

Agenda Report

TO: CITY COUNCIL **DATE:** NOVEMBER 21, 2005
FROM: CITY MANAGER
SUBJECT: REVISIONS TO THE ZONING CODE REGARDING THE CITY OF GARDENS DEVELOPMENT STANDARDS, PARKING AND ENCROACHMENT REQUIREMENTS.

RECOMMENDATION:

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

1. Adopt a Negative Declaration that finds the proposed amendments to the Zoning Code (City of Gardens ordinance) have no negative environmental impacts under the California Environmental Quality Act ("CEQA");
2. Adopt a finding that the proposed amendments to the Zoning Code are consistent with the General Plan as outlined in this report; and
3. Approve the proposed staff amendments to the Zoning Code regarding the City of Gardens development standards, parking and encroachment requirements as contained in Attachment 1.
4. Direct the City Attorney to prepare an ordinance amending the Zoning Code for the City of Gardens amendments within 60 days.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the amendments at their September 14th hearing. The staff recommendations in Attachment 1 reflect the Planning Commission's recommendations with the exception of one amendment which is the location of the third story adjacent to a single-family zoned district. This difference will be discussed in the body of this report. The Planning Commission's recommendations are in Attachment 2.

COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION:

On August 24, 2005 the Community Development Committee reviewed the recommendations. Their recommendations varied from staff in seven areas, however in

five of these areas they differ in that the process be changed to “by right” and not include a discretionary review. The Committee’s recommendations are included in Attachment 2.

NORTHWEST COMMISSION RECOMMENDATION:

On August 30, 2005 the Northwest Commission recommended 19 of staff’s recommendations and recommended modifications to four. The recommendations are included in Attachment 2.

EXECUTIVE SUMMARY:

This report contains both major and minor amendments. The major policy revisions are discussed in the body of the report. All revisions are outlined in Attachment 1. The major amendments are:

- Requiring a setback and encroachment plane for three-story buildings adjacent to an RS district.
- Permitting surface parking to extend up to the front setback line with the approval of the Design Review Authority.
- Increasing the height limit from 24 feet to 32 feet in the front 60 percent of an RM-32 zone lot 60 feet in width or greater with approval by the Design Review Authority.
- Providing flexibility in the required shape and location of the main garden rectangle.

BACKGROUND:

In 2003, the Housing Affordability Task Force recommended that the City evaluate the City of Gardens ordinance to determine the impacts on allowable maximum densities. The Task Force stated that although the ordinance had not constrained total housing production, they were concerned that the standards may not achieve the maximum allowable densities. In addition, staff believed that after more than fourteen years of implementation, the City of Gardens ordinance needed to be reviewed given the amount of experience staff has acquired in applying it. Finally, a new issue arose recently regarding the potential impact of multi-family projects on abutting single-family residential districts.

In 2003, the City authorized a study to evaluate the City of Gardens Ordinance zoning regulations. The purpose of the analysis was to assess the effectiveness of the ordinance in achieving its stated objectives as well as identify and propose refinements to correct existing impediments to the construction of multi-family housing. Five tasks were undertaken by the consultant in the assessment of the City of Gardens Ordinance as described in Attachment 4.

On January 14, 2004 staff held a public workshop to discuss the preliminary key recommendations with developers, architects and community members.

On April 5th, June 21st and June 28, 2005 the City of Gardens Committee met to review the proposed amendments. The Committee was composed of the chairs of the Planning Commission, Design Commission, Historic Preservation Commission, Northwest Commission and the Community Development Committee. The Committee reviewed all of the amendments and provided recommendations to the Planning Commission.

On August 8th the Design Commission reviewed nine amendments to the City of Gardens Ordinance and made recommendations to the Planning Commission and of the proposed recommended modifications to six. Their recommendations are in Attachment 2.

State density bonus laws were amended in 2002 and 2004 to require mandatory incentives or concessions be granted to projects that include certain percentages of affordable units. The incentives or concessions may involve any development standard (such as height, parking, setbacks, etc.) as well as other project requirements. The amendments to the City of Gardens ordinance were developed within the context of these new laws.

City of Gardens – Major Amendments:

A summary of the four major amendments are below. The staff recommendation is the same as the Planning Commission's recommendations with the exception of two points regarding setbacks for three-story buildings adjacent to RS districts.

1. Three-story buildings adjacent to an RS zoned district.

This amendment addresses minimizing the impact of three-story multi-family residential buildings abutting RS districts. Under the current City of Gardens requirements in RM-16, RM-32 and RM-48 projects can be built to the property line and in certain cases be three stories in height in the rear 40 percent of the lot.

Several standards can be adjusted to address this issue including side and rear yard setbacks, and encroachment planes for the second and third story. Staff and the Planning Commission concur on the side yard setback, the rear yard setback for the first floor and encroachment planes for the side yard. However, the Planning Commission recommends a larger rear yard setback for the second and third floor – an increase of ten feet for the second floor and thirteen feet for the third floor. In addition, for two-story buildings on lots less than 60 feet in width, the Planning Commission recommended a rear yard setback of five feet on the first floor and fifteen feet on the second floor. Staff recommended a five foot setback for the first and second floor. As a result of these differences, for a typical 60 x 150 lot, the Planning Commission's recommendation provides a developable floor area of 11,379 square feet where the staff recommendation provides a floor area of 12,409 square feet.

Staff Recommendation:

- a) In the RM-16 (excluding the RM-16-1), RM-32 and RM-48, CL and CO zoning districts, multi-family buildings adjacent to single-family residential zones shall be

setback a minimum of 5 feet from an abutting RS district *interior side property line*.

- b) In the RM-32 and CL zoning district for lots 60 feet in width or greater the third story may be located in the rear 60 percent of the lot.
- c) In the RM-32, and CL district on lots 60 feet in width or greater and RM-48 and CO zoning districts the third story shall not be located within the setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side and rear property line. No projections of balconies, railings or patios are permitted in the encroachment plane. Any yard abutting an RS district will count towards the overall total garden space requirement.

Planning Commission Recommendation: The Commission concurred with item “a” of staff’s recommendation above and recommended the following:

- a) In the RM-32 and CL zone on lots 60 feet in width or greater when the *rear* property line abuts an RS zoning district, the first story of the building shall be setback 5 feet from the property line, the second story shall be setback 15 feet from the property line and the third story shall be setback 25 feet from the property line. The height of the second story for the RM-32 and CL zone shall not exceed *32 feet* to the ridgeline in the front 40 percent of the site and the third story shall not exceed *36 feet* to the ridgeline behind the front 40 percent of the site.
- b) In the RM-48 and CO zone when the *rear* property line abuts an RS zoning district, the first story of the building shall be setback 5 feet from the property line, the second story shall be setback 15 feet from the property line and the third story shall be setback 25 feet from the property line. The height of the building shall not exceed *38 feet* to the ridgeline.
- c) In the RM-16 and RM-32 zone on lots less than 60 feet in width adjacent to an RS district the first floor shall be setback 5 feet from the rear property line and the second floor shall be setback 15 feet from the *rear* property line.
- d) Any yard abutting an RS district may count towards the total garden requirement.

Design Commission: The Design Commission concurred with staff’s recommendation.

Community Development Committee: The Community Development Committee concurred with staff’s recommendation.

Northwest Commission Recommendations: The Commission concurred with the staff recommendation for a five foot side and rear setback for the first story. They also recommended that the second story be setback 15 feet from the side and rear property line; the third story be setback 25 feet from the rear property line and 15 feet from the side property line; and the third story be located in the rear 60 percent of the site excluding the required rear setback.

2. Surface parking beyond the rear 40% of the site

This amendment permits the Planning Director or Design Commission to approve surface parking beyond the rear 40 percent based on the review authority threshold of the project. Currently a project requesting this deviation is required to go only before the Design Commission.

Staff Recommendation:

- 1) Modify the current language to replace Design Commission with Design Review Authority to approve surface parking in the rear 60 percent of the site.
- 2) With the approval of the Design Authority permit surface parking (including podium parking) in front of the rear 60 percent of the site as long as the garage doors are not visible from the street and ventilation openings and grilles are concealed and shall not be visible from the main garden, from the street, or from the entrances to the units.

Planning Commission: The Planning Commission concurred with staff's recommendation.

Design Commission: The Design Commission concurred with staff's recommendation.

Community Development Committee: The Community Development Committee recommended that the staff recommendation be permitted without a review from the Design Review Authority.

Northwest Commission: The Northwest Commission concurred with staff's recommendation.

3. Height on lots greater than 60 feet in width

The current code treats lots less than 60 feet in width differently from lots that are 60 feet in width or greater in reference to height in the RM-32 zoning district. Lots less than 60 feet are permitted a greater height at the street than lots wider than 60 feet.

Staff Recommendation: With the approval of the Design Review Authority when adjacent to an RM, CL or CO district and located in the RM-32 zoning district, lots 60 feet in width or greater would be permitted a height of 32 feet to the ridgeline in the front 60 percent of the site. In the rear 40 percent the site the maximum height would remain at 36 feet to the ridgeline.

Planning Commission: The Planning Commission concurred with staff's recommendation.

Design Commission: The Design Commission concurred with staff's recommendation.

Community Development Committee: The Community Development Committee recommended that the staff recommendation be permitted without a review from the Design Review Authority.

Northwest Commission: The Northwest Commission concurred with staff's recommendation.

4. Shape and location of the main garden

This amendment is to provide more flexibility in the location of the main garden to accommodate enhanced siting of the buildings on lots less than 80 feet in width. The narrower the lot the less buildable area is left after the required garden dimensions and setbacks.

Staff Recommendation: Staff amended their recommendation to concur with the Planning Commission and Design Commission recommendations as follows:

- a) Relocate the requirement for the rectangular shape of the garden from the definition section to the development standards section.
- b) Permit an alternative shape for the main garden with approval by the Design Review Authority with the required area and dimension still being retained. This would allow greater design flexibility as gardens can be oval or square.
- c) Provide 50 percent of the required main garden as a primary garden with a minimum dimension of 20 feet in either direction. The ancillary gardens may make up the balance of the required main garden and shall meet the minimum dimension of 20 feet in either direction.
- d) In the RM-16 zoning district provide 50 percent of the required main garden as a primary garden and the balance of the required main garden may be private open space (excluding balconies and patios) with no minimum dimension.

Planning Commission: The Planning Commission concurred with staff's recommendation.

Design Commission: The Design Commission concurred with staff's recommendation.

Community Development Committee: The Community Development Committee recommended that the staff recommendation be permitted without Design Review.

Northwest Commission: The Northwest Commission concurred with staff's recommendation.

ENVIRONMENTAL:

An Initial Environmental Study was prepared for the amendments which resulted in a Negative declaration based on determination that the proposed amendments to the Zoning Code, if approved, would result in no significant environmental impacts. The public review period for the Negative Declaration required by CEQA was from August 25 to September 14, 2005. The Planning Commission recommended adoption of the Negative Declaration on September 14, 2005. A copy of the Initial Study is included in Attachment 6.

GENERAL PLAN CONSISTENCY:

The proposed amendments are consistent with the General Plan and in particular the Land Use Element because overall the City of Gardens requirements promote Objective #5 which is the preservation of Pasadena's character and scale, including its traditional

urban design form and historic character. Through the Design Review process the amendments supports Policy 5.5 which states that the City shall actively promote architectural and design excellence in buildings, open space and urban design and shall discourage poor quality development. The amendments will continue to encourage and promote this policy. The City of Gardens regulations have built in flexibility for the preservation of historic structures. This supports Objective #6 which is to promote preservation of historically and architecturally significant buildings.

CHILDREN, YOUTH AND FAMILY IMPACT:

The proposed amendments will not have an impact on children, youth and families as it only establishes modifications to development standards that do not have an impact on increasing or decreasing residential densities within multifamily residential districts.

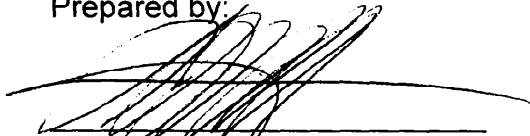
FISCAL IMPACT:

There will be no fiscal impacts associated with the proposed code amendment since these amendments will be reviewed as part of the plan check or entitlement process. Fees are collected to cover the costs associated with a plan check and an entitlement process.

Respectfully Submitted,



CYNTHIA J. KURTZ,
CITY MANAGER

Prepared by:



LOLA OSBORNE
PROJECT MANAGER

Approved by:



RICHARD BRUCKNER
DIRECTOR OF PLANNING AND DEVELOPMENT

ATTACHMENTS

1. Staff recommendations for City of Garden Amendments
2. Summary of City of Gardens Amendments
3. Illustrations of specific City of Gardens Amendments
4. Consultant Identified Issues and Methodology
5. Map illustrating the zoning districts that use the City of Gardens standards
6. Copy of Initial Environmental Study
7. Correspondence Received