
Social, Cultural, Charitable and Recreational Facilities			
Athletic field	20,000	100	0.5
Cemetery	80 Acres	1,200	None
Community garden	None	None	None
Developmental achievement center	4,000	As approved by C.U.P.	0.5
Golf course	20,000	100	0.5
Library, public	20,000	100	0.5
Park, public	20,000	100	0.5
Religious Institutions			
Place of assembly	10,000	80	0.5

COMMERCIAL USES	4,000	As approved by C.U.P.	0.5
Parking Facilities	5,000	40	None
PUBLIC SERVICES AND UTILITIES	As approved by C.U.P.	As approved by C.U.P.	As approved by C.U.P.

* Or a minimum lot area per dwelling unit of the average of the single-family and two-family zoning lots located in whole or in part within three hundred fifty (350) feet, where the average lot area exceeds the minimum zoning requirement by fifty (50) percent or more.

New York City

Zoning Data Tables, Residence Districts

ZONING DATA TABLE 1

R1–R3 Lower-Density Residence Districts											
	R1–1⁷	R1–2⁷	R1–2A⁷	R2⁷	R2A⁷	R2X	R3A⁷	R3X⁷	R3–1⁷	R3–2⁷	
Single-family detached residences	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Two-family detached residences	–	–	–	–	–	–	✓	✓	✓	✓	
Semi-detached residences	–	–	–	–	–	–	–	–	✓	✓	
All residences	–	–	–	–	–	–	–	–	–	✓	
Residential FAR (max)	0.5	0.5	0.5	0.5	0.5	0.85	0.5	0.5	0.5	0.5	
with attic allowance	–	–	–	–	–	1.02	0.6	0.6	0.6	0.6	
Community facility FAR (max)	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	0.5 ¹	1.0	1.0	1.0	1.0	
Lot width (min)	Detached	100 ft	60 ft	60 ft	40 ft	40 ft	30 ft	25 ft	35 ft	40 ft	40 ft
	Other	–	–	–	–	–	–	–	–	18 ft	18 ft
Lot area (min)	Detached	9,500 sf	5,700 sf	5,700 sf	3,800 sf	3,800 sf	2,850 sf	2,375 sf	3,325 sf	3,800 sf	3,800 sf
	Other	–	–	–	–	–	–	–	–	1,700 sf	1,700 sf
Open space ratio (min)	150.0	150.0	–	150.0	–	–	–	–	–	–	
Lot coverage (max)	–	–	30%	–	30%	– ²	– ²	– ²	35%	35%	
Front yard depth (min)	20 ft	20 ft	20 ft ³	15 ft	15 ft ³	15 ft	10 ft ³	10 ft ³	15 ft	15 ft	
Side yards (number)	Detached	2	2	2	2	2	2 ⁴	2	2	2	
	Semi-detached	–	–	–	–	–	–	–	1	1	
Total width of side yards (min)	Detached	35 ft	20 ft	20 ft	13 ft	13 ft	10 ft ⁵	8 ft ⁵	10 ft ⁵	13 ft	13 ft
	Semi-detached	–	–	–	–	–	–	–	–	8 ft	8 ft
Each side yard (min)	Detached	15 ft	8 ft	8 ft	5 ft	5 ft	2 ft	–	2 ft	5 ft	5 ft
	Semi-detached	–	–	–	–	–	–	–	–	–	–
Rear yard depth (min)	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft	30 ft	30 ft	30 ft	30 ft	
Perimeter wall height (max)	–	–	25 ft	–	21 ft	21 ft	21 ft	21 ft	21 ft	21 ft	
Building height (max)	– ⁶	– ⁶	35 ft	– ⁶	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	
Off-street parking	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	

¹ Up to 1.0 FAR by special permit

² Governed by yard requirements

³ Front yard must be at least as deep as an adjacent front yard

⁴ Zero lot line buildings require only one side yard, at least 8 feet wide

⁵ Minimum of 8 ft required between buildings on adjacent zoning lots

⁶ Height controlled by sky exposure plane

⁷ Regulations may differ in Lower Density Growth Management Areas

Zoning Data Tables, Residence Districts

ZONING DATA TABLE 2

R4–R5 Lower-Density Residence Districts										
	R4	R4-1 ⁷	R4A ⁷	R4B	R4/R5 Infill	R5	R5A	R5B	R5D	
Single-family detached residences	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Two-family detached residences	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Semi-detached residences	✓	✓	–	✓	✓	✓	–	✓	✓	
All residences	✓	–	–	✓	✓	✓	–	✓	✓	
Residential FAR (max)	0.75	0.75	0.75	0.9	R4: 1.35 R5: 1.65	1.25	1.1	1.35	2.0	
with attic allowance	0.9	0.9	0.9	–	–	–	–	–	–	
Community Facility FAR (max)	2.0	2.0	2.0	2.0	–	2.0	2.0	2.0	2.0	
Lot width (min)	Detached	40 ft	25 ft	30 ft	25 ft	40 ft	40 ft	30 ft	25 ft	25 ft
	Other	18 ft	18 ft	–	18 ft	18 ft	18 ft	–	18 ft	18 ft
Lot area (min)	Detached	3,800 sf	2,375 sf	2,850 sf	2,375 sf	3,800 sf	3,800 sf	2,850 sf	2,375 sf	2,375 sf
	Other	1,700 sf	1,700 sf	–	1,700 sf	1,700 sf	1,700 sf	–	1,700 sf	1,700 sf
Open space ratio (min)	–	–	–	–	–	–	–	–	–	
Lot coverage (max)	Corner lot	45%	– ²	– ²	55%	55%	55%	– ²	55%	80%
	Interior lot									60%
Front yard depth (min)	10 ft ¹	10 ft ³	10 ft ³	5 ft ³	18 ft	10 ft ¹	10 ft ³	5 ft ³	5 ft ³	
Side yards (number)	Detached	2	2	2	2	2	2	2	2	2 ⁸
	Semi-detached	1	1	–	1	1	1	–	1	1 ⁸
Total width of side yards (min)	Detached	13 ft	8 ft ^{4,5}	10 ft ⁵	8 ft ^{4,5}	13 ft	13 ft	10 ft ⁵	8 ft ^{4,5}	8 ft ^{4,5}
	Semi-detached	8 ft	4 ft ⁵	–	4 ft ⁵	8 ft	8 ft	–	4 ft ⁵	4 ft ⁵
Each side yard (min)	Detached	5 ft	–	2 ft	–	5 ft	5 ft	2 ft	–	–
	Semi-detached	–	–	–	–	–	–	–	–	–
Rear yard depth (min)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	
Perimeter wall height (max)	25 ft	25 ft	21 ft	–	R4: 25 ft R5: 30 ft	30 ft ⁶	25 ft	30 ft ⁶	–	
Building height (max)	35 ft	35 ft	35 ft	24 ft	R4: 35 ft R5: 33 ft	40 ft	35 ft	33 ft	40 ft	
Off-street parking	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	66% of dwelling units	85% of dwelling units	1 per dwelling unit	66% of dwelling units	66% of dwelling units	

¹ If front yard depth exceeds 10 ft, it must be at least 18 feet

² Governed by yard requirements

³ Front yard must be at least as deep as an adjacent front yard; in R4B, R5B & R5D districts, must be as deep as one adjacent front yard but no deeper than the other

⁴ Zero lot line buildings require only one side yard, at least 8 feet wide

⁵ Minimum of 8 ft required between buildings on adjacent zoning lots

⁶ Street wall height in R5 and R5B districts

⁷ Regulations may differ in Lower Density Growth Management Areas

⁸ Side yards not required for existing zoning lots less than 30 feet wide

Zoning Data Tables, Residence Districts

ZONING DATA TABLE 3

R6-R7 Medium-Density Residence Districts												
		R6HF	R6QH	R6A	R6B	R7HF	R7QH	R7-3'	R7A	R7B	R7D	R7X
Residential FAR (max)	Wide street	0.78-2.43 (range)	3.0 ¹	3.0	2.0	0.87-3.44 (range)	4.0 ¹	5.0 ⁸	4.0	3.0	4.2	5.0
	Narrow street		2.43 ²				3.44 ²					
Community facility FAR		4.8	4.8	3.0	2.0	R7-1: 4.8 R7-2: 6.5	R7-1: 4.8 R7-2: 6.5	5.0	4.0	3.0	4.2	5.0
Open space ratio		27.5-37.5 (range)	-	-	-	15.5-25.5 (range)	-	-	-	-	-	-
Lot coverage (max)	Corner lot	-	80%	80%	80%	-	80%	70%	80%	80%	80%	80%
	Interior lot		65% ¹ 60% ²	65%	60%		65%		65%	65%	65%	70%
Base height (min/max)	Wide street	-	40-60 ft ¹ 40-55 ft ²	40-60 ft	30-40 ft	-	40-65 ft ¹ 40-60 ft ²	65 ft	40-65 ft	40-60 ft	60-85 ft	60-85 ft
	Narrow street		30-45 ft		40-60 ft							
Building height (max)	Wide street	Sky exposure plane	70 ft ¹ 65 ft ²	70 ft	50 ft	Sky exposure plane	80 ft ¹ 75 ft ²	185 ft	80 ft	75 ft	100 ft	125 ft
	Narrow street		55 ft		75 ft							
Rear yard depth (min)		30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Off-street parking (min)		70%	50%	50%	50%	R7-1: 60% R7-2: 50%	50%	50%	50%	50%	50%	50%

¹ Wide street outside Manhattan Core

² Wide street within Manhattan Core

Zoning Data Tables, Residence Districts

ZONING DATA TABLE 4

R8–R10 Higher-Density Residence Districts														
		R8HF	R8QH	R8A	R8B	R8X	R9HF	R9QH R9A	R9-1 ⁷	R9D	R9X	R10	R10QH R10A	R10X
Residential FAR ³ (max)	Wide Street	0.94–6.02 (range)	7.2 ¹ 6.02 ²	6.02	4.0	6.02	0.99–7.52 (range)	7.52	9.0	9.0	9.0	10.0	10.0	10.0
	Narrow Street		6.02											
Community facility FAR (max)		6.5	6.5	6.5	4.0 ⁴	6.0	10.0	R9QH: 10.0 R9A: 7.5	9.0	9.0	9.0	10.0	10.0	10.0
Open space ratio		5.9–11.9 (range)	–	–	–	–	1.0–9.0 (range)	–	–	–	–	–	–	–
Lot coverage (max)	Corner lot	–	80%	80%	80%	80%	–	80%	70%	80%	80%	–	100%	100%
	Interior lot		70%	70%	70%	70%		70%		70%	70%		70%	
Base height (min/max)	Wide street	–	60–85 ft	60–85 ft	55–60 ft	60–85 ft	60–85 ft (wide st)	60–102 ft	90 ft	60–85 ft	105–120 ft	60–85 ft (wide st)	125–150 ft	60–85 ft
	Narrow street		60–80 ft					60–95 ft			60–120 ft		60–125 ft	
Building height (max)	Wide street	Sky exposure plane	120 ft	120 ft	75 ft	150 ft	Sky exposure plane or tower rules	145 ft	280 ft	Tower rules	170 ft	Tower rules	210 ft	Tower rules
	Narrow street		105 ft					135 ft			160 ft		185 ft	
Rear yard depth (min)		30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Off-street parking ⁵ (min)		40%	40%	40%	50% ⁶	40%	40%	40%	40%	40%	40%	40%	40%	40%

¹ Wide street outside Manhattan Core

² Wide street within Manhattan Core

³ FAR may differ in Inclusionary Housing designated areas

⁴ 5.10 permitted in Manhattan Community District 8

⁵ Waived within Manhattan Core, except within Special Hudson Yards District

⁶ 40% in Brooklyn

⁷ May be mapped within waterfront areas and Special Mixed Use Districts only; R7-3 may also be mapped in the Special Long Island City Mixed Use District

Zoning Data Tables, Commercial Districts

ZONING DATA TABLE 5

Commercial Overlay Floor Area Ratios			
Residential District	Commercial Overlay FAR¹	Residential FAR²	Community Facility FAR³
R1, R2	1.0	0.5	0.5
R2A	1.0	0.5	0.5
R2X	1.0	0.85 ⁴	0.5
R3-1	1.0	0.5 ⁴	1.0
R3-2	1.0	0.5 ⁴	1.6
R3A, R3X	1.0	0.5 ⁴	1.0
R4, R4-1, R4A	1.0	0.75 ⁴	2.0
R4 Infill	1.0	1.35	2.0
R4B	1.0	0.9	2.0
R5	1.0	1.25	2.0
R5 Infill	1.0	1.65	2.0
R5A	1.0	1.1	2.0
R5B	1.0	1.35	2.0
R5D	2.0	2.0	2.0
R6	2.0	0.78–2.43 (range)	4.8
R6A	2.0	3.0	3.0
R6B	2.0	2.0	2.0
R7-1	2.0	0.87–3.44 (range)	4.8
R7-2	2.0	0.87–3.44 (range)	6.5
R7A	2.0	4.0	4.0
R7B	2.0	3.0	3.0
R7D	2.0	4.2	4.2
R7X	2.0	5.0	5.0
R8	2.0	0.94–6.02 (range)	6.5
R8A	2.0	6.02	6.5
R8B	2.0	4.0	4.0 ⁵
R8X	2.0	6.02	6.0
R9	2.0	0.99–7.52 (range)	10.0
R9A	2.0	7.52	7.5
R9D	2.0	9.0	9.0
R9X	2.0	9.0	9.0
R10, R10A	2.0	10.0	10.0
R10X	2.0	10.0	10.0

¹ C1-1 through C1-5 and C2-1 through C2-5 districts are commercial overlays mapped within residential districts. Mapped within an R1 through R5 district, except an R5D district, the commercial FAR is 1.0; within an R5D district or an R6 through R10 district, the commercial FAR is 2.0. Residential FAR for a commercial overlay district is determined by the residential district regulations.

² FAR may differ with Inclusionary Housing Program bonus

³ FAR is the same for community facility buildings and for buildings with both commercial and community facility uses; in R1 districts, however, the FAR is 1.0 for buildings with commercial and community facility uses

⁴ Up to 20% increase for attic allowance

⁵ 5.1 in Manhattan Community District 8

Zoning Data Tables, Commercial Districts

ZONING DATA TABLE 6

C1-C4 Commercial Districts: Floor Area Ratios				
	Commercial FAR	Residential FAR ⁷	Community Facility FAR	Residential District Equivalent
C1-6	2.0	0.87-3.44 ² (range)	6.5	R7
C1-6A	2.0	4.0 ⁷	4.0	R7A
C1-7	2.0	0.94-6.02 ³ (range)	6.5	R8
C1-7A	2.0	6.02	6.5	R8A
C1-8	2.0	0.99-7.52 (range)	10.0 ⁶	R9
C1-8A	2.0	7.52	7.5	R9A
C1-8X	2.0	9.0	9.0	R9X
C1-9	2.0	10.0	10.0 ⁶	R10
C1-9A	2.0	10.0	10.0	R10A
C2-6	2.0	0.87-3.44 ² (range)	6.5	R7
C2-6A	2.0	4.0 ⁷	4.0	R7A
C2-7	2.0	0.99-7.52 (range)	10.0 ⁶	R9
C2-7A	2.0	7.52	7.5	R9A
C2-7X	2.0	9.0	9.0	R9X
C2-8	2.0	10.0	10.0 ⁶	R10
C2-8A	2.0	10.0	10.0	R10A
C3	0.5	0.5 ⁵	1.0	R3-2
C3A	0.5	0.5 ⁵	1.0	R3A
C4-1	1.0	1.25	2.0	R5
C4-2	3.4	0.78-2.43 ⁴ (range)	4.8	R6
C4-2A	3.0	3.0	3.0	R6A
C4-2F	3.4	0.94-6.02 ³ (range)	6.5	R8
C4-3	3.4	0.78-2.43 ⁴ (range)	4.8	R6
C4-3A	3.0	3.0	3.0	R6A
C4-4	3.4	0.87-3.44 ² (range)	6.5	R7
C4-4A	4.0	4.0 ⁷	4.0	R7A
C4-4D	3.4	6.02	6.5	R8A
C4-4L	4.0	4.0 ⁷	4.0	R7A
C4-5	3.4	0.87-3.44 ² (range)	6.5	R7
C4-5A	4.0	4.0	4.0	R7A
C4-5D	4.2	4.2 ⁷	4.2	R7D
C4-5X	4.0	5.0	5.0	R7X
C4-6	3.4	10.0	10.0 ⁶	R10
C4-6A	3.4	10.0	10.0	R10A
C4-7	10.0 ⁶	10.0	10.0 ⁶	R10
C4-7A	10.0	10.0	10.0	R10A

C5-C8 Commercial Districts: Floor Area Ratios				
	Commercial FAR	Residential FAR ⁷	Community Facility FAR	Residential District Equivalent
C5-1	4.0	10.0	10.0 ⁶	R10
C5-1A	4.0	10.0	10.0	R10A
C5-2	10.0 ⁶	10.0	10.0 ⁶	R10
C5-2A	10.0	10.0	10.0	R10A
C5-3	15.0 ⁶	10.0	15.0 ⁶	R10
C5-4	10.0 ⁶	10.0	10.0 ⁶	R10
C5-5	15.0 ⁶	10.0	15.0 ⁶	R10
C6-1	6.0 ⁶	0.87-3.44 ² (range)	6.5 ⁶	R7
C6-1A	6.0	0.78-2.43 ⁴ (range)	6.0 ⁶	R6
C6-2	6.0 ⁶	0.94-6.02 ³ (range)	6.5 ⁶	R8
C6-2A	6.0	6.02	6.5	R8A
C6-3	6.0 ⁶	0.99-7.52 (range)	10.0 ⁶	R9
C6-3A	6.0	7.52	7.5	R9A
C6-3D	9.0	9.0	9.0	R9D
C6-3X	6.0	9.0	9.0	R9X
C6-4	10.0 ⁶	10.0 ⁶	10.0	R10
C6-4A	10.0	10.0	10.0	R10A
C6-4X	10.0	10.0	10.0	R10X
C6-5	10.0 ⁶	10.0 ⁶	10.0	R10
C6-6	15.0 ⁶	10.0 ⁶	15.0	R10
C6-7	15.0 ⁶	10.0 ⁶	15.0	R10
C6-8	10.0 ⁶	10.0 ⁶	10.0	R10
C6-9	15.0 ⁶	10.0 ⁶	15.0	R10
C7	2.0	-	-	-
C8-1	1.0	-	2.4	-
C8-2	2.0	-	4.8	-
C8-3	2.0	-	6.5	-
C8-4	5.0	-	6.5	-

¹ In C1 to C6 districts, nursing homes and non-profit residential facilities limited to residential FAR, except by special permit

² 4.0 FAR on wide streets outside Manhattan Core under Quality Housing Program

³ 7.2 FAR on wide streets outside Manhattan Core under Quality Housing Program

⁴ 3.0 FAR on wide street outside Manhattan Core; 2.43 on wide street within the Manhattan Core; 2.2 on narrow streets (under Quality Housing Program)

⁵ Up to 20% increase for attic allowance

⁶ Up to 20% increase for a public plaza bonus

⁷ FAR may differ in Inclusionary Housing designated areas

Zoning Data Tables, Manufacturing Districts

ZONING DATA TABLE 7

Manufacturing District Floor Area Ratios			
	Manufacturing FAR	Commercial FAR	Community Facility FAR¹
M1-1 ³	1.0	1.0	2.4
M1-2 ³	2.0	2.0	4.8
M1-3 ³	5.0	5.0	6.5
M1-4 ³	2.0	2.0	6.5
M1-5 ³	5.0	5.0	6.5
M1-5A	5.0	5.0	6.5
M1-5B	5.0	5.0	6.5
M1-5M	5.0	5.0	6.5
M1-6 ⁴	10.0 ²	10.0 ²	10.0 ²
M1-6M	10.0 ²	10.0 ²	10.0 ²
M2-1	2.0	2.0	–
M2-2	5.0	5.0	–
M2-3	2.0	2.0	–
M2-4	5.0	5.0	–
M3-1	2.0	2.0	–
M3-2	2.0	2.0	–

¹ Only community facilities in Use Group 4 permitted, except that Use Group 3 is permitted in M1-6D districts

² Up to 12.0 FAR with bonus

³ Up to 1.65 FAR in M1-1D, M1-2D, M1-3D, M1-4D and M1-5D districts by authorization

⁴ Up to 10.0 FAR in M1-6D districts as-of-right or by CPC certification if lot is occupied by building with at least 40,000 of floor area.

"Flood maps" shall be the most recent advisory or preliminary maps or map data released by the Federal Emergency Management Agency (FEMA) after October 28, 2012, until such time as the City of New York adopts new final Flood Insurance Rate Maps. When new final Flood Insurance Rate Maps are adopted by the City of New York superseding the Flood Insurance Rate Maps in effect on October 28, 2012, #flood maps# shall be such new adopted final Flood Insurance Rate Maps.

Flood zone (10/9/13)

The "flood zone" is the area that has a one percent chance of flooding in a given year, as indicated on the effective Flood Insurance Rate Maps, plus any additional area that has a one percent chance of flooding in a given year, as indicated on the #flood maps#.

Floor area (3/22/16)

"Floor area" is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;
- (b) elevator shafts or stairwells at each floor, except as specifically excluded in this definition;
- (c) floor space in penthouses;
- (d) attic space (whether or not a floor has been laid) providing structural headroom of five feet or more in R2A, R2X, R3, R4 or R5 Districts, eight feet or more in R1 and R2 Districts, other than R2A and R2X Districts, and eight feet or more for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of eight feet or more shall be considered #floor area#. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# after February 2, 2011, any attic space shall be considered #floor area#;
- (e) floor space in gallerias, interior balconies, mezzanines or bridges;

- (f) floor space in open or roofed bridges, breeze ways or porches, if more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;
- (g) any other floor space used for dwelling purposes, no matter where located within a #building#, when not specifically excluded;
- (h) floor space in #accessory buildings#, except for floor space used for #accessory# off-street parking;
- (i) floor space used for #accessory# off-street parking spaces provided in any #story# after June 30, 1989:
 - (1) within #detached# or #semi-detached single-# or #two-family residences# in R1-2A, R2A, R2X, R3, R4 or R5 Districts, except that:
 - (i) in R2A Districts, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space; and
 - (ii) in all R1-2A Districts, and in R3, R4A and R4-1 Districts in #lower density growth management areas#, #floor area# within such #residences# shall include only floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces;
 - (2) within #buildings# containing #residences developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
 - (3) in excess of 100 square feet per required space in individual garages within other #buildings# containing #residences# (#attached buildings#, rowhouses or multiple dwellings) in R3-2, R4 or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, #floor area# shall only include floor space in excess of 300 square feet for one such space and in excess of 500 square feet for two such spaces. However, all of the floor space within any #story# in individual garages shall be considered #floor area# where, subsequent to June 7, 1989, the level of any #yard# except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below

the lower of:

- (i) #curb level#; or
 - (ii) grade existing on June 7, 1989;
- (4) within a #group parking facility# with five or more required spaces #accessory# to #buildings# containing #residences# in R3, R4 or R5 Districts that is located in a space with a ceiling height that is more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;
- (5) which is located more than 23 feet above #curb level# in any other #building#;
- (6) which is unenclosed and covered by a #building or other structure# containing #residential use# for at least 50 percent of such #accessory# off-street parking space in R2A, R2X, R3, R4 and R5 Districts. Where such #accessory# off-street parking space is covered by any portion of a #building or other structure# containing #residential use#, other than a #single-# or #two-family detached# or #semi-detached residence# in R3-2, R4 or R5 Districts, and not #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#, such #floor area# shall include only that portion of the #accessory# off-street parking space in excess of 100 square feet per required space;
- (j) floor space used for #accessory# off-street loading berths in excess of 200 percent of the amount required by the applicable district regulations;
- (k) floor space that is or becomes unused or inaccessible within a #building#;
- (l) floor space that has been eliminated from the volume of an existing #building# in conjunction with the #development# of a new #building# or in the case of a major #enlargement#, as set forth in Section 11-31 (General Provisions), of another #building# on the same #zoning lot#;
- (m) floor space used for mechanical equipment that exceeds 50 square feet for the first #dwelling unit#, an additional 30

square feet for the second #dwelling unit#, and an additional 10 square feet for each additional #dwelling unit# in R2X, R3, R4 or R5 Districts. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;

- (n) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and
- (o) any other floor space not specifically excluded.

However, the #floor area# of a #building# shall not include:

- (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;
- (2) elevator or stair bulkheads, #accessory# water tanks, or cooling towers, except that such exclusions shall not apply in R2A Districts;
- (3) uncovered steps;
- (4) attic space (whether or not a floor has been laid) providing structural headroom of less than five feet in R2A, R2X, R3, R4 or R5 Districts, less than eight feet in R1 and R2 Districts, other than R2A and R2X Districts, and less than eight feet for #single-# or #two-family residences# in R6, R7, R8, R9 and R10 Districts. For #buildings# with three or more #dwelling units# in R6, R7, R8, R9 and R10 Districts #developed# or #enlarged# prior to February 2, 2011, such attic space providing structural headroom of less than eight feet shall not be considered #floor area#;
- (5) floor space in open or roofed bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such bridge, breeze way or porch is enclosed, and provided that a parapet not higher than 3 feet, 8

inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

- (6) floor space used for #accessory# off-street parking spaces provided in any #story#:
- (i) up to 200 square feet per required space existing on June 30, 1989, within #buildings# containing #residences# in R3, R4 or R5 Districts, and up to 300 square feet for one required space in R2A Districts. However, for #detached# or #semi-detached single-# or #two-family residences# in all R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, #floor area# shall not include up to 300 square feet for one space and up to 500 square feet for two spaces;
 - (ii) up to 100 square feet per required space in individual garages in #attached buildings# containing #residences#, rowhouses or multiple dwellings in R3, R4, or R5 Districts, except that in R3-2 Districts within #lower density growth management areas#, up to 300 square feet for one such space and up to 500 square feet for two such spaces, except for:
 - (1) #buildings# containing #residences developed# or #enlarged# after June 30, 1989, pursuant to the optional regulations applicable in a #predominantly built-up area#; or
 - (2) #buildings# containing #residences# where, subsequent to June 7, 1989, the level of any #yard#, except that portion of a #yard# in front of a garage on the #zoning lot# is lowered below the lower of #curb level# or grade existing on June 7, 1989;
 - (iii) within an #attached building# containing #residences#, #building segment# or multiple dwelling in R3-2, R4, or R5 Districts if such floor space is within a #group parking facility# with five or more required spaces that is located in a space with a ceiling height not more than six feet above the #base plane#, or, if the #base plane# is a sloping #base plane#, not more than six feet above the #street wall line level# used to establish such #base plane#. On #through lots# with sloping #base planes#, the #street wall line level# closest to a #street# shall be used to determine whether such space is #floor area#;

- (iv) located not more than 23 feet above #curb level#, in any other #building#, except where such floor space used for #accessory# parking is contained within a #public parking garage#;
 - (v) in R3-2, R4 and R5 Districts, up to 100 square feet per required space which is unenclosed and covered by a #building# containing #residences# other than a #single-# or #two-family detached# or #semi-detached residence# for at least 50 percent of such #accessory# off-street parking space, except where such #residences# are or have been #developed# or #enlarged# pursuant to the optional regulations applicable in a #predominantly built-up area#;
- (7) floor space used for #accessory# off-street loading berths, up to 200 percent of the amount required by the applicable district regulation;
 - (8) floor space used for mechanical equipment, except that such exclusion shall not apply in R2A Districts, and in R1-2A, R2X, R3, R4, or R5 Districts, such exclusion shall be limited to 50 square feet for the first #dwelling unit#, an additional 30 square feet for the second #dwelling unit# and an additional 10 square feet for each additional #dwelling unit#. For the purposes of calculating floor space used for mechanical equipment, #building segments# on a single #zoning lot# may be considered to be separate #buildings#;
 - (9) except in R1-2A, R2A, R2X, R3, R4 and R5 Districts, the lowest #story# (whether a #basement# or otherwise) of a #residential building#, provided that:
 - (i) such #building# contains not more than two #stories# above such #story#;
 - (ii) such #story# and the #story# immediately above it are portions of the same #dwelling unit#;
 - (iii) such #story# is used as a furnace room, utility room, auxiliary recreation room, or for other purposes for which #basements# are customarily used; and
 - (iv) such #story# has at least one-half its height below the level of the ground along at least one side of such #building#, or such #story# contains a garage;
 - (10) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the

perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. For the purposes of such calculation, exterior #building# walls on adjoining #zoning lots abutting# an open or roofed terrace shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;

(11) floor space within stairwells:

(i) at each floor of #buildings# containing #residences developed# or #enlarged# after April 16, 2008, that are greater than 125 feet in height, provided that:

- (1) such stairwells are located on a #story# containing #residences#;
- (2) such stairwells are used as a required means of egress from such #residences#;
- (3) such stairwells have a minimum width of 44 inches;
- (4) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
- (5) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#;

(ii) at each floor of #buildings developed# or #enlarged# after April 28, 2015, that are 420 feet or greater in height, provided that:

- (1) such stairwells serve a space with an occupancy group other than Group R-2, as classified in the New York City Building Code, that is located at or above a height of 420 feet; and
- (2) such floor space excluded from #floor area# shall be limited to:
 - (aa) the 25 percent of stair and landing width required by the New York City Building Code which is provided in addition to the stair

and landing widths required by such Code for means of egress; or

- (bb) the one stairwell required by the New York City Building Code which is provided in addition to the stairwells required by such Code for means of egress. For the purposes of this paragraph, such additional stairwell shall include the stair and landings as well as any walls enclosing the stair and landings;

(12) exterior wall thickness, up to eight inches:

- (i) where such wall thickness is added to the exterior face of a #building# wall existing on April 30, 2012, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch; or

- (ii) where such wall thickness is part of an exterior wall constructed after April 30, 2012, equal to the number of inches by which the wall's total thickness exceeds eight inches, provided the above-grade exterior walls of the #building# envelope are more energy efficient than required by the New York City Energy Conservation Code (NYCECC) as determined by the following:

- (1) the area-weighted average U-factor of all opaque above-grade wall assemblies shall be no greater than 80 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC; and
- (2) the area-weighted average U-factor of all above-grade exterior wall assemblies, including vertical fenestrations, shall be no more than 90 percent of the area-weighted average U-factor determined by using the prescribed requirements of the NYCECC. For the purposes of calculating the area-weighted average U-factor, the amount of fenestration shall equal the amount of fenestration provided in such exterior walls, or an amount equal to the maximum fenestration area referenced in the NYCECC for the calculation of the baseline energy code requirement, whichever is less;

For the purposes of calculating compliance with this paragraph, (12) (ii), the term "above-grade" shall only include those portions of walls located above the grade adjoining such wall. Compliance with this paragraph

shall be demonstrated to the Department of Buildings at the time of issuance of the building permit for such exterior walls. The total area of wall thickness excluded from the calculation of #floor area# shall be reflected on the next issued temporary or final certificate of occupancy for the #building#, as well as all subsequent certificates of occupancy;

- (13) floor space in a rooftop greenhouse permitted pursuant to Section 75-01 (Certification for Rooftop Greenhouses);
- (14) floor space on a sun control device, where such space is inaccessible other than for maintenance.

Floor area ratio (2/2/11)

"Floor area ratio" is the total #floor area# on a #zoning lot#, divided by the #lot area# of that #zoning lot#. If two or more #buildings# are located on the same #zoning lot#, the #floor area ratio# is the sum of their #floor areas# divided by the #lot area#. (For example, a #zoning lot# of 10,000 square feet with a #building# containing 20,000 square feet of #floor area# has a #floor area ratio# of 2.0, and a #zoning lot# of 20,000 square feet with two #buildings# containing a total of 40,000 square feet of #floor area# also has a #floor area ratio# of 2.0)

Front lot line - see Lot line, front

Front sky exposure plane - see Sky exposure plane

Front yard - see Yard, front

Front yard line - see Yard line, front

Front yard line level - see Yard line, front, level (of)

Gambling vessel (2/26/98)

A "gambling vessel" is any ferry, sightseeing, excursion, sport fishing or passenger ocean vessel that operates a shipboard gambling business subject to regulation under Title 20-A of the

- (e) be located at or higher than the floor level of the third #story# of a #building# or at least 20 feet above #curb level#, except that for #buildings# containing #residences# not more than 32 feet in height, such balcony may be located at or higher than the floor level of the second #story# provided that such balcony is located not lower than seven feet above #curb level# or seven feet above natural grade, whichever is higher; and
- (f) have an aggregate width, at the level of any #story#, not exceeding 50 percent of the width at that level of the plane surface of the #building# wall from which it projects.

(3/22/16)

23-14

Open Space and Floor Area Regulations in R1 through R5 Districts

R1 R2 R3 R4 R5

In the districts indicated for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R1 and R2 Districts without a letter suffix, the #floor area# and #open space# provisions of Section 23-141 shall apply. In R1 and R2 Districts with a letter suffix, and R3, R4 and R5 Districts, the provisions of Section 23-142 shall apply.

In R4 and R5 Districts without a letter suffix, the provisions of Section 23-143 shall apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#. In R3-2, R4 and R5 Districts without a letter suffix, the provisions of Section 23-144 shall apply to #affordable independent residences for seniors#.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section, inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, for #zoning lots# providing #affordable independent residences for

seniors# and other #residential uses#, the sum of all #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-142 or 23-143, as applicable.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot#, less any shared #floor area#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

(3/22/16)

23-141

Open space and floor area regulations in R1 and R2 Districts without a letter suffix

R1 R2

In the districts indicated, except R1-2A, R2A and R2X Districts, the minimum required #open space ratio# shall be 150.0, and the maximum #floor area ratio# shall be 0.50.

(3/22/16)

23-142

Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts

R1 R2 R3 R4 R5

In R1 and R2 Districts with a letter suffix and R3 through R5 Districts, the maximum #lot coverage#, minimum #open space# and maximum #floor area ratio# shall be as set forth in the following table:

Minimum

District	Maximum #Lot Coverage# (in percent)	Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	N/A governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	N/A governed by #yard# requirements		.50
R4	45	55	.75
R4-1 R4A	N/A governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	N/A governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (a) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.
- (b) In R3, R4-1 and R4A Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441

(Location of garages in side yards of corner lots) or 23-442
(Location of garages in side yards of other zoning lots).

- (d) In R1-2A Districts and in R3, R4-1 and R4A Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.
- (e) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.
- (f) In R3 Districts, except for #zoning lots# containing #single-#, #two-#, or three-#family residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces or open or enclosed #accessory# off-street loading berths.
- (g) In R4 and R5 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard# or, in R5D Districts, the open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

(3/22/16)

23-143

Optional regulations for predominantly built-up areas

R4 R5

In the districts indicated without a letter suffix, the maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built-up area# are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

(3/22/16)

23-144

Affordable independent residences for seniors

R3-2 R4 R5

In the districts indicated, except R4-1, R4A, R4B, R5A, R5B and R5D Districts, the maximum #lot coverage# and maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the following table.

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall apply to #affordable independent residences for seniors#.

MAXIMUM FLOOR AREA RATIO FOR
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS
IN R3-2, R4 AND R5 DISTRICTS

District	Maximum #Lot Coverage# (in percent)	Maximum #Floor Area Ratio#
R3-2	35	0.95
R4	45	1.29
R5	55	1.95

(3/22/16)

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