

## ZONING ADMINISTRATOR INTERPRETATION

**DATE:** December 1, 1993, updated November 26, 2007

**CODE SECTION:** Appendix A – PD-9 Provisions

**QUESTION NEEDING INTERPRETATION:** PD-9 was adopted in 1983. The provisions of this PD reference the Hillside Development Overlay District Standards. Since the Hillside Development Overlay District standards have changed many times since the adoption of PD-9, which Hillside Development Regulations are applicable?

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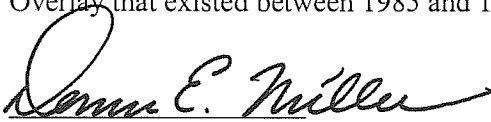
**INTERPRETATION:** Under paragraph C of PD-9, the “*special construction and site requirements of the hillside development ordinance*” are referenced and must be followed in the construction of new residences and additions. This paragraph also references the Hillside Development grading and width requirements for driveways. Paragraph G of the PD-9 regulations references the parking requirements of the Hillside Overlay District.

The PD-9 provisions became effective on November 28, 1983 under Ordinance #6043. Consequently, the 1985 Zoning Code had not taken effect at the time this ordinance was adopted, and the revisions to the Zoning Code which were done in 1985 changed the regulations for hillside development overlay. Although the reference to “special construction and site requirements” is unclear under the revised Zoning Code, this reference is clear under the Zoning Code of 1983 which includes a section entitled, **17.43.110 Special construction and site requirements**. Similarly, the references made regarding driveway width and grading and parking requirements were to the sections of the 1983 Zoning Code.

The homes in PD-9 were constructed between 1987 and 1989. Despite the clear references to the Hillside provisions of 1983 Zoning Code, when the homes were reviewed for compliance with the PD-9 regulations, the reference to special construction and site requirements was interpreted to refer to the development standards of the Hillside Development Overlay District that were applicable at the time the plans for the homes were reviewed (i.e., the development standards of the Hillside Development overlay as they existed between 1985 and 1992).

When the moratorium in the Hillside Development Overlay District was adopted in 1991 with Ordinances #6417 and #6458, the revisions to the Hillside Overlay District specifically excluded development within the PD-9 district. Hence, the revised Hillside Development Regulations of Ordinance #6482 were not applied to PD-9 and future changes to these standards shall not apply to PD-9.

Since the houses constructed in PD-9 were subject to the 1985 Hillside Development Regulations, if the 1983 Hillside Regulations were applied today, these houses would most likely be nonconforming in terms of these standards. Therefore, the references to the development standards of the Hillside Development Overlay in PD-9 provisions shall be considered to refer to the regulations of the Hillside Development Overlay that existed between 1985 and 1992 and which is attached to this interpretation.



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Zoning Administrator

ARTICLE III

Chapter 17.48

HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT

Sections:

<u>17.48.010</u>	<u>Specific purposes.</u>
<u>17.48.020</u>	<u>Applicability.</u>
<u>17.48.030</u>	<u>Land use regulations.</u>
<u>17.48.040</u>	<u>Development standards.</u>
<u>17.48.050</u>	<u>Slope/density formula.</u>
<u>17.48.060</u>	<u>Hillside development plan required.</u>
<u>17.48.070</u>	<u>Required plans and materials.</u>
<u>17.48.080</u>	<u>Approval of HD plan.</u>
<u>17.48.090</u>	<u>Lapse of hillside development plan approval.</u>
<u>17.48.100</u>	<u>Development plan review.</u>

17.48.010 Specific purposes.

The specific purposes of the HD Hillside Development Overlay District are to:

- A. Preserve and protect the views to and from hillside areas whenever feasible.
- B. Maintain an environmental equilibrium consistent with existing vegetation, geology, slopes, and drainage patterns.
- C. Prohibit development that would create or increase fire, flood, slide, or other safety hazards to public health and safety; the habitability, stability, and value of properties in the affected communities; or the potential of major financial loss to the City of Pasadena or any other governmental entity through claim or litigation.

- D. Avoid unwarranted high public maintenance costs for public infrastructure.
- E. Provide a mechanism for flexible design of residential development projects in hillside areas so that development may be concentrated in those areas with the greatest environmental carrying capacity and so that areas with low environmental carrying capacity are developed at very low density or reserved as permanent open space.
- F. Preserve significant features of the natural topography, including swales, canyons, knolls, ridgelines, and rock outcrops, to the greatest extent feasible. While it is recognized that development may necessarily affect natural features such as by-roads crossing ridgelines, a major design criteria shall be the minimizing of such impacts.
- G. Avoid residential densities that would require extensive grading or would generate excessive traffic.
- H. Promote orderly development which shall be consistent with the traditions and existing character of the community.

17.48.020 Applicability.

The HD Hillside Development Overlay District may be combined with any RS District having slopes of 15 percent or greater.

17.48.030 Land use regulations.

Land use regulations shall be those of the base district with which the HD Overlay District is combined.

17.48.040 Development standards.

Development standards shall be those of the base district with which an HD Overlay District is combined. The requirements in the following schedule shall be in addition and shall govern where conflicts arise.

The first column of the schedule prescribes basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Development Standards" column reference detailed regulations following the schedule or elsewhere in this title.

HD DISTRICT:  
DEVELOPMENT STANDARDS

<u>Development Standards</u>	<u>Basic Development Standards</u>	<u>Additional Development Standards</u>
Minimum Lot Area	as per base district	
Minimum Site Area Per Unit (sq. ft)		(A)
Minimum Yards:		
Front (ft.)	25	(B) (C)
Side (ft.)	[10% of width; 5 ft. min.; 10 ft. max. req'd.]	(C)
Corner Side (ft.)	[10% of width; 10 ft. min.; 15 ft. max. req'd.]	(C)
Rear (ft.)	25	(C)
Maximum Height (ft.)	32	(D) (E) (F)
Screening of Mechanical Equipment		(G)
Exterior Structural Supports		(H)
Driveways and Off-Street Parking		(I)
Landscaping		(J)
Exterior Walls		(K)
Building Pads		(L)
Construction on Slopes in the Arroyo Seco		(M)

HD DISTRICT:  
ADDITIONAL DEVELOPMENT STANDARDS

(A) As determined by the slope/density formula found in Section 17.48.050 of this code.

(B) Front Setback.

For Upslope Sites:

If the existing lot elevation at the rear of the normally required front yard at its centerline is 10 feet or more above the elevation at the front property line, the minimum front yard shall be 10 feet.

For Downslope Sites:

The front setback for downslope sites is at that point on the centerline of the lot where the elevation is 10 feet below the centerline of the curb. However, the setback need not be greater than 25 feet.

(C) See Section 17.64.170: Building projections into yards and courts.

(D) See Section 17.64.190: Measurement of height.

(E) Building Height.

For Upslope Sites.

Within 25 feet of a front lot line, the maximum building height shall not exceed 24 feet as measured under Section 17.64.190(A), except that height shall be measured at the corners of the lot coterminous with the street right-of-way and the side property line 25 feet back from the front property line.

For Downslope Sites.

The maximum permitted front height of a building is a function of the front setback and rear height a designer chooses as shown in the table below:

Front Height =	Rear Height	Rear Height
	≤ 32'	> 32'
Setback ≥ 25'	32'	1/2 setback
Setback < 25'	1/2 setback	0'

The zoning administrator shall determine which shall be the front lot line on double frontage lots for the purpose of determining height. The zoning administrator shall consider access to the site as well as the lot's relationship to adjacent lots.

- (F) See Section 17.64.200: Exceptions to height limits.
- (G) No mechanical equipment, including solar collectors, shall be exposed to view from beyond the boundaries of the site unless fully screened or architecturally integrated with a structure. Overhangs, roof eaves, decks, foundations and all other elements projecting from any downslope wall shall be designed so that there is no exposure of plumbing, heating, ventilating and air conditioning equipment or conduits, and shall be of an architecturally finished appearance.
- (H) All supporting devices that are exposed to view, whether structural or decorative, including columns, pipes or

beams, shall have a minimum individual diameter of 1-1/2 inches for every 1 foot of height or length, with a minimum diameter of 15 inches, and shall have a minimum 1-hour fire rating.

(I) Driveways on which there is a visibility problem shall have passing turnouts. All driveways shall comply with minimum widths and maximum grades as follows:

1. Private driveways less than 150 feet in length serving one dwelling unit shall have a minimum graded and paved width of 15 feet. Private driveways in excess of 150 feet in length or serving more than one dwelling unit shall have a minimum graded and paved width of 20 feet. The minimum driveway width specified herein shall not apply to a flag lot created prior to May 15, 1980.
2. The finished grade of driveways shall conform to the finished grade of the lot, but in no case shall it exceed 15 percent.

A lot with a front lot line adjoining a street having parking prohibited on both sides shall provide a minimum of 4 off-street guest parking places. Required guest parking may be on the driveway in a required front yard if the existing lot elevation is 10 feet above or below street elevation at the rear of the normally required front yard. In any case, 2 guest parking spaces may be provided on the driveway in a front yard subject to the following: guest parking spaces shall meet the legal

dimensions of a standard parking space and shall not extend beyond the property line. Required parking shall not exceed 50 percent of the total frontage of that side of the building facing the same street. The provisions of this subsection shall apply only to lots created or developed after November 15, 1981.

(J) Landscaping

1. A landscaping plan, consistent with the standards set forth herein, subject to approval by the zoning administrator, shall be submitted for all hillside development projects.
2. Landscaping shall emphasize the use and management of native plants. Care should be taken in plant selection and maintenance to avoid plants of high flammability either due to their intrinsic quality or the cumulative effect of dense planting in proximity to structures.
3. All native ground cover and shrub materials within 30 feet of all structures shall be low profile evergreen plants not more than 18 inches in height. Native shrubs may be retained as specimens between 18 and 30 feet of structures provided they are not larger than 216 cubic feet in volume and are separated from one another by at least 3 times their diameter or 18 feet, whichever is greater, and are kept free of litter.
4. Trees and non-native evergreen shrubs shall not be

within 10 feet of chimneys and should not otherwise present unusual fire hazards.

5. The plant palette used for landscaping the perimeter of a site shall blend as much as possible with the natural plant palette, consistent with safety requirement. A list of suggested plant materials shall be kept on file by the zoning administrator and shall be available for inspection by the public.
6. Landscape plans shall screen views of downslope elevations to the extent feasible. Where the downslope elevation of a structure exceeds 24 feet in height, the landscape plan for the development shall specifically consider the downslope elevation and demonstrate that landscaping screens it from view.

(K) Exterior Walls

No wall plane shall exceed 20 feet measured horizontally or vertically without a 5-foot deep architectural offset or no wall shall exceed a maximum 400 square feet without a 5-foot deep architectural offset with the exception that this dimension may be exceeded if the dimension in one direction is 3 feet or less. The wall plane containing garage doors shall be exempted from this modulation requirement.

(L) Building Pads

Except for internal cuts on a site, no terraced pad extending more than 10 feet beyond the foundation of the structure shall be permitted on sites with an average natural slope of 50 percent or more.

"(M) For properties located in RS-1, RS-2, RS-4 and RS-6 Districts and which are within the boundaries described in Section 3.32.030 of the Pasadena Municipal Code, the following additional regulations shall apply:

1. No structure shall be erected which extends over the top edge of the Arroyo Seco slope banks. The top edge, for the purpose of this section, is defined as that point or line at which the ground begins to slope downward at a natural gradient greater than 2:1. In those cases where there are multiple slope banks, the top edge is to be that of the slope bank farthest from the floor of the Arroyo Seco.
2. All new construction, building relocation, additions or exterior alterations to existing structures located within 20 feet of the defined top edge shall require a conditional use permit as described in Chapter 17.88.
3. In addition to submitting the plans and materials required for development plan review (Chapter 17.96), all new development, building relocation, additions and alterations to existing structures shall be required to submit a topographical survey of the subject lot or parcel on which the location of the proposed building or addition is shown."

17.48.050 Slope/density formula.

The maximum number of lots hereafter created by a subdivision or parcel map within an HD District shall be determined in accordance with the following formula:

$$N = AY$$

Where:

N is maximum number of units in a subdivision or parcel map;

A is gross developable area in acres inclusive of any public right-of-way and easements which will be established by the subdivision or parcel map or which lie within its boundaries, but exclusive of any existing, abutting public rights-of-way:

Y is  $5.1 - .098(S)$  for an average slope greater than 15 percent for RS-6 and RS-4. Y is  $3.03 - .056(S)$  for RS-2 and  $1.47 - .025(S)$  for RS-1.

The average slope of the land to be divided within an HD District shall be determined in accordance with the following formula:

$$S = \frac{.00229 IL}{A}$$

Where:

.00229 is the conversion factor for square feet;

I is contour interval in feet;

L is combined length of contour lines in scale feet within the land to be divided;

A is area of the land to be divided, in acres.

If any portion of the land to be divided has an average natural slope greater than 50 percent, the zoning administrator shall assign up to one unit per 5 acres to such portion for the purpose of determining the maximum number of lots which may be permitted. The number so determined shall be added to the number permissible on the remaining portions to obtain the total number of lots permitted on the land to be divided.

Where the number of lots computes to a fraction more than whole number, the number shall be reduced to the next whole number.

The computation of the maximum number of lots (N) is intended solely to set up an absolute maximum. A lesser number of units may prove to be the maximum permitted based upon compliance with other Hillside Development and grading requirements.

17.48.060 Hillside Development plan required.

A Hillside Development project for which a grading permit is required shall have an approved Hillside Development (HD) plan prior to issuance of a grading permit. A Hillside Development plan shall be processed pursuant to Chapter 17.96 of this code.

17.48.070 Required plans and materials.

A. An HD plan must include an environmental assessment form.

The plans and materials required for concept plan review by Chapter 17.84 may include the following as determined

by the zoning administrator:

1. A topographical map of the project site and all adjacent terrain located within 150 feet of the project boundaries if a subdivision is proposed;
  2. A complete grading plan for the project;
- B. Any or all of the following items shall be submitted if deemed necessary by the zoning administrator to determine compliance with the purposes of this chapter:
1. A soils engineering report including, but not limited to, data regarding the nature, distribution, and strengths of existing soils; conclusions and recommendations for grading procedures; design criteria for any identified corrective measures; and opinions and recommendations covering the adequacy of sites to be developed. The investigation shall be compiled by a professional soils engineer experienced in the practice of soil mechanics and registered with the state.
  2. A geology report including, but not limited to, the surface and subsurface geology of the site; degree of seismic hazard; conclusions and recommendations regarding the effect of geologic conditions on the proposed development; opinions and recommendations covering the adequacy of sites to be developed; and design criteria to mitigate any identified geologic hazards. The investigation and report shall be compiled by a state registered engineering geologist.

3. A hydrology report including, but not limited to, the hydrologic conditions on the site; possible flood inundation; downstream flood hazards; natural drainage courses; conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development; opinions and recommendations covering the adequacy of the site to be developed; and design criteria to mitigate any identified hydrologic hazards consistent with these regulations. This report shall account for all runoff and debris from tributary areas and shall provide consideration for each lot or dwelling unit site in a proposed hillside development project. Runoff and debris amounts shall be computed using Los Angeles County Flood Control District criteria. The investigation and report shall be compiled by a registered civil engineer experienced in hydrology and hydrologic investigation.
4. A three-dimensional scale model of the project site, of a scale sufficient to evaluate the project as prescribed by the zoning administrator.
5. A landscape plan, demonstrating compliance with guidelines adopted by resolution of the planning commission and intended to ensure slope stability, fire safety, and design quality. The plan shall include provisions for ongoing irrigation and maintenance of plant materials. A tree removal and retention plan shall

show the species, height, diameter, and condition of existing trees with a trunk diameter of 2 inches or more, and a height of 15 feet or more shall be shown.

C. All maps and plans herein shall be drawn to the same scale. The scale or contour interval shall be prescribed by the zoning administrator but shall not be less than 1 inch equals 100 feet with a maximum contour interval of 10 feet.

17.48.080 Approval of HD plan.

An HD plan that is the subject of an EIR, as determined by the environmental administrator, shall be approved, approved with conditions, or disapproved by the planning commission following certification of the EIR.

An HD plan that is not the subject of an EIR shall be approved, approved with conditions, or disapproved by the zoning administrator.

No HD plan shall be approved which is not consistent with the specific purposes of this chapter.

17.48.090 Lapse of hillside development plan approval.

An HD plan shall become void on the latter of the following: 1) one year following the date of approval, or 2) upon expiration of an approved subdivision or parcel map. An HD plan may be renewed by the zoning administrator or the planning commission, whichever approved the plan, upon application at least 30, but not more than 60, days prior to expiration if the zoning administrator or the commission finds the plan consistent with the purposes of this chapter.

17.48.100 Development plan review.

Plans for a project requiring an HD plan shall be accepted for development plan review only if they are consistent with a valid HD plan.

Chapter 17.52

LD LANDMARK DISTRICT OVERLAY DISTRICT

Sections:

<u>17.52.010</u>	<u>Specific purposes.</u>
<u>17.52.020</u>	<u>Applicability.</u>
<u>17.52.030</u>	<u>Land use and development regulations.</u>
<u>17.52.040</u>	<u>Criteria for establishment of LD Overlay District.</u>
<u>17.52.050</u>	<u>Initiation of zoning map amendment.</u>
<u>17.52.060</u>	<u>Establishment of LD Overlay District.</u>
<u>17.52.070</u>	<u>Landmark District design review committee.</u>
<u>17.52.080</u>	<u>Design review procedures.</u>
<u>17.52.090</u>	<u>Maintenance of structures and premises.</u>

17.52.010 Specific purposes.

The specific purposes of the LD Landmark Overlay District are to:

- A. Implement the city's general plan by assuring development consistent with the urban design, neighborhood enhancement, housing, land use, and historic and cultural resources elements thereof.
- B. Deter demolition, destruction, alteration, misuse or neglect of architecturally significant buildings that form an important link to Pasadena's past.
- C. Promote the conservation, preservation, protection,