

OFFICE OF THE CITY MANAGER

June 22, 2009

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

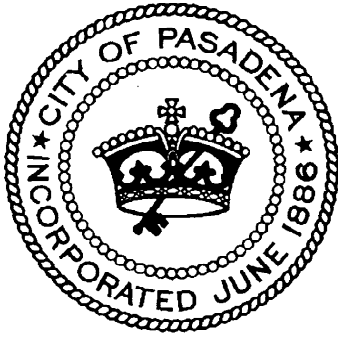
SUBJECT: ZONING CODE AMENDMENTS – TO UPDATE THE DEVELOPMENT STANDARDS FOR SINGLE-FAMILY DEVELOPMENTS FOR SETBACKS, ENCROACHMENT PLANE, HEIGHT, LOT COVERAGE, FLOOR AREA AND OTHER MINOR AMENDMENTS.

On June 3, 2009, the Economic Development and Technology Committee reviewed the proposed Zoning Code Amendments. The Committee's comments were positive and were generally supportive of the proposed amendments.

The Committee did recommend modifying the proposed lot coverage standards. Staff proposed to increase the maximum lot coverage to 40 percent for lots with an area of 7,200 square feet to 11,999 square feet. For lots 12,000 square feet and greater, staff proposed the maximum lot coverage remain at 35 percent. However, this created an inequity, since lots just over 12,000 square feet would have a lower lot coverage than lots just under 12,000 square feet. The Committee recommended staff develop a transition in the standard to address this inequity. In response, staff has incorporated a transition in the standard, which is outlined in the attached staff report.


Per Michael J. Beck
City Manager

06/22/2009
6.B. 7:30 P.M.



Agenda Report

TO: CITY COUNCIL **DATE:** JUNE 22, 2009

THROUGH: ECONOMIC DEVELOPMENT AND TECHNOLOGY COMMITTEE (JUNE 3, 2009)

FROM: CITY MANAGER

SUBJECT: ZONING CODE AMENDMENTS – TO UPDATE THE DEVELOPMENT STANDARDS FOR SINGLE-FAMILY DEVELOPMENTS FOR SETBACKS, ENCROACHMENT PLANE, HEIGHT, LOT COVERAGE, FLOOR AREA AND OTHER MINOR AMENDMENTS.

STAFF RECOMMENDATION:

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

1. Adopt the Initial Study (Attachment E) and the Negative Declaration for the proposed Code Amendments and direct the City Clerk to file a Notice of Determination;
2. Approve staff's recommendation to amend the Zoning Code as described in this report;
3. Approve a finding of consistency with the General Plan; and
4. Direct the City Attorney to prepare an ordinance codifying these amendments and return within 90 days for first reading.

PLANNING COMMISSION RECOMMENDATION:

On April 22, 2009, the Planning Commission recommended the proposed Code Amendments as prepared by staff with the following changes:

- A. Reduce the length of first floor additions with non-conforming setbacks from 20 feet to 10 feet.
- B. Reduce the length of second floor additions which project into the encroachment plane from 20 feet to 10 feet.
- C. Allow an increase in lot coverage from 35 to 40 percent (for properties between 7,200 square feet and 12,000 square feet) for single-story construction only.
- D. Instruct staff to return to the Planning Commission on a later date to discuss adding the square footage of basements to floor area.

Staff agrees with Item C of the Planning Commission's recommendation and has included this in the recommended action. In regard to Items A and B (reducing the length of first and second floor), both staff and the Planning Commission agree that additional limits are appropriate; however, there is a difference of opinion as to what those limits should be, as discussed further in the body of this report. In addition, staff feels Item D (the issue of adding basements) has been analyzed and addressed in previous amendments, as discussed in Attachment A (Areas Analyzed but not included in the Amendments) of this report. Therefore, staff does not recommend approval of the Planning Commission's recommendation D.

BACKGROUND:

In 2007, the City Council requested staff to review floor area and lot coverage standards related to 'bulk and mass' for single-family developments. However, staff found that other standards also affect 'bulk and mass', so the discussion was expanded to include setbacks, encroachment plane, height and other miscellaneous standards.

The area of analysis focuses primarily on non-hillside properties in the Single-Family Residential (RS) Zoning District. However, the proposed amendments will also impact the Hillside District (HD) Overlay, Upper Hastings Ranch (HD-1) Overlay, Lower Hastings Ranch (ND) Overlay and the Multi-Family Residential, Two-Units per Lot (RM-12) Zoning District. This is because the other zones and overlays refer to the RS Zoning District for some development standards (see Attachment C – Map of Zoning Areas). The proposed amendments are not intended for any specific project, neighborhood or area of Pasadena. Instead, the proposed amendments are broad updates to the City's development standards. Once the amendments are codified, staff plans to begin a separate amendment process for the Upper and Lower Hastings Ranch overlays.

In early 2008, staff researched the development standards of other cities and visited several properties in Pasadena that had been identified as having excessive 'bulk and mass'. Staff conducted a community workshop with the Planning Commission in June 2008 and three community meetings in October and November 2008.

ANALYSIS:

The five principal amendments are analyzed below: 1) non-conforming setbacks; 2) encroachment plane; 3) height; 4) lot coverage; and 5) floor area ratio. Other proposed minor amendments have been included as Attachment A. Areas that were analyzed but not included as part of the amendments are also included in Attachment A. A table summarizing the proposed main and minor amendments has been included as Attachment B.

1) Non-Conforming Setbacks (RS, RM-12, HD, HD-1 and ND)

The current minimum side yard setback requirement for the above-noted zoning districts and overlays is ten percent of the lot width, with a minimum requirement of five feet and a maximum requirement of ten feet. However, the Zoning Code allows single-story

additions to match a legal non-conforming side yard setback, provided the existing setback is at least four feet. The length of the addition along the side property line does not have a maximum (provided the front and rear yard setbacks are met). For example, if a portion of an existing house on a wide lot has a setback of four feet, a large addition could be constructed with the same side yard setback of four feet.

This exception impacts bulk and mass because it allows large additions with reduced setbacks. Staff acknowledges that this exception may be necessary for smaller additions to existing houses. The Planning Commission recommends the length of the addition be a maximum ten linear feet. However, staff has concerns that ten feet is not adequate to allow property owners to construct a reasonably-sized room addition.

Therefore, it is recommended the exception be limited to a maximum length of 20 linear feet along the side property line. Therefore, that portion of an addition greater than 20 linear feet along the side property line would need to comply with the current side yard setback requirements.

2) Encroachment Plane (RS, RM-12 and HD)

The current encroachment plane requirements for the above-noted zoning districts and overlay is a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the side property line. In general, houses are not permitted to project into the encroachment plane area, although eaves, roofed areas and chimneys may project up to three feet into the area. Staff analyzed these three exceptions and concluded that they do not considerably add to the bulk and mass of a house and are necessary to allow a variety of architectural styles.

However, the Zoning Code also allows second-story additions to project into the encroachment plane area when the first story has a minimum setback of five feet and was legally constructed before 1991. In addition, the second story must continue the setback of the first story. This exception applies to both an addition to an existing second story and a new second story to a single-story house. The height of the projection is not specified but the length is limited to a maximum of 40 linear feet.

This exception impacts bulk and mass because it allows new second stories and additions to existing second stories to project an unlimited height into the encroachment plane area. With this exception, an older single-story house could construct a new 40 foot long second story addition which projects into the encroachment plane area. The primary purpose of the encroachment plane requirement is to reduce the height and size of structures adjacent to property lines. Staff acknowledges that some exceptions may be necessary for smaller additions to existing second stories.

The Planning Commission recommends the length of the addition be limited to a maximum of ten linear feet and only apply to additions to existing second stories. However, staff has concerns that ten feet is not sufficient to allow property owners to construct a reasonably-sized room addition. Therefore, it is recommended the

exception be limited to a maximum length of 20 linear feet. Therefore, that portion of an addition greater than 20 linear feet along the side property line would need to comply with the current encroachment plane requirements.

The HD-1 and ND overlays have separate standards for second story step backs. Therefore, the proposed changes would not be applicable to those overlays.

3) Height (RS and RM-12)

The current height limits for primary structures in the above-noted zoning districts is 32 feet on lots less than 20,000 square feet in area and 36 feet on lots 20,000 square feet and greater (and within the encroachment plane requirements). Approximately 96 percent of lots in the RS and RM-12 zones are less than 20,000 square feet in area. The maximum allowable top plate height (where the exterior wall of the house meets the roof) is 23 feet (and within the encroachment plane requirements) for all lots, regardless of size.

The existing height limits impact the mass and bulk of structures. Pasadena's height limits have been found to be greater than many of the other cities surveyed, especially on smaller and narrower lots. Pasadena's current height limits are connected to lot size, which is not always a good indicator of the amount of height and bulk a property can accommodate. Other cities surveyed have lower maximum heights with the height requirement a function of lot width. Lot width can be considered an appropriate way to establish height standards; a wider lot (defined as 75 feet wide and greater) can accommodate a roofline with a long pitch.

Therefore, staff recommends reducing the overall height, and having that height connected to lot width, for a maximum height of 28 feet for lots less than 75 feet wide and 32 feet for lots 75 feet wide and greater. Approximately 80 percent of lots in the RS and RM-12 zones are less than 75 feet wide. The 75 foot number is consistent with the minimum lot width for newly subdivided properties in the RS-4 zoning district. The 28 foot number is consistent with the maximum height permitted in the HD overlay.

However, staff recommends, as an exception, a property owner may apply for a Minor Conditional Use Permit to match the height of an existing house that exceed the proposed 28 foot or 32 foot height limit. This is consistent with the process required to match the height of an existing house in the HD overlay.

The HD, HD-1 and ND overlays have separate height standards. Therefore, the proposed changes would not be applicable to those overlays.

4) Lot Coverage (RS, RM-12 and ND)

Currently, the above-noted zoning districts and overlay have no maximum lot coverage standard for lots 7,200 square feet or less and a 35 percent maximum lot coverage for lots over 7,200 square feet. The 7,200 square foot number is consistent with the

minimum lot size for properties in the RS-6 zoning district. Lot coverage includes the footprint of all roofed areas including the primary structure, accessory structures, porches and covered patios (but does not include roofed areas that are more than 50 percent open). Therefore, on a 10,000 square foot lot, the maximum lot coverage would be 3,500 square feet and on a 20,000 square foot lot, the maximum lot coverage would be 7,000 square feet.

The maximum lot coverage standards for medium-sized lots (defined as lots with an area of 7,200 square feet to 11,999 square feet) may impact bulk and mass. In some cases, properties that are developed near the maximum permitted lot coverage are more likely to construct a second story for a house addition. Other cities surveyed allow a higher lot coverage for medium-sized properties as a way to encourage single-story additions. Therefore, staff recommends the maximum lot coverage be 40 percent for lots with an area of 7,200 square feet to 11,999 square feet. For a 10,000 square foot lot, the maximum lot coverage would then increase from 3,500 square feet to 4,000 square feet.

For lots 12,000 square feet and greater, staff recommends the maximum lot coverage remain at 35 percent, or 4,800 square feet, whichever is greater. The 12,000 square foot number is consistent with the minimum lot size for properties in the RS-4 zoning district. As proposed, the 4,800 square foot number would be the maximum allowable lot coverage for an 11,999 square foot lot (or 40 percent of the lot). Without the 4,800 square foot allowance, the maximum lot coverage for a 12,000 square foot lot would drop to 4,200 square feet (or 35 percent of the lot). This allowance would increase the lot coverage to 4,800 square feet, so lots just over 12,000 square feet would still have a lot coverage equal or greater than lots less than 12,000 square feet.

The Planning Commission recommends the additional lot coverage above 35 percent be limited to single-story additions (or the single-story portion of a new house) to ensure that the additional lot coverage would be for single-story additions. This limitation is incorporated as part of the recommendation.

The HD overlay has separate lot coverage standards; therefore, the proposed changes would not be applicable to the HD overlay. However, staff proposes the HD-1 overlay specifically maintain a lot coverage of 35 percent for lots over 7,200 square feet, since the maximum floor area permitted in the HD-1 is a function of the lot coverage and setbacks.

5) Floor Area (RS and ND)

The current maximum floor area permitted in the above-noted zoning district and overlay is 30 percent of the lot (or a Floor Area Ratio of 0.3) plus 500 square feet. Floor area includes all enclosed areas such as the primary structure (each story), garages, carports and accessory structures. It does not include basements, attics and unenclosed porches and patios. For a 10,000 square foot lot, the maximum floor area

permitted is 3,500 square feet and for a 20,000 square foot lot, the maximum floor area permitted is 6,500 square feet.

Floor area has a direct impact on bulk and mass. One of the original issues raised by the Council was that larger houses on larger lots (defined as lots with an area of 12,000 square feet or greater) were being constructed that were surrounded by smaller houses on smaller lots. Many of Pasadena's neighborhoods have a variety of lot sizes. As noted above, Pasadena has a 'flat' standard for calculating floor area, meaning larger and smaller lots have the same floor area standard. Other cities surveyed use 'sliding scales' based on zoning district or lot size. In these examples, larger lots or zoning designations with larger lots have a lower floor area ratio. This would address the issues raised by the Council.

Therefore, staff recommends the floor area ratio for larger properties be reduced on a 'sliding scale'. As smaller and medium-size properties have not been identified as a concern, the existing formula of 30 percent of the lot area plus 500 square feet would still be used for lots less than 12,000 square feet. However, for lots with an area of 12,000 square feet or greater, the area of the lot greater than 12,000 square feet would use a formula of 20 percent.

For a 20,000 square foot lot, the following formula would be used:

- First 12,000 square feet
 - 30 percent plus 500 square feet = 4,100 square feet
- Next 8,000 square feet
 - 20 percent of lot = 1,600 square feet
- Total maximum floor area
 - 4,100 square feet + 1,600 square feet = 5,700 square feet

Using the proposed formula, the maximum floor area would be 5,700 square feet. This is 800 square feet less compared to the existing standard. Since the proposed formula uses a 'sliding scale', the larger the lot, the greater the percentage of the reduction.

The RM-12 zoning district and HD overlay have separate standards and formulae for calculating maximum floor area. Therefore, the proposed changes would not be applicable to that zoning district and the HD overlay. The HD-1 overlay does not use floor area ratios in calculating maximum floor area, so the proposed changes would not be applicable to that overlay either.

COMMUNITY OUTREACH:

On June 25, 2008, staff held a community workshop with the Planning Commission. In addition, at the suggestion of the Planning Commission, staff held the following community meetings:

- Victory Park, October 23, 2008
- Jackie Robinson Center, October 29, 2008
- Allendale Branch Library, November 6, 2008

Staff also created a webpage in October 2008 with information on the amendments and a section for the public to submit comments. A summary of comments made by the community is included in Attachment D. A common theme with the comments included having new houses and additions fit into the context of the neighborhood, reducing encroachments into setbacks, reducing 'mansionization' and maintaining top plate height. Another comment heard was that there should still be some flexibility with regards to height and setback to encourage diversity in architectural styles. There was a concern that over-regulation would limit diverse architectural styles in Pasadena.

Another issue that was raised by the community was second story additions to houses surrounded by one story houses. Staff researched this concern and does not support Citywide standards significantly limiting second story additions. Rather, staff proposes modifying or limiting the floor area, side yard setbacks and encroachments and height as a way to address concerns regarding second story additions. Some of the comments received by the community were outside the scope of the amendments. This included limiting multiple-family developments, requiring architectural review for single-family developments, restricting the use of building materials and colors, protecting views, maintaining rates of home ownership and preserving street trees and other landscaping.

ENVIRONMENTAL REVIEW:

An Initial Environmental Study has been prepared for the project. The determination for the proposal is a Negative Declaration. The comment period for the Initial Study ran from April 3, 2009 to April 23, 2009. The California Department of Fish and Game has approved a determination that the proposed amendments have no potential effect on fish, wildlife and habitat. Staff recommends the City Council acknowledge the conclusions of the Initial Study and adopt a Negative Declaration determination for the proposed amendments.

GENERAL PLAN CONSISTENCY:

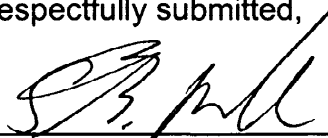
The proposed revisions to the Zoning Code are consistent with the following objectives and policies of the City's General Plan. Objective 7 of the Land Use Element states "Residential Neighborhoods: Preserve the character and scale of Pasadena's established residential neighborhoods" and Policy of the Land Use Element states "Mansionization: Ensure that all new development in residential neighborhoods discourages mansionization." Goal 1 of the Housing Element states "maintain and improve the quality of existing housing, neighborhoods and health of residents" and Policy 1.1 of the Housing Element states "preserve the character, scale and quality of established residential neighborhoods."

All of the proposed amendments will discourage mansionization by reducing the maximum floor area and height for some properties. The amendments would also reduce the amount of exceptions to setbacks and encroachment plane permitted for addition.

FISCAL IMPACT:

The proposed amendments will not have any significant fiscal impact on the City. Permitting fees will be collected when Minor Conditional Use Permits are required, which will cover the costs incurred from staff time required for project review.

Respectfully submitted,



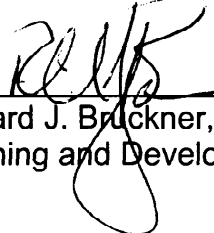
so Michael J. Beck
City Manager

Prepared by:



Jason C. Mikaelian
Senior Planner

Approved by:



Richard J. Bruckner, Director
Planning and Development

LIST OF ATTACHMENTS:

- Attachment A: Minor proposed amendments and
Areas analyzed but not included in the amendments
- Attachment B: Table summarizing the main and minor amendments
- Attachment C: Map showing zoning districts affected by amendments
- Attachment D: Summary of comments made by community
- Attachment E: Initial Study