

Agenda Report

June 19, 2017

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

**SUBJECT: ZONING CODE AMENDMENT: HILLSIDE OVERLAY DISTRICTS
(HD, HD-1, HD-SR)**

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment),
2. Approve the Findings for Zoning Code Amendments (Attachment A);
3. Approve the proposed Amendments to Section 17.29 (Hillside Overlay District) of the Zoning Code; and
4. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code) Section 17.29 (Hillside Overlay Districts).

PLANNING COMMISSION RECOMMENDATION:

On April 26, 2017, the Planning Commission considered a series of proposed amendments to Section 17.29 (Hillside Overlay District) of the City's Zoning Code, regulating development in the HD, HD-1, and HD-SR overlay zones. The Commission voted to recommend the City Council:

- 1) Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- 2) Approve the Findings for Zoning Code Amendments; and
- 3) Approve the proposed Zoning Code Amendments to Section 17.29 (Hillside Overlay District) of the Zoning Code.

In addition, the Planning Commission requested the following modifications: 1) Upon approval of the proposed amendments by the City Council, staff will return to the Planning Commission 18 months later with a status update on amendment effectiveness; 2) Retain PMC Section 17.29.080(G) which allows for adjustments to any Hillside District development standard; and 3) Consider a house size threshold, below which projects would not be subject to Neighborhood Compatibility size requirements.

EXECUTIVE SUMMARY:

In response to concerns for the potential for “mansionization” in Pasadena, and at the direction of the City Council, City staff is undertaking an effort to revise the Zoning Code development standards governing single-family residences in Pasadena. This work program involves three phases: Phase 1 (Lower Hastings Ranch), Phase 2 (non-historic, non-hillside), and Phase 3 (Hillside Overlay Districts). Phase 1 (Lower Hastings Ranch) was completed in February 2017. The proposed amendments in this report, if approved, will conclude Phase 3; Phase 2 will follow later this year.

The focus of this report is to provide a detailed overview of the proposed regulations as considered and recommended for adoption by the Planning Commission. The proposed amendments include: 1) New regulations pertaining to basements; 2) New regulations pertaining to the size of individual accessory structures; 3) Revised View Protection regulations; 4) Codifying existing Neighborhood Compatibility guidelines and adding findings; 5) Simplified Hillside Development Permit thresholds; 6) The addition of a “Major Renovation” threshold for Hillside Development Permits; and 7) Other technical changes.

BACKGROUND:

The modern Hillside Ordinance was adopted in 1992 and remained relatively unchanged for 12 years. In 2003, concerns regarding development projects in Hillside neighborhoods caused the City to reevaluate the Hillside Ordinance. At the time, staff and residents noted that while most aspects of the Hillside Ordinance were working successfully, development in the Hillside during the 1990s had also resulted in some projects that were perceived as being out of character with Hillside areas. Important issues such as view protection, ridgeline protection, environmental hazards, and development on steeply-sloped lots were studied and new standards were prepared to address each concern. Other concerns, such as ensuring that new structures and additions appropriately blended in with the natural terrain of Hillside areas prompted the study and addition of specific color requirements. In 2004, the City Council adopted a significant series of amendments to the Hillside Ordinance, codified as Section 17.29 of the Zoning Code. The current Hillside Ordinance is provided as Attachment B.

In 2014, the City Council directed staff to amend the Zoning Code regulations for single-family development in response to concerns raised by residents that recent single-family houses and/or additions were perceived to be either too large or architecturally incompatible with surrounding neighborhoods. These issues stemmed largely from

several houses that had been built in non-HD overlay zones, but the concerns were shared by residents living in HD overlay zones. In response, the City Council initiated a three-phase mansionization effort; the Hillside Overlay zones constitute Phase 3 of this effort.

Staff has held a total of 13 community meetings with the public, five of which were specifically designed to solicit input from residents of Hillside Overlay zones. These meetings were followed up by three discussion and workshop meetings with the Planning Commission to further discuss areas of concern and refine potential amendments to the Zoning Code to address those concerns.

Residents' Concerns

Mansionization is often perceived in situations where a proposed house, addition, or remodel results in a structure that is out of scale, ill-proportioned, or out of character with its surrounding neighborhood. New houses and additions to older houses sometimes result in structures that are larger and stylistically different than houses built in previous decades due to a variety of factors, including changes in family size, rising property values and land costs, and a property owner's personal taste.

Residents at the Hillside Overlay community meetings shared many of the concerns noted above. However, owing to the unique nature of the City's hillside neighborhoods and associated protections currently provided by the Zoning Code, very specific, situational types of compatibility concerns were also identified:

- 1) Oversized houses and additions
- 2) Overdevelopment of Hillside areas
- 3) View Protection
- 4) New structures and renovations that are incompatible with surroundings

November 2016 - Planning Commission Discussion

In November 2016, staff presented to the Planning Commission a summary of the community input that had been received to-date, summarized into general topics of concern, as well as draft solutions and Zoning Code amendments to address the community concerns. At the conclusion of the meeting the Commission requested that an additional meeting be held, in a workshop-style format to allow for more direct interaction between the Commission and the public.

January 2017 – Planning Commission Workshop

In January 2017, staff held a workshop with the Planning Commission and the public. The goal of this workshop was to provide a background and summary of existing Hillside District regulations, discuss issues that had been identified by residents, and provide possible solutions for discussion. At the conclusion of this workshop, the Planning Commission requested an additional workshop to provide an additional opportunity for public participation.

February 2017 – Planning Commission Workshop

In February 2017, a second workshop was held with the Planning Commission and the public. The workshop again focused on an overview of existing regulations, issues identified by residents, and potential solutions. Comments raised during the January 25 workshop were also discussed.

April 2017 – Planning Commission Public Hearing

On April 26, 2017, the Planning Commission considered proposed amendments to the Hillside Overlay Zones, and voted to recommend the City Council:

- 1) Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- 2) Approve the Findings for Zoning Code Amendments; and
- 3) Approve the proposed Zoning Code Amendment to the HD, HD-1, and HD-SR zones.

At the conclusion of the public hearing, and after considering public testimony, the Commission voted to recommend approval of the staff recommendation, with three modifications. First, the Commission requested that should the proposed amendments be adopted by the City Council, staff will return to the Planning Commission 18 months later to provide a status update on the amendments and their effectiveness. Second, the Commission recommended that PMC Section 17.29.080(G), which currently allows an applicant to seek adjustments to any Hillside District development standard, be retained as part of the Zoning Code (staff had originally recommended this provision be eliminated). Finally, the Commission recommended that staff consider a house size threshold, below which a proposed project would not be subject to the maximum house size calculation in Section 17.29.060(D), Neighborhood Compatibility.

PROPOSED AMENDMENTS:

The following is a summary of the development and design standards that were discussed and recommended for approval by the Planning Commission on April 26, 2017, categorized by the four types of compatibility concerns identified by residents:

1) Oversized houses and additions

While most residents stated their belief that the existing Hillside District development standards are generally effective in controlling house size and visual bulk and mass, some noted that second-story construction, when below the 500 square foot threshold, does not require a Hillside Development Permit. Without appropriate review and public comment, this type of construction may contribute to mansionization. Additionally, other

types of construction such as substantial below-grade areas or large accessory structures have been noted by residents as concerns.

The current Hillside Ordinance includes a section related to Neighborhood Compatibility (17.29.060(D)), applicable to all projects that require a Hillside Development Permit. These standards are meant to ensure that new houses and additions are designed with consideration of the character and scale of existing houses within a 500 foot radius of the proposed project. The standards currently require an applicant to determine the median house size (not including attached garages and other accessory structures) within 500 feet of the subject site as a baseline for their project. The allowable floor area of a proposed house may not be greater than 35 percent above the median house size.

Generally, following the neighborhood compatibility standards often results in a house size that is less, often significantly so, than what would otherwise be allowed by the maximum allowed gross floor area calculation. In cases where the standards significantly limit the size of a proposed project, the current regulations allow the Hearing Officer to approve additional square footage beyond the 35 percent limit to allow for a reasonable use of private property.

In order to approve additional square footage as described above, the City Council adopted guidelines in 2006 to assist staff and the Hearing Officer in justifying how much additional floor area would be appropriate, as well as how the 500-foot radius neighborhood may be modified. The ability of a project to exceed 35 percent of the median house size has been noted by some residents as potentially allowing for incompatible development and mansionization.

Recommended Amendments

- *Addition of Maximum Gross Floor Area for Upper Hastings Ranch (HD-1)*

Upper Hastings Ranch is unique in that it is the only neighborhood in Pasadena zoned for single-family residences without a maximum house size, or gross floor area. House sizes in Upper Hastings Ranch are governed by lot coverage (maximum 35 percent of lot), encroachment plane requirements, and second floor setback requirements. Second stories are limited to 50 percent of the floor area of the first story (including attached garage). Second-story construction of any size requires approval of a Hillside Development Permit.

Staff recommends regulating gross floor area in Upper Hastings Ranch consistent with the neighborhood's base zoning requirements. The gross floor area requirement will be in addition to the other existing standards that regulate house size.

- *Amend Thresholds for Requiring Hillside Development Permits*

Currently, the following projects are subject to a Hillside Development Permit in Hillside Districts:

- Proposed subdivisions
- A new dwelling or structure
- Additions to an existing dwelling or structure

However, several types of development are exempt from Hillside Development Permit review:

- One-story additions no more than 500 square feet (or 20% of the existing floor area, whichever is greater), and/or
- A second or third story addition no more than 500 square feet in size.
- Accessory structures no larger than 20 percent of the gross floor area of the existing primary structure (including attached garage).

Therefore, a homeowner could potentially construct a 500 square foot addition on the ground floor and 499 square feet on a second floor, for a total of 999 square feet, without triggering a Hillside Development Permit. Residents have expressed concern that a project of this size could have view or other impacts, but currently does not require discretionary review or public input prior to the submittal of an application for a building permit.

Staff recommends modifying the Hillside Development Permit thresholds to remove the exemption for second and third story construction, such that a Hillside Development Permit would be required for all construction above one story, including a new two-story house, addition of a second story to an existing one-story house, or an addition to an existing second story. Additionally, staff recommends requiring a Hillside Development Permit for all additions whose total size is greater than 500 square feet. This requirement would help ensure that projects with the potential to contribute to mansionization or alter neighborhood character are reviewed through the Hillside Development Permit process and that appropriate notification is provided to neighbors.

- *Codify Existing Neighborhood Compatibility Standards*

As previously mentioned, the ability of a project to exceed the neighborhood compatibility standards (35 percent above the median house size) on a case-by-case basis has been noted by some residents as potentially allowing for incompatible development and mansionization. Because the existing Neighborhood Compatibility standards often result in smaller house sizes than would otherwise be allowed by gross floor area calculation, staff recommends retaining the Neighborhood Compatibility standards as they currently exist in the Zoning Code.

However, staff does recommend incorporating the City Council-adopted guidelines for Neighborhood Compatibility into the Zoning Code (Attachment C), modified with a new qualification threshold and findings, to assist the decision

maker in determining when it may be appropriate for a project to exceed 35 percent of the median house size, up to a maximum of the average gross floor area of the neighborhood, and under what conditions. Staff initially considered and recommended a minimum lot size of 10,000 square feet as the threshold. Projects on lots smaller than 10,000 square feet would not be allowed to exceed 35 percent above the median house size. Upon further review, it was determined that the majority of lots in the Hillside are larger than 10,000 square feet, and that a larger lot size may be more appropriate to ensure that projects seeking additional square footage are located on appropriately-sized lots. Therefore, the recommended threshold and findings are:

Threshold

- Minimum lot size of 20,000 square feet;

Additional Findings

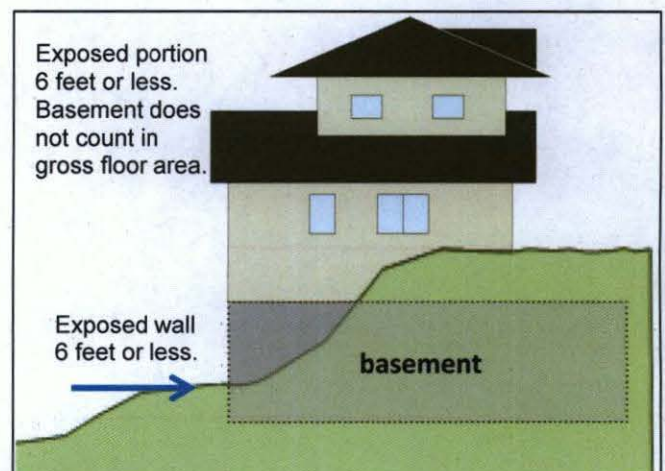
- No additional view impacts will occur to neighboring properties as a result of granting additional square footage; and
- The massing, scale, and articulation of the proposed dwelling or other structure is compatible with the neighborhood as viewed from public or private streets.

Staff also recommends codifying the guidelines, without change, pertaining to modification of the 500-foot radius neighborhood as follows:

- Properties within 500 feet are not in Pasadena;
- Properties within 500 feet are not in a Hillside Overlay District;
- Properties within 500 feet are not in an RS district, or in a different RS district; or
- Properties within 500 feet are separated by significant manmade structures (e.g. freeway) or by significant natural features (e.g. canyon, ridge) that to the extent determinable by staff are not the result of grading or other manmade alteration of the natural terrain.

2) Overdevelopment of Hillside areas

Residents have expressed concern that some types of construction in Hillside areas do not require review through the Hillside Development Permit process, and therefore may contribute to excessive development of Hillside neighborhoods. In particular, residents noted two specific concerns:



Basements

Some residents have stated that existing development standards allow for basements to be built as a way to add square footage to a house without exceeding the maximum allowed gross floor area or the Neighborhood Compatibility calculation, given that neither calculation includes basement area (note: basements with an exposed wall of six feet or more above finished grade do count in the maximum allowed floor area). Concerns regarding large basements tended to center on environmental impacts from soil excavation and the number of truck trips required to haul dirt away from the site.

As noted above, basement area is exempt from gross floor area unless there is an exterior wall exposed more than six feet above finished grade, in which case the entire basement area counts as floor area. Additionally, the depth of a basement is not currently regulated by the Zoning Code. A basement may be built to any depth, provided that it meets the structural and safety requirements of the Building Code.

It is these types of potential basements that some residents are concerned about, because they may currently be built to any size and depth without being considered gross floor area by the Zoning Code. There are no existing or proposed single-family houses with multi-story basements in Pasadena; however there have been a handful of proposals with basements that extend beyond the footprint of the above-ground main house.

Accessory Structures

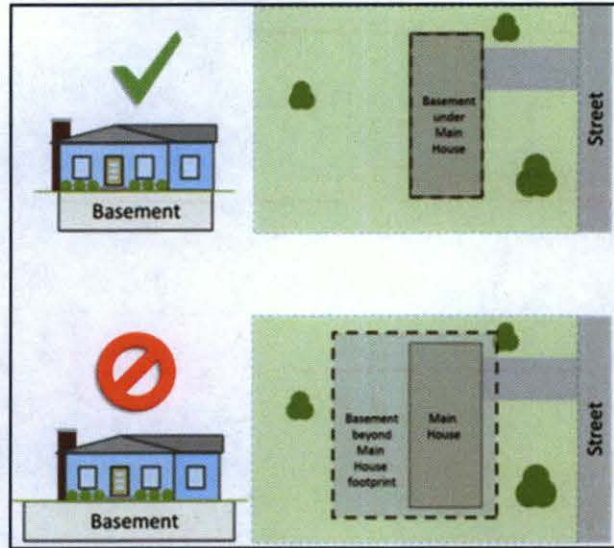
Residents have expressed a concern that large and/or numerous accessory structures may currently be built on Hillside District properties. This pattern of development could also contribute to the over-development of lots and perceived bulk and mass of all structures on the property and may appear visually incompatible with the traditional character of the Hillside. Residents have suggested that smaller accessory structures are less obtrusive.

The total square footage for all accessory structures on a single-family-zoned property may be up to six percent of the lot size or 600 square feet, whichever is greater, without limitation on the size of individual accessory structures. The Zoning Code also specifies that accessory structures may not be located in a required setback, but may be placed anywhere else on the property, including in front of a main dwelling. Thus, a property owner may have one or two large accessory structures, or multiple smaller ones, and still meet the requirements of the Zoning Code as long as the structures are not within a required setback. [Note: an accessory structure may be placed as close as two feet from a side or rear property line, provided it is at least 100 feet from the front property line or entirely within the rear 25 feet of a property.]

Recommended Amendments

Limit Size and Location of Basements

Staff proposes to limit basements on HD-zoned properties to the footprint of an existing or proposed main house. Basements would not be permitted underneath an accessory structure or as standalone subterranean structures. This allows property owners the option of having a basement if they so choose, but ties the maximum amount of basement space to the size of the above-ground house. The footprint of the above-ground house is already limited in the Zoning Code by lot coverage and the gross floor area calculation. Digging and grading for any proposed basement would be limited to the footprint of the existing or proposed enclosed areas above-ground house (i.e., would not include covered porches, patios, or decks). Basement depth is currently regulated by existing construction and safety provisions in the Building Code; however, staff recommends a maximum allowed depth of one level, with an interior height of nine feet. An interior height of nine feet would provide sufficient vertical clearance for mechanical and plumbing appurtenances, such as HVAC ducting and pipes that service the above-ground house, with adequate remaining space for use of the basement by the property owners.



Limit Size of Accessory Structures

Staff recommends that individual enclosed accessory structures on HD-zoned properties be limited in size to no larger than 600 square feet. This requirement would work in conjunction with the existing aggregate size allowance to limit large accessory structures. Limiting individual structures to 600 square feet provides for a reasonably-sized accessory building that suits typical accessory uses of residential property (e.g., garage, storage, home office, pool house).

As noted above, the size of accessory structures is currently limited to a maximum of six percent of the lot, or 600 square feet, whichever is greater. However, this lot calculation includes the entire property, even those portions that may have steep slopes (50 percent or greater); area that is currently deducted from the lot area when calculating the total gross floor area on a property. For consistency, staff recommends revising the accessory structure calculation for HD-zoned properties so that, for lots of 10,000 square feet or over, any portion of a lot with a slope of 50 percent or more is deducted. The resulting lot area will be used to calculate the maximum combined size for all

accessory structures. In cases where this calculation would result in a maximum combined size less than 600 square feet, 600 square feet would become the maximum size allowed. This will reduce the aggregate accessory structure size on large lots, but will also ensure a minimum of 600 square feet of accessory structure space.

3) View Protection concerns

Some residents expressed concern with new construction or additions that are perceived to have not achieved the Zoning Code goal of minimizing view impacts. Specifically, it was noted that existing language in the Zoning Code which states that new construction shall not block a view “to the maximum extent feasible” and suggest that the current regulations do not adequately protect views for the following reasons:

- Vantage points are restricted to views from limited types of rooms (living room, family room, and patio) of a house.
- Floorplans change over time, such that when rooms are modified or rearranged, they may fall out of the existing “primary living area” definition; therefore, views from those rooms may no longer be “protected”. Other rooms may be modified so that they meet the definition of a primary living area, and their previously unconsidered views would now be protected.
- Existing language states that structures shall not block neighbors’ views “to the maximum extent feasible” without definition.
- Others believe that the term “maximum extent feasible” permits a level of subjectivity that allows decision-makers to interpret a view impact differently than a homeowner or neighbor, and are asking for a more definitive and quantifiable definition of “view”.

Some residents have indicated that the “maximum extent feasible” language allows for appropriate flexibility when determining where a view is located and what impacts may occur. Additionally, the Planning Commission suggested that it would be helpful if the Zoning Code offered additional guidance and examples to assist decision makers in interpreting the meaning of “maximum extent feasible” and how best to apply this language to projects with a potential to block neighboring views.

The Zoning Code currently protects views in Hillside overlay zones by stating that a proposed structure “...shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority.” In this context, “surrounding properties” is defined in the Zoning Code as all abutting properties, as well as those directly across the street from the subject property. It does not include properties several lots away or other properties that can ‘see’ the subject site. The Zoning Code also states that new structures and tall landscaping shall not be placed directly in view of the primary living areas on a neighboring parcel.

View impacts are considered as part of the review process for any project subject to a Hillside Development Permit. One of the Hillside Development Permit findings includes a determination that a proposed structure will be compatible with existing and anticipated future development on adjacent lots "in terms of aesthetics, character, scale and view protection". Views are not a tangible asset that can be reliably quantified, and view impacts may be perceived differently depending on the individual, property, and circumstance.

Recommended Amendments

- *Revise Definition of "Primary Living Area"*

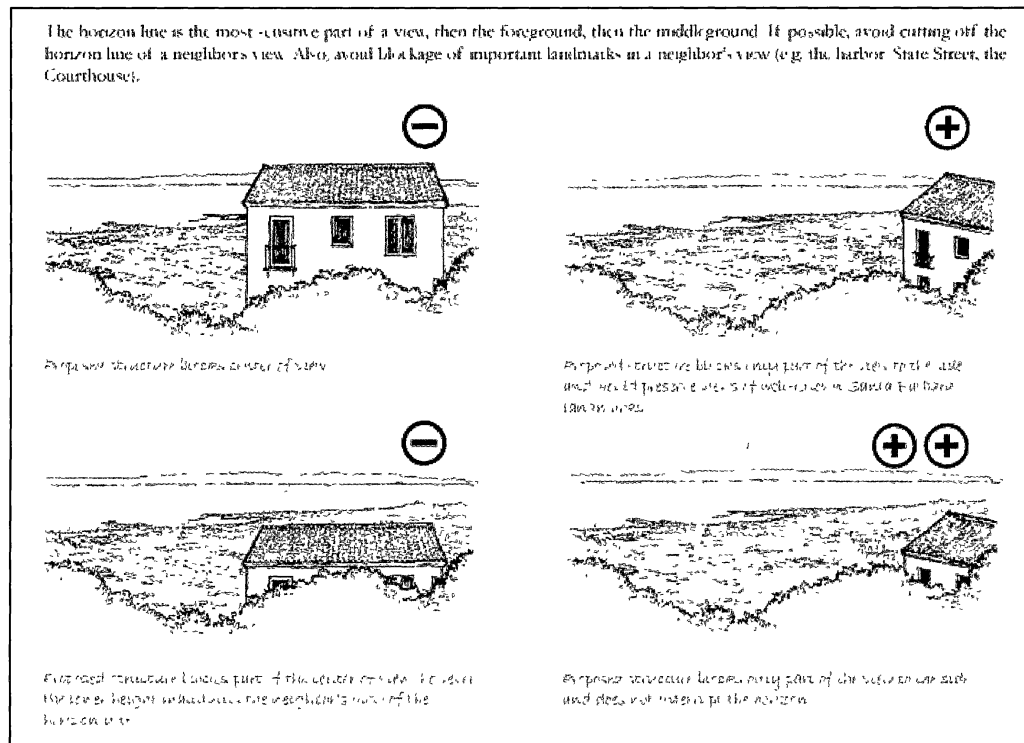
Staff recommends eliminating the existing definition to allow views to be considered from any room of a house. Considering views from more vantage points does not mean that neighboring properties will be prevented from proposing additions or new structures, but does allow residents of existing homes to define the views that are important to them, while still permitting the Hearing Officer or subsequent review boards sufficient authority to determine reasonable impacts on those views.

Clarifying language will also be included to assist decision makers in understanding situations where views are significantly blocked: "New structures and tall landscaping shall not be centered directly in the view of a main dwelling on a neighboring parcel. New structures shall also avoid blocking the horizon line and ridgelines as seen from any room of a main dwelling on neighboring properties." In addition, staff proposes adding additional clarification guidelines to assist the decision maker in which criteria to consider when applying discretion in approving or disapproving projects that block views "to the maximum extent feasible":

"A proposed structure shall be designed and located so that it avoids blocking views from surrounding properties to the maximum extent feasible, as determined by the review authority and including, but not limited to, consideration of the following:

- The ability of the project to physically relocate the building to another part of the property;
- The ability of the project to alter the massing away from surrounding properties' views; and
- The ability of the project to minimize architectural features that may intrude upon views from surrounding properties."

To augment this language, staff additionally proposes to include updated graphics in the Zoning Code to depict graduated preferred and discouraged view scenarios, similar to the following (courtesy of the City of Santa Barbara). Graphics will be developed during preparation of the ordinance.



Additionally, staff proposes including language which provides the decision maker with the authority to grant adjustments to development standards:

"In cases where the standards such as required setbacks and encroachment planes would prevent a structure from reducing or eliminating an unreasonable view impact, the review authority may grant an adjustment to the development standards. To grant such an adjustment, staff proposes requiring the decision maker make the following findings in consideration of the physical placement of the proposed structure:

- An adjustment to development standard(s) is necessary to minimize or eliminate impacts to a neighbor's view of culturally significant structures (e.g. Rose Bowl, Colorado Street Bridge), city lights, prominent ridgelines, or the horizon line.
- Granting an adjustment to development standard(s) will not unreasonably alter the street-facing character of the neighborhood or unreasonably disrupt the continuity of established front yard setbacks."
- *Require Story Poles and Digital Renderings for HDP Visual Analyses*

The Hillside Development Permit requirements include a visual analysis, to be provided by an applicant, which assists neighbors, staff, and decision makers in understanding how a proposed structure will appear in the context of the neighborhood. Currently the form of visual analysis may be chosen from the following options:

- Digital and/or artistic renderings, including elevations or grading cross-section;
- Temporary silhouette in compliance with Section 17.60.080 (Temporary Silhouette Requirement);
- Photomontages, including photos of the site with the temporary silhouette;
- Computer-generated photo simulations;
- 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; or
- Any other technique acceptable to the Zoning Administrator that will provide an accurate three-dimensional visual depiction of the proposed project in its proposed location and context with sufficient detail to clearly illustrate how proposed structures and site development will look when complete.

Temporary silhouettes are also commonly referred to as “story poles”, because they visually demonstrate the height, location, and general massing of a proposed multi-story structure. Some residents and Planning Commissioners suggested that story poles should include the use of tarps or coverings to help visualize the bulk and massing of a proposed project. However, in consultation with the Building Division, it was determined that tarps or coverings could create potentially hazardous situations (for example, if the tarps became dislodged in windy weather). Therefore, staff does not recommend the use of tarps or coverings for story poles, however does recommend the use of approximately two-foot wide strips of brightly-colored construction mesh (e.g. construction fencing) in the manner shown above.



In an effort to help residents better understand how a proposed structure would appear in relation to its surroundings, staff proposes to make the first two options (digital renderings and story poles) requirements of the visual analysis when constructing a two-story house or two-story addition. Computer-generated renderings would be required as part of any HDP application, whether the project involves one or two stories. Applicants may also propose alternative techniques that are deemed acceptable by the Zoning Administrator.



- *Provide Additional Notification for Two-Story Projects*

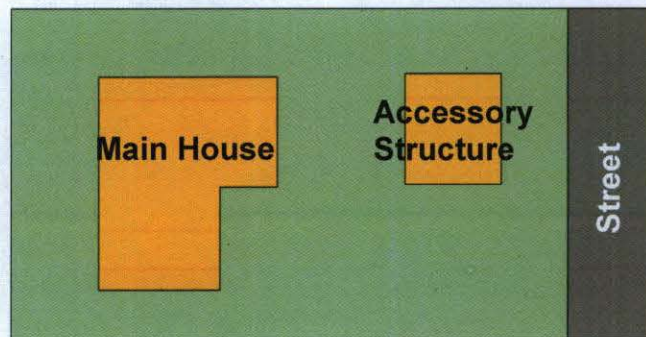
Additionally, staff suggests amending the Zoning Code to require a "Notice of Application" that must be mailed out to all properties within 500 feet of the subject property, once story poles have been erected. The Notice of Application would inform nearby property owners of the project, including their ability to view the story poles and renderings, and allow them additional time to comment on the project. This is same additional notification that was adopted as part of the recent amendments for Lower Hastings Ranch.

4) New structures and renovations that are incompatible with surroundings

Like many residents across the Pasadena, residents in Hillside District neighborhoods expressed a general concern for incompatible types of development in their neighborhoods. The concerns specific to incompatible development in Hillside District areas included concerns regarding inappropriate locations for accessory structures, as well as concerns about renovations to existing structures that do not currently require discretionary review.

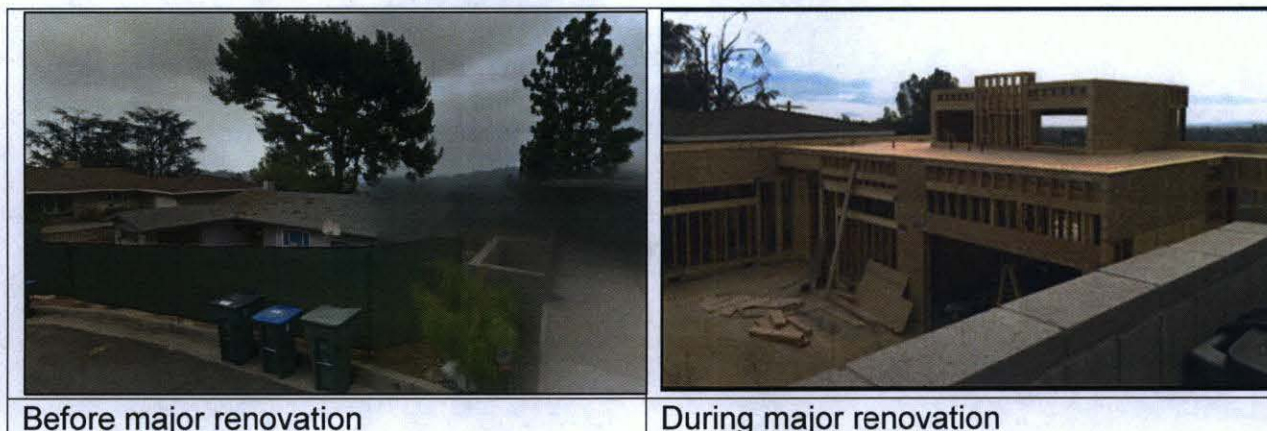
Location of Accessory Structures

Some residents have suggested that placing an accessory structure in front of the main dwelling is incompatible with the general character of Hillside District neighborhoods. Currently, accessory structures are not permitted within a required front-yard setback, but could otherwise be placed in front of a main house. In some cases, an accessory structure might be placed in front of the main house out of necessity; for example, a garage might be placed in front of the main house due to a steeply-sloped lot that cannot accommodate a garage in the rear.



Major Renovations

Some residents expressed concerns regarding the renovation of existing houses. Renovating a house by changing exterior materials, reducing existing walls down to the framing (but not removing the walls entirely) as part of a comprehensive remodel, or modifying a roofline is currently permitted, subject to plans being reviewed by the Planning and Building Divisions and upon issuance of a building permit. However, some residents are concerned that significant renovations of exterior facades or considerable alteration of a roofline could result in houses that are architecturally incompatible and out of context with neighboring homes.

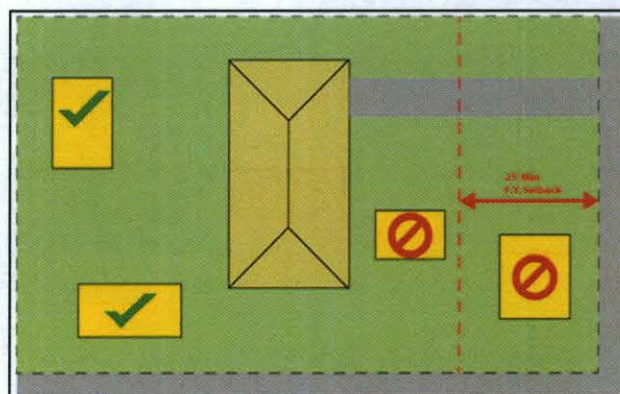


The existing Hillside Ordinance does not require a Hillside Development Permit for projects that are only renovating the exterior of a house (without fully demolishing walls or adding square footage), modifying a roofline, or for additions under 500 square feet. Some residents expressed that this allows for projects with the potential to block views or change the character of the neighborhood to occur without discretionary review and neighborhood notification. Other residents feel that such projects are relatively minor and do not warrant discretionary review.

Recommended Amendments

- *Limit Location of Enclosed Accessory Structures*

Residents are concerned that allowing enclosed accessory structures to be placed in front of a main dwelling has the potential to change the overall character of hillside neighborhoods, and can be incompatible with an established pattern of development. Given this, staff recommends requiring that enclosed accessory structures shall only be located behind the rear wall plane of the main house, except for detached garages. Requiring detached garages to be behind the main house could be problematic for some properties with steep slopes where a garage in the front is the most reasonable and practical location.



- *Require "Major Renovations" to be Subject to a Hillside Development Permit*

Staff recommends a new review threshold, "Major Renovation", be added. Major renovations would be defined as either:

- Altering more than 50 percent of exterior wall facades by reducing existing walls down to the framing. This would not include the removal and replacement of

existing exterior finishes or materials (for example, due to general maintenance);
or

- Any alteration of the roofline resulting in an increase in height above the highest point of the existing roof.

A project meeting either of these criteria would require review through the Hillside Development Permit process. Modifications to either the roofline or exterior would merit neighborhood notification and staff review to ensure that proposed modifications are appropriate.

Other Technical Changes

In addition to the items listed above, staff has identified several areas where technical changes may be appropriate to better serve the public by more clearly communicating the development standards of the Hillside District:

- *Modify Allowable Gross Floor Area for RS-6 HD Lots Less Than 10,000 Square Feet*

For all properties in the HD Overlay district, the base FAR is specified as a table in Section 17.29.060(A), as shown below:

Zoning District	Allowable Base Gross Floor Area
RS-1 HD	0.20 + 500 square feet
RS-2 HD	0.225 + 500 square feet
RS-4 HD	0.25 + 500 square feet
RS-6 HD	0.275 + 500 square feet

However, for lots zoned RS-1-HD, RS-2-HD, and RS-4-HD that are less than 10,000 square feet in size, properties may have a base gross floor area of 0.30 + 500 square feet. However, this provision excludes properties zoned RS-6-HD that are also less than 10,000 square feet in size. Staff recommends revising this provision so that all Hillside District properties with similar circumstances, regardless of zone, are subject to the same regulations and treated in a consistent manner.

Additional Modifications Recommended by Planning Commission

All Hillside Development Permit applications must be presented at a public hearing to the Hearing Officer, who must make the required findings outlined in Section 17.29.080(F) in order to approve an application. However, Section 17.29.080(G) specifies that applicants may seek, and the Hearing Officer may grant, adjustments to any Hillside District development standards. The Hearing Officer must find, however, that granting the adjustment would result in a project that is less visible from off the site and has less environmental impact on wildlife, habitat, slopes, or existing scenic views from adjacent properties than it would if it complied with the development standards.

Staff originally recommended that this process be removed from the Zoning Code. Upon review and discussion by the Planning Commission, the Commission voted to retain this process to ensure some level of flexibility in conjunction with the recommended additional regulations.

The Planning Commission recommended that staff consider a house size threshold, below which a proposed project would not be subject to the maximum house size calculation in Section 17.29.060(D), Neighborhood Compatibility. During the April 26 hearing, residents and commissioners suggested that in some areas, such as HD-SR (San Rafael), the majority of houses are already modest in size and could be unreasonably constrained by Neighborhood Compatibility standards. The Commission suggested that staff investigate the possibility of exempting houses below a certain size from requiring analysis through Neighborhood Compatibility.

Neighborhood Compatibility allows for review and analysis of a proposed structure relative to its surroundings to ensure that the structure is compatible in scale and massing with other structures in the neighborhood. If houses below a certain size were exempt – for example, any house less than 2,500 square feet – there may still be instances where such a house could be out of scale or character with surrounding houses. For example, if a neighborhood consists of houses that are generally 1,200 square feet, a new 2,500 square foot house could be perceived as a case of “mansionization” since it is approximately twice as large, and because mansionization is largely perceived as structures that are out of scale with neighboring structures. Therefore, staff does not recommend exempting houses below a certain size from Neighborhood Compatibility analysis.

Finally, the Planning Commission requested that, should the proposed amendments be adopted by the City Council, staff will return to the Planning Commission after 18 months to provide a status report on the effectiveness of the Ordinance.

Exemption for Projects Currently in Process

Section 17.10.030.E (Effect of Zoning Code changes on projects in progress) of the Zoning Code includes provisions that relate to when the Zoning Code is amended. As they apply to projects in the HD overlay, projects that have an approved Hillside Development Permit, or other discretionary entitlement, are processed under the rules in place as of the approval date. Similarly, a project that does not require a Hillside Development Permit, or other discretionary entitlement, and has submitted a complete Building Permit application and paid all required fees, will also be processed under the rules in place as of the approval date. Therefore, a project that does not yet have an approved entitlement, even though it may be in process, will be subject to any applicable new regulations.

As of the distribution of this report, there are ten Hillside Development Permit applications currently in process, two of which have been deemed completed for processing. Although all ten of these Hillside Development Permit applications are

potentially subject to the new regulations, staff recommends that the projects deemed complete as of the June 12, 2017 Public Hearing be exempt from the new regulations, and be processed under the current regulations. Given the time and cost that are needed to prepare plans in order to submit a complete application for a Hillside Development Permit, those applications deemed complete for processing should not otherwise be penalized.

REQUIRED FINDINGS:

In order to amend the Zoning Code, the City Council is required to make certain findings as set forth in Section 17.74.070.B of the PMC. As detailed in Attachment A (Findings for Zoning Code Amendments), the required findings can be made for the proposed amendment.

COUNCIL POLICY CONSIDERATION:

The proposed amendment to the Zoning Code furthers the goals and policies of the General Plan related to compatible development and appropriate scale and massing, including Land Use Element Policy 4.11 – Development that is Compatible, as well as Land Use Element Policy 22.1 – Appropriate Scale and Massing, both of which are intended to ensure that development is contextually appropriate with their surroundings. Further discussion of these policies are described in Attachment A (Findings for Zoning Code Amendments).

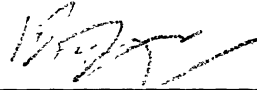
ENVIRONMENTAL ANALYSIS:

The proposed Zoning Code Amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of action taken by regulatory agencies, as authorized by state and local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The proposed Zoning Code Amendment is intended to protect the natural character of Pasadena's hillside neighborhoods by further regulating potential construction, including construction of basements and protection of scenic views.

FISCAL IMPACT:

While there is not a direct fiscal impact associated with the adoption of the proposed Zoning Code Amendments, there may be an increase in fees received as a result of additional Hillside Development Permit applications being received.

Respectfully submitted,



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Attachments (5):

- Attachment A – Findings for Zoning Code Amendments
- Attachment B – Current Hillside Ordinance (PMC Section 17.29)
- Attachment C – Existing Neighborhood Compatibility Guidelines (City Council Resolution #8697)
- Attachment D – Map of Hillside Overlay Districts (HD, HD-1, HD-SR)
- Attachment E – Summary of Proposed Hillside District Overlay Zone development standards