



STAFF REPORT

DATE: NOVEMBER 30, 2016

TO: PLANNING COMMISSION

FROM: DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE AMENDMENT: SECTION 17.29 (HILLSIDE DISTRICT)

RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council:

1. Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
2. Approve the Findings for Zoning Code Amendments (Attachment A); and
3. Approve the proposed amendments to Section 17.29 (Hillside District) of the Zoning Code.

EXECUTIVE SUMMARY:

At the direction of the City Council and in response to concerns for the potential for "mansionization" in Pasadena, City staff is undertaking an effort to revise the Zoning Code development standards governing single-family residences. This work program involves three phases: Phase 1 (Lower Hastings Ranch), Phase 2 (non-historic, non-hillside), and Phase 3 (Hillside Overlay Districts). Phase 3 consists of the proposed changes to Hillside Overlay Districts as outlined in this report. Phase 1 was adopted by the City Council on October 11, 2016. Phase 2, covering the remaining single-family residential zones, will follow in early 2017.

Staff has held numerous community meetings since the effort began in 2015 and solicited feedback from residents in order to clearly understand the issues in Hillside neighborhoods. The majority of resident concerns can be grouped into four topic areas: basements, accessory structures, view protection, and major remodels. Based on residents' input, staff has prepared a series of proposed amendments to the Hillside District regulations of the Zoning Code (Section 17.29) that govern development within the three Hillside District overlays: HD, HD-1 (Upper Hastings Ranch), and HD-SR (San Rafael Area).

In addition to proposed amendments that address residents' concerns, staff is also recommending several additional amendments to the Hillside District regulations to further protect residential neighborhoods from potential over-building. The proposed amendments include instituting a maximum gross floor area for houses in Upper Hastings Ranch, requiring story poles as part of the HDP visual analysis requirements for two-story projects and second-story additions, providing earlier notification of HDP applications to neighbors within 500 feet of a proposed project with second-floor construction, and simplifying the threshold for when additions require a Hillside Development Permit.

BACKGROUND:

The Hillside Ordinance was initially adopted by the City Council in 1992 when the HD (Hillside) and HD-1 (Upper Hastings Ranch) overlay zoning districts were created, along with additional development standards that superseded the single-family regulations in several areas such as size and architectural standards, and originally required a Minor Conditional Use Permit for projects above a certain size.

The Ordinance was significantly updated in 2004, with minor amendments in 2006. The 2004 update eliminated the Minor Conditional Use Permit process in favor of a new Hillside Development Permit public review process. It also included numerous additional regulations on development in hillside-zoned areas of Pasadena to further the goal of compatible and hillside-sensitive development. The 2004 amendments also shifted the thresholds for public review away from house size and towards size of proposed additions, as well as new houses. The 2006 amendments clarified the neighborhood compatibility section of regulations, a section that was created as part of the 2004 amendments.

Mansionization Outreach Campaign (2014-2016)

In 2014, residents voiced concerns that the City's existing regulations were not sufficiently addressing single-family houses that were perceived to be too large, or architecturally incompatible with surrounding neighborhoods. These issues stemmed largely from several houses that had been built in non-HD overlay zones, but the concerns were shared by residents living in HD overlay zones. The City Council directed staff to work with the Planning Commission and initiate a three-phase mansionization effort; the Hillside Overlay zones constitute Phase 3 of this effort.

Staff's community outreach has included mailed surveys, meetings with members of the Linda Vista/Annandale Association, West Pasadena Residents' Association and San Rafael neighborhood, as well as a series of community meetings in order to fully understand the community's concerns and collect as much public feedback as possible. A summary of staff's outreach efforts during this period is provided below:

March - June 2015

- Eight city-wide community meetings, some of which were attended by residents in Hillside-zoned neighborhoods.

March 2016

- Three Hillside community meetings
 - Don Benito Fundamental Elementary School

- Pasadena City Hall
 - Mayfield Senior School
- Meeting with representatives from Linda Vista/Annandale Association

April 2016

- Meeting with representative from San Rafael neighborhood

June 2016

- Meeting with representative from West Pasadena Residents' Association

September 2016

- Two Hillside community meetings
 - Pasadena Senior Center
 - Pasadena Church of the Nazarene
- Meeting with representatives from Linda Vista/Annandale Association
- Meeting with representatives from San Rafael neighborhood
- Meeting with representatives from West Pasadena Residents' Association

October 2016

- Meeting with representatives from West Pasadena Residents' Association

DISCUSSION:

Resident Issues

During the public outreach process, residents identified a number of suggestions to address potential mansionization that primarily included:

- Limiting the size and footprint of a basement;
- Limiting the number and location of accessory (i.e. detached) structures;
- Modifying the definition of "Primary Living Areas" consistent with common floor plans to better protect views; and
- Consider Hillside Development Permit thresholds for major remodels to existing houses.

The following paragraphs describe each of the above issues raised by residents, as well as a brief summary of staff's proposals to address each concern. Details of the proposed changes can be found as Attachment C.

Basements

The Zoning Code currently regulates basement square footage in cases where any exposed portion of the basement exceeds six feet in height.

In such situations, the entire basement would be counted towards the maximum allowable floor area, along with the above-grade main house, garage, and accessory structures (if any). However, basements that are completely subterranean, or those which have no exposed walls greater than six feet in height are not counted towards the maximum allowable floor area.

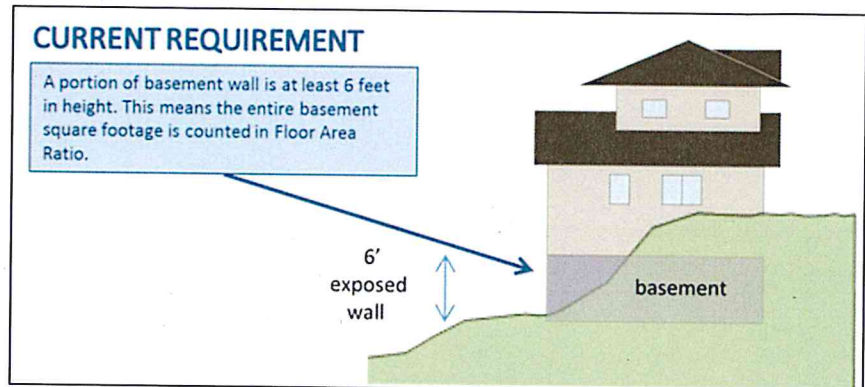


Figure 1 – Basements and FAR

At the community meetings, residents were concerned about basements that cover a substantial area of the lot, even when those basements are entirely subterranean. The Zoning Code does not specify a maximum size for basements, so theoretically a proposed basement could extend well beyond the footprint of the above-ground house.

Finally, some residents were concerned that even if basements were limited in size, they are not limited in depth. In consultation with Building Division staff, it became clear that while a multi-story basement could theoretically be built on a single-family zoned property, there would be significant concerns from the Building Division related to acceptable lighting, ventilation, and emergency exits. The costs associated with building such a basement would likely render the project infeasible. There are no known existing or proposed single-family houses with multi-story basements in Pasadena, according to City records.

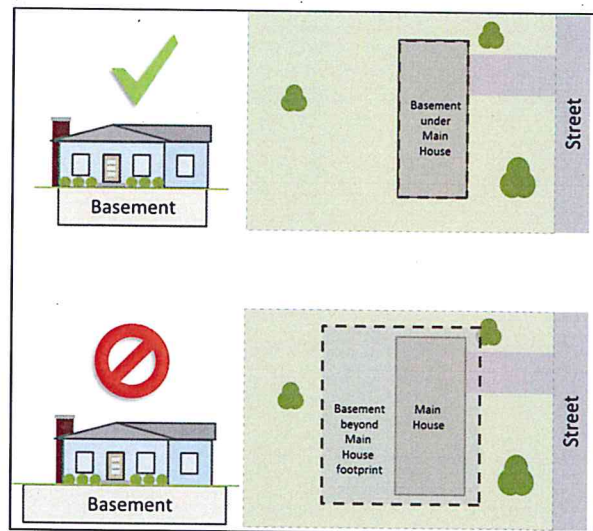


Figure 2 – Basement Location

Limit Basement Size

Based on residents' concerns, the proposed Hillside amendment limits basements to the footprint of an existing or proposed main house (Figure 2). This solution would allow property owners the option of having a basement if they so choose, but ties the maximum amount of basement space to the footprint of the above-ground house. The footprint of the above-ground house is already limited in the Zoning Code by lot coverage, floor area ratio, and setback

requirements. Digging and grading for any proposed basement would also be limited to the footprint of the existing or proposed above-ground house. Limiting a basement to the extent of the house above is a more balanced way of regulating basement size and ensures that the size of a house is compatible with neighboring houses in the area.

Prohibit Basements below Accessory Structures

The Zoning Code does not restrict basements from being located underneath an accessory structure, nor does it require that there be a structure above. Along with the aforementioned solution restricting basement size to the footprint of the above-ground main house, staff recommends including language stating that basements shall not be located underneath any detached accessory structure.

Accessory Structures

Accessory structures, as defined in the Zoning Code, include cabanas, garages, carports, gazebos, greenhouses, pergolas, and workshops. The Zoning Code also states that accessory structures are “subordinate to, and detached from the main structure, the use of which is “incidental and subordinate to the main structure.”

Currently, accessory structures are not permitted within a required front-yard setback, but could otherwise still be placed in front of a main house. In some cases, an accessory structure might be placed in front of the main house out of necessity; for example, a detached garage might be placed in front of the main house due to a steeply-sloped lot that cannot accommodate a garage in the rear.

The Zoning Code does not regulate the number of accessory structures per se; however it does limit the total square footage of all accessory structures to an aggregate of six percent of the site area or 600 square feet, whichever is greater. For example, for an 8,000 square foot lot, six percent is 480 square feet, so the maximum size is 600 square feet. For a 20,000 square foot lot, six percent is 1,200 square feet; which would be the maximum size allowed. A property may have one or two large accessory structures, or multiple smaller ones, and still meet the current requirements of the Zoning Code.

Some residents have concerns with the allowable locations of accessory structures in relation to the main house. This concern appears to stem from a situation where a new main house was built on a property behind an existing main house. The existing house was then converted into an accessory structure. These residents have suggested that accessory structures should never be in front of the main house. Others have proposed that the Zoning Code should also restrict the number of accessory structures that may be built per property.

Limit Number and Placement of Certain Accessory Structures

The definition of accessory structures includes enclosed, fully-roofed structures (such as detached garages) and unenclosed, partially-roofed or open-roofed structures (such as trellises and gazebos). Staff recommends limiting the number of roofed accessory structures to a maximum of three per property, while keeping the existing total maximum size regulations. This change is intended to prevent overbuilding of accessory structures on residential properties, which could contribute to the perception of mansionization through their excess mass and effects on the established pattern of development in the Hillside. The restriction would still allow

for one detached garage, as well as two other structures such as a pool house, workshop, or storage shed.

Staff recommends limiting the location of accessory structures to behind the rear wall plane of the house, except for detached garages (Figure 3). Requiring detached garages to always be behind the house could be problematic for properties in hillside areas with steep slopes, where a detached garage in the front is the most reasonable location.

View Protection

View impacts are considered as part of the review process for any project subject to a Hillside Development Permit.

One of the HDP findings includes a determination that a proposed structure will be compatible with existing and anticipated future development on adjacent lots "in terms of aesthetics, character, scale, and view protection".

The Zoning Code currently protects views in Hillside overlay zones by stating that a proposed structure "shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority." "Surrounding properties" is defined as all abutting properties as well as properties directly across the street from the subject property.

Some residents felt that the above view protection language is sufficient as it allows for a decision maker to have appropriate flexibility in determining where a view is located and potential impacts on those views. Others had concerns with the concept of not blocking views "to the maximum extent feasible" and suggest that the language should be more quantitative in nature to avoid allowing a resident's view to be unreasonably impacted. However, views are not a tangible asset that can be easily or reliably measured, and view impacts may be perceived differently depending on the individual, property, and circumstance.

The Zoning Code also states that new structures and tall landscaping shall not be placed directly in view of the primary living areas on a neighboring parcel. "Primary living areas" are living rooms, family rooms, and patios. Other rooms such as kitchens, bedrooms, and bathrooms are not included; therefore views from those rooms are not protected. Some residents suggested that the definition of a primary view should be expanded to include other rooms of a house.

Remove "Primary Living Area" Definition

Staff recommends modifying the existing definition to allow views to be considered from the windows of any room on the ground floor of a house. The view may also be considered from an attached, ground-floor patio or porch. For the purposes of view assessment, basements shall not be considered the ground floor of a house. Views from second-floor rooms would not be considered in the proposed definition. Many properties in the Hillside have topographical

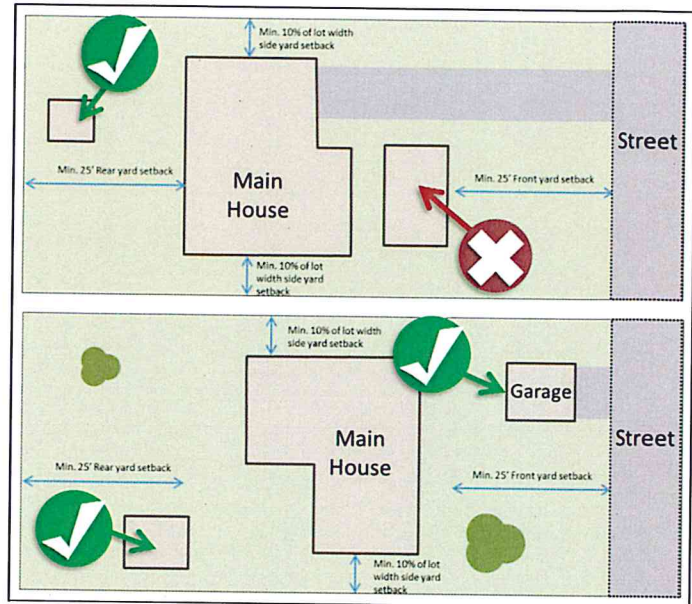


Figure 3 – Accessory Structure Placement

constraints, as well as existing height restrictions, that already serve to restrict proposed structures from significantly blocking a second-story view. This change recognizes that residents may have important views from rooms other than a living room, family room, or patio and it affords residents more flexibility in defining which views are important to them, while still allowing the review authority the ability to determine reasonable impacts on those views.

Require Story-Poles and Renderings for Second Floor Construction

The current submittal requirements for a Hillside Development Permit application include a visual analysis to assist residents, staff, and the decision maker in understanding how a proposed structure will appear in the context of the neighborhood, as opposed to a typical elevation drawing that does not provide contextual information such as trees, colors, and surrounding buildings. The form of this visual analysis may be provided by selecting at least one choice from the following menu of options:

- Digital and/or artistic renderings, including elevations or grading cross-section;
- Temporary silhouette in compliance with Section 17.60.080 (Temporary Silhouette Requirement);
- Photomontages, including photos of the site with the temporary silhouette;
- Computer-generated photo simulations;
- A three-dimensional scale model of the project structure and site of a scale sufficient to evaluate the project as determined by the Zoning Administrator; and
- Any other technique acceptable to the Zoning Administrator that will provide an accurate three-dimensional visual depiction of the proposed project in its proposed location and context with sufficient detail to clearly illustrate how proposed structures and site development will look when complete.

Given the concerns staff has heard relative to views and view protection, particularly when second story construction is proposed, staff is recommending that story-poles be required for all Hillside Development Permit applications when second-story construction is proposed. In addition, staff is recommending the story-poles be erected for two weeks upon staff determination that the application is complete for processing, rather than two weeks before the public hearing as has been the case. The City would mail a Notice of Application to all properties within 500 feet of the subject property once story poles have been erected, in order to ensure surrounding neighborhoods are aware of their opportunity to review the story poles and determine if potential view impacts would occur.

Remodeling Thresholds

Some residents expressed concerns regarding the remodeling of existing houses in the Hillside. Remodeling a house by changing exterior materials or altering a roofline is currently permitted, subject to plans being reviewed by the Planning and Building Divisions and upon issuance of a building permit. However, some residents are concerned that significant remodeling of exterior facades or major alterations to rooflines could result in houses that are architecturally incompatible and out of context with neighboring homes.

Staff recommends creating a new threshold for requiring a Hillside Development Permit by adding a definition of a "Major Remodel", specific to Hillside Overlay areas. This would be defined as both changing the façade of an existing residence by 50 percent or more and altering

its roofline. The combination of these two alterations could be significant in the context of a neighborhood and merits neighborhood notification as well as additional review to ensure that proposed alterations are appropriate.

Other Changes

In addition to the issues and proposed amendments identified above, staff is also proposing a series of other amendments to the regulations of the Hillside District Overlay, which are summarized below and detailed in Attachment C.

Staff recommends applying the maximum allowed gross floor area allowed for RS-4 and RS-6 zones to properties in HD-1 (Upper Hastings Ranch). Second stories would continue to be limited to 50 percent of the floor area of the first story. Upper Hastings Ranch is unique in that it is the only single-family zoned neighborhood in the City without an FAR requirement. Regulating gross floor area, consistent with the base zoning requirement, provides an additional safeguard against mansionization.

Staff additionally recommends clarifying Section 17.29.060(A) to allow all properties less than 10,000 square feet to utilize the base-zone maximum allowed gross floor area (30% + 500 square feet). This was an inadvertent omission in the Hillside code that allows smaller properties zoned RS-1 HD, RS-2 HD, and RS-4 HD to use the FAR of the base zone, but does not allow RS-6 HD properties the same standard.

Staff suggests eliminating Section 17.29.080(G) that permits adjustments to the Hillside standards as part of their approval, outside of a Variance or Minor Variance application. This process has rarely, if ever, been used for HDP applications; therefore staff recommends removing it in the interest of providing a more straightforward application process.

Staff proposes to simplify the threshold for requiring a Hillside Development Permit by a total aggregate addition of 500 square feet or 20% of the existing floor area (whichever is greater), versus by floor and type of construction. Currently, several types of additions are exempt from Hillside Development Permit review, including one-story additions less than 500 square feet (or 20% of the existing floor area, whichever is greater, or a second or third story addition less than 500 square feet in size.

These two categories of additions may be proposed concurrently, meaning that an applicant could theoretically build 499 square feet on the ground floor as well as 499 square feet on a second floor without triggering a Hillside Development Permit. Staff's proposal would limit applicants to an aggregate of 500 square feet or 20% of the existing floor area, whichever is less – regardless of the location of the addition – to provide more stringent requirements for projects with large additions. This requirement would help ensure that projects with the potential to contribute to mansionization are reviewed through the Hillside Development Permit process.

Finally, staff recommends modifying the color requirements for Hillside properties, to require dark earth tones for the exterior of all new construction projects, as well as to prohibit certain tones such as white, off-white, yellow, and purple. These changes would provide greater clarity to applicants in understanding which colors are contextually appropriate for Pasadena's Hillside neighborhoods.

ENVIRONMENTAL REVIEW:

The adoption of the proposed Zoning Code Amendment has been determined to be exempt from the California Environmental Quality Act under Class 8 §15308 - Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of action taken by regulatory agencies, as authorized by state and local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

CONCLUSION:

The Hillside Ordinance specifies unique development standards for single-family houses in Pasadena's hillside areas. Recognizing that it has been a decade since the Hillside Ordinance was last amended, and in response to on-going concerns regarding the potential for 'mansionization' in the Hillside, the City Council directed staff to develop a strategy to address these concerns. Staff's strategy has included working directly with community members to pinpoint the most pressing issues and develop appropriate modifications.

Staff is recommending a series of amendments intended to clarify existing HD standards such as color requirements, revise the method for determining protected views, and add new standards that regulate basement size and location and the number and location of accessory structures. Additionally, staff proposes to include a maximum floor area regulation for Upper Hastings Ranch (HD-1) that is consistent with the neighborhood's base zones (RS-4 and RS-6).


Therefore, staff recommends that the Planning Commission recommend the City Council approve the amendments to Section 17.29 (Hillside District) of the Zoning Code.

Respectfully submitted,



DAVID M. REYES
Director of Planning & Community
Development Department

Prepared by:



Martin Potter
Associate Planner

Reviewed by:



Arthi Varma, AICP
Principal Planner

Attachments:

- Attachment A – Findings for Zoning Code Amendments
- Attachment B – Map of Hillside neighborhoods (HD, HD-1, HD-SR)
- Attachment C – Summary of Proposed Hillside Overlay District development standards

ATTACHMENT A FINDINGS FOR ZONING CODE AMENDMENTS

The Zoning Code requires that prior to the approval of an amendment the following findings must be made:

1. *The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan:*

The General Plan Land Use Element includes Policy 4.11 – Development that is Compatible, which states: “Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.

The existing Zoning Code complies with this policy by requiring development to demonstrate context through the Hillside Development Permit process. The proposed Zoning Code amendment would further comply with this policy by modifying the Hillside Development Permit process to specifically require two forms of visual analysis – story poles and visual renderings – which are currently not required. This modification will further require new development to visually demonstrate the contextual relationship between a proposed project and its surroundings, in terms of building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

Additionally, Policy 22.1 – Appropriate Scale and Massing, states, “Discourage mansionization by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods.”

By modifying the existing Hillside Development Permit regulations, the proposed Zoning Code amendment would follow this policy by requiring new development to demonstrate the consistency between a proposed project and neighboring properties including compatible building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

The proposed amendment would also set new limits on basements and accessory structures to ensure that proposed structures are compatible with existing basements and accessory structures that are commonly found in Hillside neighborhoods.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City:*

The proposed Zoning Code amendments are in response to community concerns regarding mansionization in Hillside Overlay zones, and are designed to ensure greater neighborhood compatibility in established Hillside single-family neighborhoods. Therefore, the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

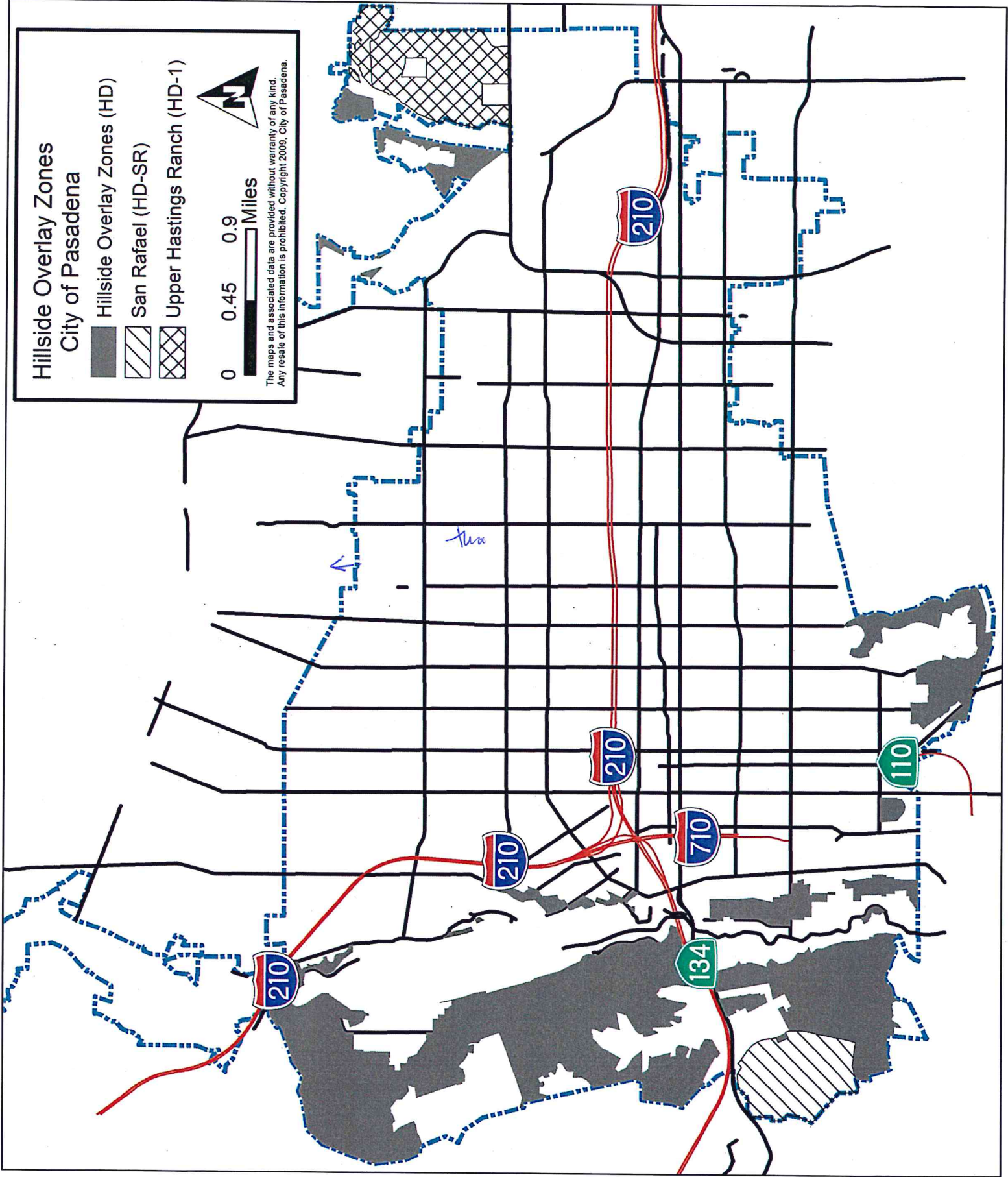
Hillside Overlay Zones City of Pasadena

- Hillside Overlay Zones (HD)
- San Rafael (HD-SR)
- Upper Hastings Ranch (HD-1)



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HILLSIDE OVERLAY ZONES – SUMMARY OF PROPOSED DEVELOPMENT STANDARDS

	Existing	Proposed
Basements	<p>Currently count towards maximum floor area in cases where any basement wall is exposed 6' or more. Otherwise, basements do not count towards maximum floor area.</p> <p>Currently no restriction on location or overall size of basement. A basement could extend past the footprint of the main dwelling, be located under an accessory structure, or serve as an underground connection between structures.</p>	<p>Basements to be restricted to the footprint of the main dwelling.</p> <p>Basements to be prohibited underneath accessory structures.</p>
Accessory Structures - Number	Currently subject to a combined size limit of 600 square feet or six percent of lot size, but otherwise no restriction on total number of accessory structures.	Fully enclosed accessory structures, such as garages, sheds, and pool houses, to be restricted to a maximum of three per property.
Accessory Structures - Location	Currently restricted by setback requirements, but otherwise no restriction on placement.	Must be located behind the rear wall plane of the main dwelling. Exception for detached garages.
View Protection	Currently, views are determined by a "primary living area", which is a living room, family room or patio. New structures and tall landscaping may not be placed in a way that would substantially block views from primary living areas.	<p>Remove the definition of "primary living area" and allow views to be determined from any room on the ground floor of the main dwelling, including an attached patio.</p> <p>All two-story projects would be required to erect story poles for 14 days.</p> <p>A new "notice of application" would be sent out once story poles are erected to ensure that surrounding property owners (within 500 feet) are aware of a project and have appropriate opportunity for review.</p>
Floor Area Ratio (HD-1)	Currently no maximum FAR requirement.	Maximum FAR to be consistent with the requirements of the underlying base zone (RS-4 and RS-6)
HD properties under 10,000 square feet	Currently, properties zoned RS-1 HD, RS-2 HD, and RS-4 HD may utilize the standard maximum allowed gross floor area (30% + 500 square feet) if they are less than 10,000 square feet in size. Properties zoned RS-6 HD may not.	Clarify to allow all HD-zoned properties to utilize the base zone's maximum allowed gross floor area, as long as they are less than 10,000 square feet in size.

Eliminate adjustments to Hillside Standards as part of HDP approval	Section 17.29.080(G) allows applicants to seek adjustments to the Hillside Development standards as part of approval. To approve the adjustment(s), the Hearing Officer must find that the adjustment(s) would result in a project that is less visible from off-site and has less environmental impact on wildlife, habitat, slopes, or existing scenic views that it would if it complied with the development standards.	Recommend removal of this ability to provide a more straightforward application process for applicants and the general public.
Simplify thresholds for when HDP is required	<p>Currently, a project is exempt from HDP review if it includes:</p> <ol style="list-style-type: none"> 1. A single story addition less than 500 square feet or 20% of the existing floor area of the primary structure, including garage, whichever is greater. 2. A second or third story addition increasing the gross floor area by less than 500 square feet. <p>A project that includes both a single story addition less than 500 square feet, as well as a second or third story addition of less than 500 square feet, do not trigger a HDP.</p>	The proposed thresholds would require HDP approval for <u>any addition or combination of additions</u> greater than 500 square feet or 20% of the existing floor area (<u>not including attached covered parking</u>), whichever is <u>less</u> .
Add "Major Remodel" threshold for HDP projects	Some residents are concerned with projects that change the character of an existing house but do not trigger HDP review. For example, modifying an existing façade or raising a roof.	<p>Create "Major Remodel" thresholds, including:</p> <ol style="list-style-type: none"> 1. Altering more than 50% of exterior wall facades and replacing with a different material. This is not meant to include cases where a material is removed due to damage or age and is replaced with the same material) 2. Altering an existing roofline by raising or lowering it. <p>A project that includes <u>both</u> of these activities will be subject to HDP review.</p>
Clarify Color Requirements for HDP projects	Projects requiring an HDP currently limited to dark tones, including earth tones. No examples of earth tones are given.	Clarify that dark earth tones are required and list prohibited colors.