

Agenda Report

TO: CITY COUNCIL

DATE: DECEMBER 5, 2005

FROM: CITY MANAGER

SUBJECT: HILLSIDE OVERLAY DISTRICT RE-ZONING STUDY

RECOMMENDATION

It is recommended that, following a public hearing, the City Council:

1. Approve the Initial Environmental Study and Negative Declaration (Attachment B); and
2. Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment C); and
3. Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder; and
4. Find that the proposed revisions to the Hillside Development Overlay District and Single Family Residential Districts are consistent with the goals and policies of the General Plan; and
5. Approve the Zoning Map Changes as shown on Attachments A-1, A-2 and A-3; and
6. Approve the Zoning Code Amendment to Section 17.29.080 of the Zoning Code, related to floor area ratio calculations on flat lots (Attachment D); and
7. Direct the City Attorney to prepare an ordinance that implements this recommendation and return within 60 days.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission reviewed the proposed hillside rezoning study on September 21, 2005. Following public testimony, the item was split into two separate actions: The first action included the entirety of the staff recommendation with the exception of the Rosita Lane Study Area (Study Area #5). The Rosita Lane Study Area was removed from this action because one Commissioner requested to be withdrawn from voting on this area due to a conflict. The vote on this action was 5-2 in favor of the staff recommendation. The second action was only on the Rosita Lane Study Area recommendation and the vote was 6-0 in favor of the staff recommendation.

EXECUTIVE SUMMARY

The purpose of the project is to correct mapping errors, to exclude Hillside-zoned portions of the City that do not exhibit traits of a hillside area, and to include areas that are not currently within the Hillside District but are steep or sloped. The Hillside Overlay District currently contains 3,779 lots.

Based on a review of areas identified by the public and through staff research, nine study areas were established. These areas are described below and shown in specific detail on the attached maps (Attachments A1-3). Staff is recommending modifications to several of the study areas. In total, 479 lots were reviewed through this process; 41 lots are recommended to be removed from the Hillside District and 61 lots are recommended to be added to the Hillside District.

The criteria developed to review prospective areas for consideration for removal from the HD Overlay are as follows:

- Entire area to be re-zoned has an average slope of less than 15%.
- There is a clear demarcation line on the maps (and in the field) between the area zoned HD and the area not zoned HD.
- The surrounding neighborhood exhibits no features of the HD Overlay (e.g. no view protection issues, no significant elevation changes, etc.)

The second and third criteria listed above were also utilized to consider addition of properties into the HD Overlay. The areas proposed for inclusion are located in neighborhoods that exhibit traits of the Hillside District and are in areas where there are clear demarcation lines on the City's maps between the HD and non-HD properties.

Individually, some of the lots within the HD Overlay do not exhibit the traits of a hillside lot. However, taken within their neighborhood context, these lots are considered to be within a hillside neighborhood (e.g. at the base of a steep hill, across the street from an elevation change, a flat graded lot on a sloping street, etc.). At the request of the Planning Commission, staff also proposes a modification to the Zoning Code that will provide some flexibility for these flat properties within the Hillside District. The modification would be to the Hillside Ordinance (Chapter 17.29 of the Zoning Code) and it would allow the Hillside Development Permit process to be used to allow additional floor area on lots that meet certain characteristics. Essentially, if a lot was verified to have an average slope of less than 15%, a Hillside Development Permit could

be submitted to allow an adjustment to the floor area requirements, up to the permitted floor area of the base zone. As was mentioned, this could lead to an increase in floor area of between 5 and 7.5% under current zoning requirements. The project would be subject to all other requirements in the Zoning Code, including height, setbacks, neighborhood compatibility, etc. Further, a public hearing would be held and the neighborhood notified of the proposal. This option would provide flexibility for flat lots in Hillside areas without compromising the goals and intent of the Hillside Ordinance.

BACKGROUND

The City Council adopted revisions to the Hillside Development Standards in May, 2004. During the public hearings with the Planning Commission and City Council on this issue, several property owners requested that their neighborhoods be removed from the Hillside District Overlay Zone. The reasons given for removal were that these areas were flat and did not exhibit the characteristics of a hillside area or these areas may have been mapping errors, where a Hillside District zoning line was drawn to include more properties than necessary. Following this testimony, staff was directed to study the areas raised by the property owners as well as other areas in the Hillside District that staff believed merited analysis.

The Hillside District is more restrictive than the underlying zoning. For example, a typical non-hillside single-family lot allows 30% of the lot size to be developed + 500 square feet. The hillside zones allow from 22% to 27.5% of the lot to be developed + 500 square feet. In addition, the Hillside Standards employ a slope formula which further reduces floor area as a function of the steepness of the lot. A Hillside Development Permit is required for new developments in the Hillside District. A Hillside Development Permit requires an application, staff review of slope and view protection issues, environmental clearance, a public hearing, and conditions of approval. Outside of the Hillside District, there is an administrative review through the building permit plan check process.

As mentioned above, the criteria developed to review prospective areas for consideration are as follows:

- Entire area to be re-zoned has an average slope of less than 15%.
- There is a clear demarcation line on the maps (and in the field) between the area zoned HD and the area not zoned HD.
- The surrounding neighborhood exhibits (or does not exhibit) features of the HD Overlay (e.g. no view protection issues, no significant elevation changes, etc.)

To review these criteria, existing tools such as the Los Angeles County property database, computer applications, and aerial photographs were employed. In addition to these tools, staff conducted extensive field work throughout the study areas.

The scope of the project was discussed with the Planning Commission in an informational format at the April 13, 2005 meeting. Following this meeting, two community meetings were held at La Casita Del Arroyo on June 2 and June 7, 2005. In addition to informing the community about the project and soliciting input, these meetings served to expand the study areas in several cases. On

August 6, an informational tour was conducted with the Planning Commission to familiarize the Commission with the study areas.

ANALYSIS

Based on a review of areas raised by the public and through staff research, nine study areas were established. Each of these areas is described below and is shown in specific detail on the attached maps (Attachments A1-3).

Study Area 1 – Inverness

This is a small study area of 19 lots within the HD zone that residents requested the City exclude from the HD along the south side of Inverness Road and a portion of Mt. Vernon Place. The street slopes steeply up to the north across Inverness Road and also slopes to the west of the area. Lots on the north side of Mt. Vernon Place are currently zoned out of the Hillside District. The questionable lots in this area are the first four lots to the west of the intersection of Inverness and Linda Vista on the south side of Inverness. The two lots at the intersection of Inverness and Linda Vista are predominantly flat. There is no clear demarcation between these and the lots further to the west. The remainder of the lots slope downward from Inverness Drive. Also, these lots are across the street from a very steep incline and a clear hillside neighborhood on the north side of Inverness. As such, this area does not meet the criteria established for removal from the Hillside District. Staff recommends no change to the zoning in this area.

Study Area 2 – Bryant/Ontario

This study area includes 70 lots within the HD zone that residents request excluding from the HD along Bryant Street, Ontario, Wellington, Lida, and Linda Vista. The area is surrounded by non-hillside zoning to the north with the Linda Vista School to the south across Bryant Street. In looking at the overall hillside/non-hillside zoning map for this area, this study area is surrounded by non-hillside zoning to the north, south, and east. With a few exceptions, the majority of this area is flat and exhibits no traits of a hillside zone. As such, staff is recommending that a large portion of this study area (26 lots) be removed from the Hillside District. There are some exceptions however. To the west of the study area there are several lots on the edge of a ravine (accessed from Lida Lane) that should not be removed from the Hillside District. Also, along the north side of Lida Street from one lot east of Arroyo View to the west, staff is recommending seven lots be added to the Hillside District. A small cluster of three lots on the north side of Lida Street to the east of Wellington is recommended to be removed from the Hillside District. Please see Attachment A-1 for specific information.

Study Area 3 – Charles Street

Charles Street is a cul-de-sac street that runs both east and west of Linda Vista Avenue within the HD. This study area was expanded following the community meetings to include portions of Wabash Street, Linda Vista Way and El Mirador Drive, which are also cul-de-sac streets within the HD. A total of 69 properties were included in this study area. The streets in this area are mostly flat, with some slight elevation gain toward the west. However, the area slopes steeply to the west beyond the edge of the cul-de-sacs toward the El Mirador area. To the east, properties slope down to the Arroyo and the significant elevation change represented by Salvia Canyon Road. Additionally, the Hillside District zoning designation extends to the north, south, and west

of this area. The area to the west is the El Mirador area, which is zoned PD-9. As such, it shows up on the map as non-hillside, even though it is a steep area with hillside standards. Although many of the lots in this area are flat, the area does not meet the second criteria, which requires clear demarcation lines between hillside and non-hillside zoning. A re-zone of this area would create an island of non-hillside property within a hillside neighborhood. Re-drawing these zoning boundary lines is impractical since there are no physical or visual cues to create clear demarcation lines. As such, no change is recommended for this area.

Study Area 4 – La Cresta/Arroyo

This is a small “loop road” off of Arroyo Drive to the east of the Arroyo within the HD. This area represents the southern-most portion of the Hillside District boundary lines on the eastern slope of the Arroyo in this area of the City and includes 29 properties. Lots on the west side of La Cresta slope down to the Arroyo and should not be modified. Lots on the east side of La Cresta are “through lots”, meaning that they have two front yards along streets (La Cresta and Arroyo). These lots are primarily flat. However, the overall development potential is constrained by the fact that they have two front setbacks. For these reasons, staff recommends that the properties on the east side of La Cresta (a total of nine lots) be removed from the Hillside District. This study area also contains six lots on the east side of Arroyo, between Coniston Road and Stanton Street. These lots are flat, are surrounded by flat lots, and do not exhibit any traits of a hillside zone. Staff assumes this is a mapping error and recommends that these six lots be removed from the hillside. If these recommendations are approved, a total of 15 lots would be removed from the Hillside District in this sub-area.

Study Area 5 – Rosita Lane

This area originally contained the entirety of Rosita Lane from Nithsdale to the end of the cul-de-sac. Through community input and field work, this study area was substantially enlarged to incorporate Glen Summer Road as well as property on the east side of San Miguel Road between Colorado and Nithsdale Road. A total of 73 properties were included in this area. The cul-de-sacs of Rosita and Glen Summer are predominantly flat with some slope to the south. In fact, the demarcation line in this area is at Nithsdale Road, with property to the north non-hillside and all property to the south, east and west zoned within the Hillside District. Much like the Charles Street area, there is no clear demarcation line in the area (south of Nithsdale). Rosita Lane and Glen Summer would be the only portions of the area south of Nithsdale to be out of the Hillside District. This is a unique portion of Pasadena, with a number of uniquely-shaped lots and slope changes. As such, staff recommends no change to the zoning south of Nithsdale Road.

As field work was conducted in this area, staff investigated the Hillside property along Club Road. It appears a mapping error occurred in this area as Sierra View Road and the property on the east side of San Miguel between the two intersections with Sierra View Road have a significant amount of slope and grade change. This area should be zoned with a Hillside overlay and staff recommends a rezone for these 29 properties. Please see attachment A-2.

Study Area 6 – California Terrace

Several property owners along California Terrace were among the first to raise the issue of conducting a re-zoning study. The California Terrace area is an area of 40 lots along the east side

of California Terrace from California Boulevard to just north of Arbor Street. This is an intimate residential neighborhood, with a number of historic homes. These lots are at the base of a significant hill to the east. The slope in this area drops sharply from Grand Avenue and flattens at this section of lots. Across California Terrace to the west is non-hillside zoning to Arroyo Boulevard. The lots that have frontage onto California Terrace are predominantly flat; however there are several flag lots directly behind these lots that have extensive slope. Although this area does not meet all the criteria related to a hillside neighborhood, i.e. the neighborhood is flat across the California Terrace and the lots are graded flat, these lots directly abut steep lots to the east. Also there is no clear demarcation line to the east. For these reasons, staff recommends no change to the zoning in this area.

Study Area 7 – Bradford Street

Portions of hillside zoning extend through this area of the City in a “swath” from north to south (Study Areas 6 and 8 are also in this region). This area has steep streets that slope up to the east but, for the most part, has flat, graded, terraced pads. This area also includes properties on Bellefontaine Street and La Loma Road for a total of 52 properties. Although the majority of the lots in this area have been terraced and have little slope, the building pads typically have been graded either substantially above or below the neighboring property. In certain situations, this could create development that towers over neighboring properties due to the elevation change between pads. Because of this, staff recommends no change to the majority of this area. The Hillside Development Permit process is suitable for this area to allow an opportunity to review view and privacy impacts between lots.

The one exception in this area is a cluster of 18 properties on the northeast corner of this study area. The slope on La Loma Road as the street descends from California Boulevard is significant. This area appears to have been a mapping error as the area exhibits the traits of a hillside area and adjoins hillside zoning to the west. Staff recommends this portion be added to the Hillside District.

Study Area 8 – Orange Grove Circle

The Orange Grove Circle area has several different zoning designations and some significant slope elevation changes. This area is flat in parts and then slopes down significantly to the west, where there is non-hillside zoning at the base of this elevation change. There are 27 properties in this area, most on a private loop street, developed as both single-family homes and as multi-family condominiums. Because of the built environment here (different housing types) and the significant drop-off to the west, staff recommends no change to the zoning of this area through this project.

Study Area 9 – Old Mill Road

This is a large study area of 100 lots along Old Mill Road at the border of San Marino in the southern portion of the City. A majority of the area is zoned HD, however the Kenmore Road portion is not. The natural topography slopes significantly to the north of this study area and then slightly up again to the south into San Marino. This study area is similar to both California Terrace and Inverness in that the lots themselves are predominantly flat but the surrounding neighborhood has significant slope. This is especially true of the western portion of the study

area and the area sloping down from the Ritz Carlton Hotel. Properties on the south side of Old Mill Road to the east of Banning Way could be considered for removal but staff concluded that this would create a small island of non-hillside zoning in a hillside neighborhood. As such, staff recommends no change to the majority of this area.

The exception to this recommendation is what appears to be a mapping error at the terminus of Kenmore Road. There are seven lots that access Kenmore in this area and have significant slope. This area is not currently within the Hillside District but staff recommends it be included in the Hillside District.

Alternative to Re-zoning

There are numerous individual lots or small areas that are considered flat (less than 15% average slope) and that do not individually exhibit traits of a hillside lot. Nearly all of these areas are zoned either RS-4-HD or RS-6-HD (including all nine of the study areas). Lots in these zones tend to be smaller in size than the RS-1 or RS-2 zones. Because the developable area is a function of lot size, the allowable building area is more affected by floor area ratio requirements. Regardless of slope, hillside lots are subject to the hillside development standards, discretionary review requirements, submittal of technical studies and topographic information, and potential conditions of approval. Although these requirements are significant, the only standards that applicants and residents consistently mention as difficult to meet are the floor area ratio and neighborhood compatibility requirements. Both of these standards relate to the allowable square footage of a home. As mentioned previously, the floor area ratios in the RS-4 and RS-6 HD areas are 5 to 7.5% less than in the non-hillside areas (e.g. 25% vs. 30% of the lot size). For example, a “flat land” floor area ratio on a 10,000 square foot lot would allow 3,500 square feet to be built. A lot in the RS-4 HD zone (25% + 500) would allow 3,000 square feet, a difference of 500 square feet. As the lot size increases, the difference between the allowable floor area increases. This is consistently mentioned by applicants as a significant reduction.

Despite this, to re-zone hillside property is a significant modification. Re-zoning a property out of the HD zone removes that property from neighborhood review in a public hearing, discretionary approvals, and the right to place conditions upon a development. In order to provide an option for flat lots in the Hillside District that provides an alternative to re-zoning, the Planning Commission requested that staff research potential modifications to the Hillside Ordinance. The staff proposes a modification to the Zoning Code that may provide flexibility for flat properties within the Hillside District which does not require re-zoning. The modification would be to the Hillside Ordinance (Chapter 17.29 of the Zoning Code) and it would allow the Hillside Development Permit process to be used to allow additional floor area on lots that meet certain characteristics. Essentially, if a lot was verified to have an average slope of less than 15%, a Hillside Development Permit could include a request to allow an adjustment to the floor area requirements, up to the permitted floor area of the base zone. As was mentioned, this would be an increase in floor area of between 5 and 7.5% under current zoning requirements. The project would be subject to all other requirements in the Zoning Code, including height, setbacks, neighborhood compatibility, etc. Further, a public hearing would be held and the neighborhood notified of the proposal. The text of the change would read as follows:

Section 17.29.080.J – Floor Area Ratio Adjustment for Flat Lots

Through the Hillside Development Permit process, lots in the RS-4-HD and RS-6-HD zones with an average slope of less than 15% may apply for an adjustment to the floor area ratio requirements for their lot. If approved, the maximum permissible floor area ratio for such lots is the same as the base single family non-hillside zones (30% of lot size + 500 square feet).

Staff believes this option will provide flexibility for flat lots in Hillside areas without compromising the goals and intent of the Hillside Ordinance.

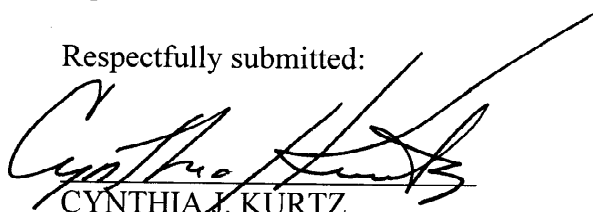
ENVIRONMENTAL DETERMINATION

An Initial Environmental Study was prepared for this project and a Negative Declaration has been recommended (see Attachment B). The proposed map amendments will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Initial Study was completed on August 31, 2005. The public review period for the environmental documentation was from August 31, 2005 through September 21, 2005. Comments on the environmental analysis may also be received at the public hearing on December 5, 2005 and any subsequent City Council hearing on this issue.

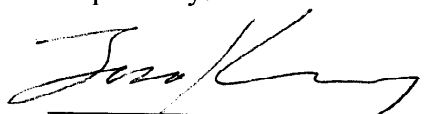
FISCAL IMPACT

The proposed modifications to the Zoning Map and Zoning Code would not change the process of collecting building fees and development impact fees.

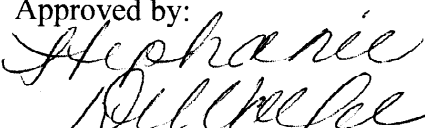
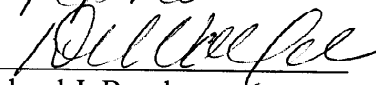
Respectfully submitted:


CYNTHIA J. KURTZ
City Manager

Prepared by:


Jason Kruckeberg
Senior Planner

Approved by:



for Richard J. Bruckner
Director of Planning and Development

Attachments

- A. Maps of Designated Study Areas
- B. Initial Environmental Study and Negative Declaration
- C. De Minimis Impact Finding on State Fish and Wildlife Habitat
- D. Proposed Zoning Code Amendment