

ORDINANCE NO. 4247

AN ORDINANCE OF THE CITY COUNCIL APPROVING A ZONING CODE AMENDMENT (CODE 8025-2017) TO ADD THE SMALL LOT RESIDENTIAL ZONE TO THE ZONING ORDINANCE

WHEREAS, the applicant, LVD Rio Rancho III, LLC, has submitted an application for a Zoning Code Amendment (CODE 8025-2017) to add the Small Lot Residential Zone to the zoning ordinance;

WHEREAS, the applicant has concurrently submitted an application for a General Plan Amendment (GPA 8024-2017) to change the designation from Transit Oriented Neighborhood: District to Residential Neighborhood; Change of Zone (ZONE 8027-2017) to rezone three properties from C-4 (Highway Commercial) to Small Lot Residential on the property; Conditional Use Permit (CUP 8026-2017) to build 10 or more units on the property; Tentative Tract Map (TRACTMAP 8027-2017, No. 74606) for the development of a 110-unit residential subdivision; and an Environmental Impact Report (ENV 8028-2017) for the 11.90 acre property at 1901 S. White Avenue;

WHEREAS, the subject properties are located within the C-4 (Highway Commercial) Zoning District;

WHEREAS, the subject properties are designated "Transit Oriented District: Neighborhood" by the City's General Plan;

WHEREAS, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on March 14, 2018 concerning the requested Zoning Code Amendment (CODE 8025-2017) and carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing;

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on April 23, 2018, concerning the requested General Plan Amendment (GPA 8024-2017); and

WHEREAS, the City Council of the City of Pomona, at its regularly scheduled public meeting on April 23, 2018, approved the introduction and first reading of an Ordinance for Zoning Code Amendment (CODE 8025-2017);

WHEREAS, the City Council of the City of Pomona has considered at second reading the requested Code Amendment (CODE 8025-2017); and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Pomona, California, as follows:

SECTION 1. In accordance with the California Environmental Quality Act, CEQA, a Draft Environmental Impact Report (DEIR) was prepared for the proposed project and released to the public on

November 20, 2017, for 60-day review period, comments received have been reviewed and responded to in the Final Environmental Impact Report (FEIR). All required notifications were provided pursuant to CEQA (Public Resources Code Section 21092.5) and all comment letters were incorporated into the Final EIR.

SECTION 2. Based on consideration of the whole record before it, including but not limited to, the staff report, public testimony received at the public hearing on this matter, and evidence made part of the public record, the City Council hereby finds that the proposed Zoning Code Amendment is in the public interest and in the interest of the furtherance of the public health, safety, and welfare and is consistent with the goals, objectives, policies, and programs of the Pomona General Plan.

SECTION 3. The City Council hereby approves Zoning Code Amendment (CODE 8025-2017) to add the Small Lot Residential zone to the zoning ordinance.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2018

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 23rd day of April, 2018, and adopted on the _____ day of _____, 2018 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk

Exhibit A.

SEC. .318 Small Lot Residential Zone

A. INTENT AND PURPOSE. The purpose of the “Small Lot Residential Zone” is to provide an alternative to standard single-family tracts by allowing for a range of single-family residential products within a “Small Lot” development concept. A “Small Lot” development is defined as a subdivision allowing for single-family residential densities of seven to ten dwelling units per acre. This range of densities provides for single-family residential home ownership at densities not otherwise permitted under the City’s other single-family zone districts. The further intent of the Small Lot Zone is to facilitate viable residential development of the City’s irregularly-shaped and physically constrained infill properties. Lots in small lot subdivisions are divided into individual, fee simple parcels, each with one independent dwelling unit. Each individual unit must have direct access to a public street/alley or easement access through a recorded subdivision map.

B. PERMITTED USES. No building or structure or land shall be used, and no building or structure shall be designed, erected, structurally altered or enlarged except for those identified. Same as “R-1-10,000” Zone District (Zoning Ordinance Section .231).

C. USES EXPRESSLY PROHIBITED.

1. Multiple family residential uses.
2. Commercial uses.
3. Industrial uses.
4. Mobile home/manufactured homes shall not be permitted as an addition to any site-built structure.
5. Mobile homes/manufactured homes shall not be permitted as accessory living quarters.
(Ord. No. 3070, § 8.)
6. Medical marijuana dispensaries.
(Ord. No. 4096, § 5.)

D. DEVELOPMENT STANDARDS.

1. Development Size: The minimum area of a Small Lot subdivision shall be 10 acres (net).
2. Development Density: Residential density of a Small Lot subdivision shall not be less than seven dwelling units per acre and shall not exceed ten dwelling units per acre.
3. Lot Size: Residential lots within a Small Lot subdivision shall be a minimum of 2,200 sf (net) and shall not exceed 4,600 sf (net).

4. Lot Dimensions:
- a.) Minimum Width: 38 feet
 - b.) Minimum Depth: 46 feet
5. Dwelling Unit Size. The minimum floor area for each dwelling unit within a Small Lot subdivision shall be as follows:

Three Bedroom	1,900 sf
Four Bedroom	2,070 sf
Five Bedroom	2,300 sf

6. Building Coverage. Maximum coverage of any residential lot by all structures shall not exceed 70 percent, and shall include areas of any accessory structure(s). Community recreation buildings and facilities are considered open space amenities and are excluded from building coverage limitations. Irrespective of lot coverage, structures shall conform to yard and setback requirements presented herein.
7. Building Height. No building or structure shall exceed thirty-five feet or three stories in height. Exceptions: Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, church steeples, roof signs, flagpoles, chimneys, smokestacks, silos, water tanks or wireless masts or similar structures may be erected above the height limits herein prescribed: provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances, but no penthouse or roof structures, or any space above the height limit shall be allowed for the purpose of providing additional floor space.
8. Yards.
- a. Front yard. The front yard setback for lots facing a public street shall be a minimum of ten feet. Lots not facing a public street shall have a minimum front setback of five feet.
 - b. Side Yard.
 - (1) No minimum side yard, provided that structures and structure separations comply with applicable Building Code and Fire Code standards.
 - (2) Where side yards are provided, side yards of abutting lots should be equidistant from the common property line, and shall be a minimum of three feet on each side of the common property line. If Zero lot line configurations are proposed, the side yard opposite the Zero lot line yard shall be a minimum of six feet.

- (3) Accessory structures shall meet or exceed minimum side yard setback(s) for the primary residential use.
 - (4) Zero lot line side yards shall not be located along the subdivision perimeter.
 - (5) For corner lots, the side yard adjacent to the side street shall be a minimum of five feet.
 - c. Rear Yard. Minimum rear yard setback shall be five feet.
 - d. Rear Yard Accessory Buildings and Structures.
 - (1) A garage or accessory building may be located on a rear property line if:
 - (a) Constructed in one-hour fire resistant materials; and
 - (b) Constructed so that all roof drainage is directed to the subject lot; and
 - (c) Constructed so that there are no openings on the side of the building which is on the rear property line; and
 - (d) Not abutting an existing or proposed alley.
 - (2) A garage or accessory building that cannot comply with all conditions set forth in the subsection above shall have a rear yard of at least three feet. Roof eaves on the building may project one foot, and eaves shall not be closer than two feet from the rear property line.
 - (3) A garage or accessory building that abuts and has garage doors opening onto an existing or proposed alley or common driveway shall be located not less than twenty-five feet from the opposite side of the alley or driveway.
 - (4) Swimming Pools. The substructure of swimming pools shall be located not less than five feet from any rear property line.
- 9. Projections into Yards. Architectural features, landscape architectural structures, stairways, chimneys and fire escapes may project into the required yards and open areas and in no case, are less than three feet from the property line.
 - a. Porches and Landings. Porches and open-roofed structures attached to the main dwelling may be constructed in required side or rear yard providing that the following is complied with:
 - (1) Five feet shall be required between structural supports and the rear property line, and three feet shall be required between structural supports and the side property line. On a Zero lot line lot, there shall be a minimum separation between structures of six feet: the eaves of such structures shall be at least two and one-half feet from a rear or side property line; and
 - (2) Porches and open-roofed structures as set forth in this subsection shall be constructed, and remain thereafter, in conformance with the definition of an open patio structure as defined in the Uniform Building Code.
 - b. Eaves. Eaves of all main building and accessory buildings must be two and one-half feet from the side property line.

10. **Building Separation.** Building separation standards are established for the following purposes: to maintain visual privacy from one unit to another; to reduce disruptive noise between the living areas of one unit and bedroom areas of another unit; to provide usable outdoor areas for each unit; and to maintain an open, uncrowded image.
- a. **Residential Buildings.** A principal residential building or building wing of the same structure shall be separated from any other principal residential building or building wing by a minimum of six feet.
 - b. **Accessory Buildings.** There shall be a minimum separation of three feet between principal and accessory buildings. The minimum distance between two or accessory buildings shall be three feet.
11. **Parking.** A two-car garage shall be provided for each dwelling unit. One additional guest parking space shall be provided for each dwelling unit. Guest parking may be accommodated in driveways and within designated areas on interior streets. All guest parking spaces shall be provided with permanent signs identifying them as guest parking spaces and shall be maintained at all times for guest parking. Permanent signs shall also be provided to direct visitors to the guest parking spaces.
12. **Property Access.** There shall be vehicular access from a dedicated and improved street or alley to off-street parking facilities on the property requiring off-street parking. There shall be no vehicular access to property from a major or secondary highway.
13. **Signs.** Same as Zoning Ordinance Section .503-J.
14. **Walls, Fences, and Landscape Screens.**
- a. **Corner Cutoff - Intersection Visibility.** Same as Zoning Ordinance Section .503-1-2. (a) & (b)
 - b. **Front Court yard Walls.** The use of a fence, wall, or hedge to enclose an entrance courtyard may be constructed in a portion of the front yard providing the following conditions are met:
 - (1) Maximum height shall be five feet for those partitions of such wall in the front yard areas; and
 - (2) A courtyard wall must be related to the entrance to a unit and shall not project across driveways or into other areas of the front yard not in the proximity of the unit's entry; and
 - (3) A courtyard wall may encroach into the front yard by one-third the distance(s) required herein, and
 - (4) Materials used for courtyard walls shall be consistent with those on the dwelling unit; and

(5) Any overhead structures in this area are to be limited to open post and beam structures or lattice work.

c. Required Fences or Walls.

(1) Zero lot line configurations shall construct a six-foot fence along all property lines. Front yard areas are excluded from this requirement.

(2) All residential development on lots that back onto arterial streets shall have a six-foot-high decorative masonry wall along the street right-of-way.

(3) All lots next to freeways and railroads shall have a minimum six-foot-high masonry wall along the common property/right-of-way line. Wall height(s) will be predicated on noise abatement requirements as may be required by the City and pursuant to California Building Code requirements. See also walls, fence, and landscape screen specifications and requirements at Zoning Ordinance Section .503-1.

15. Open Space. Open space shall be provided in two forms, private and common open space. Private open space shall be directly related to individual units. Common open space shall be provided throughout the development and shall be available to all residents of the Small Lot subdivision.

a. Private Open Space. "Private open space" means and is defined as usable space assigned for the exclusive use of the occupant of a specific dwelling unit.

(1) Ground Floor Units.

a. Area. One Hundred square feet per unit.

b. Dimensions. The minimum dimension shall be five feet.

c. Enclosure. This space shall be enclosed in a manner to define the privacy of the space.

(2) Above Ground Floor Units.

a. Area. Seventy-five square feet per unit in the form of terraces, balconies or rooftop patios.

b. Dimensions. The minimum dimension shall be five feet.

(3) Common Open Space. Common open space shall be defined as usable space on the site which is available to all the occupants of the development to be used by all residents. Common open space shall be generally distributed throughout the development and must be reasonably accessible to all the dwelling units.

a. Area. A minimum of 5 percent of the gross acreage of a Small Lot subdivision shall be devoted to common usable open space.

b. Dimensions. A minimum dimension of 10 feet shall be required of any area that is to be counted as common open space.

c. Location. Common open space shall not be located in required front yards, side yards, off-street parking areas or driveways.

- d. Grade. Grades in excess of ten percent shall not be permitted. Exceptions: Landscape features such as earthen mounds or berms that are used to improve the quality and/or function of the space.
- e. Landscaping. A minimum of twenty-five percent of the common open space shall be appropriately landscaped with plant materials. Landscaped areas shall be improved with a combination of turf, ground cover, trees, and shrubs. Landscaped area shall be provided a permanent irrigation system. Such landscaping shall include a minimum of one shade tree for every dwelling unit.
- f. Recreation Facilities. A maximum of twenty percent of the common open space may be paved surface including a swimming pool, walks, patios, terraces, courts and fountains. Specialized recreation equipment and facilities may be required by the planning commission based on the anticipated age and interest of the occupant; i.e., play equipment for children, shuffleboard for senior citizens.

16. Landscaping.

- a. General. All open areas and parking area planters shall be landscaped with a combination of trees, shrubs, vines and ground cover as is appropriate to the purpose of the landscaped area. Plantings shall be dispersed throughout parking areas.
- b. Curbs. All landscaped areas shall be separated from driveways and parking areas by continuous rolled curb.
- c. Existing Trees. When healthy, mature trees exist on a site, every effort shall be made to preserve them and tie them into the overall landscape design concept.
- d. Plant Maintenance. All landscaped areas shall be serviced with permanent irrigation system. All planters shall be kept weed-free, fertilized, and pruned as is needed to maintain healthy, attractive plants.
- e. Landscape Plans. A landscaping plan shall be drawn at a minimum of one inch equals twenty feet. This plan shall clearly show the location of all plant materials, the irrigation system (meter size, pipe sizes and valves and head types). All landscape plans shall be reviewed and approved by the Department of Community Development. The following criteria will be used in the review of those plans:
 - (1) Larger specimens of shrubs and trees shall be used along the site periphery, particularly along setback areas adjacent to public streets;
 - (2) Greater intensity of landscaping shall be used along building elevations that lack window, door openings or other details that provide adequate visual interest;
 - (3) Trees shall be located so as to screen parking areas and private first floor areas and windows from second-story units;
 - (4) To provide a crime deterrent, shrubs planted below first floor windows should be of a variety which has thorns and/or prickly leaves.

17. Building and Site Design.

The "Small Lot" Zone shall be used to accommodate the development of unique site designs. Traditional, alley loaded, and Cluster and Courtyard homes are types of development suited for the Small Lot Subdivision Zone. Unit types, architectural design and building orientation shall be varied to achieve an efficient and unique site design. A mix of different residential product types is allowed within the same project. All architectural concepts are subject to review and approval by the Department of Community Development.

- a. Alleys and Drive Aisles. Alleys and drive aisles provide common access to residential units and shall be described as "lots" rather than streets within the subdivision area. Alleys and drive aisles not required for fire access shall be a minimum of twenty-two feet wide. Garages with alley or drive aisle access shall be setback a minimum of eighteen inches from the curb. One tree for each unit shall be planted adjacent to the alley.
- b. Driveways. The driveway length for each unit shall be less than five feet or greater than eighteen feet in length.
- c. Garages. Garages shall be of sufficient size to accommodate a twenty foot by twenty-foot clear parking area as well as additional area for trash receptacles, unless another location for trash receptacles within the lot/site is designated.
- d. Streets. All streets within the development, apart from alleys and common driveways, shall be a minimum of thirty-four feet wide, or the width necessary to accommodate parking on one side of the street. On- street parking shall be distributed throughout the project to ensure availability of proximate parking to all units. Street sections and street parking provisions shall be subject to review and approval by the Department of Community Development.
- e. Sidewalks. Sidewalks a minimum of 4 feet in width shall be on at least one side of all internal streets. Landscaped parkways shall be provided adjacent to sidewalks and/or shall be provided along opposing street frontages.
- f. Exterior Appearance. All elevations must provide facade treatments that provide variation in heights, volumes, entries, materials, colors architectural features, and/or architectural style elements. Double-height front entries are not permitted. All architectural elements and features used to create articulation must be consistent in architectural style and materials.
- g. Relief. Varying relief shall be incorporated in the design of a project as a method of illustrating the theme or character of a building. Details that create shade and cast shadows shall be used on all elevations of each building.
- h. Mass and Scale. The mass and scale of the project should not be substantially greater than adjacent existing or proposed buildings or uses. To aid in evaluation of project mass and scale, developers shall prepare and submit rendered perspectives of proposed development(s) as seen from off-site vantages.

- i. Accessory Structures. Accessory structures shall be compatible in design and materials with the primary use(s).

Small Lot Zone District Standards Summary		
Attribute/Descriptor	Standard	Remarks
Project Area	10 acres minimum (gross)	
Residential Lot Area	Minimum 2,200 sf (net); Maximum 4,600 sf (net)	No minimum/maximum lot area for common areas (recreation facilities, open space etc.).
Open Space		
Private Open Space	-Ground Floor Units • 100 square feet per unit -Above Ground Floor Units • 75 square feet per unit	
Common Open Space	A minimum of 5 percent of the gross site acreage shall be allocated for useable common open space	
Parking	2-car garage for each dwelling unit; plus one guest parking space per unit	Guest parking may be accommodated in driveways and along internal streets.
Residential unit structure front setback	Minimum 5 feet	Front yard setback from public or private street is measured from back of sidewalk on streets with curb adjacent landscape parkway; or face of curb when no sidewalk is provided.
Residential unit open porch front setback	Minimum 5 feet	
Garage – Private street setback	Less than 5 feet or greater than 18 feet.	
Garage – Alley/private drive setback	Minimum 18 inches	
Side yard setback	No minimum provided structures comply with applicable Building Code and Fire Code standards. Where side yards are provided, side yards of abutting lots should be equal and shall be a minimum of three feet on each side of the dividing property line. If Zero lot line configurations are proposed, the side yard opposite the Zero lot line yard shall be a minimum of six feet.	

Small Lot Zone District Standards Summary		
Attribute/Descriptor	Standard	Remarks
Building Separation	Minimum 6 feet between principal uses	
Building Height	Maximum 3 stories/35 feet	