

Introduced by: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING SECTION 17.28.090, CHAPTER 17.28 OF TITLE 17 (ZONING CODE) OF THE PASADENA MUNICIPAL CODE TO REVISE THE ND NEIGHBORHOOD OVERLAY DISTRICT**

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**

This proposed ordinance amends Section 17.28.090, Chapter 17.28 of Title 17 (Zoning) of the Pasadena Municipal Code to revise the ND Neighborhood Overlay District, consisting of changes to the method of calculating the maximum Floor Area Ratio for two-story houses and portions of lots with a 50-percent slope or greater, the addition of rear-yard setbacks for second floors, revised requirements for second floor balconies and decks, new architectural design standards, view protection and privacy standards, and a new discretionary permit process (the “Neighborhood Development Permit”) for new one- and two-story houses, second story additions, and any addition visible from a public right-of-way.

Ordinance No. \_\_\_\_\_ shall take effect 30 days from its publication.”

**SECTION 2.** Pasadena Municipal Code, Title 17, Article 5, Chapter 17.28,

Section 17.28.090 (ND Neighborhood Overlay District) is amended as follows:

**17.28.090 – ND Neighborhood Overlay District**

**A. Purpose.** The ND neighborhood overlay district is intended to create special regulations for the Lower Hastings Ranch Area to promote development that is orderly and compatible with the traditional scale and character of the neighborhood. Lower Hastings Ranch is predominantly defined by one-story, single-family dwellings exhibiting California Ranch and/or Modern Ranch style architecture. These types of architecture are defined as a series of set elements that address both the building form and the spaces in and around the house, emphasizing the horizontal rather than the vertical, low pitched roofs, moderate-to-wide roof overhangs, an off-centered entry sheltered under the main roof of the house, garage(s) attached to the main dwelling (front, side, or rear orientation), and a large picture window on the front façade. Massing of the front façade is typically asymmetrical in nature, emphasizing the horizontal and with varying form and articulation. Cross-gables or cross-hipped roofs are common methods to achieve this design.

**B. Applicability.** Proposed new houses, building additions, and façade improvements within the ND overlay zoning district shall comply with all applicable requirements of the base zoning district, except where this Chapter establishes a different requirement.

**C. Definitions.**

1. **Protected View.** A “protected view” may include, but is not limited to, **views of City lights, the valley floor, and the San Gabriel Mountains, as seen at a specified point six feet (6’) above the finished grade of the building pad, either immediately adjacent to or in line with the main dwelling. Views of open sky, foliage, and adjacent properties are not protected views. Existing structures and foliage, whether on the subject property or adjacent parcels, shall be considered to have no visual impact on a protected view.**



**Figure 1 – Example of Determining a Protected View**

**D. Permit Requirements. A new dwelling, second story addition, or any building addition visible from a public right-of-way shall require Neighborhood Development Permit approval in compliance with Section 17.28.090(H) in addition**

**to any other permit required by this Zoning Code.**

**B.E. Development standards for all projects.** Development standards **for all projects** shall be those of the RS-6 district, except as follows:

**1. Slope reduction. All portions of a lot with a 50 percent slope or greater shall be deducted from the lot area used for calculating maximum allowable gross floor area.**

**2. Height limits.** No structure shall exceed the following height limits, except in compliance with Section 17.40.060 (Height Requirements and Exceptions).

a. The maximum height of main structures shall be 26 feet.

b. The maximum top plate height of the first story of the main structure shall not exceed ten feet. ~~The maximum top plate height of the second story of the main structure shall not exceed 20 feet.~~

~~**3. Size of second story additions.** The maximum allowable floor area of a second story shall be limited to 50 percent of the proposed floor area of the first story (including attached garage).~~

**43. Front porches and entryways.**

a. Height. The top plate height of a proposed or altered front porch shall not exceed the top plate height of the existing first story, or 10 feet, whichever is less. The front porch shall not exceed one-story and shall meet the roof slope requirements below.

b. Design. A proposed front porch shall be located under the existing

roofline, or the roofline of a new front porch shall be the continuation of the existing roof of the main residence.

**54. Roof pitch.** The roof pitch of additions shall be the same roof pitch as the existing residence but shall not exceed 4:12 (vertical:horizontal). For new structures, the roof pitch shall be a maximum of 4:12 (vertical:horizontal).

**F. Additional Development Standards for Projects Requiring a Neighborhood Development Permit.**

**1. Maximum Floor Area – Two Story Structures.** The maximum size for all two-story structures shall not be greater than ten percent above the average floor area of existing single-family houses within the same zoning district and within 500 feet of the subject property.

**32. Size of second story additions.** The maximum allowable floor area of a second-story shall be limited to 50 percent of the proposed floor area of the first story (not including attached garage).

**43. Setbacks and encroachment plane.**

**a. Second story side setback.** The second story of the main structure, and any portion of the main structure over ten feet in height, shall be set back a minimum of five feet from the existing first floor side walls, including any wall openings and modulations. This setback shall be calculated from the first floor side walls as they

existed on August 25, 2011.

**b. Second story front setback.**

**(1) Second story additions. Second story additions and any portion of the main structure over ten feet in height shall be set back a minimum of 10 feet from the first floor front wall. The setback shall be measured from the first floor front wall and any modulations as it existed on August 25, 2011.**

**(2) New main structure. On a new main structure which includes a second story, the second story and any portion of the main structure over ten feet in height, shall be set back a minimum of 10 feet from the first floor front wall and any modulations.**

**c. Second story rear setback. The second story of the main structure and any portion of the main structure over ten feet in height shall be set back a minimum of five feet from the first floor rear wall. This setback shall apply to new main structures that include a second story as well as additions to existing second stories.**

**ed. Encroachment plane. In addition to the minimum side yard requirements, the main structure shall not be located within a side-yard encroachment plane sloping at a 45-degree angle measured from the vertical, commencing six twelve feet above the existing**

grade along the interior side property line.

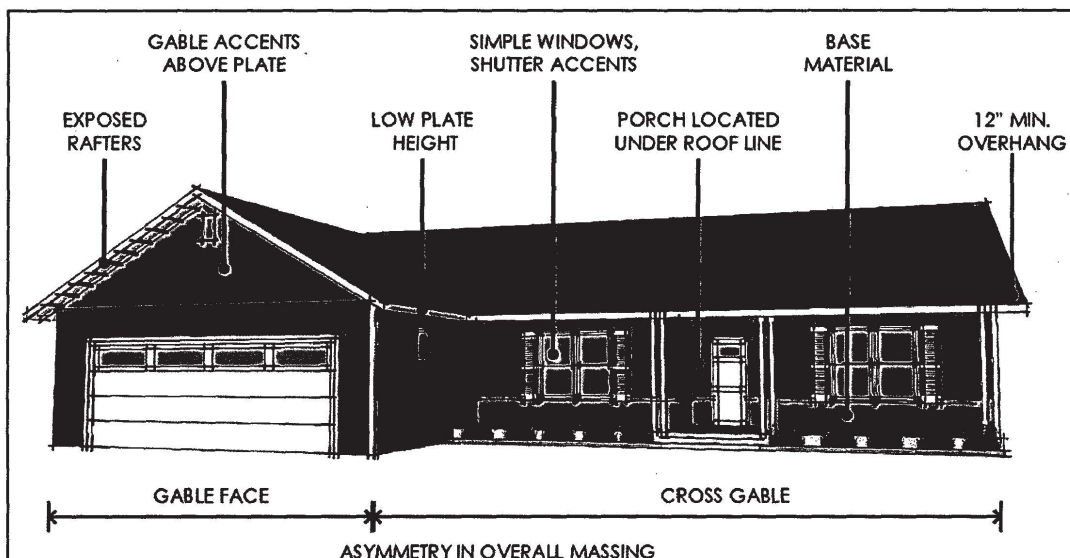
de. Projections into yards and encroachment planes. See Section 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions).

**24. Height limits. No structure shall exceed the following height limits, except in compliance with Section 17.40.060 (Height Requirements and Exceptions).**

a. The maximum height of main structures shall be 26 feet.

ba. The maximum top plate height of the first story of the main structure shall not exceed ten feet. The maximum top plate height of the second story of the main structure shall not exceed 20 feet.

eb. The floor height (i.e. the height from the bottom plate to the top plate) of a second floor shall not exceed the floor height of the first floor. In the case where the first floor height varies, the lowest floor height shall be used.



**Figure 2 - Massing example for California Ranch or Modern Ranch**

**G. Building Design Standards. New houses, additions, and façade improvements shall comply with the following standards:**

**1. Building Design Standards for All Projects.**

**A. Roof Design and Materials.**

- (1) Roof designs shall include hipped, dutch-gabled, side-gabled, or cross-gabled roof types.**
- (2) Roofing materials shall consist of one of the following: asphalt shingles, wood shingles, and flat concrete tile.**
- (3) The following roofing materials are prohibited: curved roofing materials such as clay or concrete “s” barrel tiles, unless the project is an addition to an existing house that is not designed in California Ranch or Modern Ranch style.**
- (4) Roof overhangs shall be a minimum of 12 inches deep. Exposed, open eave, boxed, or boxed eave rafters shall be utilized.**
- (5) First-story roof eaves shall be continuous to avoid flat two-story tall walls.**



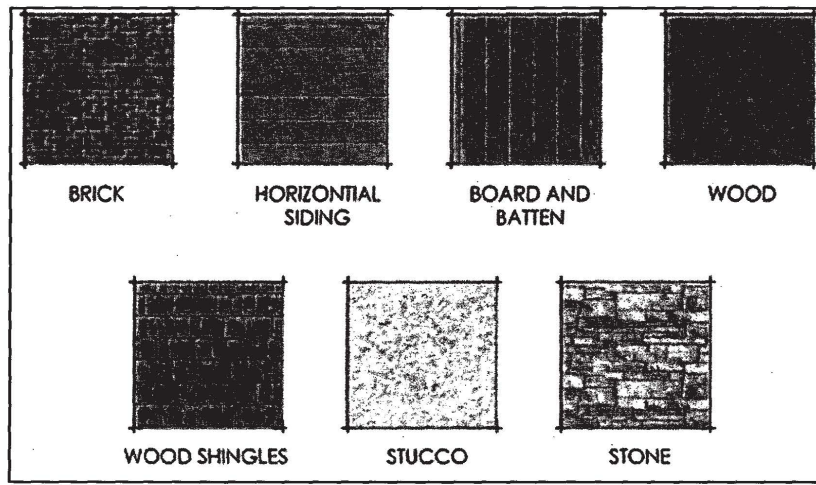
**(6) Rafter tails shall be painted to match the fascia or remain stained natural to retain a natural wood finish.**

**B. Exterior Wall Surfaces.**

**(1) Porch supports shall consist of wood posts and may include wood triangular braces to each side.**

**(2) Wall surface materials shall consist of at least one of the following: Wood, brick, stone, wood shingles, stucco, and board-and-batten.**

**(3) The following surface materials are prohibited within front yards or for front facades: concrete block.**



**Figure 3 - Appropriate exterior materials**

**(4) The following design elements are prohibited:**

**A. Architectural foam detailing, foam window trim, and/or foam moldings**

**B. Pre-cast architectural window trim**

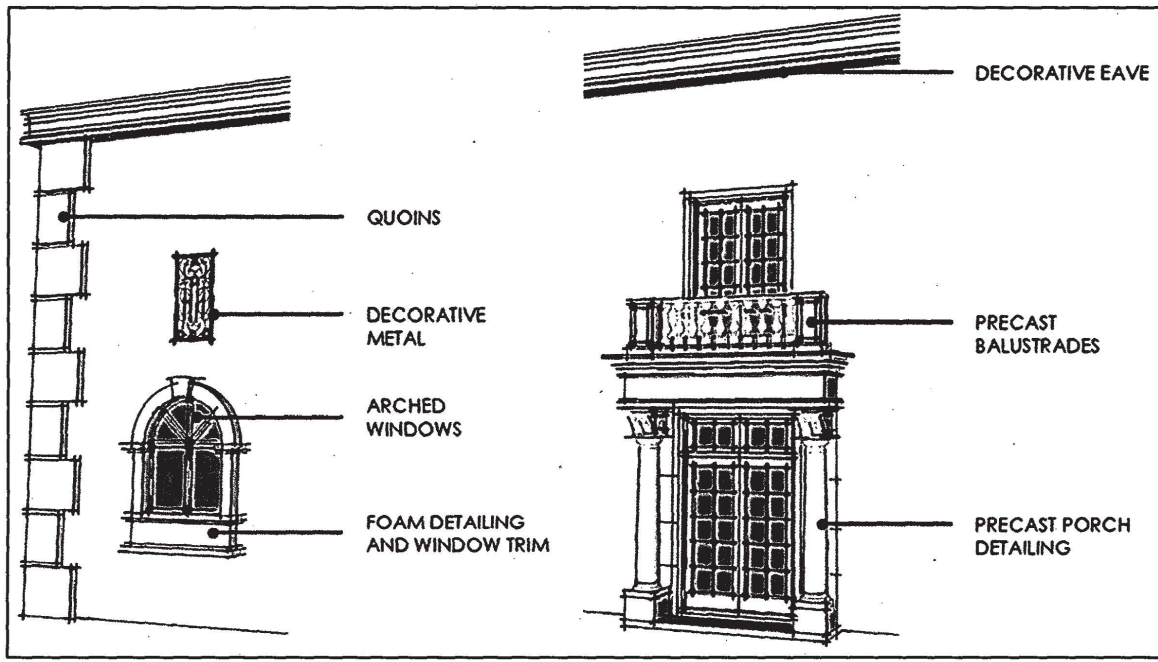
**C. Applied faux columns**

**D. Quoins**

**E. Pre-cast concrete and/or glass porch railings and balustrades**

**F. Highly ornate metal railings or fences**

**G. Decorative eave details, corbels, or dentil details**



**Figure 4-1 - Prohibited exterior materials and elements**

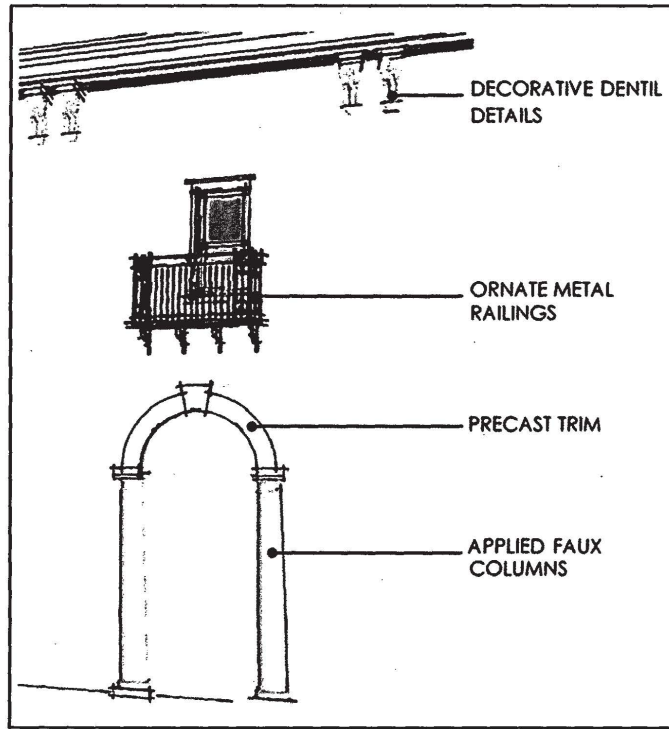


Figure 4-2 - Prohibited exterior materials and elements

### **C. Window Design and Styles.**

#### **(1) For additions and façade improvements to existing houses:**

##### **A. Window types must consist of one or more of the**

**following:**

- i. **Casement**
- ii. **Double-hung**
- iii. **Large picture windows**
- iv. **Short windows grouped on an upper façade**

##### **B. The following window types are prohibited:**

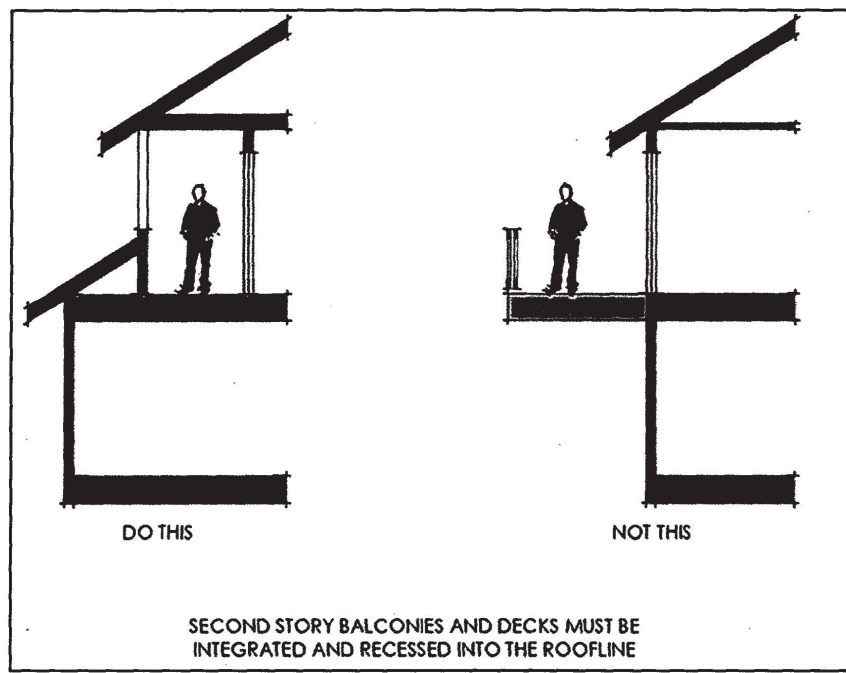
- i. **Arched windows**

**(2) Street and side-yard facing windows shall not extend floor-to-ceiling.**

**2. Additional Building Design Standards for Projects Requiring a Neighborhood Development Permit.**

**A. Privacy.**

**(1) Balconies, decks, and porches located on the second floor shall be integrated and recessed into the roofline of the structure. Balconies, decks, and porches that project outward from the second story of a structure are prohibited.**



**Figure 5 - Location of second floor balconies and decks**

**(2) Second floor windows facing a side yard are limited to one or more of the following techniques:**

- A. Clerestory windows**
- B. Recessed windows**
- C. Non-transparent or obscured glazing**
- D. Permanent architectural screens**
- E. Permanently affixed louvers**

**B. Exterior Wall Surfaces. In addition to the requirements of Section 17.28.090(E) and 17.29.090(F), the following requirements apply:**

- (1) For new houses, cladding variation such as accented entries, base treatment, or accented gable roof ends shall be provided on all street-facing facades, utilizing the appropriate materials as defined in Section 17.28.090(G)(1)(B).**

**H. Neighborhood Development Permit**

- 1. Purpose. The Neighborhood Development Permit provides a review process for the City to consider the appropriateness of proposed development within Lower Hastings Ranch. The process is designed to ensure that proposed projects:**

- A. Are compatible with the predominantly one-story, Ranch-style character of Lower Hastings Ranch.**

**B. Minimize two-story development in the neighborhood.**

**C. Minimize visual impacts, including impacts to protected views for two-story projects.**

**2. Applicability. A Neighborhood Development Permit is required to authorize a new dwelling, new second-story, second-story addition, or any building addition visible from a public right-of-way, to ensure compliance with this Chapter.**

**3. Requirements for One-Story Houses.**

**A. Application Filing and Processing. An application for a Neighborhood Development Permit shall be filed and processed in compliance with Section 17.60 (Application Filing and Processing). A Neighborhood Development Permit shall include all information and materials required by Section 17.60.040 (Application Preparation and Filing) and the following additional information:**

**(1) Visual Representation. All projects that require a Neighborhood Development Permit shall be required to provide visual representations of the project in accordance with this subsection. Visual representations are required to assist the review authority and interested citizens in understanding how a proposed structure and**

**its accompanying grading and other site development will appear in the context of the surrounding properties.**

**A. Content. Visual representation shall consist of:**

- i. One or more three-dimensional depictions of a proposed project, including all proposed structures and site development, illustrating how the project will appear to observers viewing the project from public rights-of-way three houses down in either direction and from other public areas near the site.**
- ii. The number of illustrations required and their vantage points shall be determined by the Zoning Administrator in each case.**

**B. Form. Applicants must select and provide at least one form of visual representation from the following list:**

- i. Digital and/or artistic renderings, including elevations or grading cross-sections;**
- ii. Computer-generated photo simulations; or**
- iii. A three-dimensional scale model of the**

project structure and site of a scale sufficient to evaluate the project as determined by the Zoning Administrator.

(2) Site Topography. A topographic map covering the entire site may be required at the discretion of the Zoning Administrator if deemed necessary to clearly understand the potential visual impact of the project. The topographic map shall be prepared with a contour interval of not more than five feet, which shall also identify the proposed building site, and all areas of the site with slopes of 15 percent or less, all areas of the site with slopes that are more than 15 percent but no more than 50 percent, and all areas of the site with slopes of 50 percent or more. An average slope calculation is required for the entire lot area.

4. Additional Requirements for Two-Story Houses.

A. Applicability. In addition to the requirements of Section 17.28.090 (H)(3), the following additional requirements for two story houses shall apply.

(1) Visual Representation. In addition to the Visual Representation requirements of Section 17.28.090 (H)(3),



all two-story projects shall be required to provide story poles in accordance with this subsection.

**(2) Form. Story poles shall be erected upon determination of a complete application, and shall remain in place for a minimum of 14 days. Applicants must submit photographic evidence confirming that story poles are in place. In addition, applicants must select and provide one additional form of visual analysis from the list specified in Section 17.28.090 (H)(3)(a)(1)(a).**

**I. Notice of Application. Upon receipt of a complete application and verification that story poles, if applicable, have been erected on the subject property, a Notice of Application shall be mailed to all property owners within 500 feet of the proposed project. The notice shall include a description of the proposed project and shall inform property owners of their ability to review and comment on the proposed project.**

**J. Review Authority. The Hearing Officer may approve, conditionally approve, or disapprove a Neighborhood Development Permit in compliance with this Chapter.**

**K. Project Review, Notice and Hearing.**

**1. Each application shall be analyzed by the Zoning Administrator to ensure that the application is consistent with the purpose and intent**

of this Section. The Zoning Administrator shall submit a staff report and recommendation to the Hearing Officer for consideration on a Neighborhood Development Permit.

2. The applicable review authority shall conduct a public hearing on an application for a Neighborhood Development Permit before the approval or disapproval of the permit.
3. In addition to the requirements of Section I (Notice of Application), notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings).
4. The applicable review authority shall render a decision on the application within ten days following the final public hearing on the application.

L. Findings and Decisions. The Hearing Officer may approve, conditionally approve, or disapprove a Neighborhood Development Permit application, and shall record the decision and the findings upon which the decision is based. The Hearing Officer may approve the permit only after first making the following findings:

1. Standards Compliance. The design, location, and character of the proposed house or other structure are consistent with the Development Standards in Section F and Building Design Standards in Section G.

- 2. Neighborhood Consistency. Consistency is determined following a review of existing site conditions, visibility of the site, and the size, scale, materials, and character of existing development within 500 feet of the site. The Hearing Officer must find that the house or other structures are compatible with existing houses and consistent with the prevailing neighborhood character.**
- 3. Massing and Articulation. The massing, scale, and building articulation of the proposed house or other structure is reasonably consistent in scale and proportion to existing houses in the neighborhood.**
- 4. Topography. The house or other structure is designed to reasonably incorporate and avoid natural topographic features.**

**M. Additional Findings for Two-Story Projects Subject to a Neighborhood Development Permit.**

- 1. Necessity of Two-Story House. The Hearing Officer must find that:**
  - A. A one-story house or one-story addition cannot reasonably be constructed on the property due to site constraints, such as protected trees or topography, or due to development standards such as required setbacks.**
- 2. View Protection. The house or other structure will not unreasonably visually intrude upon a protected view, as defined in Section**

**17.28.090(C).**

- 3. Privacy. The house or other structure is designed to minimize privacy infringement on neighboring residents.**

**N. Conditions of Approval. In approving the Neighborhood Development Permit, the Hearing Officer may impose any conditions it deems reasonable and necessary to ensure that the approval will comply with the findings required by Sections K and L above.**

**O. Post Approval Procedures. The procedures and requirements in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), and those related to appeals in Chapter 17.72 (Appeals), shall apply following the decision on the Neighborhood Development Permit.**

**SECTION 3.** The City Clerk shall certify the adoption of this ordinance and shall case this ordinance to be published by title and summary.

**SECTION 4.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Terry Tornek  
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 \_\_\_\_\_ 2017, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

\_\_\_\_\_  
Mark Jomsky  
City Clerk

Approved as to form:



 Theresa E. Fuentes  
Assistant City Attorney

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