



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### AGENDA ITEM

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Report: Recommendations to Modify and Improve the Zoning Code and Entitlement Review Processes

1. Motion Initiating Amendments to the Zoning Code to Address Improvements to the Design Review and Entitlement Process
2. Motion to Note and File

### COUNCIL ACTION

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**Item Type:** Action Item

**Approved for** August 23, 2022 **calendar**

### EXECUTIVE SUMMARY

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In an effort to create a more streamlined process, staff is providing recommendations on Zoning Code improvements and review processes that could facilitate a simpler, more predictable, and faster process for many review projects. The recommended improvements could expand Design Review Board exemptions with clearer standards for projects that do not have an impact to neighborhood design and character, modifications to the Design Review Board process that focuses on objective design standards, and changes to standards regarding non-conforming elements. Staff believes that the improvements outlined in this report will maintain the City's commitment to design and neighborhood integrity, but will assist in making a simpler and more understandable process for applicants, particularly those with smaller projects.

## **COUNCIL PRIORITIES**

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**Housing:** The recommended improvements will assist in reducing review times for all projects as it will reduce the overall review timeline for smaller projects, creating more time to review more complicated applications.

## **RECOMMENDATION**

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Direct staff to make the recommended changes to the Zoning Code and Design Review process.

## **BACKGROUND**

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In recent months, staff has been working to identify opportunities to make the entitlement review process simpler, more predictable and more efficient. Several new staff members have joined the team, beginning April of 2022, assisting in alleviating some of the backlog that was created from months of being understaffed and the Covid-19 pandemic. A temporary contract planner was also brought on board to assist in alleviating the backlog of projects, particularly less complex applications. Review times have begun to return to pre-pandemic levels, and staff is working to identify other opportunities to improve efficiencies.

Upon review of the Zoning Code and review processes, staff have formulated a list of potential changes that aim to reduce overall review times, create a process that is more efficient, as well as more predictable. Improvements have been identified as they relate to smaller projects, that are less consequential or often have minimal impact to the existing integrity and design of a neighborhood or specific development, but are often subjected to the same review process as projects that are substantially more complicated and impactful. While there are likely opportunities to improve the Code and processes, staff has so far identified the following improvements as those that will be relatively simple and quick to implement, will not dilute or diminish the value of the review process, and will assist in expediting the review of all projects, in which case staff will commit less time to less complicated and challenging projects. The following are the recommended improvements:

### **Modifications to Buildings that are not Visible or Hold no Impact to the Curbside Design and Character**

Currently, improvements to a home or building can require Design Review if the proposed modifications are “visible from the street.” This term can often be subjective depending on viewing angle, extent of improvements, or specific conditions of a site or building. Staff proposes that this be modified to be inapplicable to the rear 50 percent of an existing building, establishing a clear boundary of what modifications would require a Design Review and which do not. If an addition or modification is proposed at the rear 50 percent of a home (not including any façade that faces a right-of-way), then a project could be exempt from Design Review provided that materials and design are consistent with the existing structure regardless of the size of the addition. This change would continue to be governed by existing regulations related to Floor Area Ratio (FAR), lot coverage, landscaping, setback requirements, and existing building height. Any new addition would

need to be consistent with the existing building height, and no taller than the existing roofline. This would include projects that are over one-story in height. The 50 percent would be defined by either the length of the building, where both side facades are of equal length, or an average when the two side facades are not of equal length.

Staff believes that this would substantially reduce the review time for projects that are typically minor in nature, but are currently subjected to the Design Review process. It would also facilitate improved review times for other entitlement applications, as these projects would no longer be subjected to the same lengthy review times as other more substantial and impactful entitlements.

### **Authority for Administrative Design Review (ADR)**

Staff proposes that a project that proposes a second story addition at the rear 50 percent of the building be allowed for Administrative Design Review, provided that the proposed addition is consistent in façade and style of the existing building, and is not deemed historic or a historic contributor. This change would continue to be governed by existing regulations related to FAR, lot coverage, landscaping, setback requirements, and existing building height. The rear 50 percent would be defined by either the length of the building, where both side facades are of equal length, or an average when the two side facades are not of equal length. Projects that propose an additional story at the front 50 percent of the façade would still be subject to Design Review.

Staff believes that this would substantially reduce the review time for projects that are less impactful to neighborhood design, but are subject to the Design Review process. It would also facilitate improved review times for other entitlement applications, as these projects would no longer be subjected to the same lengthy review times as other more substantial and impactful entitlements.

### **Design Review Meetings and Recommendations**

Staff is proposing improvements to the Design Review process as a means to reduce conflicts in conditions and recommendations, as well as streamlining Design Review Board meetings. Currently, staff works to achieve a design result that is believed to be acceptable for the Design Review Board. This often includes a series of conditions or recommendations that are readily provided to the Board. In order to achieve these conditions, recommendations, and design it often leads to an extended period of resubmittals, and at times requires additional revisions and changes. Additionally, the recommendations or conditions may not always be accepted by the Board, and has shown in the past that it can create conflicts of opinion between staff, the Board, the applicant, and the general public, which can include confusion for the public as to the origin of conditions, as well as inconsistent direction. Furthermore, the composition of meetings includes a presentation by staff, which includes an overview of the project as well as the conditions and recommendations, followed by a presentation by the applicant. This leads to redundancy as well as meetings that are extended longer than necessary.

Staff proposes that planners no longer provide recommendations or conditions (unless conditions are proposed as necessary to mitigate environmental impacts under the CEQA process). Rather, as part of the agenda packet, would provide a summary of the project and in instances of design discrepancy, highlight an area of focus during the meeting. This would ensure that unresolved issues are given priority and attention during the meetings, and that the Board's expertise is best utilized to resolve challenging design issues. Additionally, the staff presentation would be removed from the Design Review Board meeting, to avoid redundancy and create better efficiency in the meeting. This could lead to hearing additional cases in a single meeting, and reduction of conflicting points regarding a project.

During the meetings, staff's role would be to assist in guiding the Board's discussion and to ensure that they remain within their purview and the goals of the meeting. As part of the updates and changes, staff would create a new checklist for Board members to categorize their comments, and ensure they remain on topic. During the meeting, staff would assist in directing the conversation towards the relevant points so that feedback, conditions, and recommendations are within the goals and objectives of the design guidelines and development standards, rather than on comments that may not be pertinent or relevant.

Staff believes that these changes will help reduce contradictions or conflicting opinions between the various parties involved in a project, while also leading to consistent direction being provided directly from the Board. Modifying staff's role in the meeting shall reduce the length of time taken to review each project while also ensuring that the meetings stay on the appropriate topic and schedule.

### **Eliminate 4/5/6 Rule – Interior Setbacks in Residential Zones**

Current Zoning Code requires a 10-foot interior setback for new houses in the R1R Zones and a 6-foot interior setback for new houses in the R1 Zone. However, pre-May 2, 1991 houses in the R1R and R1 Zones are allowed to have interior setbacks of 4, 5, or 6 feet (depending on building height). The interior setback for a house 20 feet or less in height is 4 feet. The interior setback for a house over 20 feet to 30 feet in height is 5 feet. The interior setback for a house more than 30 feet in height is 6 feet.

Staff is proposing that the existing 4-5-6-foot rule be eliminated because:

- a. The rule is complex without providing sufficient benefit to justify the complexity. The minor difference in additional setback distance between 4, 5, and 6 feet does little to minimize the visual impact of a taller house.
- b. The rule encourages additions to houses to be built in line with the existing nonconforming interior setback of a house, often resulting in long, straight sections of walls. This is a design feature that is usually discouraged as part of the design review process.
- c. Second story house additions are made more difficult by this rule, even if the addition is in a location that is distant from the portion of the house that has the 4-foot or less existing interior setback. The rule requires that any existing portion of a house be removed if it does not have a 5 or 6-foot setback and the house is being changed from one that has a

height of 20 feet or less to one that has a height greater than 20 feet or greater than 30 feet.

- d. Many property owners must file variance application which are routinely granted.
- e. The rule creates a double standard for newer versus older houses.
- f. This rule was eliminated from the ROS Zone in 1993 with the adoption of the “hillside ordinance”.

With this proposed change, all additions to houses in the R1R zone would be set back 10 feet from an interior property line, or, in the R1 zone, 6 feet.

### **Allow Larger Additions to Occur with Non-Conforming Garage**

Currently, minor additions will trigger a project to bring any non-conformance of parking and garages to current standards. This applies to any small addition to an existing house, regardless of use and size. Recognizing that this may cause challenges for proposed additions, as well as changes in transportation and travel behavior, staff proposes to change this requirement to create a threshold that would trigger the need for parking and garages to be updated. Staff proposes that this threshold allow for a maximum of 300 square feet to be added, before triggering the need to modify parking and garages. This would be allowed up to one time in a 10-year period, to avoid incremental additions over time that may justify the need for parking to meet current standards. This change would continue to be governed by existing regulations related to FAR, lot coverage, landscaping, setback requirements, and existing building height. This provision will eliminate the time need to process any additional planning entitlements as well as the additional cost associated with updating a legal non-conforming garage.

Staff believes that this will alleviate frustration when modest modifications are made to smaller homes with non-conforming garages and parking, often prohibiting smaller additions or requiring a greater scope of work. Staff also believes that by limiting the square footage over a specified period of time will prevent multiple additions that may necessitate additional parking.

### **Non-Conforming Design**

Over the years, development and design standards are modified. This can be done to prevent an undesirable outcome or to better implement community goals and objectives. When these codes and standards change, an existing property that does not meet the new requirements is considering to be legal non-conforming. This can also present a challenge for any property seeking to make any form of modification to existing development on a site, including, minor additions, replacement of existing features such as stairs and decks, or any other improvement. The legal non-conforming status would require a property to be in full compliance with standards in order to make minor modifications or to replace and renovate any part of the structure. This can present a significant time and cost challenge for applicants that may have a structural, safety, or hazardous condition. Staff proposes that this requirement be modified so that replacements, when like-for-like in regards to material, design, and dimensions are maintained. An example could be in instances where a deck may be failing or structurally

compromised, an applicant would be allowed to replace the deck, provided it is the same as the existing structure, without triggering the need to make improvements to existing non-conforming elements.

Staff believes that this will assist in alleviating frustration when applicants are attempting to replace damaged or compromised elements to their homes, and may find that there are more significant changes that would need to be made in order to bring the entire property into conformance.

### **Parking for Auto Retailers**

Currently, the code requires that inventory space, such as within an above ground parking garage, for auto retailers is counted as square footage that has a parking requirement. New or renovated projects are required to provide parking spaces for this area, as they are currently treated as an extension of the show room or retail space. As such, the code is written in a manner where additional parking is required for the area where dealers are parking their inventory. Typically, this requires more parking than is actually needed, and many auto retailers request a parking reduction permit. In order to eliminate the need for the reduction permit, staff proposes that the parking requirement for inventory be eliminated for vehicle dealerships.

Staff believes that this will eliminate additional time and cost needed to apply for a parking reduction permit, and will discourage the creation of more parking than is necessary.

### **Concurrent Review**

For projects that require a Design Review approval and/or planning entitlement, the process does not allow for concurrent review. Applicants are required to submit their application for Design Review and/or planning entitlement and must earn the approval of the Board and/or Commission prior to submitting for building permits in addition to waiting for the 15-day appeal process to end. In many cases this is an important measure to ensure that prior to submitting for building review, projects meet all of the necessary requirements and design guidelines. But for other projects there can be minimal or no changes to the proposed design. Staff have received requests from applicants to be able to submit for both Design Review Board, planning entitlements and building permits, concurrently. This would be done at the risk of the applicant, understanding that if major changes or conditions are applied at the Design Review Board meeting, it may lead to resubmittal and additional cost for building permits. But for those that have met design and development requirements, it could lead to a reduction in permit review time.

If implemented, applicants would be required to complete a hold harmless agreement, recognizing that by submitting for all applications concurrently there could be design changes that will require new submittals or additional fees. Staff believes that for applicants that successfully meet design and development standards, this could lead in a reduction of overall review times to successful permit issuance.

## **ANALYSIS**

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The combination of the recommended changes presents an opportunity to create more efficiencies within the City's entitlement process, and are also representative of simple changes that do not compromise the integrity of design and development standards. For smaller applications and additions that have minimal impact on the character of a neighborhood, it will lead to an easier process and not subject minor modifications to a process that is more consistent with large-scale projects. Additionally, changes such as those recommended to Design Review Board meetings and concurrent review could serve as an incentive for projects that consistently meet the City's design and development requirements with streamlined meetings and the opportunity for concurrent review.

Staff anticipates that these changes will lead to less frustration and conflict, while also creating a simpler and more predictable process for smaller projects. In addition to these recommended changes, staff will also be updating checklists and submittal application information as a means to create more accessible and understandable information for applicants that will lead to improved submittal packages and greater consistency and predictability. In addition to these changes, staff will continue to evaluate the existing Zoning Code and development and design standard requirements to identify additional efficiencies in the future.

## **STAKEHOLDERS/OUTREACH**

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To develop these recommended changes, staff met with a number of stakeholders to identify inefficiencies and challenges that they encountered as designers and applicants. These meetings assisted in developing this list of recommendations.

## **FISCAL IMPACT**

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There is no fiscal impact associated with this report.

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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No environmental review is required for City Council to initiate code changes. Environmental review will be conducted prior to scheduling any hearings should the Council initiate code changes.

## **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

## **ALTERNATIVES**

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1. Direct staff to initiate amendments to the Zoning Code in order to create a simpler and more efficient Design Review and Entitlement process.
2. Note and file this Report and decline to direct staff to begin the process of modifying the Zoning Code and Design Review process.
3. City Council may consider any other alternative not provided by staff.

## **ADMINISTRATIVE ACTION**

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**Prepared by:**

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**Approved by:**

Roubik R. Golanian, P.E., City Manager

## **EXHIBITS/ATTACHMENTS**

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