

## STAFF REPORT

**DATE:** SEPTEMBER 9, 2020

**TO:** PLANNING COMMISSION

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

**SUBJECT:** ZONING CODE AMENDMENT: SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (RS-1, RS-2, RS-4, RS-6)

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### RECOMMENDATION:

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

- 1) Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) and Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- 2) Approve the Findings for the Zoning Code Amendment (Attachment A); and
- 3) Approve the proposed Zoning Code Amendment to the RS-1, RS-2, RS-4, and RS-6 single-family residential zoning district regulations.

### BACKGROUND:

The purpose of this report is to provide background information on the mansionization effort to date, summarize the discussion and direction given by the Planning Commission since 2018, recap potential solutions that have been evaluated and discussed through the course of this effort and confirm the final direction of the Planning Commission, to be presented to the City Council.

#### Project Initiation – 2014

At the direction of the City Council, and in response to concerns for the potential for “mansionization” in Pasadena, City staff has undertaken an effort to revise the Zoning Code development standards governing single-family residences. This work program involved three phases: Phase 1 (Lower Hastings Ranch), Phase 2 (Citywide), and Phase 3 (Hillside Overlay Districts). The proposed amendments contained in this report are a part of Phase 2; Phase 1 was completed in 2016 and Phase 3 was completed in 2017.

Since 2015, staff has solicited input and feedback from Pasadena residents in order to clearly understand issues that are relevant to single-family residential neighborhoods that are not located within a Landmark District, a Hillside Overlay District, or the Neighborhood District Overlay Zone. While many of the concerns from other neighborhoods and overlay districts are applicable to some degree, properties found outside those overlay districts are typically more varied in terms of architectural style, lot size, and neighborhood character.

#### Mansionization Outreach – 2014-2016

A total of thirteen community meetings were held throughout 2015 and 2016, offering residents multiple opportunities to discuss concerns regarding mansionization and neighborhood compatibility with staff. Eight meetings (held throughout March – June 2015) were specifically related to discussing citywide mansionization concerns with residents. Subsequent meetings were targeted towards Hillside Overlay Districts and additional meetings were held with residents of Lower Hastings Ranch. Comments received from both of those areas often overlapped with concerns noted across the City.

Subsequently, as part of the Phase 2 Citywide effort, staff developed draft Single-Family Residential Design Guidelines for review by the Planning Commission, which would have applied to all new single-family houses, as well as additions and major remodels, through a discretionary review process.

#### Planning Commission Phase 2 Workshop – May 23, 2018

On May 23, 2018, the Planning Commission conducted a workshop to review the draft Single-Family Residential Design Guidelines and proposed review process at a regularly-scheduled Planning Commission meeting. Several members of the public spoke on the matter, expressing general support for the Guidelines, and requested the following for consideration:

- Basements should be limited to the footprint of the above-ground house;
- Consider limitations on location of accessory structures to locate them at the rear of the site only;
- Consider compatibility requirements for houses on large lots when surrounded by smaller lots;
- Review current regulations pertaining to front porch encroachment into required front-yard setbacks;
- Consider including more illustrative diagrams into the Guidelines;
- Consider requiring story poles for two-story projects to demonstrate possible view and privacy impacts

After receiving public comment, the Planning Commission provided staff with the following additional comments:

- Support measuring front yard setback to the face of a front porch, rather than the face of the house;
- Consider neighborhood compatibility requirements for size of houses, similar to current regulations applicable to Hillside Overlay areas;
- Ensure that distinction between new construction and remodeling is clear;
- Focus on massing of new houses and additions, ensure that Guidelines related to massing are appropriate depending on style of house.

### Design Commission Meeting – July 10, 2018

On July 10, 2018, the Design Commission reviewed the proposed Single Family Residential Design Guidelines and review process. Several members of the public spoke, expressing general support for the updated Guidelines and proposed discretionary review, and requested the following for consideration:

- Consider increasing side-yard setbacks to create additional distance between houses;
- Request that story poles be a requirement of the proposed discretionary review process;
- Limit the number and size of accessory structures;
- Consider setback and architectural style requirements for Accessory Dwelling Units;
- Additional illustrative diagrams throughout the Guidelines;
- Consider adding diagrams and discussion related to Victorian and other pre-Arts & Crafts architectural styles;
- Consider more stringent inspection protocols and enforcement for projects.

After receiving public comment, the Design Commission provided staff with the following additional comments:

- Consider outreach methods that will proactively engage the public and inform them of the Guidelines and review process, such as utility bill mailers;
- Consider more illustrative diagrams;
- Guidelines should include Victorian, Farmhouse, and Midcentury Modern architectural examples;
- Guidelines should not discourage flat roofs where appropriate;
- Examples of appropriate materials should be expanded to include pre-cast concrete and manufactured stone;
- Submittal requirements for discretionary review should include elevations that include nearby houses and overall streetscape to provide context;
- Consider a remodel threshold for discretionary review of 50% of facades visible from a public right-of-way, instead of 50% of the entire house;
- Suggest that Single-Family Development Permit appeals be heard by a subset of the Design Commission instead of the Board of Zoning Appeals.

### Planning Commission Meeting – July 25, 2018

On July 25, 2018, the Planning Commission held a publicly noticed hearing to review the revised draft Single-Family Residential Design Guidelines and proposed review process (staff report is Attachment D). At the hearing, the Planning Commission provided the following comments and direction:

- Discretionary review process and associated Single-Family Residential Design Guidelines no longer supported;
- Focus on revised development standards related to scale, bulk, and mass of new houses, with ministerial review;
- Support for limiting height of main houses to 28 feet regardless of lot size, and limiting location of accessory structures.

Subsequent to the direction received on July 25, 2018, staff reevaluated the proposed Design Guidelines in relation to smaller projects, such as additions, and as requested by the Planning Commission, translated elements of the Guidelines into objective development standards, to be applied by staff as part of the ministerial plan check process.

### Planning Commission Meeting – May 22, 2019

On May 22, 2019, the Planning Commission held a publicly noticed hearing to review proposed development standards pertaining to single-family residential projects, including new houses, additions, and accessory structures. The revised development standards were developed based on previous direction given by the Planning Commission on July 25, 2018 and included the following recommendations:

- Architectural compatibility requirements prohibiting the use of unpainted, untextured, and/or tinted concrete as an exterior finish;
- Prohibition of architectural foam trim as an exterior material;
- Limitation of 12 feet for a first-story top plate height;
- New language specifying that second-story additions shall match the plate height of an existing second story;
- Limitations on the placement of second-story windows to prevent overlapping sightlines between neighboring houses for privacy;
- Requirements for exterior finishes and roofing of accessory structures (when visible from the public right of way) to be similar to the primary structure; and
- Requirements that the roof pitch of an accessory structure must be similar to the roof pitch of the primary structure, within a specified range.

Several members of the public spoke, expressing concern that the revised development standards, as proposed above, would not go far enough to limit inappropriate construction and generally stated a preference for a discretionary review process and adoption of design guidelines for new single family residences and additions, as previously considered by the Planning Commission. The Planning Commission considered public testimony as well as staff's recommendation, and while the Commissioners generally did not recommend the discretionary review process option, concerns were raised that the proposed code revisions would not sufficiently address the issue. The Commission debated additional requirements, such as:

- An unspecified overall reduction of existing Floor Area Ratio requirements;
- Lowering the maximum permitted height of residential structures;
- Reviewing the minimum required setbacks;
- Introducing additional block face analysis to further regulate mass and bulk (beyond the existing block face requirements in PMC Section 17.22.050.A); and
- Adopting neighborhood compatibility calculations similar to those found in the City's Hillside Overlay Districts.

After public comment and discussion, the Commission moved to recommend the staff recommendation to the City Council, with the following additional requirement:

- Adopt neighborhood compatibility requirements and calculations, similar to those found in Section 17.29 (Hillside Overlay Districts), but administered through a ministerial plan check process.

### Planning Commission Study Session – August 12, 2020

On August 12, 2020, the Planning Commission held a study session to provide an overview of issues raised by the community and a recap of proposed development standards, as previously recommended by the Planning Commission, in advance of a scheduled hearing with the City

Council. The revised development standards were developed based on previous direction given by the Planning Commission on May 22, 2019.

The Commissioners expressed a desire to review the recommendation previously given to staff and have an additional opportunity to provide supplementary recommendations. Staff's position was that a recommendation had already been provided, however the item could return to the Planning Commission if directed by the City Council. On August 17, 2020, the City Council approved a motion to continue this item to a scheduled City Council hearing on October 19, 2020, in order to give the Planning Commission additional time for review.

## **DISCUSSION:**

Mansionization is often described as a situation where a proposed house, addition, or remodel results in a structure that is out of scale, ill-proportioned, or out of character with its surrounding neighborhood. New houses and additions to older houses sometimes appear larger and stylistically different than houses built in previous decades due to a variety of factors. In many of the Citywide community meetings, these concerns (oversized houses, houses being "too big for the lot" and incompatible architecture) were prevalent. In reviewing community feedback and comments from the Planning Commission and Design Commission, staff identified four primary issues: 1) construction of new houses, 2) architectural compatibility of additions to existing houses, 3) privacy, and 4) accessory structures.

Previously, staff recommended that both new houses and significant additions to existing houses could require additional discretionary review, with design guidelines to assist decision makers. The guidelines would help ensure that such projects successfully blend in with surrounding neighborhoods, without also depriving homeowners and builders of their own architectural taste and innovation.

The subject of design guidelines and discretionary review has, at various times, received both support and opposition from residents and the Commission. The most recent direction from the Planning Commission indicated that discretionary review of single-family residences would be too burdensome on homeowners in terms of cost and processing time, and too limiting in terms of architectural expression. At the July 25, 2018 Planning Commission hearing, the Commission directed staff to focus on modifying development standards to regulate building mass, height, and design in lieu of a discretionary review process and design guidelines.

### Recent Legislation

On October 9, 2019, the State enacted SB 330 (Housing Crisis Act of 2019, D-Skinner) which outlines a variety of measures designed to encourage the production of housing in California and remains in effect until 2025. Two provisions of SB 330 are applicable to the Code amendments currently under discussion. The first is that cities and counties are prohibited from changing the zoning of a parcel to a less intensive use or reducing the intensity of land uses below what was allowed as of January 1, 2018. "Less intensive" includes reductions in height, density, floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, maximum lot coverage limitations, or anything that would lessen the intensity of housing. The second is that cities and counties are prohibited from imposing or enforcing design review standards established after January 1, 2020, if the standards are not objective. Existing subjective design review standards may be enforced, and new design standards may be adopted provided that they are objective.

The following summary describes the primary issues identified and what the Planning Commission previously recommended as the policy changes to address these issues for properties Citywide outside of overlay districts:

**Main House**

Table 1

<b>Category</b>	<b>Existing Requirements</b>	<b>Potential Changes</b>
Neighborhood Consistency	New houses are subject to development standards which regulate floor area, lot coverage, height, and setbacks through a ministerial plan check process. Architectural design is not regulated.	Updated development standards can be applied to new houses and additions of a certain size to address consistency with existing neighborhoods. This would continue to be done through the ministerial plan check process.
Architectural Compatibility	Regulations currently limit the use of metallic finishes through a Minor CUP and the amount of mirror-finish or highly-reflective glass.	Prohibit unpainted, textured, and/or tinted concrete as exterior finish.  Prohibit architectural foam trim as an exterior material.
Height	On lots less than 75 feet wide, max. height to top of roof is 28 feet.  On lots 75 feet wide or greater, max. height to top of roof is 32 feet. Maximum of 23 feet to the top plate for all main houses.	Maximum top plate height of 10 feet for the first story, and 10 feet for second story, for a combined 20 foot top plate height. The maximum overall height would remain unchanged.  Specify that the top plate for second-story additions shall match the plate height of the existing second story.
Privacy	No existing regulations	Limit placement of second-story windows, so that windows may not overlap with or be placed directly across from windows on a neighboring structure, unless required by Building Code.  Exemption for clerestory windows.

**Accessory Structures**

Table 2

<b>Category</b>	<b>Existing Requirements</b>	<b>Potential Changes</b>
Architectural Compatibility	Maximum size of 600 square feet, or six percent of lot, whichever is greater.  Minor Conditional Use Permit to exceed height, if needed to achieve	Require that exterior finishes and roofing materials be similar to the main structure, when the accessory structure is visible from a public right-of-way.

	architectural compatibility with the main structure.	Roof pitch may be similar to the roof pitch of the main house, within a specified range.
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**PROPOSED AMENDMENTS:**

The following is a more in-depth discussion of the development and design standards that were considered and originally recommended to the City Council for approval by the Planning Commission on May 22, 2019, with supplemental recommendations identified by staff:

**1. Architectural Guidelines and Compatibility**

Existing Requirements

There are currently no architectural design or compatibility standards in the Zoning Code for single-family residential projects located outside of a Landmark District, the Neighborhood Overlay District, or Hillside Overlay District. Residential projects in those overlays may be subject to discretionary review, such as a Certificate of Appropriateness, Neighborhood Development Permit or Hillside Development Permit, which regulate architectural design and/or neighborhood compatibility.

Discussion

A number of residents expressed concern about the use of inappropriate and/or incompatible exterior materials in new construction and on remodels of existing houses. Subsequent to Planning Commission direction in July 2018, staff reviewed the previously proposed Design Guidelines and attempted to convert the guidelines into objective development standards.

For reference, guidelines differ from development standards in that guidelines provide recommendations, which are subjective in nature and may be achieved by a variety of means, whereas development standards are quantifiable and unequivocal. An example of a guideline versus a standard is below:

- Example Guideline  
“The second story of a house **should** be set back further than the first story to **encourage** a one-story character along the street.”
- Example Development Standard  
“New second stories **shall** be set back **a minimum of five additional feet** from the front property line.”

Architectural design guidelines are inherently subjective, requiring a discretionary review process to allow for staff to work with applicants to ensure that projects appropriately address design guidelines, given that each project will have its own unique neighborhood context and circumstances, as well as public review and the ability for applicants or residents to appeal a decision. Staff understands that the direction received by the Planning Commission in May 2019 was to avoid such discretionary review for single-family dwellings. Additionally, SB 330 would prohibit the adoption of new design guidelines for residentially zoned properties.

Ministerial (staff level) review of architectural style and elements would require the design guidelines to be converted into clear, objective standards without possibility of appeal. After

reviewing the guidelines previously prepared, staff determined that the majority of the guidelines could not realistically be converted into objective standards. However, some guidelines related to inappropriate materials were developed into standards, as outlined below.

### Proposed Requirements

The proposed design standards would prohibit the use of concrete as an exterior finish on dwellings, specifically unpainted, textured, and/or tinted concrete. Concrete is sometimes used to construct garden walls or as part of a residential foundation, but is not typically used on larger scales as an exterior wall material for single family dwellings in Pasadena. Concrete may be used in the construction or remodel of a primary dwelling as long as the concrete is painted or concealed by other means. Additionally, architectural foam would be prohibited for use as an exterior material. Architectural foam is sometimes used around windows and doorways as trim material, as decorative medallions, or applied to a wall as faux columns or quoins. Architectural foam is commonly used due to its relatively low cost, but is not particularly durable compared to other materials. The Planning Commission discussed the proposed standards at the May 22, 2019 hearing, with some expressing concern that standards related to concrete and foam trim (and the regulation of exterior finishes and trim materials in general) were unnecessary and did not reasonably address mansionization. However, the Commission ultimately moved to recommend the proposed architectural compatibility standards.

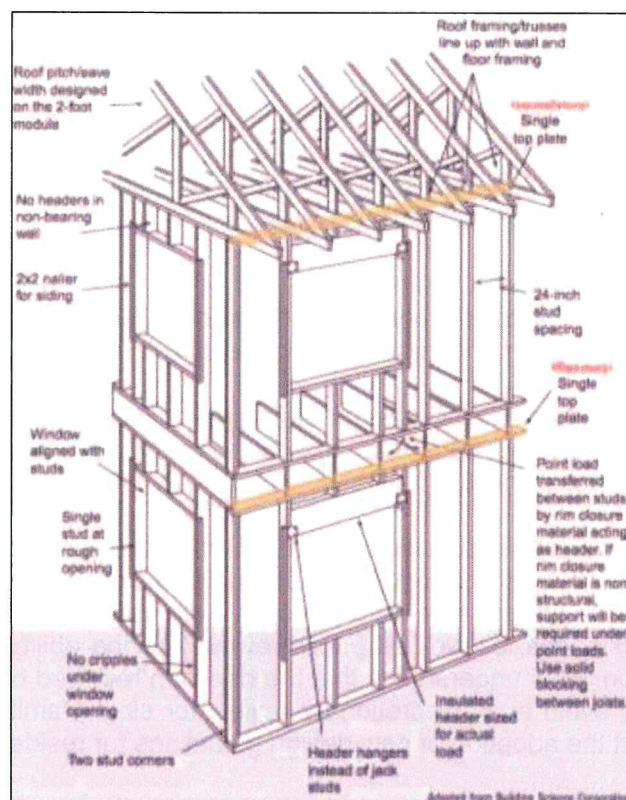
## 2. Height

### Existing Requirements

Currently, the maximum height of a house depends on the width of the underlying lot. For lots less than 75 feet in width, houses are limited to a maximum height of 28 feet. For lots wider than 75 feet, the maximum height is 32 feet. In both cases, the maximum top plate height is 23 feet. For reference, the top plate is a horizontal part of the frame mounted on top of the vertically-oriented wall studs, which supports ceiling joists and/or rafters. There is currently no distinction between first- and second-story top plate heights; the 23-foot height limit allows for two stories.

### Discussion

A number of residents expressed concern that existing requirements related to the height of new single family houses and/or second story additions allow for situations where the new house or addition may visually overwhelm neighboring houses. In previous discussions with the Planning Commission, a





suggestion was made to lower the maximum height of all houses to 28 feet, regardless of lot width. However, upon further study, staff determined that lowering the overall height of houses by only four feet would not necessarily result in greater compatibility between a proposed house and neighboring houses.

However, staff noted that houses built throughout the 20<sup>th</sup> century typically have modest first-story top plate heights, often between nine and ten feet. Many recently-built homes in Pasadena also observe a ten-foot first-story top plate height, but a few may go up to twelve feet. This is likely due to more recent architectural trends that incorporate taller ceiling heights and/or grand entryways. The higher first-story plate heights often result in a more massive appearance when compared to neighboring houses.

### Proposed Requirements

Staff's original recommendation to the Planning Commission suggested limiting the first-story top plate height to no more than twelve feet and retaining the existing 23-foot maximum top plate height. This would allow for a 12-foot first story and 11-foot second story. Upon further review of recent construction and plate heights, staff has refined this recommendation and recommends setting a maximum height limit for the first-story top plate of 10 feet, a second-story plate height of 20 feet, and retain the existing overall height requirements. This height limit acknowledges the historic and current patterns of single-family construction in Pasadena and establishes a first-story top plate height that is generally consistent with established houses, without unduly restricting architectural style. The second-story plate height would be lowered by three feet to prevent second-story massing from visually overwhelming the first story. Additionally, staff recommends including language clarifying that an addition, whether to the first or second-story, must also match the plate height of the existing house, to ensure visual consistency. Lowering the maximum plate height while retaining the existing overall height is also consistent with the requirements in SB 330, which would not permit a reduction in overall height.

## **3. Privacy**

### Existing Requirements

The intent of single-family residential development standards is to ensure an appropriate level of privacy between neighboring properties, such as minimum setback requirements and height limits, while also allowing for reasonable development on private property.

### Discussion

During the outreach process, some residents suggested that new two-story construction and second-story additions had the potential to cause privacy impacts to neighboring properties. Specifically, residents were concerned that the occupants of a two-story house might gain expanded visual access to private areas on neighboring properties, such as back yards or into the windows of adjoining houses.

### Proposed Requirements

To address these concerns, staff recommends incorporating language into the Zoning Code specifying that new second-story windows shall not directly overlap with existing second-story windows on immediately adjacent properties, except for clerestory windows, or in cases where window placement is necessary for safe egress, as determined by the Building Code. Applicants

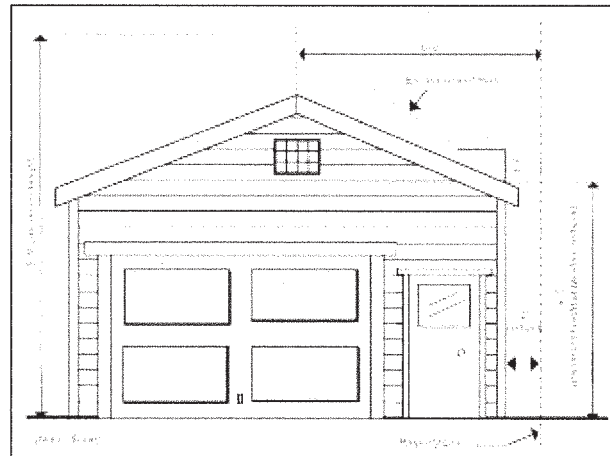
will be required to demonstrate the relationship between proposed second-story windows and windows on adjoining properties as part of the plan check process.

#### 4. Accessory Structures

##### Existing Requirements

Accessory structures are currently regulated in terms of size, height, and setbacks, as well as an encroachment plane to modulate roof pitch, limitations on wall length, and distancing requirements:

- Size – In RS zones, accessory structures are limited (in aggregate) to a maximum of 600 square feet, or six percent of the lot size, whichever is greater.
- Height – an accessory structure shall not exceed a height of nine feet, but only if located two feet from a property line. If located more than two feet from a property line, accessory structures may have a nine-foot high top plate and a 15-foot overall height, provided that the structure complies with the encroachment plane (at right). The maximum height may be modified through the Minor Conditional Use Permit process to achieve a design that is architecturally compatible with the main structure.
- Wall Length – to prevent an excessive amount of structure located along a property line, accessory structures are currently limited to wall lengths of 22 feet, if located less than five feet from a property line.
- Distance – accessory structures (other than pools, hot tubs, and mechanical equipment) must maintain a minimum six-foot separation from any other structure on the site, measured from eave to eave.



##### Discussion

Some residents expressed a desire for stronger compatibility standards related to accessory structures, particularly in regards to height, setbacks, and architectural design, and noted impacts from such structures on neighboring properties. These impacts include a sense of being too close to property lines, inappropriate massing and height, glare from windows and roofs, and inappropriate materials. Accessory structures are not generally the subject of mansionization concerns, which usually center on the primary residence and its relationship to neighboring houses. However, staff recognizes the effect that smaller structures may have on adjacent properties and developed the following additional standards to lessen perceived impacts.

## Proposed Requirements

In addition to the existing requirements, staff recommends incorporating the following compatibility requirements to ensure that accessory structures more appropriately relate to the main dwelling on a property:

- When visible from a public right-of-way, require exterior finishes and roof materials for proposed accessory structures to be similar to those found on the primary structure.
- Additionally, amend PMC Section 17.40.110.B (Reflective Surfaces). This section of the Zoning Code requires approval of a Minor Conditional Use Permit to allow metal roofs on a primary structure. This section would be amended to include accessory structures that require a building permit as well as primary structures.
- Require the roof pitch of an accessory structure to be similar to the roof pitch found on the primary structure, within a specified range. Applicants would be required to demonstrate the roof pitch of the primary structure in comparison with the proposed accessory structure.

## **5. Neighborhood Compatibility**

At the May 22, 2019 Planning Commission meeting, the Commission suggested that neighborhood compatibility requirements and calculations, similar to those found in Section 17.29 (Hillside Overlay Districts) should be considered for use in non-Hillside areas of the City and applied during the plan check process.

### Existing Hillside Ordinance Requirements

The current Hillside Ordinance includes a section related to Neighborhood Compatibility (Section 17.29.060.F), which is intended to ensure that new houses and additions are designed with consideration to the scale of existing houses, within a 500-foot radius of the proposed project. This section applies to projects that require a Hillside Development Permit (HDP), which is a discretionary review process. The 500-foot radius may be modified by the review authority in cases where:

- Properties within 500 feet are not within the City of Pasadena;
- Properties within 500 feet are not in a Hillside Overlay District;
- Properties within 500 feet are not in an RS district, or in a different RS district; and
- Properties within 500 feet are separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon, ridge, etc.) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

Compatibility with surrounding properties is determined following a review of site conditions, visibility of the site, and the size, scale, and character of existing properties within the 500-foot radius. Proposed houses may not exceed 35 percent above the median floor area of houses within 500 feet, or the maximum permitted FAR for that zone (whichever is less). However, for properties larger than 20,000 square feet, the review authority may approve additional floor area, not to exceed the average floor area ratio of houses within the 500-foot radius. HDPs are approved, conditionally approved, or disapproved by the Hearing Officer during a public hearing, by making the findings for Conditional Use Permits in addition to the following findings:

- The design, location, and size of proposed structures and/or additions or alterations to existing structures will be compatible with existing and anticipated future development on adjacent lots, as described in Section 17.29.060.D, and in terms of aesthetics, character, scale, and view protection.
- The placement of proposed structures avoids the most steeply sloping portions of the site to the maximum extent feasible, and minimizes alteration of hillside topography, drainage patterns, and vegetation.

Discussion

In May 2019, the Planning Commission suggested that discretionary review for non-Hillside Single Family residences would be burdensome on residents and applicants, and recommended that neighborhood compatibility standards be incorporated into the Zoning Code, to be administered through the plan check process.

In addition to the discussion of architectural standards, height, and privacy, a number of possible compatibility standards were suggested, including block face analysis for front yard setbacks, a general reduction of maximum Floor Area for all RS zones, and incorporation of Neighborhood Compatibility calculations, similar to Hillside Overlay Zones. A summary of these is below.

- Block Face Analysis – The Zoning Code requires a block face analysis to establish front-yard setbacks for RS zones. Where 40 percent or more of the lots on a block face in the same zoning district are developed with primary structures, the minimum front setback is the average of the front setbacks along the block face, but not less than 25 feet.

As part of developing recommended standards, staff considered establishing a second-story step-back from the ground floor, in addition to the required block face setback analysis, potentially requiring either (or both) the front façade and sides of houses to be modulated and break up two-story walls. However, staff determined that such a requirement could lead to a cookie-cutter style of housing and may limit – or even prohibit – certain architectural styles where a flat front or side façade may be contextually appropriate, such as Colonial Revival or Contemporary. Therefore, staff does not recommend additional block face analysis requirements beyond the current regulations.

- Reduction of Floor Area – In the RS-1, RS-2, RS-4, and RS-6 zones, the Zoning Code limits the size of all enclosed structures on a property by applying a ratio of floor area to lot size (Floor Area Ratio) as well as a ratio of roofed structures, which may or may not be enclosed, to lot size (Lot Coverage). The existing requirements are outlined below:

*Maximum Floor Area – applicable to all enclosed structures*

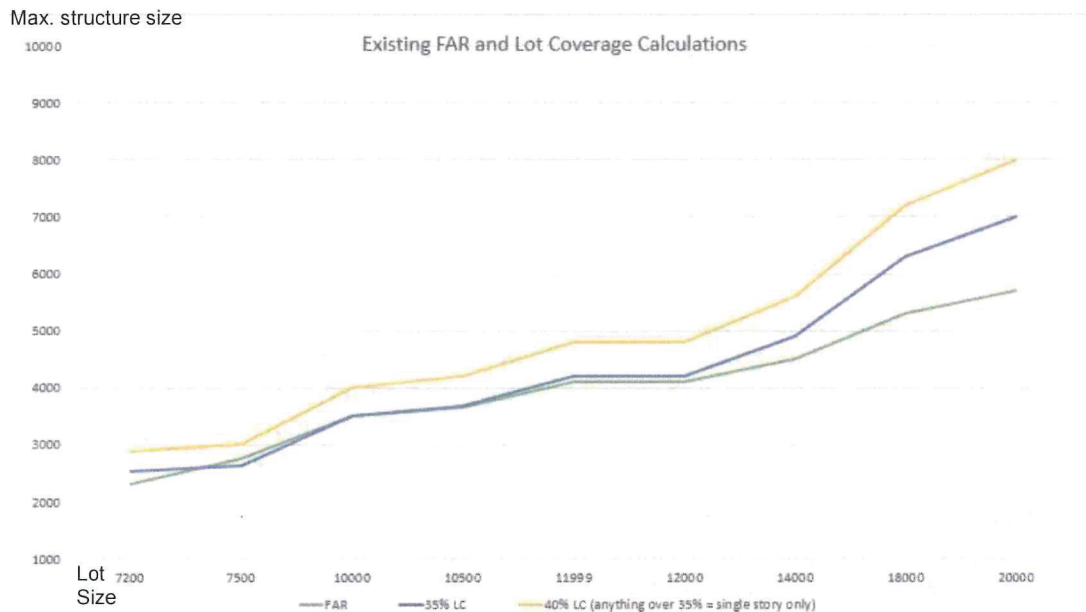
<b>Lot Size</b>	<b>Maximum Floor Area Permitted</b>
Site less than 12,000 square feet	30% of lot size plus 500 square feet
Site of 12,000 square feet to 24,000 square feet	20% of lot size plus 1,700 square feet
Site of 24,000 square feet or more	25% of lot size plus 1,000 square feet

*Maximum Lot Coverage – applicable to all roofed structures*

<b>Lot Size</b>	<b>Maximum Floor Area Permitted</b>
Site 7,200 square feet or less	no maximum

Site greater than 7,200 square feet to 11,999 square feet	35%; up to 40% provided that coverage over 35% shall be single-story only
Site of 12,000 square feet or more	35% or 4,800 square feet, whichever is greater, provided that any coverage over 35% shall be single-story only.

The existing Floor Area Ratio and Lot Coverage requirements are designed to gradually allow proportionally larger houses on larger lots, as depicted in the following graphic:



Staff considered reducing the maximum permitted floor area in each of the RS zones as a way to limit mansionization. After an initial comparison between Pasadena's requirements and those of neighboring cities, as well as internally modeling different floor area ratio scenarios, it was determined that the current requirements, combined with other development standards such as height and setback limits, allow a reasonable scale of development that corresponds to the City's varying lot sizes. While further limiting residential square footage would result in smaller houses and render many existing homes non-conforming, it is unlikely to solve many of the concerns raised by Pasadena residents, such as architectural style. A small house may be as incompatible with its neighbors as a large house, due to architectural style, materials, roof forms, and overall massing. Conversely, a larger house may be compatible with smaller houses if designed appropriately. Additionally, pursuant to SB 330, a general reduction in permissible floor area or lot coverage would no longer be allowed under State law. Therefore, staff does not recommend further limiting floor area and lot coverage requirements.

- Hillside Neighborhood Compatibility – The compatibility requirements for Hillside Overlay Districts are designed to ensure that new projects are consistent with surrounding houses and the natural character of hillside areas in terms of character, scale, mass, view preservation and privacy. Staff analyzes proposed projects for compliance with compatibility requirements and development standards, recommends conditions of approval when appropriate, and presents this analysis along with a recommendation at a publicly noticed hearing for decision by the Hearing Officer.

## Proposed Non-Hillside Compatibility Requirements

At the May 22, 2019 meeting, the Planning Commission recommended incorporating a by-right Neighborhood Compatibility program in addition to the Staff Recommendation, Staff has prepared the following for consideration:

### a) 500-Foot Neighborhood Compatibility Radius

Applicants would be required to provide a square-footage analysis of all single-family houses (not including garages or accessory structures) within a 500-foot radius of the proposed project, which will serve as the project's immediate "neighborhood". The required analysis will include the individual floor areas of all houses within the neighborhood and a calculation of the median floor area. The proposed project would not be permitted to exceed 35% above the median, or the maximum Floor Area permitted by the zone, whichever is lower.

Similar to the Hillside Neighborhood Compatibility requirements, the 500-foot "neighborhood" would not be required to include:

- Properties located outside of the City of Pasadena;
- Properties not located in an RS district, or in a different RS district; and
- Properties separated by a significant manmade structure (e.g. freeway) or a significant natural feature (e.g. canyon) that, to the extent determinable by staff, is not the result of grading or other man-made alteration of the natural terrain.

Staff conducted an analysis of 8 properties throughout the City and tested how they would be affected by this Neighborhood Compatibility program. Reductions in buildable house size (assuming a 400 s/f garage) were between 6% and 54%. In two cases, it resulted in maximum house sizes of 1,832 s/f (on an 8,735 s/f lot) and 1,650 s/f (on a 10,327 s/f lot). Staff recommends providing some relief from this approach in order to allow for flexibility in application and to be consistent with SB 330. In order to allow applicants to exceed Neighborhood Compatibility up to the maximum floor area currently allowed in the zoning code, a discretionary review process could be implemented. Such a process would be consistent with SB 330, as it provides a path for applicants to reach the current maximum floor area allowed today.

### b) Potential Discretionary Process to Exceed Neighborhood Compatibility

If the Planning Commission wishes to recommend a process allowing applicants to exceed the calculated Neighborhood Compatibility floor area, up to the current Floor Area Ratio maximum for each RS zone, a discretionary review process could be created. Such a process would allow for further analysis by staff, opportunities for public review and comment, and would be subject to specific findings of approval.

Staff anticipates that a discretionary review process for non-hillside, non-historic single-family residential projects would be conducted in a fashion similar to the Neighborhood Development Permit process developed for Lower Hastings Ranch. A similar type of permit would be reviewed by staff and decided upon by the Hearing Officer. The findings for such a permit would include those for a Conditional Use Permit, and may include the following:

- The proposed project is designed such that the majority of square footage beyond neighborhood compatibility (more than 50%) is one-story.

## 6. Notification

Staff understands that there is a desire from the public and the Planning Commission for clearer description of projects. PMC Section 14.04.022 (Building Code) requires notification board signs to be posted on the property, as specified below:

*“Except for single-family construction involving only minor interior remodel, minor building permits, window change outs, re-roofs or other minor building permits, **one sign, visible from the street, must be posted listing project address, permit number, work description, name of construction company, contact name of construction company and phone number and/or if owner-builder contact name and phone number of owner.** A sign may also be required when determined by the Building Official. The sign shall also list the City's allowable construction hours and days pursuant to Pasadena Municipal Code [Section 9.36.070](#), and clearly identify the permit expiration date. Said sign shall be white in color as background and a minimum size of 24" in height by 36" in width with 1" high legible black lettering. Posting of the required sign is the responsibility of the permittee, and such sign shall be posted and maintained at the construction site where it can be read by the public. This notice must be posted prior to the start of construction and displaced continuously until all permitted work is inspected and approved by City of Pasadena Building and Safety Division. Sign to be verified by the city upon the first inspection. Signs shall be replaced if damaged, torn, faded, or if the required information is illegible, as determined by the Building Official.”*

Staff is aware that concerns exist regarding the “work description” component of the required notification board, and will work with the Building Department to ensure that project descriptions more clearly and accurately describe the work being performed. The above required notification is posted after a project has already completed the plan check process. If a discretionary review process is implemented (for projects seeking to exceed Neighborhood Compatibility floor area requirements), an additional “Notice of Application” could be required, similar to the process for the Neighborhood Development Permit in Lower Hastings Ranch, mailed to all properties within 500 feet of the proposed project, prior to approval of any permit.

### CONCLUSION:

Throughout this effort, the community has identified a number of concerns related to compatible development in the City's established neighborhoods. Staff has completed two phases of this program to address the Hillside Overlay District and the Lower Hastings Overlay District. For this final phase, staff has conducted a series of workshops and presented ideas and possible solutions to the Planning Commission at multiple previous hearings. Staff is now asking the Planning Commission to confirm that staff has properly identified the potential changes and process that will be the Planning Commission's recommendation to City Council. In summary this would be:

1. Create new (or updated where applicable) development standards that will be made part of the Zoning Code to address compatibility issues. These would include neighborhood consistency, architectural compatibility, height, and privacy as outlined in Tables 1 and 2 and the expanded discussion above.

2. Apply the proposed amendments to all single-family residential properties, except those located in the HD, HD-1, HD-SR, ND, or LD overlay zones where a new home is proposed or a new addition that is visible from the street.
3. At the Planning Commission's recommendation, develop a new discretionary review process and associated findings for single-family residential projects that seek to exceed Neighborhood Compatibility floor area requirements, up to the current floor area ratios established for each RS zone.
4. Update existing notification requirements and develop a new Notice of Application for projects seeking to exceed Neighborhood Compatibility floor area requirements.

Respectfully submitted,

  
\_\_\_\_\_  
DAVID M. REYES  
Director of Planning & Community  
Development Department

Prepared by:

Reviewed by:

\_\_\_\_\_  
Martin Potter  
Planner

\_\_\_\_\_  
David Sanchez  
Principal Planner

Attachments:

- Attachment A – Findings for Zoning Code Amendments
- Attachment B – PowerPoint presentation (August 12, 2020 Planning Commission Study Session)
- Attachment C – Staff Report and Attachments (May 22, 2019 Planning Commission hearing)
- Attachment D – Staff Report and Attachments (July 25, 2018 Planning Commission hearing)
- Attachment E – PowerPoint presentation (July 10, 2018 Design Commission workshop)
- Attachment F – PowerPoint presentation (May 23, 2018 Planning Commission workshop)



**ATTACHMENT A**  
**FINDINGS FOR ZONING CODE AMENDMENTS**

**ATTACHMENT A  
FINDINGS FOR ZONING CODE AMENDMENTS**

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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 existing Zoning Code complies with this policy by requiring development to demonstrate a contextual relationship with neighboring structures and sites through compliance with revised development standards related to height, materials, and window placement and, for new construction.

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.”

By modifying the existing development standards, the proposed Zoning Code amendment would follow this policy by requiring new development to demonstrate greater consistency between a proposed project and neighboring properties including compatible building scale, massing, 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 single-family residential zones, and are designed to ensure greater neighborhood compatibility between proposed projects and existing housing 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 B**

**POWERPOINT PRESENTATION (AUGUST 12, 2020 PLANNING COMMISSION HEARING)**



PASADENA

Planning & Community Development

# Mansionization Single-Family Residential

Planning Commission

August 12, 2020





# Purpose of Tonight's Meeting

Planning & Community Development

- Provide Background and Key Issues
- Recap Proposed Solutions
- Next Steps

PASADENA



# Background

Planning & Community Development

- City Council directed staff to develop strategy to address mansionization.
- Staff worked with the Planning Commission to develop a three-phase strategy.
  - > Phase 1 – Lower Hastings Ranch
  - > Phase 2 – Citywide Single-Family Residential
  - > Phase 3 – Hillside Overlay





# Previous Phases Completed

## Planning & Community Development

- **Lower Hastings Ranch**
  - > **December 2014 – September 2015**
    - Meetings with Lower Hastings Ranch Association Board and residents of Lower Hastings Ranch
  - > **March – September 2016**
    - Planning Commission and City Council Public Hearings
- **Hillside Overlay**
  - > **March – October 2016**
    - Five Hillside Community Meetings
    - Meetings with Neighborhood Association representatives
  - > **November 2016 – February 2017**
    - Planning Commission Study Sessions and Workshops
  - > **April – June 2017**
    - Planning Commission and City Council Public Hearings

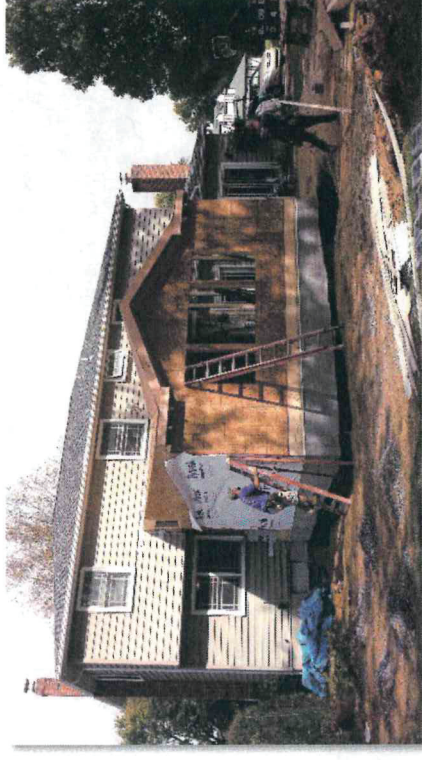




# Issues – Size/Massing of Houses

Planning & Community Development

- Concern that current regulations allow new houses that are out of scale with existing houses.
- Concern that future regulations not be overly burdensome.



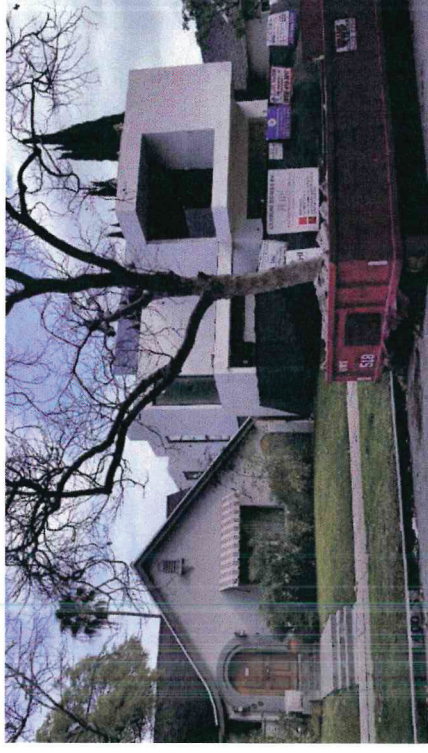
PASADENA



# Issues – Privacy/Architectural Style

Planning & Community Development

- Concern that oversized houses may cause privacy/view issues.
- Desire for new construction to complement existing neighborhood styles.



PASADENA



# Issues – Process and Notification

Planning & Community Development

- **Expanded neighborhood notification of projects**
  - > Ministerial projects, such as plan checks, do not require neighborhood notification.
    - Plan check projects include additions to single-family houses and new construction, if not in Hillside Overlay or Lower Hastings Ranch.
    - No public hearing required for ministerial projects.
  - > Discretionary projects, such as a Hillside Development Permit or Neighborhood Development Permit, do require neighborhood notification.
    - These projects require notification because they are subject to a public hearing.

PASADENA



# Prior Commission Recommendation

## Planning & Community Development

- Architectural compatibility requirements
- Limit of 12 feet for first-story top plate height
- Require second-story additions to match existing plate height
- Limit placement of second-story windows
- Require compatibility for accessory structures
- Adopt neighborhood compatibility requirements and calculations similar to HD overlay, but applied ministerially



# Potential Neighborhood Compatibility Solutions

## Planning & Community Development

- Neighborhood notification of certain residential projects
- Implement changes to development standards
  - > e.g. height, setbacks, floor area
  - > “Neighborhood average” floor area calculation for ministerial review
- Potential discretionary review process for Single-Family Residences
  - > Only required in order to exceed neighborhood average floor area, up to currently allowed maximum



# Next Steps

Planning & Community Development

- Present recommendation to City Council

PASADENA



PASADENA

Planning & Community Development

# Mansionization Single-Family Residential

Planning Commission

August 12, 2020



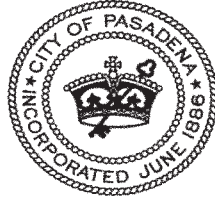
**ATTACHMENT C**

**STAFF REPORT AND ATTACHMENTS (MAY 29, 2019 PLANNING COMMISSION HEARING)**

**SAME AS ATTACHMENT D THIS REPORT**

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## STAFF REPORT

**DATE:** MAY 22, 2019

**TO:** PLANNING COMMISSION

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

**SUBJECT:** ZONING CODE AMENDMENT: SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (RS-1, RS-2, RS-4, RS-6)

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### RECOMMENDATION:

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

- 1) Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Class 5, Minor Alterations in Land Use Limitations) and Section 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- 2) Approve the Findings for the Zoning Code Amendment (Attachment A); and
- 3) Approve the proposed Zoning Code Amendment to the RS-1, RS-2, RS-4, and RS-6 single-family residential zones (Attachment B).

### BACKGROUND:

The purpose of this report is to provide background information on the mansionization effort to date, summarize the direction given by the Planning Commission on July 25, 2018, recap potential solutions that have been evaluated and discussed through the course of this effort and confirm the final direction of the Planning Commission that will be presented to the City Council.

#### Project Initiation – 2014

At the direction of the City Council, and in response to concerns for the potential for “mansionization” in Pasadena, City staff has undertaken an effort to revise the Zoning Code development standards governing single-family residences. This work program involved three phases: Phase 1 (Lower Hastings Ranch), Phase 2 (Citywide), and Phase 3 (Hillside Overlay Districts). The proposed amendments contained in this report are a part of Phase 2; Phase 1 was completed in 2016 and Phase 3 was completed in 2017.

Since 2015, staff has solicited input and feedback from Pasadena residents in order to clearly understand issues that are relevant to single-family residential neighborhoods that are not located within a Landmark District, a Hillside Overlay District, or the Neighborhood District Overlay Zone. While many of the concerns from other neighborhoods and overlay districts are applicable to some degree, properties found outside those overlay districts are typically more varied in terms of architectural style, lot size, and neighborhood character.

#### Mansionization Outreach – 2014-2016

A total of thirteen community meetings were held throughout 2015 and 2016, offering residents multiple opportunities to discuss concerns regarding mansionization and neighborhood compatibility with staff. Eight meetings (held throughout March – June 2015) were specifically related to discussing citywide mansionization concerns with residents. Subsequent meetings were targeted towards Hillside Overlay Districts and additional meetings were held with residents of Lower Hastings Ranch. Comments received from both of those areas often overlapped with concerns noted across the City.

Subsequently, as part of the Phase 2 Citywide effort, staff developed draft Single-Family Residential Design Guidelines for review by the Planning Commission, which would have applied to all new single-family houses, as well as additions and major remodels, through a discretionary review process.

#### Planning Commission Phase 2 Workshop – May 23, 2018

On May 23, 2018, the Planning Commission conducted a workshop to review the draft Single-Family Residential Design Guidelines and proposed review process at a regularly-scheduled Planning Commission meeting. Several members of the public spoke on the matter, expressing general support for the Guidelines, and requested the following for consideration:

- Basements should be limited to the footprint of the above-ground house;
- Consider limitations on location of accessory structures to locate them at the rear of the site only;
- Consider compatibility requirements for houses on large lots when surrounded by smaller lots;
- Review current regulations pertaining to front porch encroachment into required front-yard setbacks;
- Consider including more illustrative diagrams into the Guidelines;
- Consider requiring story poles for two-story projects to demonstrate possible view and privacy impacts

After receiving public comment, the Planning Commission provided staff with the following additional comments:

- Support measuring front yard setback to the face of a front porch, rather than the face of the house
- Consider neighborhood compatibility requirements for size of houses, similar to current regulations applicable to Hillside Overlay areas;
- Ensure that distinction between new construction and remodeling is clear;
- Focus on massing of new houses and additions, ensure that Guidelines related to massing are appropriate depending on style of house

### Design Commission Meeting – July 10, 2018

On July 10, 2018, the Design Commission reviewed the proposed Single Family Residential Design Guidelines and review process. Several members of the public spoke, expressing general support for the updated Guidelines and proposed discretionary review, and requested the following for consideration:

- Consider increasing side-yard setbacks to create additional distance between houses;
- Request that story poles be a requirement of the proposed discretionary review process;
- Limit the number and size of accessory structures;
- Consider setback and architectural style requirements for Accessory Dwelling Units;
- Additional illustrative diagrams throughout the Guidelines
- Consider adding diagrams and discussion related to Victorian and other pre-Arts & Crafts architectural styles;
- Consider more stringent inspection protocols and enforcement for projects

After receiving public comment, the Design Commission provided staff with the following additional comments:

- Consider outreach methods that will proactively engage the public and inform them of the Guidelines and review process, such as utility bill mailers;
- Consider more illustrative diagrams;
- Guidelines should include Victorian, Farmhouse, and Midcentury Modern architectural examples;
- Guidelines should not discourage flat roofs where appropriate
- Examples of appropriate materials should be expanded to include pre-cast concrete and manufactured stone
- Submittal requirements for discretionary review should include elevations that include nearby houses and overall streetscape to provide context;
- Consider a remodel threshold for discretionary review of 50% of facades visible from a public right-of-way, instead of 50% of the entire house
- Suggest that Single-Family Development Permit appeals be heard by a subset of the Design Commission instead of the Board of Zoning Appeals.

### Planning Commission Meeting – July 25, 2018

On July 25, 2018, the Planning Commission held a publicly noticed hearing to review the revised draft Single-Family Residential Design Guidelines and proposed review process (staff report is Attachment C). At the hearing, the Planning Commission provided the following comments and direction:

- General direction to move away from a discretionary review process and the associated Single-Family Residential Design Guidelines;
- Focus on revised development standards related to scale, bulk, and mass of new houses, with ministerial review;
- Support for limiting height of main houses to 28 feet regardless of lot size, and limiting location of accessory structures

Subsequent to the direction received on July 25, staff reevaluated the proposed Design Guidelines in relation to smaller projects, such as additions, and as requested by the Planning Commission, translated elements of the Guidelines into objective development standards, to be

applied by staff as part of the ministerial plan check process. These development standards are provided as Attachment B to this report and summarized in the following section of this report.

**DISCUSSION:**

Mansionization is often described as a situation where a proposed house, addition, or remodel results in a structure that is out of scale, ill-proportioned, or out of character with its surrounding neighborhood. New houses and additions to older houses sometimes appear larger and stylistically different than houses built in previous decades due to a variety of factors. In many of the citywide community meetings, these concerns (oversized houses, houses being “too big for the lot” and incompatible architecture) were prevalent. In reviewing community feedback and comments from the Planning Commission and Design Commission, staff identified four primary issues: 1) construction of new houses, 2) architectural compatibility of additions to existing houses, 3) privacy, and 4) accessory structures.

Previously, staff recommended that both new houses and significant additions to existing houses could require additional discretionary review, with design guidelines to assist decision makers. The guidelines would help ensure that such projects successfully blend in with surrounding neighborhoods, without also depriving homeowners and builders of their own architectural taste and innovation. At the July 25, 2018 Planning Commission hearing, the Commission directed staff to avoid discretionary review and design guidelines, and to focus on modifying development standards to regulate building mass, height, and design.

The subject of design guidelines and discretionary review has, at various times, received both support and opposition from some residents and commissions. The most recent direction from the Planning Commission indicated that discretionary review of single-family residences would be too burdensome on homeowners in terms of cost and processing time, and too limiting in terms of architectural expression.

The following describes the primary issues identified and what staff believes the Planning Commission recommends as the policy changes to address these issues for properties Citywide outside of overlay districts:

**Main House**

Table 1

<b>Category</b>	<b>Existing Requirements</b>	<b>Potential Changes</b>
Neighborhood Consistency	New houses are subject to development standards which regulate floor area, lot coverage, height, and setbacks through a ministerial plan check process. Architectural design is not regulated.	Updated development standards can be applied to new houses and additions of a certain size to address consistency with existing neighborhoods. This would continue to be done through the ministerial plan check process.
Architectural Compatibility	Regulations currently limit the use of metallic finishes through a Minor CUP and the amount of mirror-finish or highly-reflective glass.	Prohibit unpainted, textured, and/or tinted concrete as exterior finish.  Prohibit architectural foam trim as an exterior material.

Height	<p>On lots less than 75 feet wide, max. height to top of roof is 28 feet.</p> <p>On lots 75 feet wide or greater, max. height to top of roof is 32 feet. Maximum of 23 feet to the top plate for all main houses.</p>	<p>Maximum top plate height of 12 feet for the first story, and 11 feet for second story, for a combined 23 foot top plate height.</p> <p>Specify that second-story additions shall match the plate height of the existing second story.</p>
Privacy	No existing regulations	<p>Limit placement of second-story windows, so that windows may not overlap with or be placed directly across from windows on a neighboring structure, unless required by Building code.</p> <p>Exemption for clerestory windows.</p>

**Accessory Structures**

Table 2

Category	Existing Requirements	Potential Changes
Architectural Compatibility	<p>Maximum size of 600 square feet, or six percent of lot, whichever is greater.</p> <p>Minor Conditional Use Permit to exceed height, if needed to achieve architectural compatibility with the main structure.</p>	<p>Require that exterior finishes and roofing materials be similar to the main structure, when the accessory structure is visible from a public right-of-way.</p> <p>Roof pitch may be similar to the roof pitch of the main house, within a specified range.</p>

**CONCLUSION:**

Throughout the mansionization work effort, the community has identified a number of concerns related to compatible development in the City's established neighborhoods. Staff has completed two phases of the mansionization program to address the Hillside Overlay District and the Lower Hastings Overlay District. For this final phase, citywide, non-overlay districts staff has conducted a series of workshops and presented ideas and possible solutions to the Planning Commission at two previous meetings. Staff is now asking the Planning Commission to confirm that staff has properly identified the potential changes and the process that will be the Planning Commission recommendation to City Council. In summary this would be:

1. Create new (or updated where applicable) development standards that will be made part of the Zoning Code to address compatibility issues. These would include neighborhood consistency, architectural compatibility, height, and privacy as outlined in Table 1 and Table 2 above.

2. Apply the proposed amendments to all single-family residential properties, except those located in the HD, HD-1, HD-SR, ND, or LD overlay zones where a new home is proposed or a new addition that is visible from the street.

Respectfully submitted,

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DAVID M. REYES  
Director of Planning & Community  
Development Department

Prepared by:

Reviewed by:

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Martin Potter  
Planner

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David Sanchez  
Principal Planner

Attachments:

- Attachment A – Findings for Zoning Code Amendments
- Attachment B – Proposed Zoning Code Amendment for RS zones
- Attachment C – Staff Report and Attachments (July 25, 2018 Planning Commission hearing)

**ATTACHMENT A**  
**FINDINGS FOR ZONING CODE AMENDMENTS**

**ATTACHMENT A  
FINDINGS FOR ZONING CODE AMENDMENTS**

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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 existing Zoning Code complies with this policy by requiring development to demonstrate a contextual relationship with neighboring structures and sites through compliance with revised development standards related to height, materials, and window placement and, for new construction.

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.”

By modifying the existing development standards, the proposed Zoning Code amendment would follow this policy by requiring new development to demonstrate greater consistency between a proposed project and neighboring properties including compatible building scale, massing, 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 single-family residential zones, and are designed to ensure greater neighborhood compatibility between proposed projects and existing housing 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 B**  
**PROPOSED ZONING CODE AMENDMENTS FOR RS ZONES**

**Table 2-3 – RS and RM-12 Residential District Development Standards**

Development Feature	Requirement by Zoning District				
	RS-1	RS-2	RS-4	RS-6	RM-12
<b>Minimum lot size</b>	<i>Minimum area and width for new parcels.</i>				
Minimum area (1)	40,000 sf	20,000 sf	12,000 sf	7,200 sf	
Width (2)	100 ft	100 ft	75 ft	55 ft	
<b>Maximum Density</b>	1 dwelling unit per lot				2 units per lot
<b>Setbacks</b>	<i>Minimum setbacks required. See Section 17.40.160 for setback measurement, allowed projections and encroachments into setbacks, and exceptions to setbacks.</i>				
Front – Main Facade	See Section 17.22.050				
Front - Garage	See Section 17.22.050				
Sides	10% of lot width, with a minimum of 5 ft, and a maximum requirement of 10 ft, and consistent with Section 17.40.160 (Encroachment Plane)				
Corner side	10% of lot width, with a minimum of 10 ft, and a maximum requirement of 25 ft				
Rear	25 ft				10 ft
<b>Building separation (3)</b>	N.A.				
<b>Maximum site coverage</b>	<i>Maximum allowed lot coverage of all roofed areas on the site.</i>				
Site 7,200 sf or less	No maximum				
Site greater than 7,200 sf to 11,999 sf	35%; up to 40% provided any additional coverage over 35% shall be single-story only				
Site 12,000 sf or more	35% or 4,800 sf, whichever is greater; any additional coverage over 35% shall be single-story only				
<b>Maximum floor area</b>	<i>Maximum allowed gross floor area of all structures on the site.</i>				
Site less than 12,000 sf	30% of lot size plus 500 sf				
Site of 12,000 sf to 24,000 sf	20% of lot size plus 1,700 sf				
Site 24,000 sf or more	25% of lot size plus 1,000 sf				
<b>Exceptions to floor area</b>	1) Habitable attic space that does not exceed 60% of the surface of the building footprint (including attached garages and porches), is not adjacent to a rooftop deck, patio attachment and/or exterior staircase				

	<p>and the combined width of all dormers along a roofline do not exceed 40% of the roofline.</p> <p>2) An unenclosed area where only one side does not abut enclosed space (floor area), and that side is a minimum 80% open.</p> <p>3) An unenclosed area where more than one side does not abut enclosed space (floor area) and each side is a minimum 60% open.</p> <p>4) Basements and uncovered patios, decks, balconies and porches.</p>
<b>Height limit (4)</b>	<i>Maximum height of main structures at points noted. See 17.40.160 for height measurement, and exceptions to height limits. All structures shall also comply with the encroachment plane requirements of 17.40.160.</i>
Site less than 75 ft wide	28 ft, and within the encroachment plane (Section 17.40.160)
Site of 75 ft wide or more	32 ft, and within the encroachment plane (Section 17.40.160)
Maximum top plate height (5)	<p>12 ft for the first story, 23 ft, overall, and within the encroachment plane (Section 17.40.160)</p> <p>Second story additions shall match the plate height of the existing second story.</p>
<b>Accessory Structures</b>	See Section 17.50.250 (Residential Accessory Uses and Structures)
<b>Landscaping</b>	Chapter 17.44 (Landscaping)
<b>Parking</b>	Chapter 17.46 (Parking)
<b>Signs</b>	Chapter 17.48 (Signs)
<b>Other applicable standards</b>	<p>Section 17.22.050 (RS and RM-12 District Additional Development Standards)</p> <p>Chapter 17.40 (General Property Development and Use Standards)</p>
<p><b>Notes:</b></p> <p>(1) See Chapter 17.43 regarding density bonus provisions</p> <p>(2) See Section 17.40.030 regarding development on an undeveloped lot and Section 17.40.040 regarding development on a substandard lot.</p> <p>(3) A minimum separation of 10 feet (measured from wall to wall) shall be required between dwelling units located on the same site. Eaves may encroach into this building separation.</p> <p>(4) If the existing structure was constructed before November 5, 2009, a Minor Conditional Use Permit shall be required for projects that propose to match an existing structure height that exceeds the height limit.</p> <p>(5) Not applicable to properties in HD, HD-1, HD-SR, ND, and LD Overlay Districts</p>	

## 17.22.050 - RS and RM-12 District Additional Development Standards

A. **Front-yard setback measurement.** The minimum front yard setback in the RS and RM-12 zoning districts shall be as follows. See also [17.40.160](#) (Setback and Encroachment Plane Requirements and Exceptions).

1. Where 40 percent or more of the lots on a blockface in the same zoning district (excluding corner yards of reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be the average of the front setbacks of the developed lots, but not less than 25 feet. In calculating the blockface average, measurement shall be from the front property line to the primary structure. Building projections and unenclosed porches shall not be used as the reference point for this measurement.

2. Where less than 40 percent of the lots on a blockface within the same zoning district (excluding corner yards or reversed corner lots) are developed with primary structures (including the existing setback of the proposed development site), the minimum front setback shall be 25 feet.

~~3. For blockfaces with two or fewer lots between two reversed corner lots, the minimum front setback shall be the larger required corner yard of the reversed corner lots.~~

See [Section 17.40.160](#) for allowed projections into front-yard setbacks.

B. **Garage and carport requirements for all districts.**

1. **Garages.** A garage proposed on a blockface, including reverse corner lots, where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street and the garage shall be the closest portion of the structure to the rear property line. This requirement shall not apply within the HD (Hillside Development) overlay zone. See 17.50.250.H for additional requirements for attached garages. A garage on a corner lot in which the garage doors face the street shall be set back a minimum of 18 feet from a street property line.

2. **Carports.** Carports shall be completely screened from view from the street and shall be located between the primary structure and the rear property line, so as to not be within the view down the driveway from the street. A carport shall not be permitted on a corner lot.

3. **Exception to maximum floor area requirement.** The maximum floor area requirement in [Section 17.22.040](#), Table 2-3, may be exceeded to accommodate the reconstruction of a garage that previously existed on the site, but only to the extent of the floor area necessary for a two-car garage in compliance with the parking space dimension requirements of [Section 17.46.110](#) (Parking Space Dimensions).

C. **Restoration of a porte cochère.** A porte cochère may be rebuilt or restored if evidence is provided to the City that the residence originally had a porte cochère. The porte cochère shall meet all building requirements. The Historic Preservation Commission shall review such requests in landmark districts or for designated landmarks. The Zoning Administrator shall review all other such requests.

D. **Flagpoles.** A flagpole can be constructed if it meets the following requirements.

1. The flagpole shall be located outside a required setback area. Flagpoles are allowed in front of a residence if located outside the required front setback.

2. The maximum height of the flagpole shall be the maximum height allowed for the principal structure.

3. The flagpole shall not be located in an encroachment plane.

### **E. Single-Family Residential Design.**

1. **Materials.** Unfinished, textured, or unpainted concrete and architectural foam are not permitted for use as exterior finishes, cladding, or trim pieces on single-family dwellings.
2. **Windows.** Second-story windows, when facing a side yard, shall not overlap with or be placed directly opposite the windows on a neighboring structure. This requirement does not apply to clerestory windows or windows required for proper egress as determined by the Building Official.
3. The above standards are not applicable to properties in the HD, HD-1, HD-SR, ND, and LD Overlay Districts

### **17.50.250 - Residential Uses - Accessory Uses and Structures**

A. **Limitation on use.** Accessory structures shall be limited to uses which are accessory to the main use, including but not limited to, cabana, garage or carport, gazebo, greenhouse, pergola, pool, or hot tub and related equipment, or workshop. An accessory structure shall not be used for sleeping quarters.

#### **B. Restricted items and facilities.**

1. **Prohibited facilities.** Bathtubs, fireplaces, and kitchens (full or partial) are prohibited within accessory structures.
2. **Allowed, but restricted facilities.** Air conditioning, heating, shower, toilet, washtub, and/or washer and dryer facilities are allowed within accessory structures; however:
  - a. When an accessory structure contains air conditioning, heating, shower, and/or toilet facilities, a covenant shall be required.
  - b. The covenant shall state that the structure is an accessory structure and shall be maintained as an accessory structure and not be used for sleeping quarters or be converted to a residential use.
  - c. The purpose of this covenant is to ensure that subsequent owners of the property are aware of the restrictions on the property.
3. **Attic area and stairs.** The area above the ceiling joists may only be used as a storage area. This storage area shall be accessed only by a pull down stairs.
4. **Other related items.** Other related items not listed above may only be allowed if first approved by the Zoning Administrator.

C. **Timing of construction.** An accessory structure shall not be constructed before the main structure.

#### **D. Limitation on location.**

1. An accessory structure shall not occupy a required front or corner side setback.
2. An accessory structure may be located in a required side or rear setback; provided it is more than 100 feet from the front property line or in the rear 25 feet of the site.
3. A lot abutting on the front 100 feet of a key lot shall maintain a minimum four-foot rear setback.

E. Size, height, and setback requirements.

1. Height limits.

a. **Nine-foot limit with two-foot setback.** An accessory structure shall not exceed a height of nine feet, but only if located two feet from a property line.

b. **Nine-foot top plate.** The height of the top plate of an accessory structure shall not exceed nine feet.

c. **Encroachment plane and setback.** The overall height of an accessory structure (excluding the top plate height) may rise above the nine-foot height limit as it steps or slopes away from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height (beginning at the two-foot setback) and rising a maximum of one and one-half feet for each one foot of distance starting at the two-foot setback. See Figure 5-1.

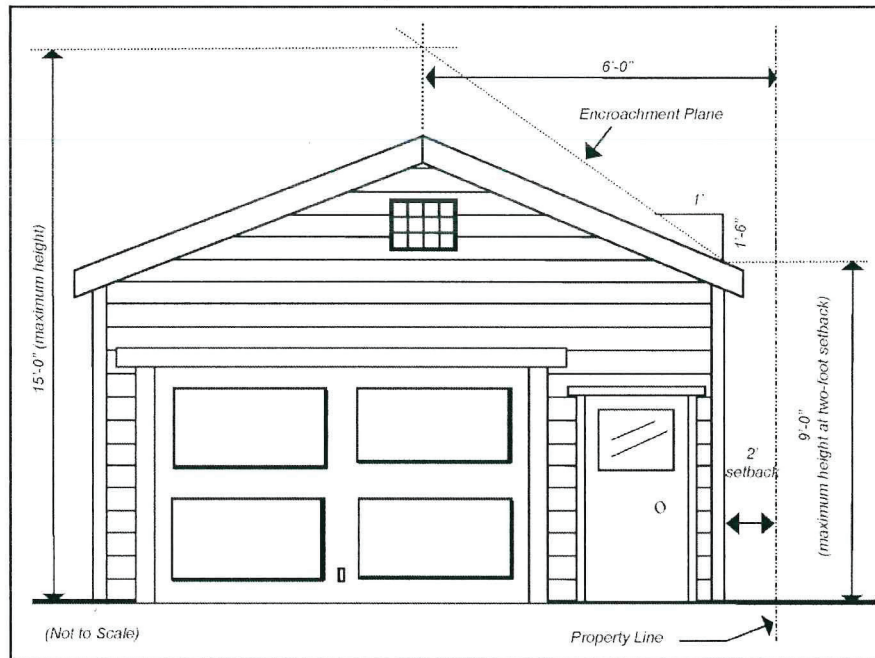


Figure 5-1 - Encroachment Plane and Setbacks for Accessory Structures

d. **15-foot limit.** An accessory structure may raise to, but shall not exceed, an overall height of 15 feet, but only in compliance with Subparagraph c., immediately above.

e. **Modification by Minor Conditional Use Permit.** In order to achieve a design that is architecturally compatible with the main structure, the maximum height (including the top plate height) may be modified by a Minor Conditional Use Permit, granted in compliance with [Section 17.61.050](#).

f. **Modification by Historic Preservation Commission.** For designated landmarks or structures in a designated historic district, the maximum height (including the top plate height) of an accessory structure may be exceeded without a Minor Conditional Use Permit, but only if approved by the Historic Preservation Commission, and only upon finding that the greater height is necessary in order to achieve a design that is architecturally compatible with the main structure.

## 2. Length of structure walls.

- a. In order to prevent an excessive amount of structure located along a property line, the maximum horizontal length of an accessory structure that can be located less than five feet from the property line shall be limited to 22 feet.
- b. Any portion of the structure that exceeds 22 feet in length and is less than five feet from the property line, shall be required to be set back a minimum of five feet from the property line.

## F. Separations between structures.

1. **Utility pole.** When a utility pole is located on the same site as a proposed accessory structure, a minimum separation of at least four feet shall be maintained between the pole and the accessory structure.
2. **Other structures.** An accessory structure, other than mechanical equipment, a hot tub, or a swimming pool, shall maintain a minimum separation of six feet from any other structure (excluding walls and fences) on the site. The separation shall be clear and unobstructed by any encroachments.
3. **Pools and hot tubs.** Pools, hot tubs, and related equipment, and all mechanical equipment shall not be closer than five feet from a property line. The Zoning Administrator may modify this requirement for pool equipment when adjacent to an alley.

## G. Maximum floor area of accessory structures.

### 1. Maximum Size.

- a. Projects using the RS standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater.
  - b. Projects using the RM-12 standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. However, an additional 200 square feet is permitted if used for covered parking.
  - c. Projects using other multi-family standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater.
2. An accessory structure (or portion of an accessory structure) with a roof that is at least 50 percent open shall not be included in the calculation of the maximum allowable size. All other accessory structures shall be counted in the calculation of the maximum allowable size including carports, gazebos, or covered patio or porches. A basement below an accessory structure or a stand alone subterranean structure shall be included in the calculation of the maximum allowable size.

## H. Garages and carports.

1. **Attached garages.** On a lot 50 feet in width or wider, an attached garage that is visible from the street shall not occupy more than 50 percent of the structure frontage of the main structure.
2. **Carports.** A carport shall only be located behind the main structure and not visible from a public right-of-way, and shall not be allowed on a corner lot.

## I. Architectural Consistency

1. When visible from a public right-of-way, accessory structures shall be designed to reflect the architectural style of the main dwelling by utilizing similar exterior finishes and roofing materials.
2. When visible from a public right-of-way, the roof pitch of an accessory structure shall be similar to that of the main dwelling, not to exceed plus/minus one vertical foot for every twelve horizontal feet.
3. The above standards are not applicable to properties in the HD, HD-1, HD-SR, ND, and LD Overlay Districts.

## 17.40.160 - Setback and Encroachment Plane Requirements and Exceptions

### A. Purpose.

1. This Section provides standards for the use and minimum size of required setbacks, and for the application of encroachment planes.
2. These standards are intended to provide open areas around structures for visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping, and recreation.
3. The encroachment plane standards of this Section are intended to moderate the mass and scale of proposed structures within certain residential and commercial zoning districts to maintain the desired neighborhood character.

### B. Setback requirements.

#### 1. All structures.

- a. All structures shall comply with the setback requirements of the applicable zoning districts established by [Article 2](#) (Zoning Districts and Allowable Land Uses), with the requirements of this Section, and other setback requirements established by this Article and/or [Article 5](#) (Standards for Specific Land Uses).
- b. Each required setback shall be maintained open and unobstructed from the ground upward, except for trees, other plant materials, and the storage of City-provided refuse containers in single-family side or rear setbacks, and except as provided by Subsection E. (Setback and encroachment plane exceptions, allowed projections) below.

**2. Commercial and industrial districts abutting residential zoning districts.** In the commercial and industrial zoning districts, except for the CD district, a 15-foot side and/or rear setback shall be provided adjacent to any abutting residential zoning district. This setback requirement shall not apply along a property line that abuts a parking overlay property (PK) that is used for parking. Single-family residential projects shall meet the rear setback requirements of the RS-6 district, two units on a lot shall meet the requirements of the RM-12 district and three or more units shall meet the setback requirements for multi-family districts (City of Gardens requirements - [17.22.060](#)).

**C. Measurement of setbacks.** The following setbacks shall be measured from each exterior wall of a structure, to define a setback line parallel to the adjacent property line. Figure 4-6 shows the location of each type of setback, and the points from which they are measured.



1. **Front setbacks.** The front setback shall be measured at a right angle from the front property line of the lot to the point on the structure nearest to the front property line excluding the front porch.

a. **Corner lots.** The measurement shall be taken from the nearest point on the structure, excluding any porches, to the nearest point of the property line adjoining the street that is opposite the rear yard.

b. **Flag lots.** See [Section 17.40.050](#) (Flag Lot Development Standards).

2. **Side setbacks.** Side setbacks shall be measured at right angles from the nearest point on the side property line of the lot to the nearest portion of the structure, excluding any porches; establishing a setback line parallel to the side property line that extends between the front and rear yards.

3. **Rear setbacks.** The rear setback shall be measured at right angles from the nearest point on the rear property line of the lot to the nearest portion of the structure, establishing a setback line parallel to the rear property line.

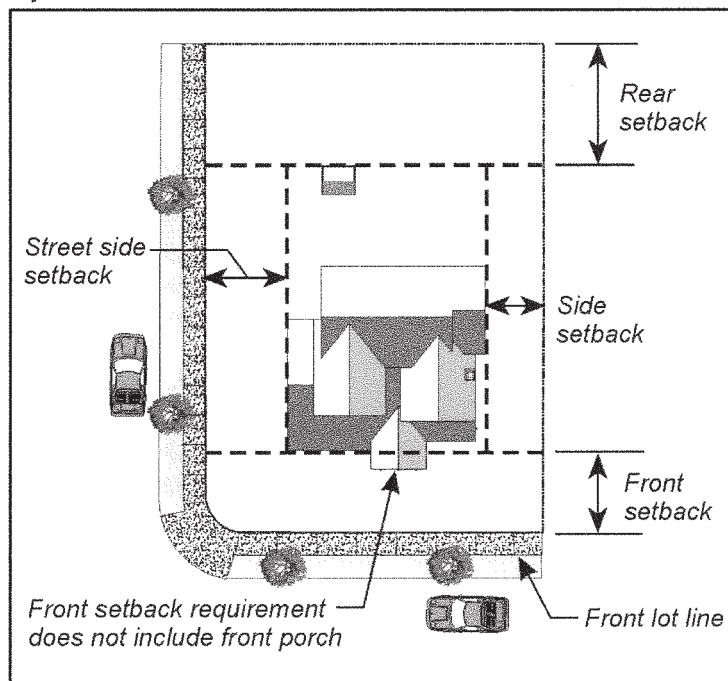


Figure 4-6 - Location and measurement of setback

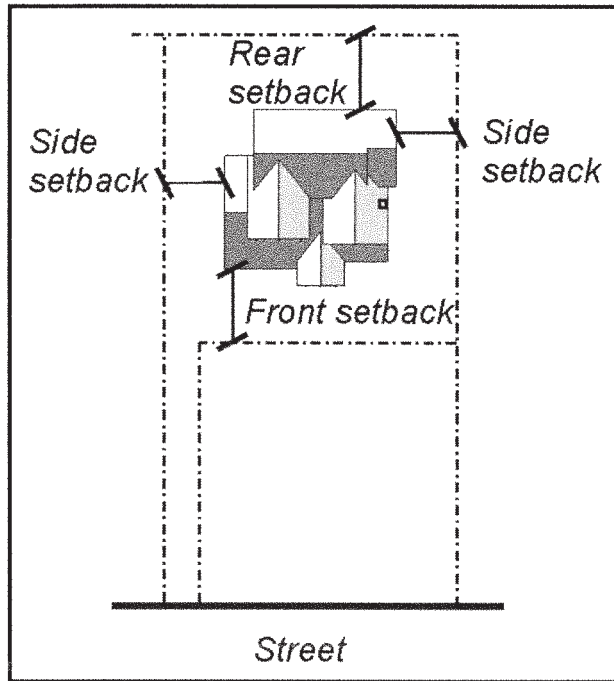


Figure 4-7 - Flag lot setbacks

D. **Encroachment plane requirements.** Proposed structures shall comply with the following encroachment plane requirements in addition to the minimum setback requirements of this Section except as otherwise provided by Subsection E. (Setback and encroachment plane exceptions, allowed projections) below. In addition to the minimum setback requirements of the applicable zoning district and as defined in Subsection C., above, a main structure within:

1. **RS and RM-12 zoning districts.** Principal structures within the RS and RM-12 zoning districts shall not be located within a side setback encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the interior side property line. See Figure 4-8.