

ATTACHMENT B

FINDINGS:

The Zoning Code requires that prior to the approval of an amendment the following findings must be made:

1. *The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan:*

The General Plan Land Use Element includes Policy 4.11 – Development that is Compatible, which states: “Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.”

The proposed Zoning Code amendment would follow this policy by requiring new development to visually demonstrate the contextual relationship between a proposed project and its surroundings, in terms of building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

Additionally, Policy 22.1 – Appropriate Scale and Massing, states, “Discourage mansionization by requiring building scale and massing that is compatible with existing development in single-family residential neighborhoods.”

The proposed Zoning Code amendment would follow this policy by requiring new development to demonstrate the consistency between a proposed project and neighboring properties including compatible building scale, massing, orientation, setbacks, visibility, privacy, and aesthetics.

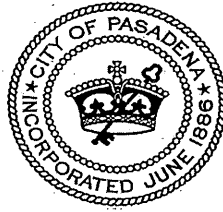
2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City:*

The proposed Zoning Code amendments are in response to community concerns regarding mansionization in Lower Hastings Ranch, and are designed to ensure greater neighborhood compatibility in established single-family neighborhoods. Therefore, the proposed amendments would not be detrimental to the public interest, health, safety, convenience, or general welfare of the city.

ATTACHMENT C



ATTACHMENT D



STAFF REPORT

DATE: JULY 27, 2016

TO: PLANNING COMMISSION

FROM: DAVID M. REYES, DIRECTOR OF PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE AMENDMENT: NEIGHBORHOOD DISTRICT OVERLAY ZONE
(ND)

RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council:

1. Adopt the Addendum to the previously adopted Negative Declaration;
2. Approve the Findings for Zoning Code Amendments (Attachment A); and
3. Approve the proposed Zoning Code Amendment to the Neighborhood District Overlay Zone, to include view protection and privacy standards in addition to previously adopted amendments to the Overlay on April 25, 2016.

EXECUTIVE SUMMARY:

In response to concerns for the potential for "mansionization" in Pasadena, and at the direction of the City Council, City staff is undertaking an effort to revise the Zoning Code development standards governing single-family residences. This work program involves three phases: Phase 1 (Lower Hastings Ranch), Phase 2 (non-historic, non-hillside), and Phase 3 (Hillside Overlay Districts). The proposed amendments contained in this report are a part of Phase 1; Phases 2 and 3 will follow later this year.

On March 23, 2016, the Planning Commission held a public hearing to consider a series of amendments to the ND (Neighborhood District) zoning overlay. The ND overlay is applicable only to the Lower Hastings Ranch neighborhood, and the amendments were being made as part of Phase 1 on the "mansionization" effort. City staff presented a number of proposed amendments, including design and architectural material requirement, a new discretionary public process (Neighborhood Development Permit) for some types of construction, as well as several new regulations to limit both the size of a house on lots with steep slopes, but also the size of second floors.

Staff also introduced the concept of a property owner-initiated process whereby second-story construction would be prohibited within areas of Lower Hastings Ranch, as delineated by the residents. As proposed by staff, 70 percent of residents in the proposed overlay district would need to sign a petition in favor of the proposed overlay and 80 percent of houses in the proposed district must already be single-story.

At the conclusion of the public hearing, and after considering the testimony of several residents of Lower Hastings Ranch, the Commission voted to recommend approval of the staff recommendation, with two exceptions. First, the Commission recommended second story construction in Lower Hastings Ranch be prohibited, and second, the Commission recommended the property owner-initiated prohibition on second floors be applied to all single-family neighborhoods in the city. Further, the Commission recommended the qualification thresholds be lowered to be in line with those to designate a new Landmark District: 51 percent for signatures of approval and 60 percent of houses being one-story.

Finally, the Commission requested that should the City Council not concur with the prohibition on second floors in Lower Hastings Ranch, that the City Council send the ND overlay amendments back to Planning Commission for further consideration.

On April 25, 2016 staff presented to the City Council the Commission's recommendations, as well as its own. While staff concurred with applying the new zoning overlay district citywide, staff continued to recommend the higher qualification thresholds (70 percent signatures and 80 percent one-story houses). Staff also continued to recommend additional regulations governing second floor construction rather than an outright prohibition. Finally, staff also concurred with the Commission's request to reconsider the amendments to the ND overlay district should the City Council choose to not prohibit second floors in Lower Hastings Ranch.

At the conclusion of the public hearing, the City Council approved the staff recommendation to amend the ND overlay, to not prohibit second floor construction, and to apply the higher qualifications thresholds for the citywide, property owner-initiated zoning overlay district that would prohibit second floor construction. The City Council also directed staff to return to the Planning Commission to continue discussing the details of the proposed Code amendments, with an emphasis on the protection of views and privacy.

Subsequent to the City Council's direction, staff conducted additional analysis, researched other cities' regulations, and met with community members to develop additional regulations directed towards the preservation of view protection and privacy. The focus of this report is to provide a detailed overview of the proposed regulations as previously considered by the Planning Commission and City Council, and to offer potential modifications regarding view protection and privacy for the Planning Commission's consideration.

BACKGROUND:

The Neighborhood Overlay District (ND) was adopted in 1991 to create special development standards for single-family houses in Lower Hastings Ranch (586 properties) in order to promote compatible development. In response to concerns regarding incompatible architectural elements and design, the City Council amended the ND Overlay in March 2011, limiting the height of front porches, establishing a maximum allowed roof pitch, and providing additional setback and height requirements for second-story additions. In response to still further concerns with "mansionization", the City Council adopted a moratorium for the Lower Hastings Ranch neighborhood in March 2015 (in effect until March 2017), prohibiting the following:

- Second story development and additions;
- Single story additions larger than 500 square feet or 20% of the existing structure's square footage;
- Single story detached accessory structures larger than 20% of the primary structure's square footage; and
- Demolition of more than 50% of exterior walls
- Note – Additions of any size that are not visible from a public road are exempt from the moratorium.

From December 2014 through March 2016, staff conducted outreach to the community, including mailed surveys, meetings with members of the Lower Hastings Ranch Association, and a series of community meetings, in order to fully understand the community's concerns and gain as much public feedback as possible. A summary of outreach during this period is below:

December 2014

- Community meeting to discuss general concerns related to mansionization and incompatible single-family residential development.
- Surveys mailed to all single-family properties in Lower Hastings Ranch; 29 surveys were completed and returned to staff.

March-June 2015

- Eight city-wide community meetings, some of which were attended by residents of Lower Hastings Ranch.

July 2015

- Meeting with Lower Hastings Ranch Association Board members to discuss examples of mansionization as well as examples of additions and remodels that were considered to be architecturally consistent with the neighborhood.

September 2015

- Meeting with the Lower Hastings Ranch Association Board members to explore conceptual Code amendments.
- Neighborhood-wide community meeting, attended by approximately 35 residents, to discuss specific potential Zoning Code amendments.
- Driving tour with residents of Lower Hastings Ranch to identify desirable architectural elements and designs.
- Publicly-noticed informational update to the Planning Commission, outlining timeline for Phases 1 and 2 and providing a summary of outreach efforts.

January 2016

- Follow-up survey mailed to all single-family properties in Lower Hastings Ranch; 281 surveys completed and returned to staff (Attachment D).

February 2016

- Meeting with Lower Hastings Ranch Association Board members to review draft Code amendments.
- Community meeting to discuss draft Zoning Code amendments, attended by approximately 40 residents.

March 2016/

- Meeting with Lower Hastings Ranch Association Board members to review draft Code amendments.
- Public Hearing - Planning Commission

Planning Commission Hearing – March 23, 2016

On March 23, 2016, the Planning Commission held a public hearing to consider a series of amendments to the ND (Neighborhood District) zoning overlay. City staff presented a number of proposed amendments, including design and architectural material requirement, a new discretionary public process (Neighborhood Development Permit) for some types of construction, as well as several new regulations to limit both the size of a house on lots with steep slopes, but also the size of second floors (Attachment C).

Staff additionally introduced the concept of a property owner-initiated process whereby second-story construction would be prohibited within areas of Lower Hastings Ranch, with specific boundaries delineated by the residents. As proposed by staff, 70 percent of residents in the proposed overlay district would need to sign a petition in favor of the proposed overlay and 80 percent of houses in the proposed district must already be single-story.

At the conclusion of the public hearing, and after considering the testimony of several residents of Lower Hastings Ranch, the Commission voted to recommend approval of the staff recommendation, with two exceptions. First, the Commission recommended second story construction in Lower Hastings Ranch be prohibited, and second, the Commission recommended the property owner-initiated prohibition on second floors be applied to all single-family neighborhoods in the city. Further, the Commission recommended the qualification thresholds be lowered to be in line with those to designate a new Landmark District: 51 percent for signatures of approval and 60 percent of houses being one-story.

Finally, the Commission requested that should the City Council not concur with the prohibition on second floors in Lower Hastings Ranch, that the City Council send the ND overlay amendments back to Planning Commission for further consideration.

City Council Hearing – April 25, 2016

On April 25, 2016, a public hearing was held with the City Council to consider the proposed amendments to the Neighborhood District overlay zone. As previously mentioned, the staff-recommended amendments included new second-story stepbacks, revised floor area ratio calculations, appropriate architectural design and permitted materials, and a new discretionary Neighborhood Development Permit process. Staff also discussed the potential addition of a new Single Story Overlay zone process for Lower Hastings Ranch.

The City Council considered staff's recommendation, as noted above, as well as the recommendation by the Planning Commission to prohibit second stories and adopt a citywide Single Story Overlay zone process. After considering the recommendations and public comment, the Council voted to adopt the staff recommendation and initiate a Zoning Code amendment to create the Single Story Overlay process, but did not approve a prohibition on second stories. The Council further directed staff to return to the Planning Commission to continue discussing the proposed Code amendments, with a specific focus on the protection of views and privacy.

After the City Council hearing on April 25, 2016 staff conducted additional analysis, researched other cities' regulations, and crafted additional Zoning Code revisions with an emphasis on view protection and privacy. Staff discussed these additional ideas with some members of the Lower Hastings Ranch Association on June 2, 2016 and received valuable feedback. Using this discussion and input, staff further refined the proposed amendments, which were presented at a community meeting (notices were sent to all property owners in Lower Hastings Ranch) on July 7, 2016, still with an emphasis on view protection and privacy. Approximately 30 residents attended the meeting and provided comments. A number of attendees indicated that the proposed revisions did more to address their concerns. Additionally, while there were others that felt the proposed regulations were too lenient, there were also those who felt that the proposed revisions were too restrictive.

Residents' Concerns

During the public outreach process, residents of Lower Hastings Ranch have suggested that their neighborhood should have some form of view protection, as their neighborhood consists of properties that rise in elevation towards Sierra Madre Boulevard, with views of the San Gabriel Mountains, City lights, and views of the valley floor. This concern came up in the discussion regarding two-story houses and the potential for loss of mountain views when a new two-story house is built upslope from a one-story house. Staff has heard from a number of residents that views of the San Gabriel Mountains from their houses is a defining characteristic of the neighborhood and expressed a strong desire to retain those views.

Additionally, some residents have suggested that two-story houses have a greater potential to intrude upon the privacy of neighboring properties due to height and architectural features. In particular, residents noted that two story houses may allow for easier viewing into neighboring side and back yards via balconies and large second-story windows.

View Protection and Privacy Regulations

The following paragraphs describe existing regulations in the Pasadena Municipal Code pertaining to view protection and privacy. It should be noted that these regulations are found within Section 17.29 of the Pasadena Municipal Code, which specifically applies to areas within Hillside Overlay zones and do not apply to Lower Hastings Ranch. However, these regulations may be helpful in providing some context and can serve as a baseline for the creation of view protection and privacy regulations tailored to Lower Hastings Ranch.

Existing View Protection Regulations (currently applicable only within the Hillside Overlay zoned areas, not Lower Hastings Ranch)

The Pasadena Municipal Code (PMC) addresses the protection of views in Hillside Overlay zones (in which Lower Hastings Ranch is not located). In the context of Hillside areas, Section 17.29.060 (E) of the Pasadena Municipal Code does not explicitly define a "view impact"; however it does state that proposed structures should be designed to avoid blocking views from neighboring properties to the maximum extent feasible. It further clarifies that new structures and tall landscaping shall not be placed directly in the view of the primary living areas of neighboring parcels. "Primary living area" refers to living rooms, family rooms, and patios, and excludes kitchens, bedrooms, and bathrooms.

Some residents have noted that this definition allows for appropriate flexibility when determining where a view is located and what impacts may occur, so that view impact determinations can be

made on a case-by-case basis. Other residents have suggested that the definition permits a level of subjectivity that allows decision makers to interpret a view impact differently from the homeowner or neighbor, and have asked for a more concrete definition that numerically defines the amount of acceptable view impact in all cases.

Views are not a tangible asset that can be easily or reliably quantified, and view impacts may be perceived differently for each property and circumstance. Therefore, staff recommends that any analysis of view protection should allow for some flexibility to account for varying circumstances in existing and proposed site conditions, versus imposing a numerical or quantifiable percentage of "view" that would be maintained at all times.

Existing Privacy Protection Regulations (currently applicable only within the Hillside Overlay zoned areas, not Lower Hastings Ranch)

Section 17.29.060 (C) of the PMC addresses privacy within Hillside Overlay zones, in which Lower Hastings Ranch is not located, by specifying that architectural features, such as balconies and windows, shall generally be located to protect the privacy of adjacent homes and yards. A proposed project that includes balconies or second-floor windows would be reviewed by both staff and the Hearing Officer to determine if the project would result in any privacy impacts, and if so, any possible techniques that could be utilized to preserve neighbors' privacy.

Some residents have indicated that the current Hillside regulations also allow for appropriate flexibility when determining privacy impacts, so that appropriate levels of privacy may be assessed on a case-by-case basis. Other residents have suggested that the existing regulations permit a level of subjectivity that allows decision makers to interpret a loss of privacy differently from the homeowner or neighbor, and have asked for a more concrete definition that numerically defines the amount of acceptable privacy loss in all cases.

Similar to view impacts, privacy is also not a tangible asset that can be easily or reliably quantified, and the perception of privacy does not universally mean the same thing to everyone. Therefore, staff recommends that any consideration of privacy shall allow for some flexibility to account for varying circumstances in existing and proposed site conditions, versus imposing a quantifiable amount of "privacy" that would be applied equally to all properties.

DISCUSSION:

The following is a summary of the development and design standards that were previously considered by the Planning Commission and recommended for approval to the City Council on March 23, 2016:

- Revised Floor Area Ratio calculations to not include any portion of a lot with a 50 percent slope or greater when determining maximum Floor Area Ratio

Attendees of the community meetings suggested that some lots have areas with very steep slopes, which are essentially unbuildable. These residents recommended that these areas should not be considered when determining the Floor Area Ratio for a property. Currently, the Floor Area Ratio in Lower Hastings Ranch is determined as a function of the entire lot size, regardless of slope. Staff concurred with the residents' suggestion and proposes to not count any portion of a lot with a 50 percent slope or greater when determining maximum house size.

- Revised Floor Area Ratio calculations to not include the square footage of an attached garage when determining the maximum permissible square footage of a second story

Residents expressed concern that the current requirements for second stories in Lower Hastings Ranch allow for second stories that are too large. The current requirements specify that a second floor may not exceed 50 percent of the size of the first floor, including any attached garages. Staff recommends revising this requirement to not include attached garages in this calculation, which will result in smaller amount of square footage used to calculate the size of a second floor.

- An additional five foot step-back for second stories from the first-floor rear wall

In response to concerns regarding neighbors' privacy and second story construction, staff proposes to require an additional five foot step-back for second stories on the rear elevation. Five foot stepbacks are already required on the side elevations, and a ten foot stepback is required along the front elevation, in order to provide massing relief as well as additional privacy. The addition of a five foot stepback along the rear elevation would help provide additional privacy relief for neighbors whose rear yards border a property with a proposed two-story house or addition.

- Revised requirements for second-floor decks and balconies

Another privacy concern was raised by attendees of the community meetings involving balconies and decks attached to a second story. Residents noted that balconies offer the ability for a property owner to observe their neighbors and prevents neighbors from enjoying the privacy of their own back yards. In response, staff proposes to prohibit balconies and decks that project outwards from a structure. Instead, balconies must be recessed and integrated within the roofline of a proposed structure, which would help to limit a homeowner's ability to observe neighboring property.

- New architectural design standards requiring compatibility with Ranch-style architecture

Throughout the process, residents have stated that the majority of houses in the neighborhood were constructed using Ranch-style architecture, whose style contributes greatly to the neighborhood character and sense of place that unequivocally define Lower Hastings Ranch in relation to other neighborhoods. Staff's assessment is that California Ranch and Modern Ranch style architecture are the predominant styles found throughout Lower Hastings Ranch, and has developed a set of development and design standards to define architectural elements that are consistent with Ranch style, as well as those which are inconsistent, and therefore prohibited.

- A new discretionary permit for new two-story houses, second story additions, new one-story houses, and any addition visible from a public right-of-way (Neighborhood Development Permit)

During the community meetings and in responses received as a result of the mailed surveys, it became clear to staff that while some residents favor a complete prohibition on two-story houses and two-story additions in Lower Hastings Ranch, there is a significant number of residents who feel that two-story construction should either be permitted with additional restrictions, or should be permitted as they currently are today. Given that no clear consensus exists regarding the issue of whether or not two-story construction can be compatible in Lower Hastings Ranch, staff proposes to create a new discretionary permit process that, while primarily intended to more closely regulate two-

story construction, would also be applicable to a new one-story house, or any addition visible from a public right-of-way. A discretionary permit process would allow staff to review such construction projects more thoroughly and allow for conditions to be placed on a project to ensure a greater level of neighborhood consistency. Decisions on such projects would be made by the Hearing Officer, with the option for further appeal if necessary.

A summary of the revisions that have not previously been considered by the Planning Commission, specifically related to view protection and privacy, is provided below.

A summary of all revisions to the Neighborhood District Overlay zone can be found as Attachment F to the staff report. Finally, the proposed Code language for all revisions to the Neighborhood District Overlay zone can be found as Attachment G to the staff report.

View Protection – Definition of Protected View

Residents generally expressed a desire for specificity in defining views and identifying what types of views should be protected. To that end, staff recommends adding a definition of “Protected View” to Section 17.28.090 (Neighborhood Overlay District) of the PMC, identifying views of the following features as being protected within Lower Hastings Ranch:

- The San Gabriel Mountains;
- City lights; and
- The valley floor

A “protected view” would be determined by establishing a point six feet above the building pad that is adjacent to, or in line with, the existing house. From there, views of the aforementioned features would be considered protected. Views of existing foliage, existing structures, and neighboring properties would also not be considered protected views.

Some residents have suggested that the description of a protected view, as proposed, permits a level of subjectivity allowing decision makers to individually interpret a view impact differently from the homeowner or neighbor, and have asked for a more quantifiable definition that numerically defines the amount of acceptable view impact in all cases.

As previously discussed, views are not a tangible asset that can be easily or reliably quantified, and view impacts may be perceived differently for each property and circumstance. A view that is unimportant to one homeowner may be considered indispensable in the eyes of their neighbor. Therefore, staff recommends that any analysis of view protection should allow for some flexibility to account for varying circumstances in existing and proposed site conditions, versus imposing an arbitrarily-determined strict percentage of “view” that must be maintained at all times.

Privacy – Proposed Development and Design Standards

At the April 25, 2016 City Council hearing, the City Council directed staff to include a discussion regarding privacy when returning to the Planning Commission. The proposed development and design standards that were previously considered by the Planning Commission and City Council (see Attachment G) are intended to protect privacy in several ways:

- Second stories would be required to have an additional five foot step-back from the first floor rear wall, in addition to the current step-back requirements of five feet from first floor side walls and ten feet from the first floor front walls.

As previously discussed, staff proposes to require an additional five foot step-back for second stories on the rear elevation as a way to address concerns regarding neighbor privacy and second story construction. Five foot stepbacks are already required on the side elevations, and a ten foot stepback is required along the front elevation, in order to provide massing relief as well as additional privacy. The addition of a five foot stepback along the rear elevation would help provide additional privacy relief for neighbors whose rear yards border a property with a proposed two-story house or addition.

- Second floor balconies must be recessed into the roofline of the house. Balconies that project outward from the second story would no longer be permitted.

A privacy concern raised by attendees of the community meetings involved balconies and decks attached to a second story. Residents noted that balconies allow a property owner to observe their neighbors and prevents neighbors from enjoying the privacy of their own back yards. In response, staff proposes to prohibit balconies and decks that project outwards from a structure. Instead, balconies must be recessed and integrated within the roofline of a proposed structure, which would help to limit a homeowner's ability to observe neighboring property.

- Second floor windows facing a side yard must use specific types of windows or window screening to minimize privacy impacts, such as clerestory windows, window glazing, and permanent louvers.

Similar to concerns regarding balconies, residents also expressed concern that large second floor windows could permit a homeowner to view into their neighbors' back and side yards, representing a potential loss of privacy and enjoyment of property. Staff proposes to require that second floor windows must employ techniques such as window glazing, louvers, or utilize smaller windows such as clerestory windows as methods to reduce potential privacy impacts.

- Windows may not extend from floor to ceiling.

Related to privacy concerns regarding second floor windows, residents also expressed concern that oversized windows, such as those that extend from floor to ceiling, could allow a homeowner to have a large viewing area, by which to observe neighboring properties. Staff noted these concerns and additionally determined that windows of this type are typically not found in Ranch-style architecture, which emphasizes low horizontal forms over tall vertical elements. With both of these concerns in mind, staff proposes to

prohibit floor-to-ceiling windows in Lower Hastings Ranch as a type of incompatible design element.

- Two-story tall windows would be prohibited.

Similarly, staff notes that windows that extend vertically from one floor to another are atypical of Ranch-style architecture. Some residents also stated their concerns that oversized, two-story tall windows could cause privacy concerns by allowing homeowners to view their back and side yards. Staff proposes to prohibit windows of this type as another type of incompatible design element.

Additional Development Standards

In meeting with members of the Lower Hastings Ranch Association on June 2, as well as during the July 7 community meeting, some residents expressed a desire to further reduce the size of second stories as a way to help minimize their effect on views and privacy. Staff considered a number of methods to achieve this, beyond the regulations that were originally considered by the Planning Commission and City Council. This resulted in a new development standard that would limit the maximum floor area of a two-story house to no more than ten percent above the average size of houses (not including garages or detached accessory structure) within 500 feet of the subject property (Attachment G, page 2), regardless of the lot size or maximum floor area ratio that would otherwise be allowed.

For example, the average house size in Lower Hastings Ranch is approximately 2,085 square feet. If a new two-story house were proposed using that average as a baseline, then the new house would be allowed a maximum square footage of ten percent above that average, resulting in a size of 2,293 square feet. This requirement would apply only to two-story houses; a one-story house or one-story addition would continue to be permitted subject to the existing floor area ratio requirement, as further incentive for one-story construction.

Summary of Updated Development Standards

The updated standards related to view protection and privacy, as summarized above and described in Attachment G, are designed to supplement the standards that were previously considered by both the Planning Commission and City Council. Taken as a whole, the proposed standards place a greater burden on applicants who are considering building a new two-story house or two-story additions, requiring them to demonstrate that such a project would be:

- Generally consistent with the architectural character of Lower Hastings Ranch;
- Necessary in lieu of a one-story house or addition; and
- Sensitive to the protected views and privacy of surrounding neighbors.

Additionally, new requirements related to the Neighborhood Development Permit are proposed. These requirements are related to story poles and renderings for two-story construction and, combined with advance notification to neighbors, would provide a vehicle for residents to assist staff in identifying potential areas of concern much earlier on, enabling residents take a more active role in commenting on projects within their neighborhood, should they choose to do so. The following section provides more thorough description of the additional requirements proposed for the Neighborhood Development Permit process.

Neighborhood Development Permit Requirements

Many residents have commented on the impacts that new two-story houses and second story additions could potentially have on a neighborhood of predominantly single-story houses. Comments included a loss of privacy for immediate neighbors and a loss of mountain, city, and valley views. In addition, staff also heard numerous concerns that neighbors were unaware of forthcoming construction projects in their neighborhood. To address these comments, staff recommended implementing a discretionary permit process: the "Neighborhood Development Permit". This permit process would apply to:

- New two-story houses;
- Second-story additions;
- New one-story houses; and
- Any additions visible from a street in Lower Hastings Ranch.

The process would require decision makers to make findings for approval, including a finding related to neighborhood context. Applicants would also be required to submit a visual analysis of the proposed project, which must demonstrate how the proposed project will appear to observers viewing the site from the public right-of-way, three houses in either direction, and from other public areas near the site. Additionally, a discretionary process would include public notification of property owners within 500 feet of the project site, providing residents with additional knowledge of projects in their neighborhood, opportunities to provide input, and the ability to attend a public hearing on the project.

Subsequent to the April 25, 2016 public hearing with the City Council, staff heard many additional comments regarding the difficulty of understanding what a new two story house or addition would actually look like. To that end, and building upon the previously-mentioned definition of a protected view as well as standards for privacy, staff proposes additional requirements in the Neighborhood Development Permit process that necessitate the use of both story poles and visual renderings for two-story construction and additions.

Updated NDP Requirements

Upon receipt of a complete application, applicants wishing to construct a two-story house or second-story addition will now be required to erect story poles for a minimum of two weeks. The use of story poles can help physically demonstrate the height and massing of a new structure to neighbors and passers-by as they see the property in person, which is useful in understanding whether or not a new building has the potential to block views from nearby properties. Colorful visual renderings can also assist neighbors to not only understand the height and massing, but also to understand the architectural character of the proposed structure by communicating the materials and color selections that will be used, as well as visibly demonstrating the proposed locations of windows and balconies. Used in combination, these two methods would demonstrate a project's potential impact upon protected views, privacy and compatibility to a much greater degree than currently exists today.

One resident suggested that story poles should additionally include the use of tarps or coverings to help better visualize the bulk and massing of a proposed project. In consultation with the Building Division, it was determined that tarps or coverings could potentially create hazardous situations (for example, if the tarps became loose or dislodged in windy weather or if tarps

caught fire). Therefore, staff would not recommend the use of tarps or coverings as a requirement in addition to story poles.

Upon verification that the story poles have been erected, staff would additionally send out a notice to all properties zoned RS-6 ND within 500 feet of the project site. This advance notice would provide neighbors with an opportunity to comment on a proposed project and alert staff to any potential view or privacy impacts from their properties, early in the city review process and prior to scheduling a public hearing with the Hearing Officer.

Neighborhood Development Permit Findings

As proposed to the Planning Commission and City Council, the Neighborhood Development process would require decision makers to make findings for approval in order to approve a project. The findings are summarized below and may be reviewed as part of Attachment G:

- **Standards Compliance.** The design, location, and character of the proposed house or other structure are consistent with the Development Standards in Section E and Building Design Standards in Section G.
- **Neighborhood Consistency.** Consistency is determined following a review of existing site conditions, visibility of the site, and the size, scale, materials, and character of existing development within 500 feet of the site. The Hearing Officer must find that the house or other structures are compatible with existing houses and consistent with the prevailing neighborhood character.
- **Massing and Articulation.** The massing, scale, and building articulation of the proposed house or other structure is reasonably consistent in scale and proportion to existing houses in the neighborhood.
- **Topography.** The house or other structure is designed to reasonably incorporate and avoid natural topographic features.
- **View Protection.** The house or other structure will not unreasonably visually intrude upon a protected view, as defined in Section 17.28.090(C).
- **Privacy.** The house or other structure is designed to minimize privacy infringement on neighboring residents.

Additionally, for new two-story construction and two-story additions, a new finding is proposed that would require an applicant to demonstrate the necessity of a two-story house. In particular, the applicant must demonstrate that the new house or new addition cannot be constructed on the ground level, due to site constraints such as topography or protected trees, or due to development standards such as required setbacks. This finding is intended to encourage one-story development as a superior alternative to new two-story houses and additions, especially in cases where a two-story structure could have impacts on protected views or privacy. This finding is summarized below and may be reviewed as part of Attachment G:

- **Necessity of Two-Story House.** The Hearing Officer must find that:
 - A one-story house or one-story addition cannot reasonably be constructed on the property due to site constraints, such as protected trees or topography, or due to development standards such as required setbacks.

Lower Hastings Ranch consists predominantly of one story, Ranch style houses. One story houses with horizontal form and massing are typical of Ranch style architecture. The

recommended Neighborhood Development Permit process would allow homeowners the option of building two story houses and additions.

However, the added design and development standards, such as restrictions on floor area and required story poles, as well as the additionally-required finding of necessity for a two-story house will also serve to encourage one story houses and additions.

ENVIRONMENTAL REVIEW:

An initial environmental study prepared for the Zoning Code amendments in 2011 determined that there would be less than significant impacts on the environment, and a Negative Declaration was prepared. As part of this Lower Hastings Ranch Zoning Code Amendment, an addendum to the 2011 Negative Declaration has been prepared in compliance with Section 15164 of the California Environmental Quality Act guidelines. The addendum concluded that the proposed Zoning Code revisions will not result in any significant impacts, similar to the results found in the 2011 Initial Study and Negative Declaration.

CONCLUSION:

The Neighborhood Overlay District (ND) was adopted in 1991, last amended in 2011, and specifies unique development standards for single-family houses in Lower Hastings Ranch. In response to ongoing concerns regarding the potential 'mansionization' of Lower Hastings Ranch, the City Council directed staff to develop a strategy to address these concerns. Staff has developed additional standards to augment the existing ND standards, aimed at preserving neighborhood character, requiring new development to be context-sensitive, and maintaining protected views and privacy. The additional standards include new setback requirements, restrictions on materials and design elements, revisions to floor area ratio calculations, and a new 'Neighborhood Development Permit discretionary' process for new houses (whether one or two story), additions to existing second stories, and all additions visible from the public right-of-way.

Therefore, staff recommends that the Planning Commission recommend the following to the City Council:

1. Adopt the Addendum to the previously adopted Negative Declaration;
2. Approve of the Findings for Zoning Code Amendments; and
3. Approve the proposed Zoning Code Amendment to the Neighborhood District Overlay Zone, to include view protection and privacy standards in addition to previously adopted amendments to the Overlay on April 25, 2016.

Respectfully submitted,

DAVID M. REYES
Director of Planning & Community
Development Department

Prepared by:

Reviewed by:

Martin Potter
Associate Planner

Arthi Varma, AICP
Principal Planner

Attachments:

Attachment A – Findings for Zoning Code Amendments
Attachment B – Map of Lower Hastings Ranch
Attachment C – March 23, 2016 Staff Report to Planning Commission
Attachment D -- Initial Study and Negative Declaration (2011)
Attachment E – Addendum to Negative Declaration (2015)
Attachment F – Summary of Proposed Neighborhood Overlay District development standards
Attachment G – Proposed Neighborhood Overlay District development standards
Attachment H – View Protection and Privacy Research in Other Cities