
THE CITY OF DEL REY OAKS

BUILDING REQUIREMENTS

17.04.150 Definitions

“Height of building” means the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

Chapter 17.08 R-1 Districts

17.08.030 Building height limits.

In the R-1 districts, buildings shall not exceed thirty feet in height except as otherwise permitted by this Title 17.

17.08.040 Building site area requirements.

In the R-1 districts, each dwelling, together with its accessory buildings, shall comply with the following site requirements and restrictions:

A. Shall be located on a building site in one ownership having an area of not less than six thousand (6,000) square feet: provided, that any parcel of land of a small area under one ownership at the time of the adoption of the ordinance codified in this chapter, shown as a lot on any subdivision map filed in the office of the county recorder of the County of Monterey, prior to the adoption of the ordinance codified in this chapter, when the owner thereof owns no adjoining land, may be used as a building site for one dwelling by the owner of such parcel of land or by his successor in interest, when all other regulations for the district are complied with. In no case shall, there be more than one dwelling on any one lot except as otherwise provided in Section 17.04.060.

B. The maximum building size shall be as follows:

Lot Sizes: (square feet ("s.f."))	Maximum Building Footprint (House 1 st Floor & Garage) / % of Total Site Area	Floor Area Ratio (F.A.R.) / Total of All Floor Level/ Garage % of Total Site Area
6,000	2,400 s.f. / 40%	2,700 s.f. / F.A.R. 45%
7,000	2,660 s.f. / 38%	3,010 s.f. / F.A.R. 43%
8,000	2,880 s.f. / 36%	3,280 s.f. / F.A.R. 41%
9,000	3,060 s.f. / 34%	3,510 s.f. / F.A.R. 39%
10,000	3,200 s.f. / 32%	3,700 s.f. / F.A.R. 37%
11,000	3,410 s.f. / 31%	3,960 s.f. / F.A.R. 36%
12,000	3,600 s.f. / 30%	4,200 s.f. / F.A.R. 35%
13,000	3,770 s.f. / 29%	4,420 s.f. / F.A.R. 34%
14,000	3,920 s.f. / 28%	4,620 s.f. / F.A.R. 33%
15,000	4,050 s.f. / 27%	4,800 s.f. / F.A.R. 32%
16,000	4,160 s.f. / 26%	4,960 s.f. / F.A.R. 31%
17,000	4,250 s.f. / 25%	5,100 s.f. / F.A.R. 30%
18,000	4,520 s.f. / 24%	5,220 s.f. / F.A.R. 29%
19,000	4,370 s.f. / 23%	5,320 s.f. / F.A.R. 28%
20,000	4,400 s.f. / 22%	5,400 s.f. / F.A.R. 27%
21,000	4,410 s.f. / 21%	5,460 s.f. / F.A.R. 26%
22,000	4,510 s.f. / 20.5%	5,610 s.f. / F.A.R. 25.5 %
23,000 to 1 acre + (43,560 s.f.+)	4,600 s.f. / 20% 8,712 s.f. / 20%	5,750 s.f. / F.A.R. 25% 10,890 s.f / F.A.R. 25%

Note: Any accessory building, including but not limited to sheds, or combination thereof, as permitted under Municipal code section 17.36.010 A, consisting of 120 square feet or less shall not count against the floor area, however, any such building(s) in excess of 120 square shall have all of its area included in the maximum building footprint.

17.08.060 Side yard requirements.

In the R-1 districts, each lot shall have side yards each having a width of not less than ten percent of the lot width but not less than six feet, except as follows:

A. On any parcel of land of an average width of less than sixty (60) feet, which parcel was under one ownership at the time of, or is shown as a lot on any subdivision map filed in the office of the county recorder of the County of Monterey prior to the adoption of the ordinance codified in this chapter, when the owner thereof owns no adjoining land, the width of each side yard may be reduced to ten percent of the width of each parcel, but in no case to be less than five feet;

B. On a corner lot adjacent to a key lot the side yard on the street side of such lot shall have a width of not less than fifty (50) percent of the front yard depth required for the lots to the rear of such corner lot, to a maximum of ten feet for such side yard, but this regulation shall not be so applied as to reduce the buildable width, after providing the required interior side yard, of any such corner lot to less than fifteen (15) feet;

C. In case a dwelling is so located on a lot that the front or rear thereof faces any side lot line, such dwelling shall not be less than fifteen (15) feet from such lot line.

17.08.090 Garage requirements

In the R-1 districts:

A. Each building constructed as a dwelling house shall have not less than two hundred eighty-eight (288) square feet of floor area for garage purposes, either as an accessory building or as a part of the main structure on said lot and no carports shall be permitted in any R-1 district in the city.

B. (No Change)

Chapter 17.12 R-2 Districts (No changes required because requirements are the same as R-1 Districts)

Chapter 17.36 General Use Regulations

17.36.010 B. Height.

(Deleted in its entirety because section 17.08.030 and the new 17.08.040 B. now controls)

2. (No change except renumbering because of deletion of No. 2)
3. Subject to other provisions of law and this Title 17, towers, flag poles, gables, spires, monuments, chimneys, cupolas, water tanks and similar structures and necessary mechanical appurtenances may be built and used to a greater height than the limit established for the district in which the building is located, subject to securing a use permit; provided, that no exception shall cover any level above the height limit more than fifteen (15) percent in area of the lot and that no such structure shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building.

Chapter 17.56 Design Review

17.56.010 Design Review board.

The planning commission shall be the design review board. A committee of the board may be appointed to review plans and make recommendations to the board prior to any presentation to the design review board (planning commission) regarding aesthetics and visual appearance. The board shall review all applications as described in section 17.56.030 and no building or other required permit as set forth above shall be issued prior to approval by the board.

17.56.040 Procedure.

The following shall apply with regard to the design review process:

- A. Plans of the exterior architectural design and appearance of all buildings and structures, plot plans, landscape plans, advertising sign plans, parking area plans and building setback plans shall be subject to the approval of the design review board in order that the proposed buildings, structures, signs and landscaping will be in harmony with other structures and improvements in the area, and not of undesirable or unsightly appearance.

B. Site Assessment and Flagging Requirements:

1. **General:** In order for the Planning Commission/Design Review Board to properly consider a project and identify any physical features related to and/or affected by a proposed project, the following "Site Assessment" and "Flagging" must be completed as part of the application and consideration of a project or structure. A Site Survey and/or Site Topographic Survey, as described herein, may be required to comply with this Site Assessment policy. Applications/packages not conforming to these requirements will be rejected.

2. **Project Drawings** If an applicant can demonstrate that the project can be fully explained and evaluated without submittal of a Site Survey and/or Topographic Survey identified in this Policy, the Planning Commission may waive one or more of the required elements set forth in this Policy. Any request for such a waiver shall be submitted with the application for the project or structure. Staff may approve such waivers subject to final approval by the Planning Commission provided, however, if the Planning Commission does not approve the waiver and any identified requirements are not contained in the application, the application shall not be heard by the Commission and the item will be continued to a later meeting.

3. **Site Survey:** A Site Survey shall be required for all Variance applications and any new construction. A Site Survey is also required for any construction that is proposed within three foot (3'-0") of a minimum setback or where the owner believes the setback to be. A Site Survey shall locate and indicate all buildings, structures, trees and improvements in relationship to property lines and shall also include a benchmark for determining elevation, spot elevations at the property corners and spot elevations at building corners.

4. **Topographic Survey:** A Topographic Survey is required for variance applications and construction that can reasonably be expected to involve assessment of slope, topographic findings in support of a variance, considerations of building height or its potential impact on views, and building height that is proposed within three feet (3'-0) of a maximum allowed height. A Topographic Survey will include all the information in a Site Survey, along with topographic contour lines at one foot (1') intervals and building height elevations for plate and ridge of roof elevations.

5. **Survey Standards:** All surveys will be prepared, stamped and signed by a State of California licensed land surveyor or civil engineer (pre 1982). Although the original drawing size and scale may vary depending upon the limits of the site, the level

of detail and other factors, copies of Site Surveys shall be presented on not less than 11"x17" bond paper. In addition to the requirements of section 17.56.040 B. 4 above, drawings shall clearly show property lines, adjacent street paving edges, all trees (6" diameter and greater) on site and in the adjacent areas, all easements and or deed restrictions, all fences and walls.

6. **Flagging:** For new structures, including but not limited to requests for sheds, fences and retaining walls, addition of a story to an existing structure, change to the existing roofline or change to the existing building footprint, once an application is scheduled for a Planning Commission meeting the property shall be "flagged" or outlined with "netting" to show the proposed change. Flagging/netting shall be at the applicant's expense and shall be shown by orange colored netting and ribbon in bright contrasting color in sufficient detail to show the proposed changes and shall be installed on the property not later seven (7) days prior to the scheduled Planning Commission meeting date. Applications for property not flagged pursuant to this section shall not be considered by the Planning Commission. Within seven (7) days of the expiration of any appeal period of a final action by the Planning Commission or final action by the City Council on appeal or ninety (90) days after the last consideration by the Planning Commission, all flagging/netting shall be removed by applicant,

C. In the event it is determined that such proposed structures are inharmonious or unsightly in appearance, the design review board shall confer, at an open public meeting, with the applicant in an endeavor to have the plans changed so that the structures will be harmonious and attractive in appearance. The design review board may approve or disapprove all or any part of the plans or may approve subject to specified changes, additions or conditions. Disapproved plans may be resubmitted after revision. In case the applicant or any other affected person is not satisfied with the action of the design review board he or she may within twenty (20) days after such action, appeal in writing to the city council. The city council shall hold a public hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof. Upon approval by the city council, the building or other permit shall be issued, provided all other requirements of law have been complied with.

D. Additional regulations and procedures to assist the design review board in the implementation of this section may be adopted from time to time by the board.