

# Agenda Report

**TO:** CITY COUNCIL

**DATE:** AUGUST 5, 2002

**FROM:** CITY MANAGER

**SUBJECT:** APPROVAL OF REVISIONS TO THE ZONING CODE FOR RS (SINGLE-FAMILY), RM-12 (TWO UNITS ON A LOT), COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

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**CITY MANAGER'S RECOMMENDATION:**

It is recommended that the City Council:

1. Adopt a finding that the proposed amendments are consistent with the General Plan as outlined in this report; and
2. Approve the proposed amendments for the RS and RM-12 districts (including an amendment to prohibit chain-link fences in the front yard), and the commercial and industrial districts as contained in this report.

**PLANNING COMMISSION'S RECOMMENDATION:**

At the April 24<sup>th</sup> Planning Commission hearing, the Planning Commission approved the proposed amendments in RS and RM-12 districts except for an amendment that would prohibit chain-link fences in front yards. There was concern expressed that prohibiting chain-link fences would result in increasing the cost of fencing which would be a burden on moderate-income families. The Commission continued this item to May 8<sup>th</sup> and asked staff to look at the issue of costs.

At the May 8<sup>th</sup> hearing, staff presented information regarding the costs of chain-link fences versus other types of fences, showing that chain-link fences are generally cheaper than other types of fences. The Commission voted to recommend to the Council that there be no prohibition of chain-link fences. However, Commission members raised a number of additional issues regarding the fences including the possibility of a complete prohibition on fences in front yards, whether fences should be open, solid, or partially open, and whether the City should allow the use of different types of materials such as concrete block, wrought-iron and wood. The Planning Commission requested staff to schedule a public hearing on fences.

The public hearing regarding fences was held on June 26<sup>th</sup>. The Commission adopted staff's additional recommendations for fences relating to materials and setbacks. These have been incorporated into the report. The Commission reaffirmed its recommendation that chain-link fences not be prohibited.

At the July 17<sup>th</sup> meeting, the Planning Commission completed its review of the amendments to the commercial and industrial zoning districts. At that meeting they made a unanimous recommendation to approve the proposed Zoning Code amendments for the commercial and industrial districts.

## **EXECUTIVE SUMMARY:**

The Zoning Code revisions are being divided into segments in order to allow the Planning Commission and the City Council to focus on a limited number of issues at each meeting. When the Environmental Impact Report is completed, staff will bring the entire Zoning Code to the City Council for final review. The major policy revisions have been placed in the body of this report. The minor revisions are small adjustments to the existing standards of the Zoning Code. The minor revisions are located to the rear of the report in Appendix A.

### **For RS (single-family) and RM-12 (two units on a lot) Districts**

- A requirement that a garage be located to the rear of the lot when the majority (50%) of the block has garages located to the rear of the lot;
- Waive the requirement for a two-car garage for any addition under 150 square feet and allow for a garage to be replaced without a variance if the site exceeds the allowable floor area and there is proof that a garage existed on the site;
- Prohibit chain-link fences, require fences in the front yard to be set back 18 inches, be a minimum of 50 percent open and require that concrete block have a stucco finish; and
- Modify the accessory structure regulations to reduce the height and size of such structures and require that when an accessory structure has showers, toilet, air conditioning, and heating, then a covenant would be required on the property;
- Add a definition of remodeling so that major remodelings would be subject to the current setback standards of the Zoning Code.

### **For Commercial and Industrial Districts**

- Require a conditional use permit: religious assembly (new uses), commercial off-street parking, hotels and motels, and vehicle repair;
- Prohibit hotels and motels in the IG district;
- Prohibit swap meets, nonrecurring, wholesaling and storage: small scale, warehousing and storage: small scale, vehicle storage and major utilities in the CL district;
- Remove the hours of operation exemption for industry, restricted uses: small-scale, personal improvement services, personal services, vehicle equipment repair and vehicle equipment sales, leasing and rentals;
- Allow for the modification of a setback if necessary to match an adjacent setback; allow the setbacks for projects over 25,000 square feet to be established through the conditional use permit process;
- Prohibit chain-link and wire fences; require fences to be set back 5 feet;
- Implement the General Plan FAR limitations for commercial and industrial areas outside of a specific plan area.

## **BACKGROUND:**

### **Proposed Zoning Code Revisions to the Single-family and RM-12 (two units on a lot):**

**1. Garage Location** – Currently, in the RS districts, the code does not specify the location of garages. They can be attached and located at the front setback line or they can be detached and located behind the residence. The current code prohibits front-load garages to occupy more than 50 percent of the building frontage. In the RM-12 district, garage doors are not permitted to be visible from the street unless located behind the main structure. In many pre-World War II neighborhoods, the prevailing character is that of garages located on the rear half of the lot. Issues have arisen regarding the construction of new houses in established neighborhoods or the remodeling of existing houses and relocating the garage at the front of the house. Garages located at the front of a lot are more typical of houses built after World War II and are predominant in construction from the later half of the 20<sup>th</sup> Century.

**Revisions:** On blockfaces where the established character is that of garages located at the rear of the lot (50 percent or more), the garage shall be located to the rear half of the lot. The garage can be attached or detached. On corner lots, the Zoning Administrator shall determine the front yard to ensure compatibility. This provision will not apply to areas zoned hillside because this is not the character of the hillside areas and requiring garages to be located to the rear of lots could promote additional grading or make it difficult to locate a garage on a site.

**2. Covered Parking** – In a number of cases, property owners have come to the Permit Center wanting to reconstruct a garage that had previously existed on the site. Staff determines that the property currently exceeds the allowable gross floor area. The applicant is advised that he or she needs to proceed through the variance process in order to have the covered parking that at one time existed on the site. It is difficult to make the variance findings to exceed the gross floor area requirements even for a garage that may have existed on the site at one time. The variance findings include a finding of “exceptional or unusual circumstances” and in some cases, all that is unusual is that the lot is already exceeding the allowable gross floor area.

**Revisions:** Allow the FAR requirement to be exceeded in order to reconstruct a garage that previously existed on the site. Information as to whether a garage existed on the site is easily documented through sewer maps, Sanborn Maps and assessment records. The FAR can only be exceeded by the amount needed and for the purposes of constructing up to a two-car garage.

**3. Parking Requirement** – The Zoning Code requires that when there is a room addition to a house, the property must meet the required two-car covered parking requirement. Sometimes this has been an onerous requirement when a very small addition such as a bathroom or a closet is made to a house. This requirement does not apply to a house when an accessory building is constructed such as a workshop or pool cabana.

**Revisions:** Allow for small additions to residences without requiring the two-car covered parking by establishing a threshold of 150 square feet. However, the current provision does not apply to the construction of accessory structures i.e., a pool house or workshop. Any addition (including a pool house or workshop) over 150 square feet will trigger the two-car covered parking requirement.

**4. Fences** – Fences are allowed to be up to 4 feet high in a front yard and 6 feet high in a rear or corner yard except that a fence can be 8 feet in height when it abuts a commercial zoning district. Fences along a corner property line are limited to 4 feet in height (unless they are across the street from a commercial or industrial district). If the fence along a corner yard is set back 5 feet and the fence is located behind the back of the house, it can go up to 6 feet. Double frontage lots have special provisions. The Zoning Administrator determines which yard is most like a rear yard based on the surrounding orientation of houses and then allows a 6-foot fence, 25 feet from the street property line.

**Revisions:** Prohibit chain-link fences in the front or corner yard in order to encourage fences that are of a more attractive design that enhance the residential character of a neighborhood. Front yard fences shall be required to be 50 percent open, setback a minimum of 18 inches, and have a finished stucco finish if they incorporate concrete block in their design.

Double-frontage lots located on Corson Street between Linda Rosa Avenue and Allen Avenue shall be exempt from the double-frontage lot provisions. This would allow the Corson Street frontage to be treated as a rear yard and a 6-foot fence constructed at the property line. These lots were originally interior lots and became double frontage lots because of the construction of the 210 Freeway. There are existing 6-foot high fences along this block of Corson. However, some of these fences have begun to deteriorate and the property owners are concerned about replacing their fence by having to go through a variance process. The recommendation is to treat this block not as double-frontage lots but as interior lots and treat the yard bordering Corson as a rear yard, thus allowing a 6-foot high fence along this portion of Corson rather than limit the height to 4 feet.

**5. Accessory structures** – There have been several discussions about accessory structures that have prompted a review of the existing regulations. These issues include: size of structures, height of structures, and amount of building wall that can be along a property line. Additionally, questions have been raised whether accessory structures should be permitted to have bathrooms, heating, and air conditioning and whether the current regulations adequately prevent their conversion to a second unit or sleeping quarters.

The intent of reviewing the regulations is to ensure that accessory structures are constructed with a minimum impact on adjacent properties and that there are adequate regulations to prevent their conversion to a residential unit. Currently, the code allows accessory structures to go to the property line once the structure is located 100 feet from the front property line or within 25 feet of the rear property line. Such structures are permitted to be a maximum of 17 feet in height with a 12-foot maximum plate height. The structure is limited to being 9 feet in height at the property line but can increase in height the farther it is away from the property line. Kitchens are not permitted in accessory structures but bathrooms (excluding tubs), fireplaces, and bar sinks are permitted. In addition, the size is limited to 800 square feet or 8 percent of the lot size, whichever is greater.

**Revisions:** Many of the pre-1945 houses have garages located to the rear of the lot as detached structures. The intent of these recommendations is to continue to allow accessory structures to be constructed close to property lines but further minimize their impact. Some requirements will remain such as prohibiting the construction of an accessory structure before the principal structure is built, prohibiting an accessory structure in a front or corner yard, requiring pools and hot tubs to be 5 feet from a property line, and requiring a minimum of 6 feet from other structures on the site.

Rather than going to the property line, an accessory structure shall be a minimum of two feet from a property line. This would allow some room for eaves and provide a small space in which the side of the accessory structure facing the property line can be painted and maintained. At this two-foot setback, the structure will be limited to 9 feet in height. Current code allows the height to be 9.5 feet at the property line and 12 feet in height when set back 2 feet.

The overall height shall be limited to 15 feet rather than the current height limit of 17 feet. The top plate height is reduced from 12 feet to 9 feet. An accessory structure will be permitted to go to 15 feet in height if located 5 feet from the property line. For designated landmarks or buildings in a designated historic district, the maximum can be exceeded if approved by the Cultural Heritage Commission, and a finding is made that the greater height is necessary in order to achieve a design that is architecturally compatible with the principal structure. Otherwise, the height can be exceeded through a minor conditional use permit.

In order to prevent an excessive amount of structure located along a property line, the horizontal length an accessory structure can be 2 feet from the property line would be limited to 22 feet (the approximate size of a garage). Any portion of the structure that exceeds the 22 feet would be required to be setback 5 feet from the property line. The size of an accessory structure would be limited to 600 square feet or 6 percent of the lot size, whichever is greater, rather than the current 800 square feet or 8 percent of the lot size, whichever is greater.

Prohibit full or partial kitchens, fireplaces, and bathtubs but allow for showers, toilets, washtubs, air conditioning, and heating. When an accessory structure has showers, toilet, air conditioning, and heating then a covenant would be require on the property. Such a covenant will state that the building is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use. The intent of this requirement is to ensure that the next owner of the property is aware of the restrictions on the property.

**6. Definition of Remodeling** – Currently there is no definition of what constitutes a new house and what constitutes an addition or remodeling. Issues have arisen as to whether or not the demolition of most of the exterior walls constitutes a new residence and should be required to meet the current

development standards. By not having any standard to determine what is a remodel, a house can be almost completely torn down and continue to maintain its nonconforming status, particularly in terms of setbacks.

**Revisions:** Whenever more than 50 percent of the exterior wall is removed, then the new construction would constitute a new building and have to meet all zoning requirements.

### **Proposed Zoning Code Revisions for the Commercial and Industrial Districts:**

**1. Conditional Use Permit Requirement** – In a review of the commercial and industrial districts, some uses have been problematic and should require a conditional use permit. Most of the recommended changes relate to the CL district. The reason for making these uses conditionally permitted are: 1) staff has found that new Religious Assembly uses often have specific issues related to parking, site plan, and design; 2) commercial off-street parking lots are not accessory to a commercial use and approval should be through a conditional use permit in order to control the hours of operation and ensure adequate lighting, landscaping and maintenance; 3) a conditional use permit should be required for hotels and motels because of issues associated with concentration, site design, orientation towards the street etc.; and finally 4) a minor conditional use permit has been required for vehicle repair uses in the East Pasadena Specific Plan area. Staff recommends the same for the CG and IG districts.

**Revisions:** The following uses shall be changed from permitted uses to a requirement for a conditional or minor conditionally use permit.

Minor conditional use permit:

- Religious Assembly (CO, CL and CG districts) – Apply only to the establishment of new uses
- Commercial Off-street Parking Lots (all districts)

Conditional use permit:

- Hotels and Motels (CG districts only; remove from IG district)
- Vehicle Repair (CG and IG districts)

The single use that is being recommended for removal from all districts is mini-malls. A mini-mall is a shopping center on a lot less than 45,000 square feet with parking at the front. This use is not seen as pedestrian friendly and one of the recommendations of this report is to require that parking be located to the rear of a lot. Staff recommends that hotels and motels not be permitted in the IG district in order to preserve this district for industrial uses.

**2. Review of Permitted Uses** - In a review of the CL, CG, and IG districts it has been determined that there are some uses which should not be permitted and one use that should be permitted. Most of the recommended changes are within the CL district.

**Revisions:** Prohibit hotels and motels from the IG district to further protect the City's industrial zoning. Allow mortuaries in the CL district as they are currently permitted in the CL portions of the North Lake Specific Plan.

Prohibit the following uses from the CL district:

- Swap meets, nonrecurring
- Wholesaling and storage: small scale
- Warehousing and storage: small scale
- Vehicle Storage
- Major Utilities

**3. Hours of Operation provisions** – The Zoning Code allows for uses that are within 150 feet of a residential district to operate by right between the hours of 7 a.m. and 10 p.m.

The following uses are exempt:

- Banks (walk-up service only)
- Emergency Shelters
- Industry, Restricted Uses: Small Scale
- Mortuaries
- Offices with fewer than 15 employees working at one time
- Personal Improvement Services
- Personal Services
- Single-Room Occupancy
- Vehicle/Equipment Repair
- Vehicle/Equipment Sales, Leasing and Rentals
- Visitor Accommodations
  - Bed and Breakfast Inns
  - Hotels and Motels

**Revisions:** The following uses have a potential of creating problems when in close proximity to a residential district. Remove the hours of operation exemption for the following uses:

- Industry, Restricted Uses: Small-Scale
- Personal Improvement Services
- Personal Services
- Vehicle Equipment Repair
- Vehicle Equipment Sales, Leasing and Rentals

**4. Floor Area Ratios and Height** – The General Plan calls for imposing FARS limitations on all commercial and industrial districts outside of specific plan areas. The General Plan also calls for a two-story height limit within the CL district unless housing is included in the project. With housing, a third story may be added.

FAR caps from the General Plan:

General Commercial (CG)	= 0.80
Office Commercial (CO)	= 0.80
General Industrial (IG)	= 0.90
Limited Commercial (CL)	= 0.70

Existing Height Limits:

CO	– 45 feet
CL	– 36 feet
CG	– 45 feet
IG	– 45 feet

**Revisions:** Maintain existing height limit, impose, FARs from General Plan and limit the CL district to a two-story height limit unless housing is included in the project. With housing, a third story may be added.

**5. Setbacks** – The commercial and industrial zoning districts (excluding specific plan areas) require a 5-foot setback from the sidewalk. This does not take into consideration the occasional need to match buildings that may be set up to the sidewalk. There is no code requirement that parking be located to the rear of a site.

**Revisions:** In the CL, CG, and IG Districts, the 5-foot setback will remain. However, parking will now be required to be at the rear or side of a lot, and cannot be in front of a building. Through the design process, buildings will be allowed to be closer to the street than 5 feet if it is necessary to match an

existing setback. This is intended to provide flexibility for in-fill projects. For projects over 25,000 square feet in any of the above districts, the setbacks shall be set through the conditional use permit process.

In the CO district, setbacks will continue to be 20-foot front, 10-foot side, 15-foot corner, and 10-foot rear (structures only). The intent of these setback provisions is to enhance the pedestrian character of streets by having buildings that are not set back far from the street.

**6. Fences** - Current code allows: In the CO and CL districts, maximum height of a fence is 8 feet. In the CG district, maximum height of a fence is 8 feet within required setback, 12 feet beyond the required setback. In the IG district, maximum height of a fence is 8 feet within required setback, 12 feet beyond the required setback. In all these districts, a 7-foot high masonry or concrete wall is required when abutting residential district. There are no regulations on fence materials and the code does not address the fence height for residential uses in commercial districts.

**Revisions:** In the commercial/industrial districts, the maximum height of fences shall be 8 feet. An 8-foot high masonry or concrete wall is required when abutting residential district, and barbwire, razor wire, and concertina wire will not be permitted. Chain link fences shall not be permitted along the street frontage but will be permitted in rear and interior side yards. Multifamily uses shall meet the fence requirements for multifamily projects and single-family uses shall meet the requirements for single-family uses.

**7. Pedestrian-Oriented Requirements** – The Zoning Code does not address issues related to enhancing the pedestrian character of a street. There are no requirements that address the location of entries or the requirement for front windows.

**Revisions:** Require storefront entries on the street, and require that a minimum of 50 percent of the street façade to a height of 8 feet be visually transparent for window display. These will work in conjunction with the City’s Design Guidelines. The Planning Director may waive the requirements if it results in practical difficulties. An additional design restriction will be to prohibit exterior security grilles as such grilles can be unattractive and do not enhance the pedestrian character of an area.

#### **ENVIRONMENTAL DETERMINATION:**

The City Council is conceptually reviewing these code amendments. An Environmental Impact Report is being prepared for the revisions of the entire Zoning Code as part of a larger project. The Planning Commission will review the entire revised Zoning Code and Environmental Impact Report later.

#### **GENERAL PLAN CONSISTENCY:**

The proposed revisions to the Zoning Code are consistent with the following objectives and policies of the City’s General Plan.

**Objective 5 – CHARACTER AND SCALE OF PASADENA:** Preservation of Pasadena’s character and scale, including its traditional urban design form and historic character, shall be given highest priority in the consideration of future development.

**Policy 5.1 – Urban Design Principles:** Apply city-wide urban design principles to complement the scale and quality of the best architectural and urban design traditions.

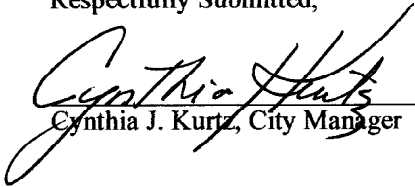
**Objective 7 – RESIDENTIAL NEIGHBORHOODS:** Preserve the character and scale of Pasadena’s established residential neighborhoods.

**Policy 5.7 – Enhanced Environment:** Development should be shaped to improve the environment for the public; it should support the distinctiveness of the locality and region as well as the special characteristics of the existing fabric of the site’s immediate surroundings.

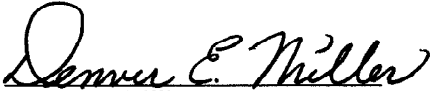
**FISCAL IMPACT:**

There will be no fiscal impacts associated with the proposed code amendment since these amendments will be reviewed as part of the plan check or entitlement process. Fees cover the plan check and entitlement process.

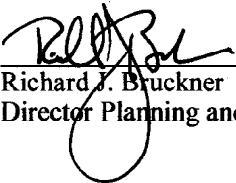
Respectfully Submitted,

  
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