

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** SEPTEMBER 25, 2006

**FROM:** CITY MANAGER

**SUBJECT:** HILLSIDE DISTRICT OVERLAY: GUIDELINES AND AMENDMENTS

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**CITY MANAGER'S RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the Initial Study and the Negative Declaration (Attachment C) for the proposed Zoning Code Amendments;
2. Acknowledge the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment D); and
3. Approve of the proposed Neighborhood Compatibility guidelines and Minor Amendments and Clarifications (Attachment A) for the Hillside District Overlay of the Zoning Code.

**PLANNING COMMISSION RECOMMENDATION:**

On July 12, 2006 the Planning Commission recommended approval of the amendments in Attachment A and guidelines to modify the neighborhood as defined by the Neighborhood Compatibility guideline. The Planning Commission did not recommend approval of guidelines to exceed the Neighborhood Compatibility maximum size, but asked that staff return in six months with an update.

**EXECUTIVE SUMMARY:**

Staff is recommending two sets of guidelines to implement the Neighborhood Compatibility guideline for Hillside Development Permits. The first relates to what is an appropriate definition of the neighborhood for purposes of analyzing house size, and the second is when a house may be permitted to exceed the maximum size as calculated by the Neighborhood Compatibility guideline.

These guidelines are needed to ensure consistent decisions by the Hearing Officers and the other review authorities, as the Neighborhood Compatibility guideline provides flexibility to the review authority when analyzing Hillside Development Permits, but does not provide sufficient direction to the review authority with which to utilize the flexibility. These criteria will also allow staff to provide consistent recommendations to the review

authority. The guidelines for modifying the 500-foot radius neighborhood allow for removing from the Neighborhood Compatibility calculation properties in other zoning districts, other cities, and separated from the subject site by man-made or natural features. The guidelines for additional floor area examine a project's compliance with ridge and view protection, as well as considering the established floor area ratio in the neighborhood, large lots, and lots with an average slope of less than 15 percent.

Staff is also recommending three minor amendments to the Hillside District Overlay. These amendments are 1) appropriate findings for Hillside Development Permit applications in the HD-1 (Upper Hastings Ranch) area, 2) clarifying of the slope reduction formula, and 3) clarifying the definition of the 2:1 slope versus 50 percent slope. These amendments are detailed in Attachment A.

### **BACKGROUND:**

At a public hearing held on December 12, 2005 by the City Council for a Hillside Development Permit, the City Council directed staff to analyze the Neighborhood Compatibility guideline of the Hillside District overlay. This interest stemmed from concerns that have developed as a result of applications that have processed since the development standards for the Hillside District overlay were revised in 2004.

The application that was under consideration by the City Council, (HDP #1148, 1147 La Loma Road) highlighted the issue of how to handle applications where the maximum allowable size as allowed by the Neighborhood Compatibility calculation is significantly less than that allowed by the Gross Floor Area calculation and less than adjacent properties. There have been several such applications that have been processed over the previous two years where these maximums have differed by thousands of square feet. The Hillside Ordinance allows the review authority to increase the floor area in excess of the Neighborhood Compatibility maximum, but does not provide specific criteria with which to determine how much additional floor area, if any, may be appropriate.

### **ANALYSIS:**

#### **Guidelines for Modifying the "Neighborhood"**

The current Neighborhood Compatibility guideline takes into account the size of houses within a 500-foot radius of a proposed project. The median house size is identified and then increased by 35 percent. This becomes the maximum size (not including garage or any detached structures) permitted by Neighborhood Compatibility. Over the past two years staff has found that because of the nature of hillside areas the 500-foot radius that is defined as the neighborhood sometimes does not accurately represent the neighborhood for seeking compatible design and scale.

The Neighborhood Compatibility guideline permits the neighborhood area to be enlarged if neighborhood conditions warrant, but there have been cases where the 500-foot radius includes properties in other cities, in other zoning districts, or even where there is a significant manmade (i.e. freeway) or natural feature (canyon, ridge, etc.) that

isolates or separates the project property from properties within 500 linear feet. These situations show that the 500-foot neighborhood can include areas with different development standards, different development patterns, or are physically separate from the subject site.

To address this issue, staff is recommending criteria that could be used to either enlarge or restrict the “neighborhood”. This is not to say that in practice such criteria would automatically lead to reducing the size of the neighborhood, but rather they would be a list of items that may be used by staff if appropriate. If utilized, staff would present the 500-foot radius neighborhood and the modified neighborhood in the staff report and the review authority body would have to concur with the modified neighborhood recommendation.

Staff is recommending that properties may be removed from the neighborhood in the following scenarios:

1. Properties within 500 feet are not in Pasadena.
2. Properties within 500 feet not in Hillside Overlay district.
3. Properties within 500 feet not in RS district, or in a different RS district.
4. Properties within 500 feet separated by significant manmade structure (i.e. freeway) or significant natural feature (canyon, ridge, etc.).

#### Guidelines for Exceeding Neighborhood Compatibility Floor Area

The Neighborhood Compatibility guideline includes flexibility for approving a project that proposes to exceed the maximum size as defined by the Neighborhood Compatibility calculation. However, the Hearing Officers have been reluctant to exercise this flexibility as the Zoning Code does not provide specific direction on what characteristics may justify additional floor area. Additionally, staff is recommending that the following guidelines be used when considering floor area above the strict application of that permitted by the Neighborhood Compatibility formula.

The proposed guidelines are:

1. Compliance with View Protection provision (17.29.060(E)) of the Hillside District Ordinance; and
2. Compliance with Ridgeline Protection provision (17.29.050(C)) of the Hillside District Ordinance; and
  - A. Proposed FAR (not including garage) is consistent with the average FAR (not including garage) in the neighborhood; or
  - B. The size of the subject lot is substantially larger than the majority of lots in the neighborhood; or
  - C. The average slope of the subject lot is less than 15%.

A project being processed through the Hillside Development Permit process that exceeds the Neighborhood Compatibility maximum size would have to demonstrate compliance with items #1 and #2 and a minimum of any one of items A, B, or C. However, compliance with these guidelines would not automatically result in a positive recommendation, rather, if deemed appropriate by staff, the use of the guidelines for additional floor area would have to be justified in the staff report and the review authority body would have to concur.

Further, staff is recommending a guideline that a project that is permitted to exceed the Neighborhood Compatibility maximum size not be permitted to exceed the maximum allowable Gross Floor Area, as determined by the size and slope of the property. This does not prevent an applicant from applying for a variance to the Gross Floor Area requirements but will serve as a 'check and balance' to ensure that the guidelines do not encourage variance requests. It is also important to note that the Variance findings necessary to allow a project to exceed the maximum allowable Gross Floor Area are not easily made.

Finally, there have been a few applications where the Neighborhood Compatibility maximum size was greater than the maximum allowable Gross Floor Area. Based on the applications received to date, this will most likely continue to be an infrequent event. In these situations, staff is recommending that if the review authority chooses to allow a project to exceed the maximum Gross Floor Area through a Variance, that the review authority consider not allowing the project to exceed the Neighborhood Compatibility maximum size.

#### **ENVIRONMENTAL REVIEW:**

An Initial Environmental Study was prepared for this project and a Negative Declaration has been recommended (Attachment C). The proposed revisions to the Hillside District overlay ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment. The public review period for the environmental documentation was from May 24, 2006 through July 12, 2006. Several e-mails were presented to the Planning Commission and several speakers attended the public hearings, but no one specifically addressed the Initial Environmental Study.

#### **GENERAL PLAN CONSISTENCY:**

The proposed amendments to the Zoning Code are consistent with the following objectives and policies of the City's General Plan.

**Policy 5.1 – Urban Design Principles:** Apply city-wide urban design principles to complement the scale and quality of the best architectural and urban design traditions.

**Policy 5.4 – Neighborhood Character and Identity:** Urban design programs, including principles and guidelines, shall recognize, maintain and enhance the character and identity of existing residential and commercial neighborhoods.

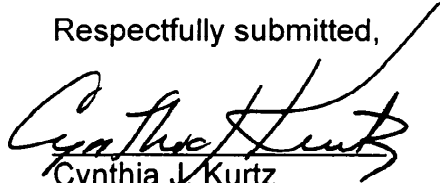
**Policy 5.7 – Enhanced Environment:** Development should be should be shaped to

improve the environment for the public; it should support the distinctiveness of the locality and region as well as the special characteristics of the existing fabric of the site's immediate surroundings.

**FISCAL IMPACT:**

The proposed amendments and guidelines are not expected to have a direct fiscal impact as these items will guide staff in the implementation of the Hillside District Ordinance.

Respectfully submitted,



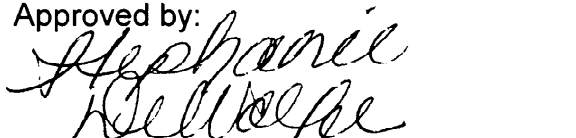
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Attachments:

- Attachment A – Minor Amendments and Clarifications
- Attachment B – Hillside Development Permit Findings (for information)
- Attachment C – Initial Environmental Study and Negative Declaration
- Attachment D – De Minimis Impact Finding on the State Fish and Wildlife Habitat