

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: October 5, 2009

FROM: CITY ATTORNEY

SUBJECT: AMENDMENTS TO SINGLE FAMILY DEVELOPMENT STANDARDS

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) DEVELOPMENT STANDARDS FOR SINGLE FAMILY DEVELOPMENT

PURPOSE OF ORDINANCE

This ordinance implements the direction given by the City Council on June 22, 2009 to amend provisions of the Zoning Code related to the development standards applicable to single family developments.

REASON WHY LEGISLATION IS NEEDED

These amendments arose out of a study that identified zoning code sections which could be amended to address perceived bulk and mass problems with single family developments. This legislation is intended to result in single family developments which are perceived as more compatible with existing neighborhoods.

It is appropriate to note that, among other provisions, a modification to the formula for lots over 24,000 square feet (or 25 percent of the lot plus 500 square feet) is included in this ordinance to ensure that these lots have the same or a slightly greater maximum floor area compared to similar lots in the Hillside District Overlay. This modification impacts only 2.5 percent of the lots affected by the ordinance. It is consistent with the goals and objectives of this ordinance and the City Council discussion and decision at the public hearing.

10/12/2009
MEETING OF 10/05/2009
8.B.1.
AGENDA ITEM NO. 8-A-1.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance.

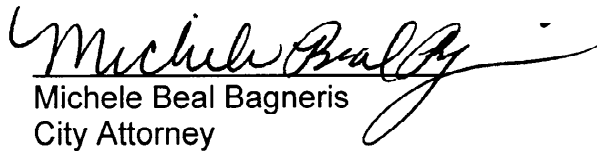
FISCAL IMPACT

This ordinance is likely not to have any fiscal impacts.

ENVIRONMENTAL DETERMINATION

On June 22, 2009, Council adopted a Negative Declaration for this ordinance, pursuant to the California Environmental Quality Act.

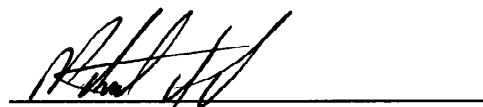
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Michael J. Beck
City Manager

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Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE) DEVELOPMENT STANDARDS FOR SINGLE FAMILY DEVELOPMENT

The people of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

"Ordinance No. _____ amends various provisions of Title 17 (the Zoning Code) that set development standards for single family developments. The standards that are amended include setbacks, encroachment planes, height, lot coverage, floor area, and other minor amendments.

Ordinance No. _____ shall take effect 30 days from its publication."

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.040, **TABLE 2-3 – RS AND RM-12 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**, is amended as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.050, Subsection A, Paragraph 3 is amended to read as follows:

“3. For blockfaces with two or fewer lots between two reversed corner lots, the minimum front setback shall be the larger required corner yard of the reversed corner lots.

See Section 17.40.150 for allowed projections into front-yard setbacks.”

SECTION 4. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.29, Section 17.29.080, Subsection J is amended to read as follows:

“J. Floor area ratio adjustment for flat lots. Through the Hillside Development Permit process, on lots in the RS-4 HD and RS-6 HD zones with an average slope of less than 15 percent, an applicant may apply for an adjustment to the floor area ratio requirements for their lot. The average slope shall be determined following the development standard in Section 17.29.050.J. If approved, the maximum permissible floor area ratio for such lots is the same as the base district as shown in Table 2-3. An adjustment may be approved by the Review Authority only if the following three criteria are met:” (The remainder of this subsection remains unchanged.)

SECTION 5. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.29, Section 17.29.090, Subsection D, is amended by adding a Paragraph 4 to read as follows:

“4. Lot coverage. Total lot coverage shall not exceed 35 percent.”

SECTION 6. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.44, Section 17.44.160, **TABLE 4-1 – ALLOWED PROJECTIONS INTO SETBACKS** and **TABLE 4-2 – ALLOWED PROJECTIONS INTO ENCROACHMENT PLANE USING**

RS AND RM-12 STANDARDS, are amended as shown in Exhibits 2 and 3 respectfully, attached hereto and incorporated herein by this reference.

SECTION 7. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020 is amended by:

a. Amending the following definitions as follows:

“ **Attic.** The area located between the top plate and the roof or ridge of a building. Does not include any area in which the top plate is more than 18 inches from the floor joists.”

“**Floor Area Ratio (FAR).** The numerical value obtained by dividing the aboveground gross floor area of a building or buildings located on a lot by the total area of the lot. If a street dedication is required, the calculation shall be based on the total area of the lot before the street dedication. For projects subject to the RS and RM-12 development standards, vehicular easements (excluding easements for utility purposes), private streets and the pole portion of flag lots shall be excluded from the calculation of lot area. See Figure 8-1. “

“**Unenclosed.** A covered area with one or more sides open.

b. Amending sub-definition number 1 of the definition “Floor Area, Gross” as follows:

1. For projects subject to the RS and RM-12 development standards, "gross floor area" means the floor area between the floor and roof above it, as measured from the outside edge of the exterior walls of the main structure and all accessory structures, including

required parking (either garage or carport). Any portion of a structure, including stairwells, over 17 feet in interior height, is counted twice for purposes of computing floor area. For flag lots, see 17.40.050.D (Development standards for flag lots).”

SECTION 8. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2009.

Bill Bogaard
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2009, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

0000071522C031

TABLE 2-3 - RS AND RM-12 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

Development feature	Requirement by Zoning District				
	RS-1	RS-2	RS-4	RS-6	RM-12
Minimum lot size	Minimum area and width for new parcels.				
Minimum area (1)	40,000 sf	20,000 sf	12,000 sf	7,200 sf	
Width (2)	100 ft	100 ft	75 ft	55 ft	
Maximum density	1 dwelling unit per lot				2 units per lot
Setbacks	Minimum setbacks required. See Section 17.40.160 for setback measurement, allowed projections and encroachments into setbacks, and exceptions to setbacks.				
Front - Main facade	See Section 17.22.050				
Front - Garage	See Section 17.22.050				
Sides	10% of lot width, with a minimum of 5 ft, and a maximum requirement of 10 ft, and consistent with Section 17.40.160 (Encroachment Plane).				
Corner side	10% of lot width, with a minimum of 10 ft, and a maximum requirement of 25 ft				
Rear	25 ft				10 ft
Building separation (4 3)	N.A.				10 ft.
Maximum site coverage	No maximum on lots 7,200 sf or less, 35% otherwise				
Maximum site coverage	Maximum allowed lot coverage of all roofed areas on the site.				
Site 7,200 sf or less	No maximum				
Site greater than 7,200 sf to 11,999 sf	35%; up to 40% provided any additional coverage over 35% shall be single-story only.				
Site 12,000 sf or more	35% or 4,800 sf, whichever is greater; any additional coverage over 35% shall be single-story only.				
Maximum floor area (3)	Maximum allowed gross floor area of all structures on the site.				
Site less than 32,670 sf	30% of lot size plus 500 sf				35% of lot size plus 500 sf per unit
Site of 32,670 sf or more	30% of lot size plus 1,000 sf				
Site less than 12,000 sf	30% of lot size plus 500 sf				35% of lot size plus 500 sf per unit
Site of 12,000 sf to 24,000 sf	20% of lot size plus 1,700 sf				
Site 24,000 sf or more	25% of lot size plus 500 sf				
Exceptions to floor area	1) Habitable attic space that does not exceed 60% of the surface of the building footprint (including attached garages and porches), is not adjacent to a rooftop deck, patio attachment and/or exterior staircase, and the combined width of all dormers along a roofline do not exceed 40% of the roofline. 2) An unenclosed area where only one side does not abut enclosed space (floor area), and that side is a minimum 80% open.				

Exhibit 1

	<p>3) <u>An unenclosed area where more than one side does not abut enclosed space (floor area), and each side is a minimum 60% open.</u></p> <p>4) <u>Basements and uncovered patios, decks, balconies and porches.</u></p>
Site less than 20,000 sf	32 ft, and within the encroachment plane (Section 17.40.160)
Height limit (4)	<i>Maximum height of main structures at points noted. See 17.40.060 for height measurement, and exceptions to height limits. All structures shall also comply with the encroachment plane requirements of 17.40.160.</i>
Site less than 20,000 sf	32 ft, and within the encroachment plane (Section 17.40.160)
Site of 20,000 sf or more	36 ft, and within the encroachment plane (Section 17.40.160)
<u>Site less than 75 ft wide</u>	<u>28 ft, and within the encroachment plane (Section 17.40.160)</u>
<u>Site of 75 ft wide or more</u>	<u>32 ft, and within the encroachment plane (Section 17.40.160)</u>
Maximum top plate height	23 ft, and within the encroachment plane (Section 17.40.160)
Accessory structures	See Section 17.50.250 (Residential Accessory Uses and Structures)
Landscaping	Chapter 17.44 (Landscaping)
Parking	Chapter 17.46 (Parking and Loading)
Signs	Chapter 17.48 (Signs)
Other applicable standards	Section 17.22.050 (RS and RM-12 District Additional Development Standards) Chapter 17.40 (General Property Development and Use Standards)

Notes:

- (1) See Chapter 17.43 regarding density bonus provisions
- (2) See Section 17.40.030 regarding development on an undeveloped lot and section 17.40.040 regarding development on a substandard lot.
- (3) ~~Habitable attic space that has a gross floor area that does not exceed 60 percent of the surface of the building footprint (including attached garages and porches) shall not be included in the calculation of maximum floor area~~
- (4) (3) A minimum separation of 10 feet (measured from wall to wall) shall be required between dwelling units located on the same site. Eaves may encroach into this building separation.
- (4) If the existing structure was constructed before November 5, 2009, a Minor Conditional Use Permit shall be required for projects that propose to match an existing structure height that exceeds the height limit.

TABLE 4-1 - ALLOWED PROJECTIONS INTO SETBACKS

Projecting Feature	Allowed Projection into Setback
Additions to multi-family buildings with 3 or more units built before February 14, 1989	May project into a required side yard which is nonconforming as long as addition maintains existing setback and is no closer than 4 feet to a property line.
Balconies (1)	Maximum depth of 10 feet into the front yard.
Bay window	24 inches into a required front, rear or corner side yard setback for a linear distance not to exceed 10 ft for any one bay, nor a total of 15 ft for all bays into each setback.
Bay window (1)	No greater than 3 feet deep and 10 feet long and no higher than one story may project into the front yard. A bay window must be a minimum of 3 feet above finished grade. The maximum frequency of such bays is one bay per 15 feet of lot width measured at the front property line.
Eave/roof overhang	36 inches
Fireplace or chimney (2)	24 in. for a maximum length of 10 ft along the wall from which it projects.
Fireplace or chimney (1)	3 feet into a required yard.
First story addition to main structure (2)	May project into a required side setback that is nonconforming as to side setback requirements; provided, that: <ol style="list-style-type: none"> 1. The addition maintains the existing setback of the structure to which it relates; 2. The existing distance between the main structure and the side property line is a minimum of four ft; and 3. The addition does not project into a required side setback encroachment plane; <u>and</u> 4. <u>The maximum length of the addition does not exceed 20 linear feet.</u>
Freestanding trellis (2)	May be located in a front or corner side yard setback; provided, that the trellis: <ol style="list-style-type: none"> 1. Does not occupy more than 5% of the required setback area; 2. Is nine ft or less in height; 3. Is at least 50% open on top and all sides; 4. Complies with Municipal Code Chapter 12.12 relating to the obstruction of views at intersections; and 5. Is not located over a driveway.
Uncovered steps, or landings, not more than 36 in. in height (3); may project into a side yard as long as not more than 35 in. in height and there is no guard railing	36 inches in width, for a maximum length of 10 ft.
Unenclosed front porch (3)	May project into a required front setback as follows: <ol style="list-style-type: none"> 1. The maximum projection into the front setback shall be 10 ft, but shall be no closer than 15 ft to the front property line; 2. The width of the porch shall not exceed the width of the main structure; 3. The porch shall not exceed one story and a maximum plate height of 12 feet; and 4. The porch shall not be enclosed.

Exhibit 2

Unenclosed front porch (1)	May project into a required front setback as follows: 1. The maximum projection into the front setback shall be 10 ft; 2. The porch shall not exceed one story 3. The porch shall not be enclosed.
Concrete walkway or deck (2)	May project into a rear or side yard as long as not more than 6 inches in height.

Notes:

- (1) Applies to projects subject to the City of Gardens standards of 17.22.060.
- (2) Applies only to projects subject to the RS or RM-12 development standards.
- (3) This limitation only affects the front and corner side yard setbacks.

**TABLE 4-2 - ALLOWED PROJECTIONS INTO ENCROACHMENT PLANE
USING RS AND RM-12 STANDARDS**

Projecting Feature	Allowed Projection into Encroachment Plane
Eave/roof overhang	36 inches
Fireplace or chimney	24 in. for a maximum length of 10 ft along the wall from which it projects.
Dormer, gable, and/or gable end of roof structure on main structure	36 inches
Second story of main structure	<p><u>An addition to an existing second story May be may project within the encroachment plane that is nonconforming; provided, that: for a maximum length of 40 linear feet, so long as:</u></p> <ol style="list-style-type: none"> 1. The structure setback of the second story continues the structure setback of the first second story; 2. The side setback adjacent to the main structure complies with the minimum setback of <u>5 feet</u> required by the applicable zoning district; and 3. The structure was constructed under a Building Permit issued before June 20, 1991 in the RS district, and before November 4, 1994 in the RM-12 district. <u>The maximum length of the addition does not exceed 16 linear feet.</u>