

Agenda Report

TO: CITY COUNCIL

DATE: MAY 6, 2002

FROM: CITY MANAGER

RE: ORDINANCE AMENDING TITLE 16 (SUBDIVISIONS) AND TITLE 17 (ZONING) OF THE PASADENA MUNICIPAL CODE TO ALLOW FLAG-LOT SUBDIVISIONS ONLY IN THE HILLSIDE DEVELOPMENT (HD) OVERLAY DISTRICT, AND THE ADOPTION OF DEVELOPMENT STANDARDS FOR FLAG-LOT SUBDIVISIONS.

RECOMMENDATION

It is recommended that the City Council following a public hearing:

1. Acknowledge that the proposed Amendments are exempt from the requirements of the *California Environmental Quality Act* (CEQA) pursuant to the *CEQA Guidelines*, Section 15061(b)(3) (i.e., no possibility of impact); and
2. Find that the proposed Amendments (see Attachments 2 and 3) are consistent with the policies of the *General Plan* and the purposes of Title 16 (*Subdivisions*) and Title 17 (*Zoning*) of the *Pasadena Municipal Code*, as stated in the body of the report; and
3. Approve the proposed amendments to Title 16 (*Subdivisions*) and Title 17 (*Zoning*) of the *Pasadena Municipal Code*; and
4. Direct the City Attorney to prepare an ordinance amending Title 16 (*Subdivisions*) and Title 17 (*Zoning*) of the *Pasadena Municipal Code*; and
5. Direct the City Clerk to file a *Notice of Exemption* (Attachment 3) with the Los Angeles County Recorder.

Planning Commission Recommendation

The Planning Commission considered the proposed amendments at its meeting of March 13, 2002, and voted to recommend approval of the proposed actions with the following changes:

- Require that flag lots only be created through subdivision maps, not by lot-line adjustments.
- Require that pavement on the pole portions of flag lots be the minimum width allowed by the Municipal Code.

- Increase the area to be considered for purposes of defining neighborhood character to a radius of 1,000 feet.
- Require that new buildings located on flag-lots be oriented in a manner that provides the maximum privacy to surrounding (existing and future) residential structures.
- Request that the Planning Commission receive periodic reports on flag-lot development proposals from staff, and review the amendments after one year.

Requested changes have been incorporated into the current proposal. As requested, staff will submit periodic reports to the Planning Commission on the status of flag-lot development proposals in the City, and return to the Planning Commission to review the amendments after one year of the effective date of the Ordinance. In addition, the Notice of Exemption (see Attachment 1) has been adjusted to match the language utilized in the Conditional Use Permit (CUP) findings, as requested by the Planning Commission.

EXECUTIVE SUMMARY

A prohibition of flag-lot subdivisions in *Single-Family Residential* (RS) zones was enacted by the City Council in 2000. This prohibition is expiring and cannot be extended. Staff proposes to allow flag-lot subdivisions under limited circumstances only in *Hillside Development Overlay* (HD) Districts and to prohibit them in all other residential zones. Flag lots would only be permitted if they could provide for protection of natural and/or cultural resources and if it would be the only reasonable subdivision design. New flag lots would not increase the density of an area. In considering new flag lots, a traditional subdivision would first have to be possible; however, because of extreme physical constraints and circumstances inherent to the site, a flag-lot subdivision would be allowed. New flag lots would require a CUP (to be heard concurrently with the proposed flag-lot subdivision by the Subdivision Committee) and additional CUP findings (see Attachment 2), and would be subject to stringent development standards (see Attachment 3). Existing flag lots also would be subject to the new development standards.

BACKGROUND

In February and March of 2000, the City Council adopted Ordinance Nos. 6818 and 6821, thereby placing moratoria on the acceptance, processing, and approval of any application for flag-lot subdivisions in *Single-Family Residential* (RS) zones Citywide. The concern was that flag lots may adversely affect the established neighborhood character. In particular, flag lots may result in subdivisions within long-established neighborhoods that would otherwise not be possible under the City's minimum lot width standards. Thus, lots resulting from the flag-lot subdivisions could accommodate development at greater density than the established neighborhood.

The moratoria addressed concerns about the adequacy of current flag-lot development standards for single-family residential zoning districts. Additionally, the moratoria provided time to analyze the effects of flag-lot subdivisions within the context of the *Zoning Code* update.

An ordinance extending the moratoria was adopted by the City Council in March 2001. Since the initial ordinances adopting the moratoria only allowed for one extension of one additional year, the moratoria on flag-lot subdivisions have expired.

Staff contacted neighborhood associations within the City's HD District – West Pasadena, in the vicinity of Eaton Canyon, and in the vicinity of the Huntington Hotel. Information about the

proposed Amendments was provided to several interested representatives, including those from the Linda-Vista/Annandale Association, the West Pasadena Resident's Association (WPRA), the Oak Knoll Improvement Association, and the Sierra Madre Villa Association. This information also was provided to the local Board of Realtors. Written comments were received from WPRA prior to the Planning Commission hearing. Those recommendations with which the Planning Commission agreed have been incorporated into the recommendation.

Staff estimates that currently there are about 200 flag lots in the City (or about 0.53 percent of all parcels). These flag lots tend to be concentrated in hillside areas, and in some cases may provide access to a nearby street when the lot's street frontage is on a steep slope, or when other topographical constraints exist.

The City's subdivision regulations require street access to all new parcels. Flag lots generally are created to provide access from a parcel to a nearby street. In some cases, however, flag lots are created even if a parcel has street frontage. For example, if the grade differentiation between the buildable portion of the lot and the closest street is significant, a corridor to another nearby street can allow access and at the same time preclude the need for substantial grading to provide that access from the street frontage. Staff believes that other potential site constraints, such as biological resources (i.e., trees, sensitive habitats, wetlands, etc.) and cultural resources (i.e., archaeological, paleontological, and/or cultural resources) could be better protected by creation of a flag lot in lieu of a traditional subdivision. Since these types of constraints are predominant in the City's hillside areas, staff recommends providing for flag-lot subdivisions in those areas under limited circumstances.

Staff proposes to amend Title 16 of the *Pasadena Municipal Code (Subdivisions)* and Title 17 of the *Pasadena Municipal Code (Zoning)* to permit flag lots only in *Single-Family Residential (RS)* zones within the *Hillside Development Overlay (HD)* District. Flag lots would be prohibited in all other residential zones, including multi-family zones. Under the proposal, flag-lot subdivisions within the HD District would be permitted **only** if creation of flag lots were the only reasonable subdivision design alternative. For example, if disturbances to topography, mature trees, or other unique site characteristics could be precluded by a flag-lot subdivision, creation of flag lots might be acceptable.

The proposal requires a Conditional Use Permit (CUP) for flag-lot subdivisions. The CUP would be reviewed by the Subdivision Committee concurrently with the subdivision proposal. In addition to the CUP findings required under P.M.C. Section 17.88, specific flag-lot findings would be required (see Attachment 2). Any proposed flag lot would be required to conform to specific standards (see Attachment 3).

The proposed amendments are consistent with *General Plan* policies and the purposes of the *Zoning Ordinance* and the *Subdivision Ordinance*.

General Plan

The proposed amendments further Objective 4 (Limited Development), Objective 5 (Character and Scale of Pasadena), Objective 7 (Residential Neighborhoods), and Objective 9 (Open Space Preservation and Acquisition). In particular, Objective 7.2 (Subdivisions) indicates that where a subdivision of existing lots is proposed, the City should provide that the resultant lots of the proposed subdivision are consistent with the prevailing size and character of lots in the immediate vicinity, and that the subdivision would not have a substantial adverse impact on adjacent residences. Since the proposed amendments will require discretionary review of

proposed flag-lot subdivisions, and provide for stringent flag-lot development standards, they will ensure that any potential adverse impacts on existing neighborhood development patterns are addressed.

Zoning and Subdivision Ordinances

Pasadena Municipal Code (Title 16 – *Subdivisions*) contains design standards for subdivisions. Flag lots are allowable if such lots comply with the flag-lot definition contained in Title 17 (*Zoning*), which is a lot connected to a street by an access corridor having a width of less than 20 feet. The standards contained in Title 16 do not specifically address flag-lot subdivisions or design criteria for flag lots.

To provide greater control over flag-lot design, staff has developed minimum standards for flag lots (see Attachment 3). The flag-lot standards include specifications for front, side, and rear property lines; pole configuration; lot width, depth and area; and standards for subdivisions with multiple flag lots. Staff believes that the flag-lot design standards should be incorporated into Title 16 of the *Pasadena Municipal Code*, since these standards will regulate the design of flag-lot subdivisions.

The City's current *Zoning Code* contains regulations for hillside subdivisions in Section 17.48.050. Although this section contains average slope and slope density formulas, there are no standards for development of flag lots. Staff has created specific development standards for flag lots that will complement the development standards contained in the base zoning district and the HD District. As such, Staff believes that the development standards should be incorporated into Title 17 of the *Pasadena Municipal Code*, since these standards will regulate the development of new and existing flag-lots.

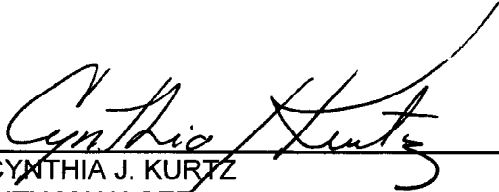
ENVIRONMENTAL DETERMINATION

The proposed amendments to the *Pasadena Municipal Code* have been determined to be exempt from the requirements of the *California Environmental Quality Act* (CEQA) pursuant to Section 15061(b)(3) of the *CEQA Guidelines* (i.e., no potential for impact). Since any future flag-lot subdivisions will require a CUP, which is a discretionary action subject to CEQA, environmental documentation will be required for such subdivisions when the timing of the analysis is ripe.

FISCAL IMPACT

Resources expended to process applications for flag-lot subdivisions will be recovered through the City's standard fees for CUP and subdivision applications.


Respectfully submitted,


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CITY MANAGER

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Approved by:


Richard Bruckner
Director, Planning and Development Department

Attachments

1. Notice of Exemption
2. Additional CUP Findings for Flag-Lot Subdivisions
3. Flag-Lot Subdivision Standards