

ORDINANCE NO. 2940

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONING CODE AMENDMENT NO. 09-015 TO ADD SECTION 18.10.060 (MINIMUM DWELLING UNIT SQUARE-FOOTAGE) TO THE WHITTIER ZONING CODE AND AMEND CHAPTER 18.06 (DEFINITIONS) TO ADD SECTION 18.06.044 (BEDROOM/SLEEPING AREA) OF THE WHITTIER ZONING CODE. (APPLICANT: CITY OF WHITTIER)

WHEREAS, the City Council has deemed it necessary and appropriate to amend the Whittier Municipal Code concerning the minimum square footage of residential dwelling units within the city in order to better protect the public's health, safety and welfare and to provide clear, consistent, and appropriate development standards for residential dwelling units within the City of Whittier;

WHEREAS, the City Council has deemed it necessary and appropriate to add Section 18.10.060 (Minimum Dwelling Unit Square-Footage) to the Whittier Zoning Code and amend Chapter 18.06 (Definitions) to add Section 18.06.044 (Bedroom/Sleeping Area);

WHEREAS, the Planning Commission conducted a duly noticed public hearing on Zoning Code Amendment 09-015 on October 19, 2009, and subsequently voted 3-0 (under PC Resolution 09-030) recommending approval of Zoning Code Amendment 09-015 to the City Council;

WHEREAS, on November 10, 2009, the City Council conducted a duly noticed public hearing and considered the staff analysis, public testimony and all information presented to the Council concerning Zoning Code Amendment 09-015;

WHEREAS, the City Council finds that the publication of the entire text of this ordinance in a newspaper of general circulation would cost significantly more than the cost of publishing other ordinances and it is infeasible to prepare a fair and accurate summary of the ordinance;

WHEREAS, pursuant to subdivision (c) of Section 36933 of the California Government Code, the City Council may publish a summary of this ordinance in lieu of the entire text; and,

WHEREAS, The City Clerk published a summary of this ordinance in the Whittier Daily News and posted a certified copy of the full text of this ordinance in the City Clerk's Office at least five (5) days prior to the date of the City Council meeting at which this ordinance was adopted.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 18 (Zoning) of the Whittier Municipal Code is hereby amended with the addition of Section 18.10.060 to read as follows:

18.10.060–Minimum dwelling unit square-footage.

Residential dwelling units located in any “R” (Residential) referenced zoning classification or Specific Plan (unless identified otherwise within the development standards of an adopted Specific Plan) shall comply with the following standards:

A. All detached, single-family, dwelling units shall consist of a minimum of 1,200 square feet.

1. The minimum required square footage shall not include porches, balconies/decks, garages, storage rooms or other such accessory structures or architectural features that are attached or detached from the dwelling unit.

B. All attached or semi-detached residential dwelling unit(s) located in an apartment, townhome, condominium or other multi-family residential or mixed-use development shall consist of the following minimum square footage:

Minimum Dwelling Unit Square Footage Schedule

Unit Type	Minimum Size
Senior Housing Unit	450 square feet
Studio Unit	600 square feet
1 Bedroom Unit	750 square feet
2 Bedroom Unit	1,000 square feet
3 Bedroom Unit	1,250 square feet
4 Bedroom Unit	1,500 square feet
5 Bedroom Unit or Greater	1,500 square feet plus an additional 250 square feet for each additional bedroom with more than four bedrooms within the same dwelling unit.

1. The minimum required dwelling square footage shall not include porches, balconies/decks, garages, storage rooms, or other such accessory structures or architectural features attached or detached from an individual dwelling unit.

C. Any secondary dwelling unit located in the R-E and R-1 zone shall be subject to the standards in Section 18.10.020(l) – Second Dwelling Units.

D. No existing residential dwelling unit that was legally constructed prior to the enactment of this ordinance shall be deemed non-conforming solely because it fails to comply with the minimum dwelling unit square footage provisions contained in this Chapter. If an existing residential dwelling is partially or totally destroyed by fire or other natural disaster, it may be reconstructed to its original square footage, even if it does

not meet the minimum dwelling unit square footage provisions contained in this Chapter.

SECTION 2. Chapter 18.06. (Definitions) of the Whittier Municipal Code is hereby amended to add the following definition:

18.06.044 – Bedroom/Sleeping Area.

A habitable space that is a minimum of 70 square feet and includes an egress window or door to the exterior for the purpose of developing a room in which people sleep.

SECTION 3. The City Council has determined that the project, under Zoning Code Amendment 09-015, qualifies as a Categorical Exemption pursuant to Section 15305 (Class 5 – Minor Alternations in Land-use Limitations) of the California Environmental Quality Act (CEQA).

SECTION 4. The City Council hereby ordains the adoption of the provisions contained within Zoning Code Amendment 09-015 to be incorporated within the Whittier Municipal Code.

SECTION 5. If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a display advertisement of at least one-quarter of a page to be published once in the official newspaper within 15 days after the adoption of the Ordinance, which advertisement indicates the general nature of the Ordinance and information about the Ordinance, including how to obtain copies of the complete text of the Ordinance. This ordinance shall become effective thirty (30) days after its adoption.

APPROVED AND ADOPTED this 8th day of December 2009.

BOB HENDERSON, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer

CITY OF WHITTIER)
) SS
 STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 10th day of November 2009, and adopted at a regular meeting of the City Council of the City of Whittier on the 8th day of December 2009 by the following roll call vote:

AYES: O. Newcomer J. G. Nordbak R. L. Henderson
 NOES: None
 ABSENT: J. A. Vinatieri C. Warner

WITNESS my hand and the official seal of the City of Whittier, California, this _____ day of _____ 2009.

 KATHRYN A. MARSHALL
 City Clerk-Treasurer

Published as required by law: December 22, 2009