

Agenda Report

DATE: NOVEMBER 17, 2008

TO: CITY COUNCIL

FROM: CITY MANAGER

**SUBJECT: AMENDMENTS TO THE ZONING CODE AND THE ZONING MAP, TO
CREATE AND IMPLEMENT THE NORTH LOS ROBLES OVERLAY
DISTRICT**

RECOMMENDATION

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

1. Adopt the Negative Declaration of Environmental Impact and Environmental Initial Study (Attachment 8) for the zoning map and zoning code amendment described in this report and direct the Planning and Development Department to file a Notice of Determination and a Certificate of No Effect with the Los Angeles County Recorder.
2. Find that the proposed zoning map and zoning code amendments are consistent with the goals and policies of the General Plan and the Zoning Code as described in Attachment 7.
3. Amend the Zoning Map by reclassifying from RM-16 (Multi-Family Residential, City of Gardens 16 units per acre) to RM-16-NLR (Multi-Family Residential, City of Gardens, 16 units per acre, with the North Los Robles Overlay) those properties shown on Attachment 1 of this staff report so as to permit the development of affordable housing up to 24 units/acre and concurrently conduct first reading of the ordinance enabling the map amendment.
4. Concurrently conduct a first reading of the ordinance amending the Zoning Code by adding the North Los Robles Overlay District to be designated as Section 17.28.085, which will allow for up to 24 units/acre when affordable housing is provided.

PLANNING COMMISSION REVIEW

The Planning Commission reviewed the proposed Zoning Code and Zoning Map amendments at a public hearing on October 22, 2008 and unanimously recommended against approving the above recommendation.

EXECUTIVE SUMMARY

In August of 2008, the City Council initiated a zone change study for the area along N. Los Robles Ave. shown in Figure 1. The area is presently zoned for Multi-family

residential projects up to 16 units/acre. As a result of the study, staff recommends that a new overlay district be created to provide for housing density up to 24 dwelling units per acre to accommodate for affordable housing units. The location of the proposed overlay is shown in Figure 1.

As recommended, before one could make use of the proposed overlay's provisions, the project would first be required to utilize the entire density bonus provided by the State's density bonus law. The State's law allows for a 35% increase (or approximately 22 units/acre) beyond the 16 unit/acre requirement if a certain percentage of affordable housing is provided. Over the entire study area, the proposed overlay could result in 17 additional units over what is presently allowed by the underlying zoning plus the state density bonus law. In recognition of the age and character of the structures in the study area and the surrounding neighborhood, staff recommends continuing use of the RM-16 development standards for projects that make use of the overlay's provisions.

BACKGROUND

The area for this proposed zone change has been a part of a series of zone changes starting in April of 2005 with a request from the Garfield Heights Neighborhood Association that the City re-zone portions of Los Robles Avenue to a lower density zone. In May of 2005, the Planning Commission initiated the zone change. The previous zoning for this area allowed development with densities up to 32 units/acre. Since the State's density bonus law allowed up to a 35% density increase a maximum density of 43 units/acre would have been allowed.

2005 City Council Action

In November of 2005 the City Council received the Planning Commission's recommendation to change the zoning of this portion of the study area from RM-32 (Multi-family Residential 32 units/acre) to RM-16 (Multi-family Residential 16 units/acre). After hearing the item, the

Council referred the item back to the Planning Commission to study an alternative to provide for additional density and workforce and affordable housing.

2006 City Council Action

In May of 2006, the City Council considered an alternative that would change the zoning from RM-32 to RM-16 and add an overlay that allows development with densities up to 24 units/acre if the additional units above the RM-16 density were set aside for workforce housing (this became the Workforce Affordable Housing Overlay). The

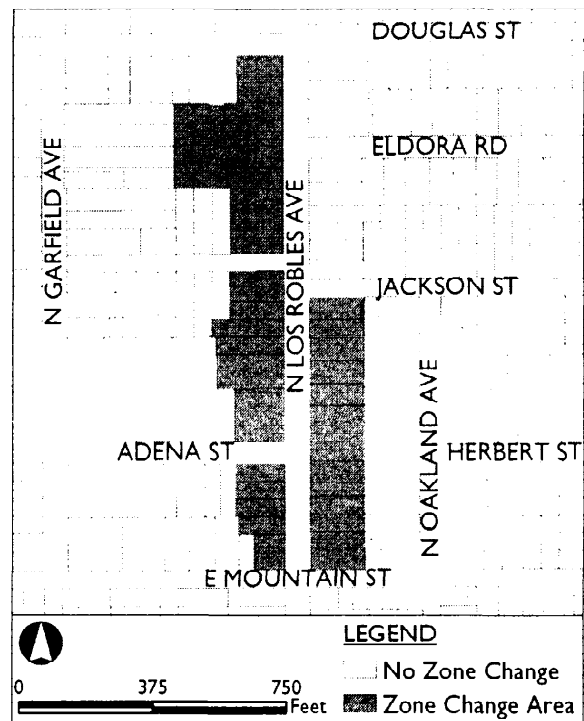


Figure 1: North Los Robles Overlay Area

Planning Commission recommended for the original zone change, without the alternative overlay. After considerable public comment in support and in opposition, the Council voted to change the zoning from RM-32 to RM-16 and to create the Workforce Affordable Housing Overlay. In October of 2006, the Council adopted all the necessary enabling ordinances.

Judicial Action

After this the City was sued by a group called Affordable Pasadena Housing in Distress (APHID). One of several causes of action – that the overlay zoning district, as designed, undermined the intent of the state density bonus law – was affirmed. This resulted in an order to the City requiring the removal of the Workforce Affordable Housing Overlay. To comply with the judicial order, the Planning Commission recommended approval of this action in January of 2008 and the Council adopted an ordinance to this effect in May of 2008. The remainder of the litigation continued with some causes of action being dismissed while others were deferred. The proposed action is the City's response, which may lead to a final dismissal of the remainder of the litigation.

DESCRIPTION OF THE PROPOSED OVERLAY

The State's density bonus law presently allows projects with affordable housing a density bonus up to 35% (in the RM-16 zone this results in a final density of approximately 22 units/acre). The proposed overlay would build on this statute, by allowing up to 24 units/acre, generally an increase of 2 units/acre. Every additional unit over the State's density bonus law would have to be affordable. The recommended action would place this proposed overlay on 34 parcels fronting N. Los Robles Ave. generally between Douglas St. and E. Mountain St. (see Figure 1). In addition, it would change the zoning code to include the proposed overlay.

Percentage and Type of Affordable Housing

The proposed overlay differs from the previous overlay in two important aspects. First, the proposed overlay would apply only to affordable housing, not workforce housing. The previous overlay applied to both types. Second, under the proposed overlay at least 17 to 36 percent of the units would have to be set aside for affordable housing in order to receive the maximum benefit. Definitions of affordable housing can be found in Attachment 2.

ANALYSIS

Existing density

Table 1 below details the density of development in the study area. Forty-four percent (15) of the properties already exceed the RM-16 zoning. Fifteen percent (5) of the properties exceed the 24 du/ac density; thus, could not use the overlay. While the down-zoning to RM-16 created a legal non-conforming situation for nearly half of the parcels, the proposed overlay would allow some ability for property owners to improve their properties if affordable housing is provided. Attachment 3 depicts the existing density within the study area.

Table 1: Study Area Existing Density

Single Family	Two Units	< 16 du/ac	> 16 du/ac; < 24 du/ac	> 24 du/ac	Group Homes
7 (21%)	6 (18%)	3 (9%)	10 (29%)	5 (15%)	3 (9%)

du/ac = dwelling units per acre; < less than; > greater than

Building Character and Age

The study area was originally a corridor of single family homes. Over time some of these homes were converted to multi-family use or were demolished to construct multi-family developments. This evolution has given the study area a varied character. Table 2, below, details the character of buildings in the study area; also see Attachment 4 for a map.

Table 2: Building Character

Single Family	Duplex	Single-Family with Multi-Family Behind	Single-Family Converted to Multi-Family	Multi-Family Residential	Vacant
7 (21%)	1 (3%)	1 (3%)	14 (41%)	10 (29%)	1 (3%)

Eighty-five percent (30) of the main structures are more than 50 years old, one of the criteria for a building to be considered historic (see Attachment 5). Two of the properties within the study area have received the City's local landmark designation. One other belongs to Orange Heights National Register District and the yard and garages of another building were designed by Greene and Greene.

In recognition of the age of buildings in the area, their potential historic nature, the neighboring historic properties, and the character of the existing structures the proposed overlay maintains the RM-16 development standards. Relief from some of these standards may occur in instances where developers use the affordable housing concessions and waivers process.

POTENTIAL DEVELOPMENT UNDER OVERLAY

In order to determine the maximum number of units that would be built under this Overlay, staff grouped the parcels into 12 potential project sites (see Attachment 6). Table 3, below, displays the maximum build out of the project area under the existing conditions, the proposed overlay, and the previous RM-32 zone. The State density bonus would permit a maximum of 54 additional units. With this action, an additional maximum of 17 units would be allowed.

Table 3: Potential Total Number of Units Under Different Zoning Scenarios

	Existing Units	RM-16 (Existing)	Density Bonus (Existing)	Proposed Overlay	RM-32 (Previous Zoning)
Total	99	112	153	170	222
Increase	-	13	54	71	123
Proposed Change	-	-	-	17	-

Barriers to Full Build-Out

The numbers in the above table represent a maximum build-out. However, a number of barriers exist to reaching full build-out.

- Historic protection of some of the properties will likely preclude or limit development.
- Recent investment to convert multi-family properties to single family homes would make higher density development unlikely (i.e. 972 N. Los Robles Ave.).
- Assembling properties from a number of different owners is difficult, and certainly not likely at the scale analyzed in the maximum build-out.
- Five of the properties already exceed the density allowed by the proposed overlay.
- Use of the State’s density bonus law has been infrequent. Only 14 properties have used this incentive to create affordable housing in the City. Of these 14 properties, 50 percent were in the Central District Specific Plan area and only one was proposed for a RM-16 zoned property (636 N. Holliston Ave.)

Design Review

All projects that would make use of the overlay and the underlying State density bonus would have to construct at least five units. Any residential project of this size would follow the City of Gardens, Multi-family development standards. Additionally, these projects would undergo design review. The Design Commission would review all projects of ten units or more. The Historic Preservation Commission would review multi-family projects involving locally designated landmark properties or properties in historic districts.

ENVIRONMENTAL INITIAL STUDY

Staff completed an environmental initial study (IS) examining the potential impact of the proposed amendments to the Zoning Map and Zoning Code. The IS determined that the proposed changes will not have a potential significant impact on the environment. Thus staff prepared a negative declaration of environmental impact. The document was posted at the County of Los Angeles Recorder’s Office and the City’s website on October 1, 2008.

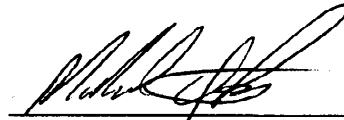
PREVIOUS MEETINGS

As required by the Zoning Code and the City's practices staff brought the proposed overlay to the neighborhood on Tuesday, September 23, 2008 and the Northwest Commission on Thursday, September 25, 2008.

FISCAL IMPACT

There is no fiscal impact to the City as result of this action.

Respectfully submitted,



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ATTACHMENTS:

1. Map of the North Los Robles Overlay Zone
2. Definitions of Affordable Housing
3. Map of Density
4. Map of Building Character
5. Map of Year Built
6. Map of Development Scenarios
7. General Plan and Zoning Code Consistency Findings
8. Negative Declaration and Environmental Initial Study