

Agenda Report

October 10, 2016

TO: Honorable Mayor and City Council

FROM: Planning & Community Development Department

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

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt an Addendum to the previously adopted Negative Declaration (Attachment A);
2. Approve the Findings for Zoning Code Amendments (Attachment B);
3. Approve the proposed amendments for the Neighborhood District Overlay Zone (Lower Hastings Ranch); and
4. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code) Section 17.28.090 (ND Neighborhood District Overlay).

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2016, the Planning Commission considered proposed amendments to the ND Neighborhood District Overlay Zone. The Commission voted to recommend the City Council:

- 1) Adopt the Addendum to the previously adopted Negative Declaration;
- 2) Approve the Findings for Zoning Code Amendments; and
- 3) Approve the proposed Zoning Code Amendments to the Neighborhood District Overlay Zone, to include view protection and privacy standards in addition to previously adopted amendments to the Overlay at the City Council hearing of April 25, 2016, per staff recommendation.

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 in Pasadena. 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.

Subsequent to the direction given by the City Council in April, 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 that were developed subsequent to the last City Council hearing, specifically regarding view protection and privacy for the City Council's consideration. The proposed modifications not previously considered by the City Council include a definition of "protected view", an additional development standard related to second story square footage, and additional requirements and findings to be made through the Neighborhood Development Permit process.

BACKGROUND:

The Neighborhood Overlay District (ND) was adopted in 1991 to create special development standards for single-family houses in the Lower Hastings Ranch neighborhood. In March 2011, the City Council amended the ND Overlay, limiting the height of front porches, establishing a maximum allowed roof pitch, and providing additional setback and height requirements for second-story additions. In September 2014, the City Council directed staff to develop a strategy to address the potential for 'mansionization' in the City's single-family neighborhoods. Staff worked with the Planning Commission to develop a three-phase strategy: Phase 1 (Lower Hastings Ranch), Phase 2 (Non-hillside, non-historic single family zones), and Phase 3 (Hillside Overlay zones).

In March 2015, the City Council adopted a moratorium for the Lower Hastings Ranch neighborhood (in effect until March 2017) which prohibits 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.

Community Outreach

Staff employed a series of neighborhood-wide outreach efforts as part of Phase 1, such as surveys and community meetings, as well as targeted focus group meetings with the Lower Hastings Ranch Association:

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.

February 2016

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

March 2016

- Meeting with Lower Hastings Ranch Association Board members for review of draft Code amendments and to obtain feedback.
- Public Hearing - Planning Commission.

April 2016

- Public Hearing – City Council.

June 2016

- Meeting with Lower Hastings Ranch Association Board members to discuss revisions pertaining to view protection and privacy.

July 2016

- Community Meeting at the Church of the Nazarene to present draft recommendations related to view protection and privacy.

Planning Commission Hearing – March 23, 2016

On March 23, 2016, the Planning Commission considered proposed amendments to the Neighborhood District Overlay, and voted to recommend the City Council:

- 1) Adopt the Addendum to the Negative Declaration;
- 2) Prohibit two-story construction in Lower Hastings Ranch and approve a 16-foot height limit for one-story construction;
- 3) Approve architectural standards, per staff recommendation;
- 4) Approve the Findings for Zoning Code Amendments;
- 5) Recommend creation of a single-story overlay zone process, applicable citywide; and
- 6) Approve the corresponding Findings for Zoning Code Amendments for the creation of a single-story overlay zone process.

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 that second story construction in Lower Hastings Ranch be prohibited. Second, the Commission recommended the property owner-initiated prohibition on second stories 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.

The Commission requested that should the City Council decide to not prohibit second stories in Lower Hastings Ranch, the City Council direct staff to return to the Planning Commission to discuss appropriate second story development regulations with an emphasis on view protection and privacy prior to final consideration by the City Council.

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 step-

backs, 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, with staff-recommended thresholds requiring at least 80% of houses in a proposed overlay to be single-story, as well as a minimum of 70% of property owner signatures in support of the proposed overlay, 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.

Additional Community Outreach

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 several 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. While some attendees felt that the proposed regulations were too lenient and others felt that the revisions were too restrictive, most attendees indicated to staff that the proposed regulations did more to address their concerns.

Planning Commission Hearing – July 27, 2016

The Planning Commission considered the proposed Zoning Code amendments, as recommended by staff, as well as previous direction given by the City Council on April 25, 2016 and residents' feedback from the community meeting on July 7, 2016. After considering the proposal, the Planning Commission voted to recommend approval of the proposed Zoning Code Amendments to the City Council as recommended by staff.

Residents' Concerns

Throughout 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 are 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 have proven to be helpful in providing some context and have served 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.

Staff reviewed the view protection requirements of several cities, including Beverly Hills, Malibu, and Rancho Palos Verdes, to better understand how those cities define a protected view as well as how they address issues related to potential view impacts. For example, the city of Malibu defines a "main viewing area" for residences, which is

limited to either the ground floor of a house, or the "primary living area" (not including bedrooms), whichever is determined to possess the superior view. A primary view corridor is then determined from a single fixed location and direction from only one of the selected main viewing areas, at an elevation of five feet above the room floor. The width of the view corridor cannot exceed 180 degrees. In the event that the owner and city cannot agree on the main viewing area, the decision of the city controls. Once the main viewing area(s) and primary view corridor are established for a property, they cannot be changed for any future applications.

In contrast, the city of Beverly Hills does not link a primary view to vantage points from specific rooms within a house. A view is defined as a point six feet above the finished grade of the level pad upon which the main dwelling sits.

The city of Rancho Palos Verdes distinguishes between protected "near views" and "far views", and defines certain features that are considered to be protected. Near views include scenes on the Palos Verdes peninsula (such as valleys, ravines, and equestrian trails). Far views are scenes off of the peninsula, such as views of the Los Angeles city basin or night views of city lights. Protected views do not include open sky, distant mountain areas not normally visible, or developable vacant land. "Viewing areas" are defined as areas of a structure (excluding bathrooms, hallways, garages, and closets) or the area of a lot (excluding setback areas) where the owner and city determine that the best and most important view exists. In the event that the owner and city cannot agree on the viewing area, the decision of the city controls.

The definitions and methods that each city uses to protect certain views will vary depending on the circumstances within individual neighborhoods. Based on staff's research to date, as well as analysis of previous cases where the potential for view impacts were identified, staff has concluded that 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. Staff recommends that any analysis of view protection should be done on a project-by-project basis, recognizing the uniqueness of each neighborhood and property and allowing 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.

PROPOSED AMENDMENTS:

The following is a summary of the development and design standards that were previously considered by the Planning Commission on March 23, 2016 and approved by the City Council on April 25, 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 in Lower Hastings Ranch 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 proposed 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 recommended 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 proposed 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 proposed 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 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 are 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 proposed 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 all revisions to the Neighborhood District Overlay zone can be found as Attachment F to the staff report.

A summary of the revisions specifically related to view protection and privacy that were considered by the Planning Commission on July 27, 2016, but have not previously been considered by the City Council, is provided below.

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
- 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 open sky, 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, staff was directed to include a discussion regarding privacy when returning to the Planning Commission. The proposed development and design standards that were previously considered by both the Planning Commission and approved by the City Council 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 proposed 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.

- *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 proposed 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 proposed to prohibit such windows as another type of incompatible design element.

Subsequent to the April 25, 2016 City Council meeting, residents expressed additional concern regarding large second-floor windows along an interior side yard elevation. Such windows could permit a homeowner to view their neighbors' back and side yards, representing a potential loss of privacy and enjoyment of property. Staff proposes to require that second floor windows that face interior side yards must employ techniques such as window glazing, louvers, or the use of smaller windows such as clerestory windows as methods for reducing potential privacy impacts. The proposed standard is summarized below:

- 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.

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 potential 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 study 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 structures) within 500 feet of the subject property, 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, 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 application 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 a more thorough description of the additional requirements proposed for the Neighborhood Development Permit process.

Neighborhood Development Permit (NDP) 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, 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 does not recommend the use of tarps or coverings as an additional requirement for 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:

- **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:

- **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.

REQUIRED FINDINGS:

In order to amend the Zoning Code, the City Council is required to make certain findings as set forth in Section 17.74.070.B of the PMC. As detailed in Attachment B (Findings

for Zoning Code Amendments), the required findings can be made for the proposed amendment.

COUNCIL POLICY CONSIDERATION:

The proposed amendment to the Specific Plan furthers the goals and policies of the General Plan related to compatible development and appropriate scale and massing, as described in Attachment B (Findings for Zoning Code Amendments).

ENVIRONMENTAL ANALYSIS:

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 (Attachment E). 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 (Attachment A). 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.

FISCAL IMPACT:

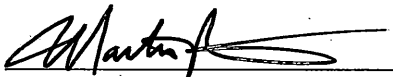
While there is not a direct fiscal impact associated with the adoption of the proposed Zoning Code Amendments, the Neighborhood Development Permit would require a fee study to determine the appropriate application fee. For comparison, the processing of a Neighborhood Development Permit is most comparable to that of a Hillside Development Permit, for which the application fee is \$5,987.00, with a 50 percent waiver for single-family residences.

Respectfully submitted,



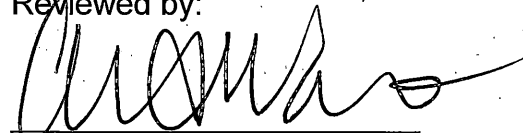
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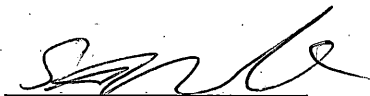
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Principal Planner

Approved by:



STEVE MERMELL
City Manager

Attachments (6):

- Attachment A – Addendum to Negative Declaration (2015)
- Attachment B – Findings for Zoning Code Amendments
- Attachment C – Map of Lower Hastings Ranch
- Attachment D – July 27, 2016 Staff Report to Planning Commission
- Attachment E – Initial Study and Negative Declaration (2011)
- Attachment F – Summary of Proposed Neighborhood District Overlay Zone development standards