

**ATTACHMENT A
MINOR AMENDMENTS, CORRECTIONS AND CODIFICATIONS**

1. Minor Use Permits, Minor Variances, Sign Exceptions and Filming Use Permits

The intent of this amendment is to assist in the implementation and record keeping of the Taxpayer Protection Amendment, codify current practice, and have the Hearing Officer serve as the Hearing Body for filming Conditional Use Permits. Currently, the Zoning Administrator has the review authority over minor use permits, minor variances and sign exceptions. The Zoning Administrator has the ability to delegate this process to the Hearing Officer. Over the past several years, the Zoning Administrator has routinely delegated these cases to the Hearing Officer. The amendment will formalize that the Hearing Officer is the Hearing Body for these applications. The City issues short-term and long-term film permits. History has shown that the majority of film permits are short-term permits and are issued by the Film Liaison. Filming Conditional Use Permits are for long-term film permits and require a public hearing. Typically, there are one to two such cases a year. The process for the filming Conditional Use Permits is the same as a Minor Conditional Use Permit process. The recommendation is to have the Hearing Officer hear these cases rather than the Film Liaison.

2. Add back provision for lots divided by a zoning boundary.

This amendment will put back into the Zoning Code a portion of the code that was omitted in error. This is a section of the code that deals with lots divided by a zoning district. The recommendation is to place the following language back into the code.

Development on lots divided by district boundaries.

A. Regulations. The following provisions apply to lots divided by district boundaries:

1. On a lot that was divided by a zoning district boundary by virtue of Ordinance No. 6096, the owner may elect to apply to the entire lot the regulations of the less restrictive district provided the more restrictive portion does not exceed 30 feet measured perpendicular to the district boundary. Otherwise, the regulations applicable to each district shall be applied to the area within each district. For the purposes of this subsection, the Zoning Administrator shall determine which district is less restrictive.

2. On a lot that was divided by a zoning district boundary by virtue of a zoning map amendment subsequent to ordinance no. 6096, the regulations applicable to each district shall be applied to the area within each district.

B. Parking. Notwithstanding the above provisions, on a lot divided by a zoning boundary by virtue of Ordinance No. 6096, a parking lot serving the principal use may be located within the district where such use is not permitted upon approval of a minor conditional use permit. Pedestrian or vehicular access shall not traverse an adjacent lot that is not in a district in which the use is a permitted or conditionally permitted use.

3. Attic Space

This amendment will also place back into the code a provision that was missed when the new code was established. This provision exempts attics from the FAR provisions in single-family and RM-12 (two units on a lot) Zoning Districts. Attic space was exempt when it did not exceed 60 percent of the surface area of the building footprint excluding any accessory structures. The provision had been in the code since 1987 when the City adopted the Mansionization Ordinance. The intent of the provision was to exempt attic space from the FAR requirements

since it was under the roof of a house and did not add bulk and massing to the structure. The code language would be as follows:

Habitable attic space that has a floor area that does not exceed 60 percent of the surface area of the building footprint (excluding any accessory structures) shall not be included in the calculation of maximum floor area.

4. East Colorado Specific Plan

These minor amendments will correct an error in the East Colorado Specific Plan and clarify the language of another portion. The amendment will remove multi-family housing as a permitted use in the CG-3 subdistrict and correct footnote #2 by removing multi-family housing. The Specific Plan only allowed housing in this subdistrict when it is part of a mixed use project and is located within a quarter mile of a light-rail station. This error was carried over from the previous Zoning Code which did not have a definition for mixed-use projects.

The second amendment from this specific plan area will clarify a footnote on the development standards chart. The limitation on the height limit is applicable only to subdistrict CL-3. This amendment will clarify that language and is consistent with the Specific Plan. Current language reads:

- (6) Within ¼ mile of the Allen Avenue and Sierra Madre Villa Light Rail Station Platforms, the maximum height limit shall be 60 feet. For multi-family residential uses (excluding mixed-use projects), the maximum height limit shall be 45 feet.

The second sentence will be modified to read as follows:

For multi-family residential uses in the ECSP-CL-3 district, (excluding mixed-use projects), the maximum height limit shall be 45 feet.

5. Private driveways and fences

The City Council adopted an amendment that would prohibit private streets from having gates across them. This was codified in the Hillside portion of the code but not codified for the remaining portions of the City. This will correct that oversight.

6. Master Plans – Codify interpretation that Master Plans

Under the expiration provisions for Master Plans, a Master Plan expires on the date designated by the approved Master Plan (typically this is five years). The Planning Commission can extend the expiration date for a Master Plan. This provision has led to some confusion and has been interpreted incorrectly because it appears that the conditions of approval and mitigation measures go away after five years. It is the Zoning Administrator's interpretation that a Master Plan does not expire if the building permits have been issued and construction diligently pursued. If building permits have been issued, the Master Plan has been "exercised" and any conditions of approval, or mitigation measures are effective. This amendment will codify this interpretation.

7. Appeals - Eligibility (Section 17.72.030)

This section lists the review bodies whose decisions are eligible for appeal. It does not list the Board of Zoning Appeals (BZA) as a body whose decisions can be appealed although the next section enumerates which decisions of the BZA can be appealed. Certain BZA decisions must be appealable under CEQA law. This amendment is a small correction that will add the Board of Zoning Appeals as an appeal body.

8. Codify Zoning Administrator Interpretations

It is recommended that the following amendments be codified as part of the Zoning Code.

- a. The Zoning Code requires that an accessory structure be six feet from another structure. Under the Zoning Code, a fence is a structure and an accessory structure can be as close as two feet to a property line. The intent was not to require an accessory structure to be six feet from a fence but to be six feet from a roofed structure. Thus the Zoning Administrator has interpreted the code such that for the purposes of distance, the six foot distance requirement does not apply to fences. This will codify that interpretation.
- b. One of the issues that has come up is how accessory structures are calculated. The Zoning Code sets a limitation on the size of accessory structures (600 square feet or 6 percent of the lot size, whichever is greater). This is sometimes confused with the allowable floor area ratio (FAR) for a site. The Zoning Code exempts only structures in which 50 percent or more of the roof is open from the accessory structure calculation. In calculating the FAR, porches which are open on one side (and completely covered) are exempt. This has led to some disagreements (at the counter) on how maximum square footage is calculated for accessory structures. The intent of this amendment is to codify the Zoning Administrator's interpretation that buildings such as carports and covered porches count as part of the square footage for accessory structures.
- c. Under the new Zoning Code, a garage located along the street facing side yard of a corner lot must be setback 18 feet. The intent of this amendment was to have enough space for a car to park in front of a garage without hanging over the sidewalk or curb. The issue that has come up is that in some cases the garage is not accessed from the street corner side yard and the garage doors face the interior side of the property. The Zoning Administrator has interpreted this provision such that the 18 foot setback is not necessary since access to the garage is from the opposite side or are parallel to the front property line.
- d. Under the definition of dwelling unit, a new provision was added to the Zoning Code that states that all rooms in a dwelling unit be accessible from inside the structure. The intent of this amendment was to limit the possibility of converting a dwelling unit to multiple units. The Zoning Administrator has interpreted the Zoning Code that this does not apply to detached accessory structures and attached garages. This is because attached garages sometimes are attached by a roof and do not have a common wall with the unit.
- e. This amendment will codify an interpretation that a Karaoke use is a commercial recreation use. This use is defined as, "Provision of indoor participant or spectator recreation that is operated as a business and open to the public for a fee. This classification includes billiard parlors, bowling alleys, and ice- or roller-skating rinks."