

Agenda Report

October 19, 2020

TO: Honorable Mayor and City Council
FROM: Planning & Community Development Department
SUBJECT: ZONING CODE AMENDMENT: SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS (RS-1, RS-2, RS-4, RS-6)

RECOMMENDATION:

It is recommended that the City Council:

1. Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alterations in Land Use Limitations) and 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
2. Approve the Findings for Zoning Code Amendments (Attachment A);
3. Approve the proposed Amendments to Sections 17.22.040 (RS and RM-12 Residential Districts General Development Standards), 17.22.050 (RS and RM-12 Residential Districts General Development Standards), and 17.50.250 (Residential Uses – Accessory Uses and Structures) of the Zoning Code; and
4. Direct the City Attorney to prepare an ordinance within 60 days amending Title 17 of the Pasadena Municipal Code (Zoning Code) Section 17.22 (Residential Zoning Districts) and Section 17.50 (Standards for Specific Land Uses).

PLANNING COMMISSION RECOMMENDATION:

On September 9, 2020, the Planning Commission considered proposed amendments to Sections 17.22 and 17.50 of the City's Zoning Code, regulating development in single-family residential zones. The Commission voted to recommend that the City Council:

- 1) Find that the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alterations in Land Use Limitations) and 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment);
- 2) Approve the Findings for Zoning Code Amendments; and
- 3) Approve the proposed Zoning Code Amendments to Section 17.22 (Residential

Zoning Districts) and Section 17.50 (Standards for Specific Land Uses) of the Zoning Code.

In addition, the Planning Commission requested the following modifications:

- 4) Expand the proposed neighborhood compatibility requirements to apply to Landmark Districts
- 5) Require story poles to demonstrate height;
- 6) Update enforcement methods and notification of projects to surrounding neighbors, including project renderings to be posted on notification boards; and
- 7) Return to Planning Commission at a later date to discuss design guidelines to address architectural compatibility.

EXECUTIVE SUMMARY:

The City's Zoning Code regulates development in single-family neighborhoods through the establishment of maximum heights, floor areas and setbacks, among other development standards. Additionally, there exist further regulatory requirements throughout much of the City, including: Historic Landmark Districts; Hillside Overlay Districts; and Lower Hastings Ranch. In these areas, there is a discretionary review process and additional standards that are intended to ensure that new houses and additions to existing homes consider the existing neighborhood development pattern. 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 to add additional protections to areas of the City outside those identified above. This would result in additional protections for *all* single-family neighborhoods in the City.

This report provides a detailed overview of the following proposed changes to existing regulations:

- Adoption of neighborhood compatibility standards related to maximum floor area;
- Establishment of a discretionary review process for projects of a certain size;
- Modification of standards related to primary structure first and second story plate height requirements;
- Modification of standards related to accessory structure finish materials and roof pitch;
- Establishment of design standards regarding:
 - Prohibition of unfinished concrete and architectural foam
 - Review of new window placement relative to existing neighboring windows;
- Requiring story poles to demonstrate height as part of the discretionary review process; and
- Updating the construction notification boards.

However, staff's recommendation does not include the Planning Commission recommendations described below:

- Return to Planning Commission at a later date to discuss design guidelines to address architectural compatibility.
- Require the proposed compatibility standards to apply citywide, including in landmark districts.

BACKGROUND:

Shortly after the adoption of the updated General Plan, staff began working on updates to single-family development standards citywide. The City Council has previously adopted revised standards for Lower Hastings Ranch as well as the Hillside Overlay Districts (in 2016 and 2017, respectively). In 2018 staff began reviewing the development regulations for other areas of the City with the Planning Commission and the public. Although multiple meetings were held with the Commission in 2018 and 2019, other policy work was prioritized either to comply with state law requirements (such as the ADU ordinance) or to address a more immediate need (adoption of Short-Term Rental Ordinance, Commercial Cannabis Ordinance and getting the Specific Plan Update Process up and running.

Given that it had been nearly a year since the Planning Commission had discussed the item and because several new Commissioners had been appointed since then, staff presented an informal Study Session to the Commission on August 12, 2020. As indicated above, on September 9, 2020, the Planning Commission held a publicly noticed hearing to review the proposed code revisions.

PROPOSED AMENDMENTS (RECOMMENDED BY STAFF AND COMMISSION):

The following is a summary of proposed changes to the City's Zoning Code:

1. Neighborhood Compatibility

Proposed Compatibility Requirements

Similar to the neighborhood compatibility standards that exist elsewhere in the City, staff is recommending the development of new rules that would consider the relative size of a new home or addition compared other homes in the vicinity.

A. 500 Foot Neighborhood Compatibility Radius

Applicants will 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. This radius will serve as the project's immediate "neighborhood". The required analysis will include the individual floor areas of all houses within the neighborhood as well as a calculation of the average floor area. The proposed project would not be permitted to exceed 35% above the median home size in the neighborhood without obtaining a permit.

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.

B. Discretionary Process to Exceed Neighborhood Compatibility

As is currently done in the Hillside Overlay and Lower Hastings areas staff recommends establishing a process to allow applicants to exceed Neighborhood Compatibility up to the maximum floor area currently allowed in the zoning code, while allowing appropriate conditions to be placed on the project.

A discretionary review process would allow for further analysis by staff, opportunities for public review and comment, and be subject to specific findings of approval related to compatibility. Staff further recommends that the City’s Hearing Officer conduct these reviews as it currently performs these duties for discretionary reviews in the Hillside Overlay and in Lower Hastings Ranch.

Should the Council direct staff to work with the City Attorney to prepare the appropriate revisions to the Zoning Code, staff would develop findings that would allow a project to exceed 35% above the median home size in the neighborhood if the project was found to be compatible with the neighborhood. Either through findings or through development of the application packet, with the compatibility finding would consider:

- Proposed volume, massing, height, and scale;
- Proposed materials and aesthetics;
- Minimization of privacy impacts
- Streetscape pattern: setbacks, entryways and porches and garages

C. Story Poles

Staff recommends applying a story pole requirement in a manner similar to its application within the Hillside Overlay District, in that it would be applicable only to second-story additions or new two-story construction. The timing of the installation of the story poles would directly align with the distribution of the notice of application, providing the neighbors with a greater opportunity to envision the proposed changes.

2. Height

Proposed Requirements

Staff setting a maximum height limit for the first-story top plate of 10 feet, a second-story plate height of 20 feet measured from grade, and retain the existing overall height

requirements. These height limits acknowledge the historic and current patterns of single-family construction in Pasadena and establish 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 from current code standards 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.

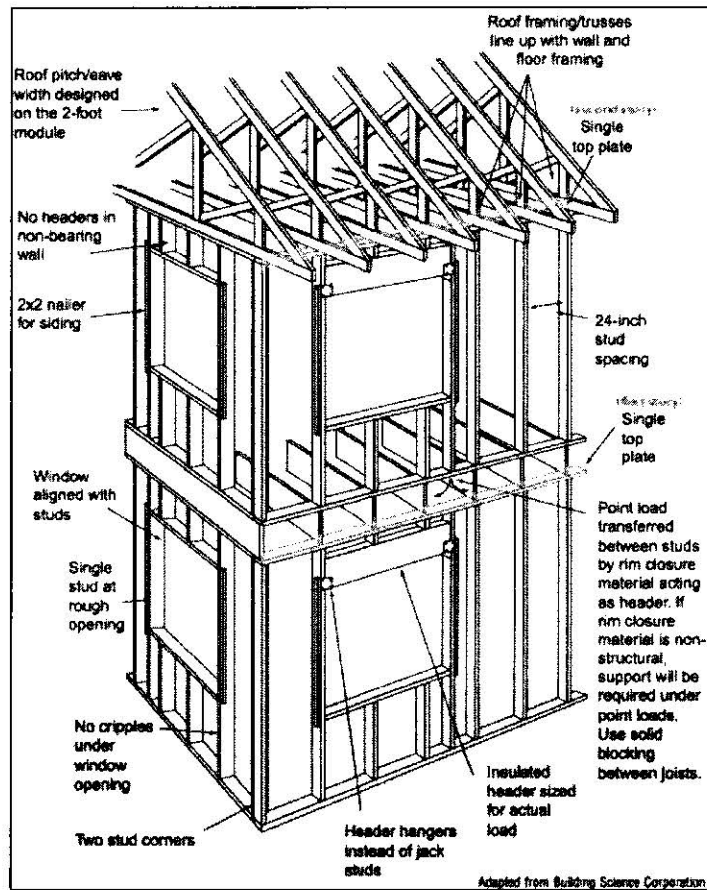
Existing Requirements

Currently, the maximum height of a house depends on the width of the 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, houses are limited to a maximum height of 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.

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 20th 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.

3. Privacy

Proposed Requirements

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 when 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. Moreover, for those projects which require a compatibility permit, the location of windows, balconies and decks will also be reviewed.

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.

4. Accessory Structures

Proposed 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 to be similar to those found on the primary structure or in the neighborhood;

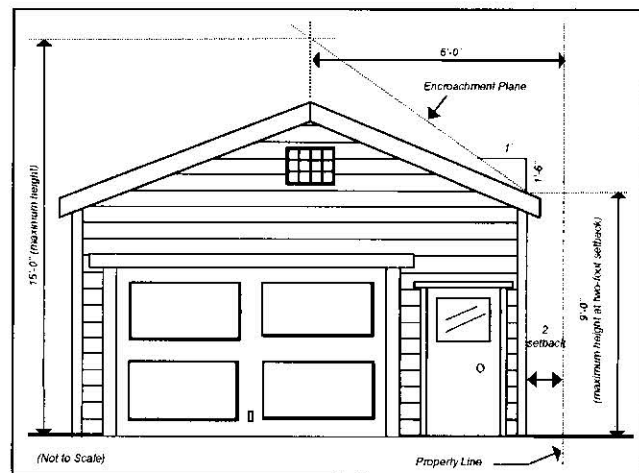
- Amend PMC Section 17.40.110.B (Reflective Surfaces). This section of the Zoning Code requires approval of a Minor Conditional Use Permit to allow metal roofs on a primary structure. This section would be amended to include accessory structures in addition to primary structures.
- Require the roof pitch 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 for comparison with the proposed accessory structure.

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, even if the accessory structure is not visible from a public right-of-way. 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.

5. Materials

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.

Proposed Standards

- Prohibit 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.
- Prohibit architectural foam 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 and often appears to be “stuck on” a house.

6. Construction Notification

Under the existing code certain projects are required to post a Construction Site Notice that describes the work proposed under the building permit. Staff understands that a clearer description of projects on these notice boards is required. 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 recommends changing the current boards to include a rendering of the proposed project to assist neighbors in more clearly understanding projects as well as providing a more thorough description of the scope of work. Staff will be working on revised standards to clearly describe the totality of work proposed at a site, a rendering of what will be constructed and contact information if there are questions or concerns about the construction project when a building permit is issued and work will begin at the site.

PLANNING COMMISSION RECOMMENDATIONS NOT RECOMMENDED BY STAFF

DEVELOPMENT OF DESIGN GUIDELINES FOR SINGLE FAMILY HOMES TO ADDRESS ARCHITECTURAL COMPATIBILITY

The City Council directed staff to develop amendments to the Zoning Code to address the concern over mansionization in the areas outside of Landmark and Hillside Districts and Lower Hastings Ranch. The issue of mansionization necessarily deals with the compatibility of new construction in an established single-family neighborhood. In other areas of the City identified above, compatibility is addressed through a discretionary review process which involves either a Hillside Development (Hillside); a Certificate of Appropriateness (Landmark); or a Neighborhood Permit (Lower Hastings).

Architectural style or design as a measure of compatibility is currently only a consideration in Landmark Districts because their designation as a Landmark District may be contingent upon the architectural styles represented by that neighborhood. When a new home with a different architectural style is introduced on a block-face that otherwise exhibits a homogenous style or type, it can be visually disruptive. However, there are considerations other than architectural style that staff is recommending to address compatibility issues. Staff is recommending changing the Zoning Code to require a new discretionary process, including a public hearing and new findings. Staff is seeking to balance property rights with compatibility requirements and believes that

establishing design guidelines addressing architectural compatibility may result in disrupting that balance and architectural design compatibility does not exist in other areas of the City.

REQUIRE NEIGHBORHOOD COMPATIBILITY IN LANDMARK DISTRICTS

Staff has been working on holistic changes to the City's Historic Preservation Ordinance. Staff has held a virtual public meeting, and received formal recommendations from the Historic Preservation Commission and the Planning Commission within the last several months. During those meetings, the review process (Certificate of Appropriateness) was discussed and changes to it were recommended. However, neither Commission recommended requiring a Neighborhood Compatibility requirement to the process.

Staff has considered the public comment and Commission recommendation that suggests that the neighborhood compatibility standards be applied in landmark and historic districts and recommends against this. All additions that are visible from a public street that are proposed on contributing properties in landmark and historic districts require applicants to submit an application for a Certificate of Appropriateness, which requires the review authority to find that the project is consistent with the Secretary of the Interior's Standards for Rehabilitation and the Design Guidelines for Historic Districts. These Standards and Guidelines require additions to avoid damaging character-defining features of the historic building; respect the building's proportions, massing and siting; and use similar exterior materials and have a similar roof form and windows as the historic building. Rooftop additions are also required to be in character with the historic building and to remain subordinate. The guidelines also require new buildings or additions to non-contributing structures to maintain the pattern in which buildings relate to the street; reinforce a sense of human scale; maintain a height that is similar to other houses on the block and in the neighborhood; have roof forms, windows and doors that are similar to those seen traditionally; use materials that appear similar to those used traditionally and incorporate architectural details that add visual interest to the street. These guidelines are sufficient to ensure that additions and new buildings in landmark and historic districts are compatible in size and scale with the other buildings in the district.

While the Certificate of Appropriateness process may not be perfect and not everyone agrees with the outcome, staff does not believe that layering a Neighborhood Compatibility Finding on it would result in better projects, but would add unnecessary bureaucratic process.

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

COUNCIL POLICY CONSIDERATION:

The proposed amendment to the Zoning Code furthers the goals and policies of the General Plan related to compatible development and appropriate scale and massing, including Land Use Element Policy 4.11 – Development that is Compatible, as well as Land Use Element Policy 22.1 – Appropriate Scale and Massing, both of which are intended to ensure that development is contextually appropriate with its surroundings. Further discussion of these policies are described in Attachment A (Findings for Zoning Code Amendments).

ENVIRONMENTAL ANALYSIS:

The proposed Zoning Code Amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15305 (Class 5, Minor Alterations in Land Use Limitations) and 15308 (Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 5 consists of minor alterations in land use limitations with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel; issuance of minor encroachment permits; and reversion to acreage in accordance with the Subdivision Map Act. Class 8 consists of action taken by regulatory agencies, as authorized by state and local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The proposed Zoning Code Amendment is intended to protect the aesthetic character of Pasadena's residential neighborhoods by further regulating potential construction.

FISCAL IMPACT:


There is no direct fiscal impact associated with the adoption of the proposed Zoning Code Amendments, as recommended by staff. If discretionary review processes for neighborhood compatibility and/or design review are adopted, this will result in an increased number and type of applications requiring review by Planning staff and fees will have to be charged accordingly, based on the final adopted process.

Respectfully submitted,




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Approved by:



STEVE MERMELL
City Manager

Attachments (4):

- Attachment A – Findings for Proposed Zoning Code Amendments
- Attachment B – Planning Commission Staff Report and Exhibits (September 9, 2020)
- Attachment C – Existing PMC Section 17.29.060.F – Neighborhood Compatibility Requirements (Hillside)
- Attachment D – Comparison of Potential Neighborhood Compatibility Limits