

# Agenda Report

March 14, 2011

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Department  
**SUBJECT: ZONING CODE AMENDMENTS - AMENDMENTS TO THE NEIGHBORHOOD (ND) OVERLAY DISTRICT (LOWER HASTINGS RANCH DEVELOPMENT STANDARDS)**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt the Initial Study (Attachment A) and the Negative Declaration for the proposed Zoning Code Amendments;
2. Approve a finding of consistency with the General Plan and a finding that the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City;
3. Approve the proposed Zoning Code Amendments as contained in this report, and as amended by the Planning Commission; and
4. Direct the City Attorney to draft an ordinance within 90 days consistent with the provisions set forth herein.

## **PLANNING COMMISSION RECOMMENDATION:**

On December 8, 2010, the Planning Commission recommended that the City Council approve the proposed Zoning Code Amendments with the following clarifications to staff's recommendations:

1. That front entries even when they are enclosed shall also comply with the proposed development standards for front porch;
2. The amendment includes a proposed development standard that requires the second story side walls to be setback a minimum of 5 feet from the existing first floor walls. The existing first floor walls shall be those walls that existed at the date this ordinance becomes effective.

**EXECUTIVE SUMMARY:**

The proposed Zoning Code Amendments will add development standards to the Neighborhood (ND) Overlay District, which applies to residential additions in the Lower Hasting Ranch neighborhood. Currently, the Lower Hastings Ranch neighborhood is located within the Neighborhood (ND) Overlay District, which was adopted in 1991 to create special development standards for single-family additions in Lower Hastings Ranch.

The proposed code amendments are designed to ensure the scale of front porches and second-stories is appropriate with the existing surrounding development. Development standards that are being recommended as part of this code amendment include top plate height and roof design of front porches; and the floor height, front and side setback, and size of second floors. These development standards will be an addition to the current Neighborhood Overlay District requirements.

In addition, the proposed code amendments would allow the Zoning Administrator or Planning Director to require the construction of a temporary frame when a proposed second-story addition requires a variance because it deviates from one or more development standards; or when a second story addition is proposed in a Landmark District. This procedural amendment will not be limited to the properties within the Lower Hastings Ranch neighborhood, but will apply to all single-family properties within the City.

**BACKGROUND:**

In June 2008, during a Community Workshop with the Planning Commission to discuss possible changes to the Zoning Code's development standards for single-family properties citywide, a number of residents from the Lower Hastings Ranch neighborhood expressed concerns regarding the architectural style and massing of some residential developments that have been constructed in the neighborhood. In July 2008, the Department's work program was revised to include a specific study of the neighborhood's concerns.

A community meeting with the residents of the Lower Hastings Ranch neighborhood was conducted in December 2009 to clarify the residents' concerns. In reviewing recent additions with the residents, staff determined that the front porch height and design; the second-story height, massing and size; and the overall architectural style of the additions were the concerns of the residents. At the meeting, the residents expressed a great desire to require a discretionary review for second-story additions or new residences, similar to the process that is required for the Upper Hasting Ranch neighborhood.

Staff drafted proposed development standards to address these concerns and in April 2010, the City conducted another community meeting to discuss the proposed

development standards and gather feedback on their effectiveness in addressing their concerns. Most residents concurred with staff that the proposed amendments will address their concerns. However, many residents believed that the only way to ensure second-story additions are compatible with the existing neighborhood's character is to require a discretionary review, such as a Conditional Use Permit, since such process would require notification of the neighbors. Both the Planning Commission and City staff do not believe application of a CUP requirement is appropriate for single family residential and that the standards recommended by this report will sufficiently address neighbor concerns.

### **ANALYSIS:**

#### ***Height of Front Porches***

Currently, the Neighborhood Overlay District limits the overall height of structures to 26 feet, the top plate height of the first story to 10 feet, and the top plate of the second story to 20 feet. There is not a specific standard for the height or the top plate height of front porches within the ND Overlay District.

Citywide, a front porch may encroach into a required front yard setback if it does not exceed one story in height, and the top plate height does not exceed 12 feet. However, for a front porch which complies with the front setback requirement, there are no specific height limits, except the overall height permitted for the main structure.

Many additions and remodels which were perceived as out of character with the Lower Hastings Ranch neighborhood had prominent front porches and front entryways, many of them having a top plate height taller than the first story. In order to address the height of the front porches, staff is recommending a development standard which limits the front porches to one story, and requires its top plate to be no taller than the existing first story or 10 feet (whichever is lower). Staff is of the opinion that with this development standard, front porches can be designed to be more in keeping with the scale of the existing residence.

#### ***Design of Front Porches***

In addition to the height of front porches, the other feature which made the front porches a prominent feature was the roof design over a front porch. A porch with a new roofline tying into the existing roofline could create a prominent appearance.

In order to address the design of a front porch and encourage the front porch to be better integrated with the existing residence, staff is recommending a development standard which requires a front porch to be located under the existing roofline or that the roofline over a porch to be a continuation of the existing roof. This development standard would encourage the porch to be more in keeping with scale and design of the existing residence.

***Height of Second-Story Additions***

Currently, the Neighborhood Overlay District limits the overall height of structures to 26 feet, the top plate height of the first story to 10 feet, and the top plate of the second story to 20 feet.

Although this is more restrictive than the height limit citywide and attempts to limit the height of the overall structure, there is no requirement that the floor height (i.e. the height from the bottom plate to the top plate) of a second floor be consistent with the first floor. The floor height of a second floor can be higher than the floor height of an existing first story, which can give the second floor an overwhelming appearance. As an example, a second story addition with a floor height of 10 feet can be built on an existing single-story residence with an 8-foot floor height. Such second stories can look out of proportion with the existing residence.

In order to prevent tall second floors from being constructed above an existing low profile one-story residence, staff is recommending a development standard which will require that the floor height of a second story addition be limited to the same height or lower than the existing floor height of the first floor.

***Front Setback of Second-Story Additions***

Currently the Neighborhood Overlay District does not have a requirement for second floors to be setback from the first floor front walls. This allows a second story addition to be constructed with no articulation from the first story's front façade, which could create a massive front appearance.

A second story that is located behind a roof element can be less overwhelming to the existing one-story residence. As such, staff is recommending a development standard that requires the second story to have a minimum of 10-foot setback from the first story's front façade. This development standard can push the mass of the building towards the rear of the lot and could break the massing down so that the building is not overwhelming to the existing first story as it is located farther toward the rear of the property.

The intent of this development standard is to encourage additions to be built toward the rear of the existing residence and preserve the façade of the existing structure, therefore the 10-foot front setback requirement for second stories is measured from the existing residence's front façade. This specific requirement is to prevent additions from being built to the front of the existing first story, closer to the street, and a second story setback 10 feet from the new front façade.

In case of the construction of a new two-story residence, the front façade of the second floor shall be setback 10 feet from the front façade of the new first floor.

***Side Setback of Second-Story Additions***

Currently, the Neighborhood Overlay District requires the second story of the main structure and any portion of the main structure over ten feet in height to be setback a minimum of five feet from the first floor side walls, including any wall openings and modulations.

In order to comply with this second story setback requirement, in some instances additions have been constructed to the first story and the second story addition has been constructed in line with the existing first floor side walls. This design deceives the intent of the development standard, which is to maintain the second story additions farther away from the adjacent neighbors and to reduce the bulk and mass of the building.

To ensure that the development standard accomplishes its intent, staff is proposing to modify the development standard to require the second story of the main structure and any portion of the main structure over ten feet in height to be setback a minimum of five feet from the existing first floor side walls, including any wall openings and modulations.

In case of the construction of a new two-story residence, the second story and any portion of the main structure over ten feet in height shall be setback a minimum of five feet from the proposed first floor side walls.

***Size of Second-Story Additions***

In addition to requiring additional setbacks for the second floor, another standard to ensure the second story additions are in keeping with the scale of the residence, is to limit the size of the second story floor area.

One area of the City where there is a development standard that limits the second-story floor area is within the Upper Hasting Ranch neighborhood. Within the Upper Hastings Ranch neighborhood, the second story's floor area is limited to 50 percent of the proposed floor area of the first floor.

Staff is proposing the same development standard in the Lower Hastings Ranch neighborhood. The intent of such requirement is to ensure that the second-story addition does not overwhelm the first floor.

***Roof Pitch***

Another typical characteristic of the Ranch architectural style is its low profile roof pitch. This characteristic can be maintained by a development standard that limits the roof pitch of additions and remodels.

As such, staff is proposing a development standard that limits roof pitches for new homes or major remodels to a pitch of 4:12. Additions to a residence with an existing roof pitch greater than 4:12 would be allowed to maintain a consistent roof pitch with the existing residence.

***Conditional Use Permit***

One of the concerns heard during the community meetings is that the resulting design of additions and remodeling are of an architectural style that is not compatible with the Ranch style character of the neighborhood. The residents expressed an interest to require a discretionary review for new residences and second-story additions. The residents believe that a discretionary process requiring the public input will allow the neighbors an opportunity to review the proposed applications for new homes and second story additions and comment on the resulting design.

Several persons pointed out that within the Upper Hasting Ranch neighborhood (Hillside Overlay District 1), second-story additions require the review and approval of a Hillside Development Permit. A Hillside Development Permit is a discretionary review application which requires the notification of the property owners within a 500 foot radius of the development site. The residents of the Lower Hastings Ranch neighborhood requested that a similar process as the Upper Hasting Ranch neighborhood be adopted as part of this amendment.

Staff reviewed the feasibility of requiring a discretionary review process with notification requirement, such as a Conditional Use Permit, for a second-story addition within Neighborhood Overlay District. A Conditional Use Permit application requires similar notification requirement as a Hillside Development Permit, and would allow for the similar discretionary review by the City. After weighing the benefits of requiring a discretionary review process for a second story addition, and the implications that could result with such a requirement, Staff concluded that requiring such review process would not be feasible for the following reasons.

- A Conditional Use Permit is a discretionary review for a use that is not necessarily permitted in a zoning district but also not explicitly prohibited. A Conditional Use Permit is a tool to review non-residential uses. A single-family residence is a use that is explicitly permitted within the Lower Hastings Ranch neighborhood and should not be subject to a discretionary review.
- Because the residential use cannot be subject to discretion, as a result, a Conditional Use Permit review for a residential addition could open residential improvements to subjective reviews such as privacy impacts, view protection, and design review. The Zoning Code currently does not allow design review of single-family residences, unless it is located within a Landmark District. Only portions of Lower Hastings Ranch qualified for landmark designation. The Zoning Code requires that to establish a landmark district, a majority of the owners in the proposed district must support the designation. It is not clear at this time that there is support for landmark designation in Lower Hastings Ranch.
- A Hillside Development Permit is not feasible in the Lower Hastings Ranch neighborhood because Lower Hastings Ranch is not located in a hillside area and the topography of the area does not warrant a Hillside Overlay District.

The Planning Commission discussed at length whether requiring a discretionary review for second story additions was feasible. They also explored the idea of a notification process without a discretionary review. The Planning Commission concurred with staff that requiring a discretionary review or simply a notification process would not be beneficial to the applicant or the neighbors, as a discretionary review of a single-family residence would result in focusing on the design of the residence, which is subjective. Additionally, requiring design review in this neighborhood could set a precedent to such reviews in other neighborhoods, and the Planning Commission did not believe it was in the best interest of the City to have design review of single-family residences.

### ***Temporary Massing Poles***

During the community meetings, the residents also expressed their desire to require the construction of temporary poles when a second story addition is being proposed. The purpose of these temporary poles is to assist the neighbors in understanding the mass of the proposal. This process exists for projects being processed under a Hillside Development Permit. The proposal is to give the Zoning Administrator or Planning Director authority to require such poles for areas outside of the hillside overlay when there is a discretionary action such as a variance or a review by the Historic Preservation Commission. When a project complies with the development standards and just has a building permit, the City does not have the discretion to review the massing or design.

However, for projects which do not comply with one or more development standards and require the review and approval of a variance, which is discretionary, staff is recommending that the Zoning Administrator or the Director of Planning have the ability to require the construction of temporary poles to assist the neighbors in understanding the mass of the project. This will allow the neighbors to have better knowledge of the proposed project when submitting comments to the City.

This requirement will apply not only to the Lower Hastings Ranch neighborhood, but Citywide, including second story additions in a Landmark District. Second story additions in a Landmark District requires the review and approval by the Historic Preservation Commission, as such, even if a project within a Landmark District complies with all Zoning development standards and does not require a variance, temporary poles can still be required through the design review process.

### **FINDING OF GENERAL PLAN CONSISTENCY:**

The proposed revisions to the Zoning Code are consistent with the following objectives and policies of the City's General Plan. Objective 7 of the Land Use Element states "Residential Neighborhoods: Preserve the character and scale of Pasadena's established residential neighborhoods" and Policy 7.1 of the Land Use Element states "Mansionization: Ensure that all new development is residential neighborhoods discourages mansionization." Goal 1 of the Housing Element states "maintain and improve the quality of existing housing, neighborhoods and health of residents" and

Policy 1.1 of the Housing Element states “preserve the character, scale and quality of established residential neighborhoods.” All of the proposed code amendments will encourage additions that are more in keeping with the existing scale and character of the Lower Hasting Ranch neighborhood.

**FINDING OF PUBLIC WELFARE:**

The proposed revisions to the Zoning Code will not be detrimental to the public interest, health, safety, convenience, or general welfare of the City. The proposed amendment will introduce additional development standards for the Lower Hasting Ranch Neighborhood, which will encourage additions to the residences in neighborhood that are more consistent with the scale and character of the existing development.

**ENVIRONMENTAL ANALYSIS:**

An Initial Study and Negative Declaration were prepared. Adoption of the amendments to Title 17 involves no potential significant impacts. The Department of Fish and Game has approved a determination that the proposed code amendments have no potential effect on fish, wildlife and habitat.



**FISCAL IMPACT:**

The proposed amendments will not likely have a major fiscal impact, as these additional development standards will be reviewed for compliance as part of the building plan check process. The cost to review these additional development standards are paid by the plan check fee.

Respectfully submitted,



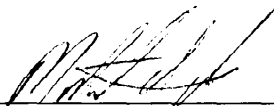
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Attachments:

- Attachment A – Initial Study
- Attachment B – Map of Lower Hastings Ranch Neighborhood
- Attachment C – Summary of Proposed Development Standards