

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DOWNEY AMENDING VARIOUS SECTIONS OF ARTICLE IX OF THE MUNICIPAL CODE REGARDING SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND SUBDIVISIONS STANDARDS AND SINGLE FAMILY DESIGN GUIDELINES FOR DEVELOPMENT**

**WHEREAS**, On May 22, 2018, The City Council approved a professional services agreement with John Kaliski Architects (JKA), a professional planning, architecture, and urban design firm; and,

**WHEREAS**, On November 6, 2019, The Planning Commission held a presentation for draft single-family development standards and design guidelines; and,

**WHEREAS**, On March 17, 2021, The Planning Commission held an additional presentation for draft single-family development standards and design guidelines; and,

**WHEREAS**, on April 7, 2021, the Planning Commission held a duly noticed public hearing, and after fully considering all oral and written testimony, and facts and opinions offered at the aforesaid public hearing, adopted Planning Commission Resolution No. 21-3138 recommending approval of the proposed Zone Text Amendment to the City Council by a 4-0 vote; and,

**WHEREAS**, on April 29, 2021, notice of the pending public hearing was published in the Downey Patriot as a 1/8th page ad in accordance with the requirements of the Downey Municipal Code; and,

**WHEREAS**, on May 11, 2021, the City Council held a duly noticed public hearing to fully consider all oral and written testimony and facts and opinions regarding the amendment to the Municipal Code; and,

**WHEREAS**, having considered all of the oral and written evidence presented to it at said public hearing, the City Council of the City of Downey finds, determines and declares that the requested Zone Text Amendment is not subject to CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines regarding Review for Exemption, because the proposed Zone Text Amendment does not have the potential for causing a significant effect on the environment.; and,

**WHEREAS**, having further considered all of the oral and written evidence presented to it at said public hearing, the City Council of the City of Downey further finds, determines and declares that:

1. The adoption and implementation of the proposed Zone Text Amendment is necessary and desirable for the development of the community and is in the interests or furtherance of the public health, safety, and general welfare. The appropriate development of the community, and its neighborhoods, is achieved through the continuous update of the municipal code. This is done in an effort to provide adequate development standards where needed. Specific to this application, development standards and design guidelines are implemented to promote quality design, while simultaneously allowing creative choices by the applicant that are in cohesion with the surrounding neighborhood. Past and present construction has produced structures with little consideration for the nearby environment or traditional residential architecture. Future development will now include elements more consistent with lower density structures, such as forced modulation, single-story porches, landscaping, garage placement, and emphasis on orientation towards the

public right of way. The analysis for the proposed development standards and design guidelines, as well as the required review process, ensure that any potential effects in public health, safety, and general welfare will be mitigated as much as possible.

2. The adoption and implementation of the proposed Zone Text Amendment is in general conformance with the General Plan. The project is in conformance with all applicable objectives, policies, and programs specified in the City's General Plan. Specifically, the project primarily affects the Single Family Residential (R-1) zones and the General Plan Designation areas of Low Density Residential. The land use designation of "Low Density Residential", as described in the General Plan, calls for stable residential neighborhoods with high-quality of character. A contributing factor to the stability of neighborhoods is cohesion amongst homes in the neighborhood. The previous statements are synonymous with the intent of the new development standards and design guidelines. In addition, the following are policies promoted by the proposed Zone Text Amendment:

*Program 1.2.2 – Focus on areas where livable communities concepts are most likely [to] have the most impact to set a catalyst for similar projects elsewhere in the city.*

The single-family land use designation is the city's largest zoning district and historically it has been seen that one development in one neighborhood inspires similar design in other neighborhoods. Prominent designs in the most recent past serve as a built example of what can be accomplished through the City's current development standards. Likewise, newer high quality design constructed under both the new development standards and design guidelines will set a new example for homes and neighborhoods throughout the City.

*Policy 1.3.2. – Monitor and address changes in land use trends.*

*Program 1.3.2.1. Adopt a comprehensive update of the zoning chapter of the municipal code.*

*Program 1.3.2.2. Adjust the codes, policies, and regulations in response to changes in land use trends.*

New and evolving development is continuously introduced into the city, and it remains a responsibility to analyze and determine the viability of these changes in the City of Downey. The Zone Text Amendment recognizes issues within the City's Low Density Residential Land Use Designation, and this application is carried out in an attempt to remain up-to-date with these challenges. These challenges, such as the issue of "mansionization," are imposed upon various communities and not specific to the City of Downey. Most recently, communities have adopted the use of design guidelines as a tool to combat community impacts. Design guidelines are implemented to help articulate the City's expectations and goals for future development.

*Policy 1.4.1. Promote Neighborhood Identity.*

*Program 1.4.1.4. Promote public participation in the planning process.*

*Program 1.4.1.5. Provide public information on ways residents and property owners can improve their neighborhoods.*

Public participation was vital in the drafting of the proposed documents. The City held three separate public outreach workshops where residents were invited to attend and share their thoughts regarding residential development patterns in their neighborhoods. At the community meetings, residents were introduced to current

zoning standards and were provided illustrative examples of how existing standards are applied. Community members also participated in an exercise where they surveyed various architectural styles, landscape designs, garage placements, and subdivision developments. The information received at these meetings was incorporated into the proposed development standards.

*Goal 1.4 – Protect and enhance the residential neighborhoods.*

*Policy 1.4.2. Promote residential construction that complements existing neighborhoods.*

*Program 1.4.2.1. Discourage residential construction not in harmony with the surrounding neighborhood.*

*Program 1.4.2.2. Adopt standards to address the appropriate relationship between building size and lot size, such as maximum floor area ratio.*

*Program 1.4.2.3. Promote building designs with second story additions to address scale, bulk and massing.*

*Program 1.4.2.4. Encourage developments to consider impacts to privacy, views, and sunlight on adjacent properties.*

*Program 1.4.2.5. Discourage the removal of trees and other vegetation.*

As stated in the Design Guidelines, “The purpose of these Guidelines is to provide a design tool that assists applicants in enhancing the character of Downey’s residential neighborhoods on a project-by-project basis so as to ensure that the design of new homes, additions, and alterations to existing dwellings relates to the existing community context and character. These Guidelines are intended to promote high-quality design that favors craft and architectural styles related to historic precedent and neighborhood context. They further encourage creative design solutions that fit with their surroundings and enhance the overall consistent architectural character seen in Downey single-family neighborhoods.” These statements are synonymous with the goal, policy, and programs stated above.

*Goal 8.1. Promote quality design for new, expanded, and remodeled construction.*

*Policy 8.1.1 Promote architectural design of the highest quality.*

*Program 8.1.1.1. Discourage construction with architectural design of poor quality.*

*Program 8.1.1.2. Assist home owners and builders by providing design guidelines to illustrate good design.*

The Zone Text Amendment, including Design Guidelines, address concerns with recent construction trends related to new construction, renovations, and remodels. The final product will yield designs with consideration for mass, bulk, form, modulation, porch designs, and garage placement. These elements when applied appropriately are key to a higher quality of architectural design. The design guidelines present an explanation and visual example of how those elements are to be appropriately incorporated.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The following definitions are hereby added to Chapter 1 of Article IX of the Downey Municipal Code, and shall read as follow:

**Section 9124. "B" Definitions.**

**Basement:** A portion of the building located entirely or partially below grade level. Basements shall be considered a floor when built above grade for more than twelve (12) inches.

**Block:** Both sides of a street, between two consecutive intersections, or an intersection and a cul-de-sac or street terminus.

**Building, Accessory (Residential):** Any structure not directly attached to the principal dwelling that is customarily incidental to a residence which does not change the character of the residential use and/or household. Accessory buildings may include, but are not limited to, a garage, carport, guest house, playhouse, accessory living quarters, greenhouse, storage shed, covered patios, and other similar structures. The term is used interchangeably within this article with the term "Accessory Structure".

**Bulk:** The overall magnitude or largeness of the aggregate sizes and/or shape(s) of a building, particularly in comparison to the visible overall magnitude or largeness of adjoining buildings.

**Section 9128. "D" Definitions.**

**Design Guidelines:** A toolbox of a broad range of design approaches that assists project proponents and their design teams in reaching compliance with the Zoning Code.

**Dormer:** A window that protrudes out of a sloping roof, typically from a second story. Main dwelling typically utilizes one roof covering both the first and second story.

**Section 9130. "E" Definitions.**

**Eave:** The lower edge or thickness of a roof that overhangs and extends beyond the exterior perimeter wall of a structure.

**Section 9132. "F" Definitions.**

**Floor Area, Gross:** The horizontal space of habitable and non-habitable areas of all floors of all enclosed structures on the property measured from exterior wall to exterior wall including, but not limited to, the main structure, main dwelling structure, accessory buildings, accessory dwelling units, atriums, garages, foyers, enclosed patios, sheds, habitable attic space, basements, closets, utility rooms, mechanical rooms, elevator shafts, stairwells, and janitor rooms.

**Section 9134. "G" Definitions.**

**Garage, Side Loaded:** A garage in which the door is perpendicular to the front property line and vehicular access requires a radius for maneuvering in and out of the structure.

**Section 9138. "I" Definitions.**

**Intersection:** A point at which three (3) or more public road, alley, and/or private road sections intersect with one another.

**Section 9142. "K" Definitions.**

**Kitchen:** A room or space used, or intended, or designed to be used for cooking or preparation food.

**Section 9144. "L" Definitions.**

**Living Quarters, Accessory:** An attached habitable area or detached habitable accessory building, on the same lot as a religious institution, for the sole use of persons employed on the premises. Such quarters shall have a maximum floor area of twelve-hundred (1,200) square feet, maximum height of sixteen (16) feet, and shall not be rented.

**Lot, Key:** The first interior lot to the rear of a reversed corner lot. The front property line of the key lot is formed by a continuation of the street side property line of the reversed corner lot.

**Lot, Reversed Corner:** A corner lot in which the rear abuts a key lot, or in which the rear abuts the front and side yard of an adjoin lot.

**Section 9146. "M" Definitions.**

**Mass/Massing:** The comprehensive bulk or three-dimensional form of a building or portion of a building as viewed from the exterior.

**Section 9152. "P" Definitions.**

**Pervious concrete:** A type of concrete with high porosity that allows water to penetrate directly through its surface into the soil below.

**Porch:** Architecturally appropriate one story covered elements projecting from, or recessed into, a building leading towards the main doorway.

**Prevailing Lot Area:** The average square footage for all properties contiguous to the subject property.

**Prevailing Neighborhood Character:** The most common qualitative features, such as pattern(s), style(s), expression(s), or other attribute(s), and quantitative features, such as, but not limited to, top-of-plate heights, garage placement, setbacks, and roof slopes held by at least fifty (50) percent of the block.

**Private Road:** A private road shall constitute the boundary line to boundary line area of a road that runs through at least two (1) lots and/or lot subdivisions to access another lot and/or lot subdivision, owned by all abutting parcels in which it serves.

**Private Roadway:** Shall refer to the portion of the Private Road used for vehicle traffic.

**Section 9156. "R" Definitions.**

**Ridgeline:** The peak of a sloped or pitched roof, where two or more planes meet.

**Section 9158. "S" Definitions.**

**Subdivision Boundary Line:** The boundary line of an original lot before subdivision.

**Subdivided Lot Line:** The property line of a newly formed parcel after it has been subdivided.

**Section 9160. "T" Definitions.**

**Tandem Parking:** Two parking spaces that are designed to be parked as single-width and double-length with one behind the other such that one car will have to be moved in order to access the other.

**Tree Canopy:** The diameter of the crown of a tree as measured when viewing the tree from an aerial point of view.

**Section 9166. "W" Definitions.**

**Wing:** A portion or mass of a building that intersects with and is subordinate to the main mass of the structure. Serves as a single-story characteristic when designed as a one-story structure towards the public right-of-way.

**SECTION 2.** The following definitions are hereby revised to Chapter 1 of Article IX of the Downey Municipal Code and shall read as follows:

**Section 9132. "F" Definitions.**

**Floor Area Ratio:** The gross floor area of a building(s) on a lot divided by the lot area. Building elements included into the calculation include, but are not limited to, the main structure, the main dwelling, accessory structures, atriums, foyers, mezzanines and lofts, enclosed patios, and enclosed porches. Building elements such as garages, carports, open patios and open porches are not included into the calculation. A basement (where more than fifty (50) percent of the volume of the room is below grade) is exempt from the requirements limiting the floor area ratio (see Figure 9.1.5).

Within the R-1 zones, any floor or portion of a floor with a ceiling height greater than twelve (12) feet above the finished floor is counted as twice the square footage for that floor area.

**Section 9134. "G" Definitions.**

**Guesthouse:** Living quarters, or other habitable space, without a kitchen within a detached accessory building or attached to the main building, located on the same lot as the main building, for use by temporary guests or for the use of domestics employed on the premises by the occupants of the lot. A guesthouse shall be ancillary to the main dwelling unit.

**Section 9152. "P" Definitions.**

**Patio, Enclosed:** A covered freestanding or attached level, paved or decked area enclosed on all sides whose principal use shall be for outdoor entertaining or recreation. A patio shall be considered enclosed when surrounded by a rail, wall, glass, plastic, or similar type barrier taller than forty-two (42) inches on any side, excluding the walls of an approved attached structure. An enclosed patio is not used as a habitable room or as a parking space for vehicles.

**Patio, Open:** A freestanding or attached level, paved or decked area open on one (1) or more sides, enclosed only by the walls of an attached approved structure, whose principal use shall be for outdoor entertaining or recreation. These areas may be covered or uncovered, and may be surrounded by a rail, wall, glass, plastic, or similar barrier measured at a height of forty-two

(42) inches or less. An open patio may be enclosed by insect screening. An open patio is not used as a habitable room or as a parking space for vehicles.

**Permeable Paving:** A paving material that permits water penetration to a soil depth of eighteen (18) inches or more, including non-porous surface material poured or lain in sections not exceeding one (1) square foot in area and incorporates a minimum of three (3) inch landscaped separation, such as open cell concrete, and collectively comprising less than two-thirds of the total surface area of the lot, and loosely laid materials such as crushed stone or gravel.

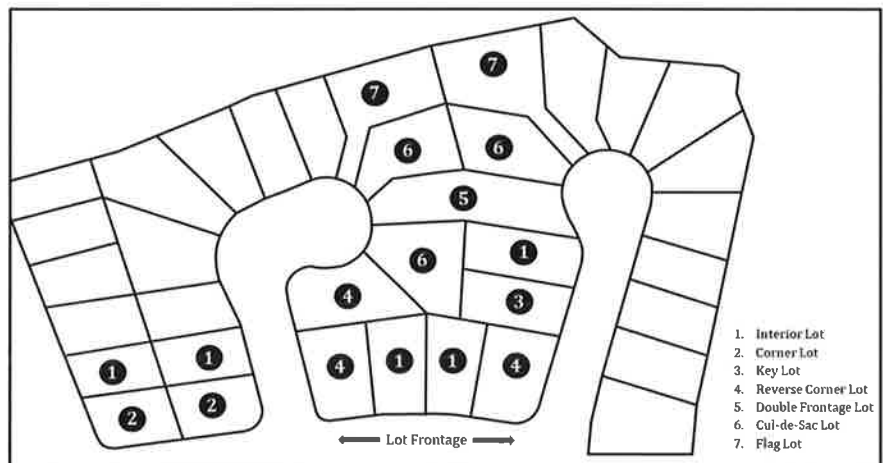
**Porte Cochere:** A roofed space open on three (3) sides and attached to the side or front of a dwelling or building, for the loading or unloading of passenger cars (see Figure 9.1.10). Within the R-1 zones, porte-cocheres are limited to one-story.

**SECTION 3.** The following definition is hereby deleted from Chapter 1 of Article IX of the Downey Municipal Code and shall read as follow:

**Section 9124. "B" Definitions.**

**Basement:** That portion of a building between the floor and the ceiling, which is partly below and partly above grade but so located that the vertical distance from grade to the finished floor level below is less than the vertical distance from grade to ceiling, in which case such basement shall be considered a story (see "Cellar").

**SECTION 4.** The following figure is hereby revised in Section 9144 of Article IX of the Downey Municipal Code and shall read as follow:



**Figure 9.1.6 Lot Types**

**SECTION 5.** The following development standards are hereby revised to "Table 9.3.3. R-1 Zone Property Development Standards" within Section 9312.08 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9312.08. RESIDENTIAL ZONES PROPERTY DEVELOPMENT STANDARDS.**

**Table 9.3.3. R-1 Zone Property Development Standards**

Development Standard	Zone				
	R-1 – 5,000	R-1 – 6,000	R-1 – 7,500	R-1 – 8,500	R-1 – 10,000
Lot area - minimum (sq. ft.)	5,000	6,000	7,500	8,500	10,000
Lot width - minimum (feet)	50'	50'	60'	65'	70'
Lot depth - minimum (feet)	<p>Lot depths shall be within ten percent (10%) the average depth of the two (2) abutting R-1 lots on both sides of the subject lot located on the same side of the street.</p> <p>Corner lots shall be within ten percent (10%) the average depth of the adjoining two R-1 lots along the common front yard frontage.</p>				
Floor area ratio – maximum <sup>a.</sup>	.45				
Lot coverage – maximum	45%				
Building height - maximum (feet) <sup>b.</sup>					
main building	28'				
accessory building	12'				
Front setback (1 <sup>st</sup> Floor) - minimum (feet) <sup>c. d.</sup>	20'				
2 <sup>nd</sup> floor front setback - minimum (feet)	<p>At the 2<sup>nd</sup> story façade facing a front yard, the maximum width of the 2<sup>nd</sup> floor façade aligned with the 1<sup>st</sup> floor façade directly below shall be no greater than forty (40) percent of the entirety of the 1<sup>st</sup> floor façade facing a front yard. Any additional portions of a 2<sup>nd</sup> floor facing a front yard shall be setback a minimum of five (5) feet from the 1<sup>st</sup> floor façade.</p>				
Rear setback - minimum (feet) <sup>d.</sup>	20'				
Side setback (1 <sup>st</sup> floor) - minimum (feet) <sup>e. f.</sup>	<p>Ten percent (10%) lot width, but not less than five feet (5') and not to exceed fourteen feet (14')</p>				
2 <sup>nd</sup> floor side setback - minimum (feet)	<p>At the 2<sup>nd</sup> story façade facing a side yard, the maximum width of the 2<sup>nd</sup> floor façade aligned with the 1<sup>st</sup> floor façade directly below shall be no greater than forty (40) percent of the entirety of the 1<sup>st</sup> floor façade facing a side yard. Any additional portions of a 2<sup>nd</sup> floor facing a side yard shall be setback a minimum of five (5) feet from the 1<sup>st</sup> floor façade.</p>				
Street side setback (1 <sup>st</sup> floor) - minimum (feet) <sup>d.</sup>	10'				
2 <sup>nd</sup> floor street side setback - minimum (feet)	<p>At the 2<sup>nd</sup> story façade facing a street side yard, the maximum width of the 2<sup>nd</sup> floor façade aligned with the 1<sup>st</sup> floor façade directly below shall be no greater than forty (40) percent of the entirety of the 1<sup>st</sup> floor façade facing a street side yard. Any additional portions of a 2<sup>nd</sup> floor facing a street side yard shall be setback a minimum of five (5) feet from the 1<sup>st</sup> floor façade.</p>				
Dwelling unit size - minimum (sq. ft.) <sup>g.</sup>					
one bedroom	700				



two bedroom	850
three bedroom	1,100
four bedroom	1,300
more than four bedrooms	1,500
Building separation - minimum (feet) <sup>h</sup>	
wall to wall	5'
eave to eave	3'
Walkway width - maximum (feet)	6'
Prevailing setbacks	Subject to Section 9534.18
Exceptions to yards, setbacks, and height	Subject to Section 9534
Air conditioning, mechanical roof and utility equipment	Subject to Section 9504
Environmental protection standards	Subject to Section 9516
Graffiti control	Subject to Section 4960 of Chapter 10 of Article IV of this Code
Landscaping, lighting, and walls	Subject to Section 9520
Nonconforming uses, lots, and structures	Subject to Section 9410
Off-street parking and loading	Subject to Chapter 7
Signs	Subject to Chapter 6
Site Plan Review	Subject to Section 9820
Visibility	Subject to Section 9520 and 9534
Wireless Communication Facilities	Subject to Section 9426
Notes:	
<sup>a</sup> Single-family dwelling units in the R-1 Zone are eligible for a 0.05 FAR bonus for providing renewable energy sources, for a maximum FAR of 0.50, in accordance with the provisions of Section 9312.08(b)(2).	
<sup>b</sup> Porch features, such as but not limited to entry porches, covered patios, and porte-cocheres, must have a top-of-plate height equal to or less than the first floor top-of-plate height of the main structure, not to exceed twelve feet (12'). Top-of-peak height must be equal to or less than the top-of-peak height of the main structure, not to exceed sixteen feet (16'). Slope and pitch must be equal to main structure.	
<sup>c</sup> Unless the property is identified on the prevailing setback map, as adopted by the Commission, in which case the greater of the two setbacks shall apply.	
<sup>d</sup> Garage setbacks are subject to Sections 9710 and 9534.22.	
<sup>e</sup> Any decimal fraction shall be rounded up to the nearest inch.	
<sup>f</sup> 1 <sup>st</sup> Floor side yard setbacks may be reduced subject to Section 9534.	
<sup>g</sup> Exclusive of porches, balconies, garages, or other such accessory structures or architectural features.	
<sup>h</sup> Building separation for rear detached garages is also subject to back up triangle requirements located in Section 9710.	

**SECTION 6.** The following development standards are hereby revised to “General Development Standards” within Section 9312.08 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9312.08. RESIDENTIAL ZONES PROPERTY DEVELOPMENT STANDARDS.**

**(b) General Development Standards**

(2) **Alternative Energy FAR Bonus in the R-1 Zone.** Single-family dwelling units in the R-1 Zone are eligible for a 0.05 FAR bonus for providing renewable energy sources. The maximum FAR for the R-1 Zone with the renewable energy bonus is 0.50. The renewable energy sources must provide fifty (50) percent or greater of a parcel's annual energy requirements.

(i) Renewable energy sources include at least one (1) component from (A) and one (1) component from (B) below:

(A) Either solar water heating or tankless water heater; and

(B) On-site solar photovoltaic or small wind energy applications to provide the remaining renewable energy requirement.

(ii) The FAR bonus area shall be incorporated as a one story element in the form of either, but not limited to, a detached accessory building, or incorporation of a front wing, rear wing, side wing, or combination of wings.

(3) **Architecture.** The architecture and general appearance of the building shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the neighborhood in which they are located. For R-1 zoning, all construction shall utilize Design Guidelines for considerations and recommendations regarding characteristic architectural styles and prevailing neighborhood character.

(4) **Massing.** All residential additions, alterations, and modifications shall to the greatest extent possible, avoid excessive massing of the primary structure, through means of varying rooflines, elevations, and other architectural elements (see Figure 9.3.1). Review and approval of massing of buildings shall be subject to the provisions of Section 9820. For R-1 zoning, see Design Guidelines for considerations and recommendations regarding massing and modulation.

(11) **Landscaping.** Landscaping is required in the front, side, street side and rear yards for all areas not covered by an approved driveway or pedestrian walkway, including but not limited to quantity of trees and three tiered system design, pursuant to Section 9520.

(12) **Front and Street Side Yards.** In all residential zones, the front and street side yards shall be landscaped and maintained in good condition and shall be kept free and clear of all construction and automotive materials and parts, trash, refuse, debris, trash storage receptacles, inoperative motor vehicles, discarded or broken materials, appliances, junk, equipment, car cover structures or similar materials and shall not be paved except for approved pedestrian walkways, driveways, and patios. Only temporary parking of vehicles pursuant to Section 9710.02(h) shall be allowed in the front yard.

(13) **Front and Street Side Yards – Maximum Paving (Hardscape).**

- (i) For properties with a width of (60) feet or greater, the total of all paving (hardscape) within the front setback or street side setback, including all driveways and walkways, shall not exceed forty (40) percent of the area within the total front setback or street side setback.
  - (A) An additional ten (10) percent of hardscape shall be allowed in the front setback or street side setback, provided permeable paving surfaces are used. Pervious concrete may not be used as permeable paving.
    - a. A minimum of fifty (50) percent of the total front setback or street side setback shall remain live vegetation landscape surfaces.
- (ii) For properties that are less than sixty (60) feet wide, the total of all paving (hardscape) within the front setback or street side setback, including all driveways and walkways, shall not exceed fifty (50) percent of the total front setback or street side setback.

**SECTION 7.** The following development standards are hereby added to “General Development Standards” within Section 9312.08 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9312.08. RESIDENTIAL ZONES PROPERTY DEVELOPMENT STANDARDS.**

**(b) General Development Standards**

**(5) 360° Architectural Design**

- (i) Any new construction, alteration, and/or addition on a lot, including, but not limited to, a principal residence, second story, detached accessory structure, enclosed patios, and/or porte-cochere shall follow a singular architectural character and style that extends to all building features including façades, roof forms and pitches, materials, and detailing that are visible to the public right-of-way and/or abutting properties. An addition should utilize the characteristics of the style of the existing approved home. Portions of structures not visible to the public right-of-way shall incorporate complimentary elements.

**(6) Single Family Additions and Accessory Structures Design.**

- (i) New roofs shall be similar in form, pitch, slope and material with the existing permitted house.
- (ii) Architectural design shall match style, form, color and material of the existing permitted house and extend to all the exterior portions of the structure that are visible to the public right-of-way and/or visible from adjacent properties. Portions not visible shall incorporate complimentary elements.

**(7) Front Entry Orientation.**

- (i) New architecture, front additions altering the entrance of the dwelling, and remodels altering the entrance of the dwelling shall be designed with the front door oriented towards the street.

(8) **Flat Roofs.**

- (i) For new architecture and alterations in architectural style, flat roof designs may be incorporated when the existing block is characterized by flat roof architectural styles for at least thirty (30) percent of the houses on the block.
- (ii) For additions, flat roof elements may be incorporated when the existing home is entirely flat roof.
- (iii) Flat roofs shall be permitted for open patios.

(9) **Accessory Buildings**

- (i) Accessory buildings, including attached accessory uses, shall be limited to a maximum floor area of seven hundred (700) square feet, and shall be comprised of one (1) open space with no kitchen facilities or bedrooms. Closets shall be allowed, but each is limited to fifty (50) square feet.
- (ii) One (1) bathroom, laundry facilities, and one (1) wet sink are allowed.
- (iii) Multiple accessory buildings, including attached accessory uses, shall be allowed.
- (iv) A covenant and agreement regarding the maintenance of building and use shall be drafted by staff and recorded by the applicant with the Los Angeles County Registrar/Recorder's Office prior to building permit final inspection.
- (v) This section shall not apply to garages and patio covers.

**SECTION 8.** The following development standards are hereby added to "Landscaping Requirements" within Section 9520 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9520.04. Landscaping Requirements.**

(b) **Development Regulations**

- (6) In the R-1 and R-2 zones, a minimum of one (1) new 36 inch box tree or larger shall be planted within the front yard and a minimum of one (1) new 36 inch box tree or larger shall also be planted within the rear yard.
  - (i) Trees shall be of moderate to fast growth varieties.
  - (ii) Within the front yard, trees shall reach a maturity height and canopy width greater than forty (40) feet.
  - (iii) Within the rear yard, trees shall reach a maturity height greater than forty (40) feet and canopy width greater than thirty (30) feet.
  - (iv) Lots with a required side yard setback and/or street side yard setback equal to or greater than ten (10) feet shall provide one (1) 24 inch box tree for every twenty (20) linear feet of building façade for that side. Trees shall reach a

maturity height greater than twenty (20) feet and canopy width greater than ten (10) feet.

- (vi) Tree selection shall be approved by the City Planner. Alternatives to this section may be deemed necessary, at the discretion of the City Planner, for irregular shaped parcels, for parcels in proximity to electrical poles, and for parcels with substandard widths and depths.

**SECTION 9.** The following development standards are hereby revised to "Landscaping Requirements" within Section 9520 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9520.04. LANDSCAPING REQUIREMENTS.**

**(h) Landscaping Design Standards.**

- (5) Planting areas between walls and streets shall be landscaped with a hierarchy of plants in natural formations and groupings. Solid walls over forty-two (42) inches high shall receive vines or hedge when facing public streets.

**SECTION 10.** The following development standards are hereby revised to "General, Wall, Fence, and Hedge Regulation" within Section 9520 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9520.08. GENERAL WALL, FENCE, AND HEDGE REGULATIONS.**

- (d) Approved materials, or combination of materials, for walls and fences include, but are not limited to, wood, metal, vinyl, stone, masonry, stucco, and concrete. Metal is limited to wrought iron or similar type materials. Any materials not listed in this subsection may be approved subject to the discretion of the City Planner.

**SECTION 11.** The following development standards are hereby revised to "Yards, Setback, and Height Exceptions" within Section 9534 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9534.14. PROJECTIONS INTO SETBACK AREAS.**

- (d) In all other zones, uncovered steps and landings, six (6) inches or less above finished grade, may extend twelve (12) inches into a required setback in any zone.

**SECTION 9534.20. MODIFICATION OF REQUIRED SETBACKS.**

- (a) The Commission, pursuant to section 9826, may grant modifications to the rear setback regulations requiring greater than ten (10) foot rear setbacks on lots having irregular lot lines, or restricted depth, or where other conditions create an unnecessary hardship and make it difficult to require compliance with the rear setback regulations, but in no event shall the rear setback be less than ten (10) feet. In no event shall the modifications exceed one-half ( $\frac{1}{2}$ ) of the width of the lot.

**SECTION 9534.22. DETACHED ACCESSORY BUILDINGS IN SETBACK AREAS.**

- (e) No detached accessory building shall be nearer than five (5) feet to any other building on the same lot.
  - (i) Separation requirements for garages shall also be in compliance with Section 9710.

**SECTION 12.** The following development standards are hereby added to “Yards, Setback, and Height Exceptions” within Section 9534 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9534.14. PROJECTIONS INTO SETBACK AREAS.**

- (c) Within the R-1 Zone, uncovered steps and landings may extend;
  - (i) Within the front and rear yards a maximum forty-eight (48) inch projection and thirty (30) inch height above finished grade is allowed into the required setback area.
  - (ii) Within the side yard a maximum forty-eight (48) inch projection and twelve (12) inch height above finished grade is allowed into the required setback area.
- (e) Covered and uncovered second floor balconies, decks, and similar features are not allowed within the second floor setback areas.

**SECTION 9534.20. MODIFICATION OF REQUIRED SETBACKS.**

- (c) The City Planner may authorize modification to the first story side setback area to permit the extension of existing building lines for additions or minor building modifications for alignment purposes, except that no modification shall reduce the required setback closer than three (3) feet to a property line. In accordance with the provisions of Section 9814.

**SECTION 13.** The following development standards are hereby deleted to “Yards, Setback, and Height Exceptions” within Section 9534 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9534.22. DETACHED ACCESSORY BUILDINGS IN SETBACK AREAS.**

~~(a) — A detached accessory building may occupy not more than one-half (1/2) of the required rear setback, such that a contiguous one-half (1/2) of the rear yard remains as open space, and shall be completely to the rear of the main dwelling to which it is accessory.~~

**SECTION 14.** The following development standards are hereby revised to “Residential Off-Street Parking Requirements” within Section 9708 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9708. RESIDENTIAL OFF-STREET PARKING REQUIREMENTS.**

**Table 9.7.2. Residential Parking Requirements**

Land Use Type	Required Off-Street Parking	Notes and Comments
Single-family dwellings (detached)	<p>2.0 enclosed covered spaces within a garage for dwelling units with less than 3,375 square feet of habitable space</p> <p>3.0 enclosed covered spaces within a garage for dwelling units equal to or above 3,375 square feet and equal to or below 4,500 square feet of habitable space</p> <p>4.0 enclosed covered spaces within a garage for dwelling units with greater than 4,500 square feet of habitable space</p>	For purposes of calculating required parking, the square footage of all enclosed areas, including accessory buildings, but not including garages, shall be included. An equivalent number of required parking spaces shall be provided in the driveway (may be tandem).

**SECTION 15.** The following development standards are hereby added to “Residential Parking Design Standards” within Section 9710 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9710.02. R-1 AND R-2 ZONE DESIGN STANDARDS.**

- (b) Front facing garages shall be setback a minimum of five feet (5') from the face of the front façade. An additional three foot (3') setback is required for a front facing third garage space.
- (c) The exterior width of the front facing garage is limited to a maximum of forty-five percent (45%) of the lot width, or thirty-six feet (36') (whichever is less).
  - (1) In no event shall the width of the garage exceed fifty-five percent (55%) of the overall façade width.
- (d) Side loaded garages shall be allowed when the existing block is characterized by side loaded garages for at least thirty percent (30%) of the houses on the block.
  - (1) Side loaded garages may be built at the minimum setback requirement.
  - (2) The street facing façade width of the garage shall be limited to a maximum twenty-two feet (22'). In no event shall the width of the façade facing the street exceed fifty-five percent (55%) of the overall façade width.

- (e) Tandem parking:
  - (2) Required covered parking can be provided in tandem form for lots less than 50 feet wide when a detached garage cannot be located in the rear yard due to inability to comply with the required back-up triangle and alley access is not provided.
- (f) Driveways shall lead directly from a public street to a required garage or other required parking area using the shortest and most direct route.
- (i) Driveways shall remain free from physical obstructions. Obstructions shall include, but are not limited to, covered patios, canopies, storage, temporary structures, trash bins, or furniture. This shall apply to all patio covers regardless of the positioning of post or other structural components. Architectural features may be attached to the front of a garage and extend a maximum of twenty-four inches (24"). This section shall not apply to gates or porte-cocheres that are attached to the side or front of the main dwelling.
- (j) In the R-1 Zone, not more than three (3) parking stalls shall be permitted which open onto the front setback area.

**SECTION 16.** The following development standards are hereby revised to "Residential Parking Design Standards" within Section 9710 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9710.02. R-1 AND R-2 ZONE DESIGN STANDARDS.**

- (g) Driveways to required garages having a setback from the street property line greater than forty feet (40') shall have a minimum width of ten feet (10') and a maximum width of twelve feet (12') in the front or street side setback area. Driveways located outside of the setback area, shall be a minimum of ten feet (10') wide.
- (h) Where required garage spaces are equal to or less than forty feet (40') to the property line, the maximum width of a driveway shall not exceed eighteen feet (18') or two feet (2') wider than the opening of the garage door, whichever is greater, but in no event shall the maximum width exceed thirty feet (30') at the front property line.
- (i) A driveway that serves as required access to a garage, in which the garage door is not parallel to the front property line, or side property line in the case of a corner lot, shall not exceed twelve feet (12') in width at the property line, provide a maximum turn radius of twelve feet (12'), and a minimum twenty-four foot (24') back up.



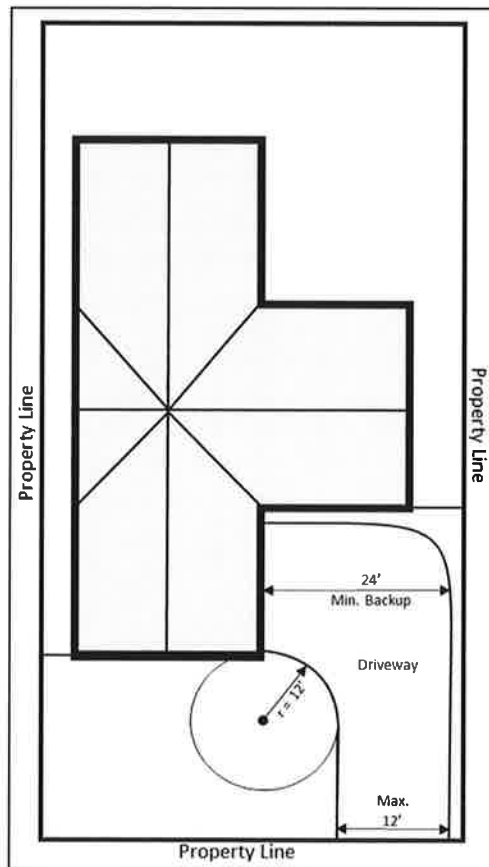


Figure 9.7.1 Side Loaded Garage Driveway

(m) Not more than one (1) driveway shall be permitted for each lot or parcel of land, except as follows:

- (1) Parcels or lots having a street frontage of seventy feet (70') or more may be permitted to have two (2) driveway openings, both the primary and secondary driveway openings shall serve the same driveway, and such secondary driveway shall not exceed twelve feet (12') in width in the setback area. The space between driveways on the same lot shall be at least twenty-four feet (24') at the street property line. That portion of the connecting driveway parallel to the street property line shall have a setback of eighteen feet (18'). The space between the secondary driveway and building shall be separated by three feet (3') of landscaping (see Figure 9.7.1).

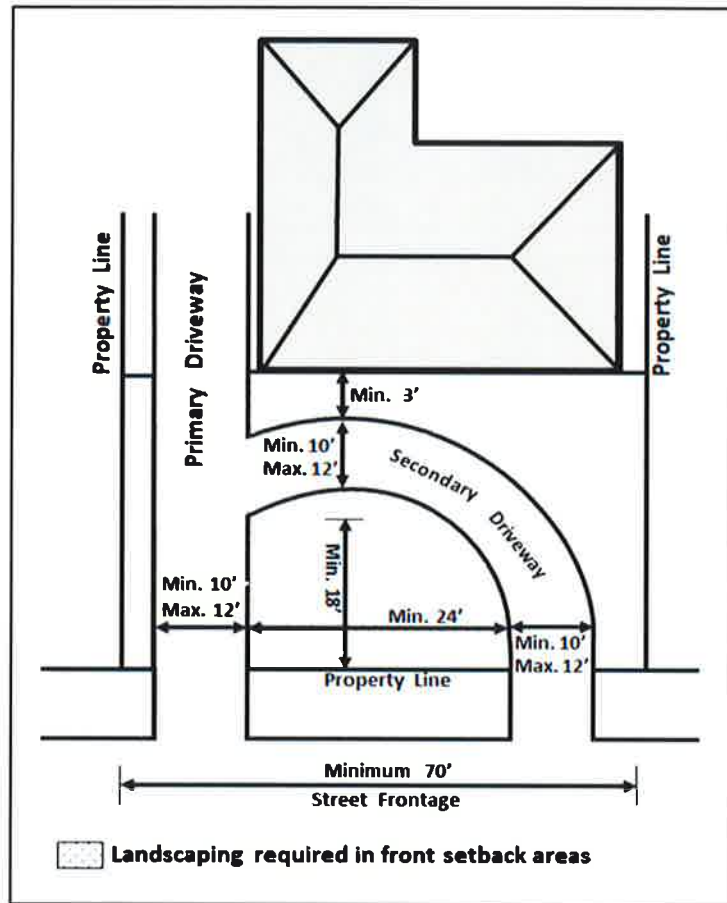
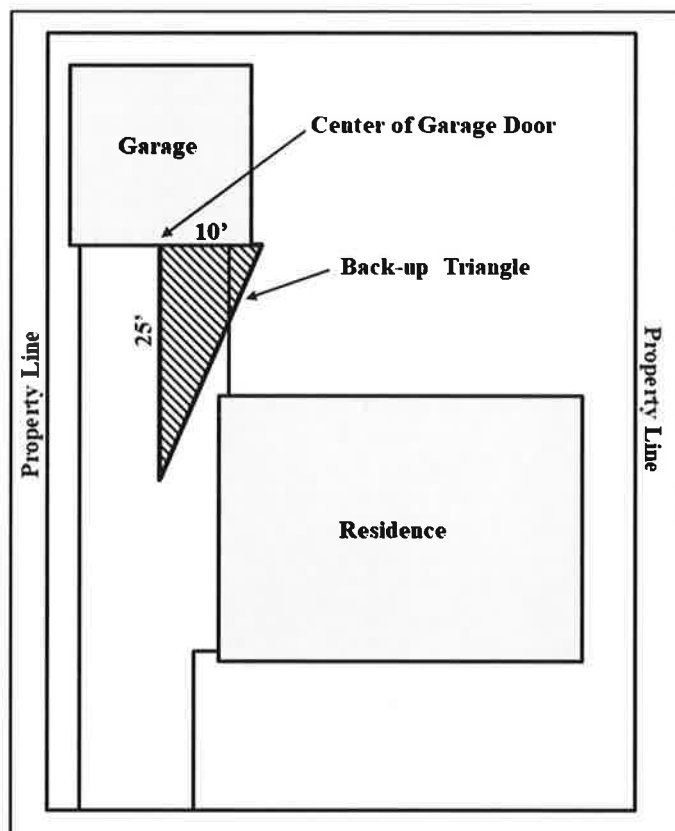


Figure 9.7.2 Circular Driveways

- (2) A secondary driveway for access to a recreational vehicle storage pad may be approved by the Commission pursuant to sections 9804 and 9814.08. The recreational vehicle storage pad shall be located outside all required front, side, and street side setbacks and shall be set back a minimum of five feet (5') from any door and/or window of a habitable structure. The secondary driveway that is within the front or street side setback shall be a ribbon strip design or paved with turf block, and shall be permanently maintained to City standards.

- (n) A back up triangle on the garage side closest to the residence shall be required as depicted in Figure 9.7.3. The sight area shall be free from visual and physical obstructions.



**Figure 9.7.3. Garage Back Up Triangle**

**SECTION 17.** The following development standards are hereby revised to "Authority Of The City Planner" within Section 9814 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9814.04. AUTHORITY OF THE CITY PLANNER.**

- (a) Minor Modification.

- (6) The modification of the side setback area to permit the extension of existing building lines for first floor additions or minor building modifications for alignment purposes, except that no modification shall reduce the required setback closer than three (3) feet to a property line;

**SECTION 18.** The following development standards are hereby added to "Authority Of The City Planner" within Section 9814 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9814.04. AUTHORITY OF THE CITY PLANNER.**

(i) **Appeal of Single Family Residential Development.** The City Planner shall review all appeals of staff decisions regarding R-1 Zone development plan checks.

(1) Appeals to decisions of the City Planner shall be subject to Section 9814.06 (f).

(i) The Commission, and the Council upon further appeal, shall make the following findings in approving an application for a Single Family Development:

- a. The proposed building, structure, and/or landscape is in compliance with the goals, objectives, and policies of the City of Downey General Plan and Single Family Design Guidelines any other applicable plans adopted pursuant to the General Plan.
- b. The proposed building, structure, and/or landscape are in conformity with the standards of the Municipal Code including the location on the lot, area, height, and parking.
- c. The proposed building, structure, and/or landscape are substantially consistent with the lots along the same frontage along the same block in terms of the orientation to the street and sidewalk, location of parking and parking structures, setbacks, lot coverage, rooflines, mass and bulk, materials, and colors.
- d. The proposed building, structure, and/or landscape, and associated walls and fences, are designed to reasonably protect adjoining and abutting single-family residential properties from noise and maintain the visual privacy of adjoining and abutting single-family residences.
- e. The proposed building utilizes quality materials and details similar to or better than adjoining and abutting single-family residences so as to maintain and improve the local setting and community character in terms of appearance and value.

**SECTION 19.** The following development standards are hereby revised to "Subdivision Regulations" within Section 9931 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9931.6. SAME. PRIVATE STREETS ROAD AND ALLEYS.**

Except as set out hereinafter, all parcels of land intended for public use in a subdivision shown on the final map thereof shall be offered for dedication for public use, provided, however, that with the approval of the City Council any street, highway, alley or way which is intended to be

kept physically closed to public travel or posted as a private road or alley at all times may be shown as a private road or alley, but in any such case the final map shall contain a condition offer of dedication which may be accepted by the City Council at such time as the street shall have ceased to remain so physically closed or posted and shall have been opened to public travel for a period of at least three (3) months. Any such private road shall be shown on such map by heavy, dashed lines. Sufficient data shall be shown on each private road or alley to define its boundaries, as is required for a public street, and also sufficient mathematical data to clearly show the portion of each lot within such street. The design and improvement of any such private road shall be subject to all of the requirements prescribed by these regulations for public streets.

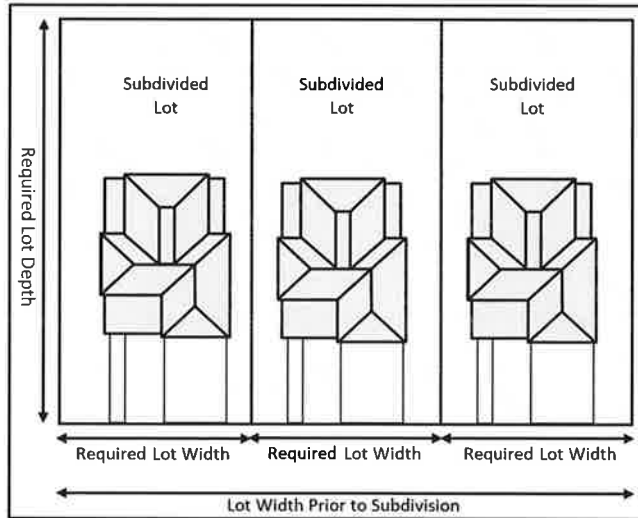
**SECTION 20.** The following development standards are hereby added to "Subdivision Regulations" within Section 9933 of Article IX of the Downey Municipal Code and shall read as follows:

**SECTION 9933.11. SAME. SINGLE FAMILY (R-1) ZONES LOT DESIGN.**

The following standards shall apply to all proposed subdivisions within the Single Family Residential (R-1) zones. All subdivision developments shall also utilize the Designs for considerations and recommendations regarding the design and placement of new subdivided lots:

**(a) Minimum Dimensions.** Lots may only be subdivided pursuant to the following standards:

- (1) Each lot, except the private road, shall have a width and depth not less than that required pursuant to Section 9312.08, unless otherwise provided in this section.



**Figure 9.9.1 Subdivisions**

- (2) Subdivisions proposing a private road shall have an existing minimum lot width equal to the required lot depth plus an additional thirty-two (32) feet.

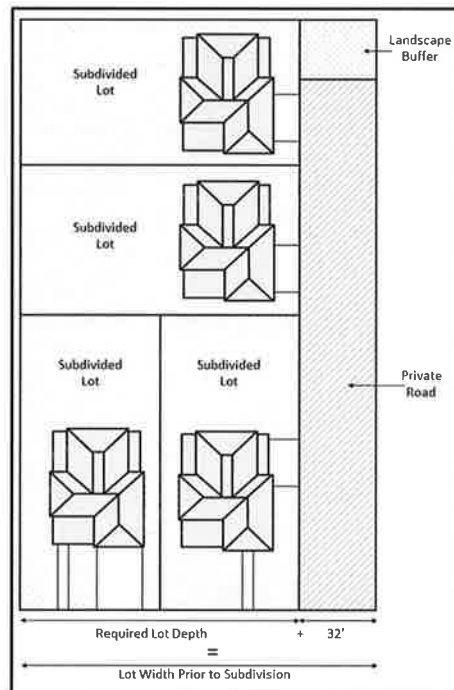
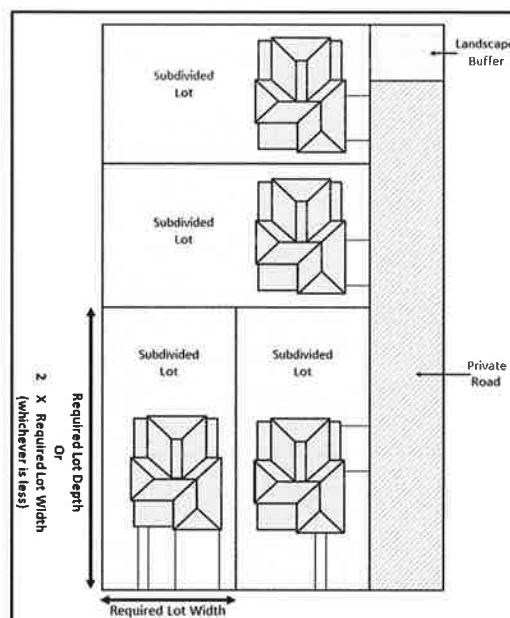


Figure 9.9.2. Required Lot Width Prior to Subdivision

- (3) The lot depth of a subdivided lot with the front lot line oriented towards the **public** right-of-way may abide by the required lot depth or may have a minimum lot depth equal to two (2) times the required lot width, whichever is less. Parcels shall remain in compliance with required minimum lot widths and lot area.
- i. This standard shall only apply to proposed subdivisions that involve more than two parcels and a proposed private road providing access to additional parcels.



**Figure 9.9.3. Required Lot Depth for Lots Oriented Towards the Public Right-of-Way**

- (4) Existing parcels with a lot size equal to or larger than sixty thousand (60,000) square feet shall be processed as a Planned Unit Development.

**(b) Private Roads**

- (1) Private roads shall be their own and separate parcel under shared equal ownership by all adjoining subdivided lots.
- (2) Private roads shall be measured from side boundary line to subdivided lot line, or from subdivided lot line to subdivided lot line when subdivisions are located on either side of a private road.
- (3) Private road improvements shall be built to the standards described in the Downey Municipal Code for streets, lighting, grading/drainage, and traffic signs.
- (4) Private roads shall be provided a new individual street name.
- i. Street name signs shall be provided per standards set forth in the Downey Municipal Code.
- (5) At a minimum, private roads shall consist of one (1) roadway, one (1) row of parallel street parking, and a sidewalk. See Design Guidelines for considerations and recommendations regarding private roadway design.
- i. Roadway widths shall provide a minimum of twenty (20) feet.
  - ii. Parallel street parking shall provide a minimum width of eight (8) feet and depth of twenty (22) feet.
  - iii. Side walk widths shall provide a minimum of four (4) feet.
- (6) Roadways and street parking shall be built at the same grade as adjoining public roadways, and shall be improved with a curb and gutter design approved by the City Engineer.
- (7) Placement:
- i. Parallel street parking shall be located along the boundary line, and opposite of the subdivided lot line.
  - A. This standard shall not apply when there are subdivided lots located on both sides of a private road or for private roads that propose a second row of parallel street parking.
  - ii. Sidewalks shall be located abutting the subdivided lot line, and opposite of the boundary line.
- (8) Private road width shall be determined by subtracting the required lot depth from the width of the existing parcel prior to subdivision. In no case shall the private road be less than thirty-two (32) feet and not more than sixty (60) feet.

- i. This standard may be modified by the City Planner in order to comply with the requirements described in Section 9933.11 (c)(1). In which case the required private road width shall be a minimum of thirty-two (32) feet.
  - ii. If subdivided lots are proposed to front both sides of the private road, then the private road shall measure a minimum width equal to the lot width of the existing parcel prior to subdivision, subtracted by two (2) times the required lot depth, but not less than forty (40) feet and not more than sixty (60) feet.
- (9) Minimum private road widths equal to or larger than thirty-six (36) feet shall incorporate, to the greatest extent feasible, one of the following or multiple combinations of the following: one (1) or more four (4) foot landscape parkways, a second row of parallel street parking, and a second sidewalk.
- (10) In order to facilitate the creation of a thirty-six (36) foot private road and provide a four (4) foot landscape buffer; private road width equal to thirty-two (32) feet may incorporate the standards below. Similarly, any road with up to forty-six (46) feet may incorporate these standards.
  - i. Subdivided lots with a front lot line oriented towards a private road shall reduce their required lot depth by four (4) feet provided that the proposed lot depth will not result in less than one hundred (100) feet and the parcel remains in compliance with the required minimum lot area.
    - A. These lots need only provide a front yard setback of fifteen (15) feet.
    - B. This section shall not apply if private road cannot maintain one continuous width.
    - C. This section shall only apply to new subdivision developments with a newly proposed private road
    - D. The four (4) feet shall be forfeited to increase the required private road width and be incorporated into the separate parcel.
- (11) The private road shall comply with fire apparatus access road standards as required by the Fire Marshal and Fire Code.
  - i. An approved turn-around for dead-end roads in excess of one-hundred and fifty feet in depth shall be provided as required by the Fire Marshal and the Fire Code.
  - ii. Approved signs, markings, or other notices, such as red curbs, shall be provided as required by the Fire Marshall and Fire Code.
- (12) Relevant covenant agreements shall be approved by the City Attorney and recorded with the Los Angeles County Recorder's Office. Composition and recordation of such documents shall be the responsibility of the applicant. Agreements shall include, but are not limited to, language related to granting public access, addressing



maintenance, granting the City authority regarding street closures, and naming the road its own and separate parcel equally owned by all abutting new subdivided lots.

**(c) Lot Placement and Orientation**

- (1) The number of subdivided lots required to have the front lot line oriented towards the public right-of way shall be calculated by the width of the existing parcel prior to subdivision divided by the required minimum lot width. See Design Guidelines for considerations and recommendations regarding lot placement and orientation.
  - i. Any decimal fraction shall be rounded down to the nearest whole number.
  - ii. Subdivisions proposing the creation of four or more subdivided lots may deduct thirty-two (32) feet from the width of the existing parcel prior to subdivision for the purposes of calculating the amount of subdivided lots that must be oriented towards the public right-of-way.
  - iii. A minimum of two parcels shall be orientated towards a public right-of-way.
    - A. To the greatest extent feasible, all proposed parcels shall be oriented towards the public right-of-way.
  - iv. Additional subdivided lots shall be built, behind these lots, with access from and orientation towards a private road.

**(d) Parking**

- (1) A private road must accommodate a minimum of one parking space per each subdivided lot that abuts the private road.
- (2) Each new parcel is subject to the parking standards pursuant to Section 9710.
- (3) Street Parallel Parking dimensions and placement shall comply with Section 9933.11 (b).

**(e) Landscaping**

- (1) Private roads with a width equal to or greater than thirty-six (36) feet shall provide a landscape buffer of four (4) feet.
- (2) For subdivisions with a private road width less than thirty-six (36) feet, in which Section 9933.11(b)(10), a four (4) foot landscape buffer shall be provided on the private property of the new subdivided lot abutting the front property line.
- (3) Each new subdivided lot and all forms of required landscape buffers shall comply with the landscape standards set forth in the Downey Municipal Code for street trees and Section 9520.
- (4) One (1) tree shall be provided for every fifty (50) feet along the private road.

**SECTION 21.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

**SECTION 22.** The City Clerk shall certify the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

**APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Claudia M. Frometa, Mayor

ATTEST:

\_\_\_\_\_  
Maria Alicia Duarte, CMC  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF DOWNEY                )

**I HEREBY CERTIFY** that the foregoing Ordinance No. 21-\_\_\_ was introduced at a Regular Meeting of the City Council of the City of Downey held on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2021, and adopted at a Regular Meeting of the City Council of the City of Downey held on the \_\_\_ day of \_\_\_\_\_, 2021, by the following vote to wit:

AYES:            Council Members:  
NOES:            Council Member:  
ABSENT:         Council Member:  
ABSTAIN:        Council Member:

**I FURTHER CERTIFY** that a summary of the foregoing Ordinance No. 21-\_\_\_ was published in the Downey Patriot, a newspaper of general circulation in the City of Downey, on \_\_\_\_\_, 2021 (after introduction), and on \_\_\_\_\_, 2021 (after adoption including the vote thereon). It was also posted in the Regular posting places in the City of Downey on the same dates.

\_\_\_\_\_  
Maria Alicia Duarte, CMC  
City Clerk