

Agenda Report

October 10, 2016

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

SUBJECT: ZONING CODE AMENDMENT: SL (SINGLE-LEVEL) OVERLAY DISTRICT

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the environmental determination that the proposed Zoning Code Amendment is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Article 5, §15061(b)(3) (General Rule));
2. Adopt the Findings to Amend the Zoning Code (Attachment A);
3. Approve the Zoning Code Amendment to Section 17.28 (Zoning Overlay District) of the Pasadena Municipal Code to create new Zoning Overlay District, Single-Level Overlay District, as recommended jointly by the Planning Commission and staff; and
4. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code), to create Section 17.26.120 (SL Single-Level Overlay District).

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2016, the Planning Commission considered the staff recommendation to amend the Zoning Code to create the Single-Level (SL) Overlay District. The Commission focused its discussion on the thresholds that would be applicable to a proposed Single-Level Overlay District in the future and decided to lower the necessary thresholds from the staff recommendations. Whereas staff recommended a minimum level of support from property owners in a proposed SL overlay district of 70 percent, the Commission voted to recommend minimum of 66 percent. Similarly, the Commission voted to recommend that a minimum of 70 percent of the existing residences in a proposed SL overlay district be one-story in height, whereas staff had recommended 80 percent. The Commission also voted to require a minimum size of one blockface for a proposed overlay district. These recommended changes were

made in order to make adoption of the overlay district more appropriate for the level of significance and importance of what the overlays seeks to achieve, as well as to be more consistent with other City thresholds.

EXECUTIVE SUMMARY:

The proposed project is an amendment to Chapter 17.28 (Overlay Zoning District) of the City's Zoning Code to create a new Zoning Overlay District. The proposed Single-Level Overlay District would allow for an owner-initiated process by which the construction of new second stories, including new residences, or additions to existing second stories could be prohibited. Owners of properties zoned RS (Residential, Single-Family), RS-1, RS-2, RS-4, and RS-6, as well as properties zoned RM-12 (two units per property), would be eligible to apply for this overlay district.

In order to initiate the creation of a Single-Level Overlay District it would be required that a specific area for the overlay be delineated, that at least 70 percent of existing residences in that area be only one-story in height, and at least 66 percent of property owners in the area sign a petition supporting the creation of the new overlay district. The Planning Commission would review the request and make a recommendation to the City Council which would have the authority to either approve, modify, or deny the application.

BACKGROUND:

As part of the City's on-going efforts to address the potential 'mansionization' of single-family residential neighborhoods in Pasadena, on April 25, 2016 the City Council was presented with a number of recommendations from the Planning Commission and City staff to amend the Zoning Code's ND (Neighborhood District) zoning overlay district, which provides additional development standards applicable only to the Lower Hastings Ranch neighborhood.

Part of the discussion centered on the potential impacts second floors could have on that neighborhood and whether new second floors and additions to existing second floors should be prohibited. In anticipation of this discussion staff had researched how other cities deal with similar community concerns. While staff did not find a city that had a prohibition on second-story construction, the City of Palo Alto was identified as having a unique method for dealing with second-stories. That City's Municipal Code has a resident-initiated mechanism where the City Council can prohibit new second floors on a specified area where there is a minimum level of support and existing one-story continuity. Staff presented to concept to the City Council as an option to address second floors in Pasadena.

At the conclusion of its debate, the City Council chose to not prohibit second floor construction but acknowledged their potential impacts, and directed staff to amend the Zoning Code to create a similar mechanism to what Palo Alto currently has; a process by which residents could impose such a prohibition on themselves. Further, rather than limiting the application of this new overlay to just Lower Hastings Ranch, the City

Council directed that the overlay should be available in single-family neighborhoods throughout Pasadena.

Planning Commission Public Hearing (July 27):

Staff, using the application process for new Landmark Districts as a model, drafted a new SL (Single-Level Overlay District) and presented it to the Planning Commission on July 27, 2016. While there was general support amongst most of the Commissioners for the new process, the focus of the discussion was on the thresholds necessary to qualify for a new district as well as what boundaries would be appropriate.

As presented by staff, at least 70 percent of property owners within a proposed SL overlay district would have to sign a petition of support and at least 80 percent of the houses in a proposed SL overlay district must at one story. The purpose of these relatively high thresholds was: 1) to ensure there is a high level of support amongst the affected homeowners; and 2) to designate an overlay district where one story houses are the predominant building type.

The Commission was concerned these thresholds were too high and would make the process to create a new SL overlay district too difficult to accomplish. After an in-depth discussion where a number of qualification thresholds were discussed, the Commission voted to recommend slightly lower thresholds: 66 percent property owner support (instead of 70 percent) and 70 percent single-story houses (instead of 80 percent).

The Commission also discussed what the appropriate boundaries of a new overlay district would be. As recommended by staff, the boundary of a proposed overlay district would be natural (e.g. ridgelines, canyons, etc.) or man-made (e.g. streets, tract map lines, etc.) in order to achieve continuity. The Commission voted to have a minimum requirement of one blockface, which is defined in the Zoning Code as the properties along on one side of a street, between two intersecting streets.

Based on the Commission's discussion and deliberation, staff has concurred with the Commission's recommended qualification and size thresholds.

ANALYSIS:

The purpose of an Overlay Zoning District is to modify the development standards of a base zoning district in a specified way and in a specific location shown on the City's Zoning Map. For example, the HL (Height Limit Overlay) District is applied to several sites in Pasadena where the height limit of the base district is superseded by that of the overlay; HL-56 and HL-36 are two such examples. Other overlay zoning districts include LD (Landmark District), ND (Neighborhood District), SS (Specialty Shop), and HD (Hillside District). In total, there are 11 Overlay Zoning Districts in Sections 17.28 and 17.29. [Section 17.29 is dedicated exclusively to HD, HD-1 (Upper Hastings Ranch), and HD-SR (San Rafael).]

As proposed, the new overlay zoning district would be called SL (Single-Level Overlay District) and would be located in a new Section 17.28.120 of the Zoning Code. The

overlay would be applicable to not only all versions of single-family zoning (RS-1, RS-2, RS-4, and RS-6), but also to RM-12 which permits two units per property. RM-12 is included because the development standards for the RS and RM-12 are very similar in some areas and the same for others, leading to a similar style of development. Due to the similar style of development on RS- and RM-12-zoned properties, it is proposed the SL overlay apply to all such base zoning districts.

The proposed SL overlay would limit all residences to one above-ground floor, or level, thereby prohibiting the construction of a two-story residence, either as a new house or through the construction of a new second floor addition. The enlargement of an existing second floor would also be prohibited.

Application:

An application for a SL overlay district shall be initiated by a property owner who lives in the proposed overlay district. The application shall include:

- A map defining the boundaries of the overlay zone. The boundaries shall be natural or man-made, such as ridgelines, canyons or streets and tract map lines, in order to achieve continuity, but shall have a minimum size of one blockface.
- Documentation that at least 70 percent of the existing houses within the proposed overlay zone are single-story, also in order to achieve continuity.
- A petition in support of the overlay district with signatures of a minimum of 66 percent of the owners of the legal lots within the boundaries; and
- A legal description of the district.

Planning Commission Review:

The Planning Commission would review the proposed Zoning Map amendment to create the SL overlay at a noticed public hearing; only those properties within the proposed SL overlay district would receive notices. Recognizing that neighborhood debate on the positives and negatives of the proposed overlay could result in property owners wanting to remove or add their signatures to the petition, the Planning Commission must be presented with final petition that meets the 66 percent minimum threshold for support.

If neighborhood support falls below 66 percent at the time of the public hearing, the application shall be considered withdrawn and may not be resubmitted for at least one year; this is the same as for proposed Landmark Districts.

As an advisory body to the City Council, the Planning Commission would make a formal recommendation to approve or deny the Zoning Map amendment.

City Council Review:

The City Council would review the proposed Zoning Map amendment, also at a noticed public hearing. The City Council would be presented with the map of the proposed boundary, and Planning Commission's recommendation. The City Council may approve, deny, or modify the proposed SL overlay district.

If the City Council approves the SL overlay, and as with all Zoning Map amendments, an ordinance to modify the Zoning Map must be presented to the City Council.

Amendment to Boundary of an Existing SL Overlay District:

The boundary of an existing SL Overlay District may be altered or reduced in area, through the same process as a new SL Overlay District is created. If it is proposed that a portion of the existing overlay district is to be removed, the area remaining in the overlay district shall meet the minimum requirements for property owner support and qualifying number of single-story residences as required for the creation of a new overlay district.

Similarly, if it is proposed that an existing SL overlay district would be enlarged, the entirety of the new amended area shall also satisfy the minimum requirements for property owner support and qualifying number of single-story residences as required for the creation of a new overlay district; these minimum requirements shall not apply only to the area proposed to be added.

Elimination of a SL Overlay District:

In the event property owners choose to eliminate an existing SL overlay district, the procedure would be the same as for the creation of a new district, including the minimum 66 percent of property owner support of property owners within the overlay district.

FINDINGS FOR ZONING CODE AMENDMENTS:

In order to approve an amendment to the Zoning Code, two findings must be made:

1. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

In the case of this proposed amendment, allowing for this resident-driven process would further the goals and policies of the Land Use Element of the General Plan by safeguarding the established character of a residential neighborhood from the potential threat of two-story construction. These goals and policies include:

- **Goal 21. Desirable Neighborhoods.** A City composed of neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and are well maintained.
 - *Policy 21.3 Neighborhood Character.* Maintain elements of residential streets that unify and enhance the character of the neighborhood, including parkways, street trees, and compatible setbacks.
 - *Policy 21.5 Housing Character and Design.* Encourage the renovation of existing housing stock in single- and multi-family neighborhoods. When additions or replacement housing is proposed, these should reflect the unique neighborhood character and qualities, including lot sizes; building form, scale, massing, and relationship to street frontages; architectural design and landscaped setbacks.
- **Goal 22. Single-Family Neighborhoods.** Distinct and quality single-family residential neighborhoods distinguished by their identity, scale, and character.
 - *Policy 22.1 Appropriate Scale and Massing.* Discourage mansionization by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods.

In addition, the proposed Zoning Code amendment will not directly or indirectly result in any new construction that could potentially impact the public interest, health, safety, convenience, or general welfare of the City, as it would result in a process by which local residents could apply for a Zoning Map Amendment to create a new zoning overlay district.

COUNCIL POLICY CONSIDERATION:

As noted above, amending the Zoning Code to create the SL (Single-Level) Overlay District will achieve a number of Goals and Policies in the Land Use Element of the City's General Plan. In addition, this Zoning Code Amendment will achieve one of the City Council's Strategic Planning Goals by supporting and promoting the quality of life in Pasadena by creating a mechanism by which the single-story character of a residential neighborhood could be preserved.

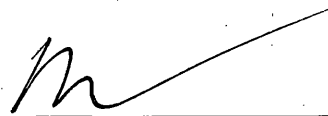
ENVIRONMENTAL ANALYSIS:

The proposed Amendment to the Zoning Code has been determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, Article 5, §15061(b)(3) (General Rule)). The activity is covered under the general rule that CEQA only applies to projects that have a potential for causing a significant effect on the environment. The proposed action is an Amendment to the Zoning Code to create a resident-driven process by which two-story single-family development could be prohibited. If the Amendment is approved and an application to prohibit two-story development is processed, environmental review of that request will be required at that time.

FISCAL IMPACT:

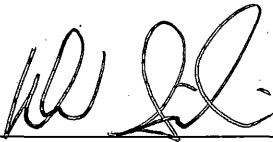
The fiscal impact of the SL overlay district would be the staff time and cost of materials to process applications, as well as the appropriate environmental analysis. At this time it is not known what those costs would be as a fee study would be needed to comprehensively examine the process and the necessary staff time. Pursuant to Pasadena Municipal Code Section 1.08.070, the amount of any fee established by the City Council shall not exceed the cost incurred by the City in providing the services, use, action or item for which the fee is charged.

Respectfully submitted,



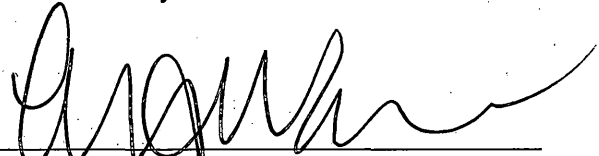
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Attachment (1):

Attachment A: Findings to Amend the Zoning Code