

Agenda Report

TO: CITY COUNCIL **DATE:** MAY 3, 2004
FROM: CITY MANAGER
SUBJECT: REVISIONS TO THE HILLSIDE DEVELOPMENT OVERLAY DISTRICTS

RECOMMENDATION

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

1. Approve the Initial Environmental Study and Negative Declaration (Attachment B); and
2. Approve the De Minimis Impact Finding on the State Fish and Wildlife Habitat (Attachment C); and
3. Approve the revisions to Section 17.48 and 17.49 of the Municipal Code (Hillside Development Overlay Districts), as shown in Attachment D; and Title 10, Traffic and Vehicles; and
4. Approve the Overlay Zone Change from HD (Hillside District) to HD-SR (Hillside District, San Rafael) for the portion of the Hillside District known generally as the San Rafael Hills area and shown on Attachment A as HD-SR; and
5. Find that the proposed revisions to the Hillside Development Overlay Districts and the grading ordinance are consistent with the goals and policies of the General Plan; and
6. Direct the City Clerk to file a Notice of Determination and a Certificate of Fee Exemption for the California Department of Fish and Game, with the Los Angeles County Recorder; and
7. Direct the City Attorney to prepare an ordinance that implements this recommendation and develops a methodology for processing existing cases and plans for hillside projects.

PLANNING COMMISSION'S RECOMMENDATION:

The Planning Commission reviewed the proposed hillside development standards on April 14, 2004. Following extensive testimony, the item was continued until April 28, 2004. On April 28, the Planning Commission voted 8-0 to approve the standards as proposed with the recommended modifications described in Attachment F. The Planning Commission held a second vote regarding solely the issue of the deduction of the 50% sloped area of a lot from the floor area ratio calculation. The Commission separated the votes because the 50% slope deduction issue was the only proposed standard that garnered differing opinions. The Commission voted 5-3 to remove the 50% slope deduction from the revisions and remove the 3,000 square foot limitation for homes on steep lots impacted by 50% slopes (Section 17.48.060.A.3 and 17.48.060.A.6). This vote included a recommended modification to the existing slope reduction formula that reduces the allowed floor area that can be built (Section 17.48.060.A.4). The Commission found that this change, in addition to new regulations on neighborhood compatibility, ridgeline and view protection, and height restriction will adequately regulate hillside development. The staff agrees with the Planning Commission recommendation with the exception of the removal of the 50% slope deduction.

EXECUTIVE SUMMARY

Based on the concerns about hillside development, Planning and Development staff began reviewing the City's Hillside development regulation. It was clearly evident that economic and technological changes had allowed development that was never anticipated in the 1994 General Plan. Based on this information, it was clear that an update to the regulations was necessary. Beginning in May, 2003 four community meetings were held throughout the City to obtain a list of issues and concerns from the public. This recommendation is responsive to the issues raised by the community as well as an analysis of how other jurisdictions protect their hillsides and staff's professional review.

The City has two Hillside Overlay Districts: HD and HD-1. These two districts are found in Section 17.48 and 17.49 of the Zoning Code respectively. The HD zone overlays approximately 3,779 lots throughout the City of Pasadena. Lots zoned HD can be found in the Linda Vista area, Eaton Canyon area, San Rafael Hills area, and some properties west of the Arroyo Seco. The HD-1 zone overlays 1,121 lots in the Upper Hastings Ranch area and provides specific development standards for this portion of the City only. Please see the map included as Attachment A for the location of the zoning districts.

The Hillside District revisions are a portion of a major update of Pasadena's Zoning Code. As a result, the proposed revisions reorganize and reformat the existing standards to match the new format of the overall code. Attachment D provides the proposed revisions and Attachment E provides the existing Hillside District regulations. The major changes between the existing and proposed standards include modifications to the permit requirements and thresholds requiring a public hearing for hillside projects, modifications to the calculations to determine maximum floor area for certain lots, the addition of language relative to ridgeline protection and view protection, a modification to the maximum height limit and the method of measuring height, the addition of language regarding neighborhood compatibility of new construction, and slight

changes to the grading ordinance. Each of these topics and other key issues is described in the Analysis section below.

BACKGROUND

The Hillside Ordinance was adopted in 1992. Based on staff experience with the existing ordinance and in response to community concerns and issues, the Planning and Development Department has been working on proposed revisions to the Hillside Ordinance. Many aspects of the current ordinance were viewed favorably, and there was a common sentiment expressed that many of the existing standards are working successfully. However, there were important issues that were not viewed as adequately addressed, such as ridgeline protection, view protection, reaction to environmental hazards, and development on steep slopes. In particular, specific concerns regarding an increase in new homes built on steep, visible lots in the City were noted.

The City has two Hillside Overlay Districts: HD and HD-1. These two districts are found in Section 17.48 and 17.49 of the Zoning Code respectively. These are Overlay zones, thus the standards found in these sections overlay the base district standards. This means that properties subject to the Hillside Overlay must meet the requirements of the underlying residential single-family standards and the hillside regulations. The HD zone overlays approximately 3,779 lots throughout the City of Pasadena. Lots zoned HD can be found in the Linda Vista area, Eaton Canyon area, San Rafael Hills area, and some properties west of the Arroyo Seco. The HD-1 zone overlays 1,121 lots in the Upper Hastings Ranch area and provides specific development standards for this portion of the City only. Please see the map included as Attachment A for the location of the zoning districts.

On March 29, 2004, the City Council approved second reading of an ordinance approving a moratorium on Hillside Development. The moratorium applies to all lots in the following zones: RS-1-HD, RS-2-HD, RS-4-HD, and RS-6-HD. It does not apply to lots zoned HD-1. The moratorium will be in place for until May 12, 2004. During this time, the City will not be issuing any building permits for projects in these zones unless they meet specific exemptions within the ordinance.

The Hillside District revisions are a portion of a major update of Pasadena's Zoning Code. As a result, the proposed revisions reorganize and reformat the existing standards to match the new format of the overall code. In addition, the revisions recommend creating a new zoning designation to further clarify hillside zoning. The San Rafael Hills area already has unique development standards within the code. It is recommended that this area be given its own zoning designation ("HD-SR"-Hillside Development-San Rafael) to differentiate this area from other portions of the hillside district. The standards for the proposed HD-SR zone are also proposed to be located within Chapter 17.48 and are discussed further below.

Below the major changes between the existing and proposed standards are described.

Permit Requirements-Hillside Development Permit

Based on staff experience with the current ordinance, these thresholds should be modified to more effectively provide public review of hillside projects. For example, a proposed new home of 3,999 square feet would not require a Minor Conditional Use Permit yet a 50 square foot addition to an existing 4,000 square foot home on a predominantly flat lot would require a permit. The revisions (Section 17.48.030(A)) have proposed some changes to the thresholds that would require all new homes in the hillside to receive a Hillside Development Permit and will eliminate the need for this process for small additions regardless of the size of the existing house.

The proposed new thresholds would exempt the following projects:

- A single-story addition to a dwelling that increases the floor area by no more than 500 square feet or 20 percent of the existing floor area of the primary dwelling, whichever is greater.
- A second story addition of less than 500 square feet provided it is in compliance with the guidelines in Section 17.29.060 (View protection).
- One single-story detached accessory structure that constitutes no more than 20 percent of the floor area of the primary dwelling.

Ridgeline Protection and View Protection

The Zoning Code currently has no specific language for the protection of ridgelines and/or views from neighboring properties. Staff and the Zoning Hearing Officer consider views through each discretionary application (i.e. Minor Conditional Use Permit), however there is nothing in the Zoning Code that outlines standards. The revisions provide more specific language that prevents new construction on ridgelines or in locations that block views if alternative locations exist. This language is found in Section 17.48.050(C)-Ridgeline Protection and 17.48.060(E)-View Protection and will be reviewed through the Hillside Development Permit process.

Maximum Floor Area

The proposed modifications to the maximum floor area are the most significant change being proposed to the hillside standards (Section 17.48.060(A)). Recently, there have been a number of cases that have raised questions as to whether the existing standards provide adequate regulation of floor area on hillside lots. The current code allows a certain “floor area ratio” or percentage of floor area based on the size of lot. In the Hillside District these floor area ratios are further reduced as the average slope of the lot increases. For example, a 15,000 square foot lot in the Hillside District (RS-4-HD) would be allowed 4,250 square feet of total floor area (home and garage included). If this same lot had an average slope of 50%, a total floor area of 3,506 square feet would be allowed. Although the code requires a reduction of floor area as the lot gets steeper, this reduction does not seem adequate for certain lots. The calculation does not take into consideration that a lot may only have a small building area with the remainder too steep for construction.

The major change proposed is as follows: For lots of 10,000 square feet or more, all portions of the lot with a 50% slope or greater are to be deducted from the lot area used for the calculation. The steeply sloped portions will be considered unusable. Based on the example lot above, if 5,000 square feet of the 15,000 square foot lot is 50% slope or greater, the lot will be reviewed as a 10,000 square foot lot for calculation purposes. Applying the floor area calculation to the remaining lot after the steep portions are removed would leave a maximum floor area of 3,000 square feet. This number is significant because the revisions recommend allowing 3,000 square feet of total floor area (home and garage combined) even if mathematically the lot would allow less than 3,000 square feet. This is a method of ensuring that all lots will be developable with a single-family home. The intent of this change is to address concerns regarding large homes being built on small building areas and on lots with steep slopes.

Height Limits

The current code allows a maximum height of 35 feet in the Hillside District measured from finished grade to the top of the ridge of the home. Additionally, the Code limits the top plate height to 23 feet from finished grade. The proposed revisions (Section 17.48.060(B)) recommend changing the height limit to 28 feet to the ridge and measuring from each point along existing grade. This proposal will encourage building with the topography of a site as opposed to grading a flat pad, creating an artificial finished grade, and building up from this “finished” point. It is further recommended that the top plate requirement be removed from the code for the hillside areas to allow the building to fit the contours of the site.

Architectural Features

The current code does not regulate roof pitch or color. The revisions (Section 17.48.060(C)) provide some general requirements regarding utilizing a color palette that will blend with the natural appearance of the hillside and promoting roof slopes that generally follow the angle of the slope on sloping lots. Both of these elements of design would be reviewed and approved through the Hillside Development Permit process.

Neighborhood Compatibility

Recently, the issue of compatibility of new houses with the surrounding neighborhood has become a key component of hillside review. As a response, the revisions propose language relating to neighborhood compatibility to provide applicants and staff more certainty as to how “compatibility” will be determined. The proposed language is found in Section 17.48.060(D) of the revisions.

Grading

The revisions will also include recommended changes to the City’s grading ordinance in hillside areas. The changes recommended to the grading ordinance are as follows:

- 1) Require a Hillside Development Permit for grading of more than one lot in advance of a project application. This will allow grading to occur on multiple lot properties all at once but will ensure that adequate review is required.

- 2) Require retaining walls to be a maximum of 8 feet for accessory structures such as pools. Currently there is no limit if the wall is part of the structure.
- 3) Require landscaping and visual screening for engineered slopes with Building Official and Zoning Administrator approval.

Section 17.48.070(A) provides the reference to the grading ordinance, which is in Chapter 14.05 of the Municipal Code. The grading standards are not included in the hillside ordinance because they are administered by the Building Official. Additionally, if the grading standards are in the Zoning Code they are subject to Variance applications. If left in the Municipal Code, there are no Variances allowed to the grading standards. Proposed language for these three changes to Chapter 14.05 will be provided in the implementation ordinance.

HD-1 (Upper Hastings Ranch Standards)

There is only one proposed change to the HD-1 zoning district (Section 17.48.090 of the revisions). Currently, in the HD-1 zone a new home or addition to existing home cannot have a flat wall plane of more than 20 linear feet or 400 square feet without incorporating an “architectural offset”. This requires an architect or owner to provide modulation to a building to provide visual interest and to “break up” wall planes. However, this regulation is problematic to the structural integrity of new construction and it is not achieving the visual modulation it was designed to achieve. This requirement has been removed from the remainder of the Hillside District and the revisions recommend removal from the HD-1 standards.

There are no other changes recommended to the Upper Hastings Ranch area standards. The existing moratorium on Hillside Development does not apply to homes in this area because it is an area of limited slope and few vacant properties.

HD-SR (San Rafael Hills Area Standards)

The San Rafael Hills area is a portion of the City typified by small lots, small streets, and steep slopes. As a result, reduced setbacks are currently allowed in this area to facilitate the development of homes and avoid significant grading into hillsides where possible. The proposed “HD-SR” zoning would make it easier to differentiate between a normal hillside lot and a lot in the San Rafael Hills area with a reduced setback.

Recently, the City Council and Planning Commission have heard testimony regarding areas in the Hillside District that are flat and do not have the characteristics of hillside properties. There has been a request from the public that an area along California Terrace be removed from the Hillside District because there is very little slope in this area and the regulations are not applicable. In addition to this area, staff will review additional locations throughout the Hillside District to determine whether areas should be re-zoned out of the Hillside District. This work requires a comprehensive review of various locations and will be completed outside of this Zoning Code and Map Amendment.

Specific regulations for large vehicles associated with construction in the Hillside Districts have also been added to the revisions. These regulations include size limitations for construction traffic, safety requirements, and limitations on hours of operation. The staff has been working closely with the Transportation Advisory Commission on crafting language for large vehicle restrictions. The revised language is provided in the Addendum to the hillside standards (Attachment F).

ENVIRONMENTAL DETERMINATION

An Initial Environmental Study was prepared for this project and a Negative Declaration has been recommended (see Attachment B). The proposed revisions to the Hillside District will not result in a direct or reasonably foreseeable indirect physical change in the environment. The standards recommend additional departmental review for environmentally sensitive lots. Therefore, if there is any impact on the environment as a result of this project, it will be a positive impact. The Initial Study was completed on March 24, 2004. The public review period for the environmental documentation was from March 24, 2004 through April 14, 2004. Comments on the environmental analysis may also be received at the public hearing on April 14, 2004 and any subsequent Planning Commission or City Council hearing on this issue.

HOUSING IMPACT

The new hillside standards will not impact construction of additions or new homes for which a building permit has already been issued or plan check fees have been paid. The standards will also have no impact on the construction of units within a Planned Development (PD) area. The standards do not significantly change the subdivision process for hillside property so there would be no significant change in the number of lots that could be created through a new hillside subdivision. The standards do reduce the maximum square footage allowable on certain lots with steep slopes. For lots that are currently vacant, this could result in homes that are smaller in size than would currently be permitted.

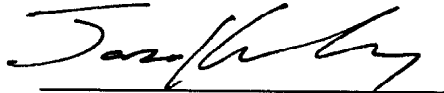
FISCAL IMPACT

The proposed development standards for new construction in the hillside would not change the process of collecting building fees and development impact fees. Projects that currently have building permits or have paid plan check fees will not be impacted by the standards. Receipt of property tax attributable to the construction of new projects will continue under the new standards. The standards do have an impact on allowable floor area on certain lots and this impacts the total square footage that can be built on some hillside lots. Reduction in total floor areas could reduce property tax revenue and the amount collected from building permit fees and development impact fees. The amount of revenue that will be lost as a result of the standards cannot be determined at this time.


Respectfully submitted:


CYNTHIA J. KURTZ
City Manager

Prepared by:


Jason Kruckeberg
Planner

Reviewed by:


Richard J. Bruckner
Director of Planning and Development

Attachments

- A. Map of Hillside Development Overlay Districts
- B. Initial Environmental Study and Negative Declaration
- C. De Minimis Impact Finding on the State Fish and Wildlife Habitat
- D. Proposed Revisions to the Hillside Development Overlay Districts
- E. Current Hillside Development Standards
- F. Planning Commission's Recommended Modifications