

# Ordinance Fact Sheet

**TO:** City Council

**DATE:** October 7, 2002

**FROM:** City Attorney

**SUBJECT:** Zone Change for Property Located on the West Side of Altadena Drive  
Between Villa Street and Wagner Street (435 N. Altadena Drive).

**TITLE OF PROPOSED ORDINANCE:**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF PASADENA ESTABLISHED BY SECTION 17.98.040 OF THE PASADENA MUNICIPAL CODE TO CHANGE THE DESIGNATION OF THE PROPERTY LOCATED ON THE WEST SIDE OF ALTADENA DRIVE BETWEEN VILLA STREET AND WAGNER STREET (435 N. ALTADENA DRIVE).

**PURPOSE OF ORDINANCE:**

On August 12, 2002, following a public hearing, the City Council approved a Zone Change for the property located on the west side of Altadena Drive between Villa Street and Wagner Street (435 N. Altadena Drive), and directed the City Attorney to prepare an ordinance. The purpose of this ordinance is to reclassify the property from RM-16 (Multi-family Residential, 16 dwelling units/net acre) and CL SD (Limited Commercial, Sign District Overlay) to PD-29 (Planned Development-29, Altadena/Villa) as shown in Exhibit A attached to Ordinance.

**ANALYSIS**

During the August 12, 2002 City Council meeting, the City Attorney was also directed to look into the legality of restricting over night on street parking permits for residents and guests of the proposed planned development at 435 N. Altadena Drive. Chapter 10.44 of the Pasadena Municipal Code outlines the City's prohibition on street parking

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between the hours of 2 a.m and 6 a.m, without a City issued parking permit. Section 10.44.030 directs the director of public works and transportation to conduct an investigation to determine whether an over night parking permit should be issued. A parking permit may be issued if the director determines (1) that adequate off-street parking space is not available within 600 feet of the applicant's residence and (2) that no public safety problem will result. Issuance of the parking permit is discretionary not mandatory.

The City Council may impose reasonable terms and conditions in order to ensure a planned development will be in accordance with the surrounding neighborhood. Parking for the area is a matter of proper concern. In this instance, the applicant is proposing a planned development for a 52-unit condominium on a parcel that is 2.5 acres in size. Each of the units will include a two-car garage. The project will also provide for 7 on-grade parking spaces. If the City Council determines that 7 on-grade parking spaces may not be sufficient to satisfy any over flow of parking for a 52 unit development, the City Council may impose conditions to alleviate the parking concern. A condition restricting overnight parking on the street is a condition reasonably related to the potential impacts the new residential development may have on over night street parking and therefore would satisfy the nexus requirement.

If the City Council, desires to impose such a condition, the following language is recommended to be added as condition number 57 to the proposed ordinance.

"Prior to issuance of any building permits, the developer shall submit and record a covenant (this covenant shall be part of the units sale contract), approved by the city attorney's office which ensures the following:

- a. The homeowners' association conditions, covenants, and restrictions (CC&RS) shall contain a provision to the satisfaction of the city attorney's office, to inform the owner of each unit of the project, that all-night parking permits (Pasadena Municipal Code 10.44.020) will not be available to any of the units.
- b. The homeowners' association CC&RS shall contain a provision prohibiting parking anytime on all driveways including driveways at the individual units in the project.
- c. The homeowners' association CC&RS shall contain a provision prohibiting residents of the project from parking in designated guest parking spaces. A sign to that effect shall be posted on all guest parking spaces."

An ordinance is required to accomplish this zone change.

**PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:**

The Planning and Development Department will enforce the regulations and development standards that will occur as a result of this ordinance.

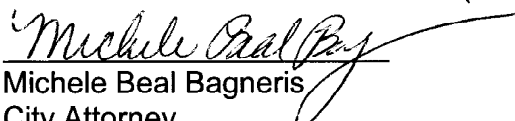
**FISCAL IMPACT:**

There will not be an immediate fiscal impact as a result of this ordinance. However, permitting fees will be collected from future development proposed on the site to cover costs incurred from staff time required for project review.

**ENVIRONMENTAL:**

A Negative Declaration was prepared and approved for the project in conformance with the requirements of the California Environmental Quality Act (CEQA).


Respectfully submitted,

  
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