Introduced by:
ORDINANCE NO
AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE), INCLUDING REVISIONS TO: HOME OCCUPATION PERMITS, RECYCLING CENTERS, TAKE-OUT WINDOWS FOR RESTAURANTS, HISTORIC PRESERVATION PROVISIONS, AND APPEALS/CALLS FOR REVIEW
The People of the City of Pasadena ordain as follows:
SECTION 1. This ordinance, due to its length and corresponding publication, will be
published by title and summary as permitted in Section 508 of the Pasadena City Charter. The
approved summary of this ordinance is as follows:
"Summary
"Ordinance No amends various provisions of Title 17 (the Zoning Code) to,
among other things: revise requirements applicable to home occupancy permits, to regulate their
impact on neighborhoods; revise regulations applicable to recycling centers to limit the impacts
of small scale facilities; implement regulations applicable to restaurant take-out windows; update
the historic preservation sections of the Zoning Code; and clarify the appeal/call for review
process. The Ordinance also includes other minor amendments and corrections as "clean ups" to
Title 17.
Ordinance No shall take effect 30 days from its publication."
SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22,

TABLE 2-2 - ALLOWED USES AND PERMIT REQUIREMENTS FOR RESIDENTIAL ZONING DISTRICTS, TABLE 2-3 - RS AND RM-12 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS, and TABLE 2-4 - MULTI-FAMILY RESIDENTIAL

DISTRICT DEVELOPMENT STANDARDS are amended as shown in Exhibits - 1, - 2 and - 3, attached hereto and incorporated by this reference.

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.050, Subsection B, Paragraph 1 is amended as follows:

"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 setback a minimum of 18 feet from a street property line."

SECTION 4. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.070, Subsection C is amended as follows:

"C. Yard Encroachments. Structures and structural features may project into required setbacks in compliance with Section 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions). For projects in which the rear or side yard adjoins an RS district, no balconies or upper floor decks may project into the rear or side yard setback."

SECTION 5. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.24, TABLE 2-5

- ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL AND

INDUSTRIAL ZONING DISTRICTS is amended as shown in Exhibit - 4, attached hereto and incorporated by this reference.

SECTION 6. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.26, TABLE 2-7

- ALLOWED USES AND PERMIT REQUIREMENTS FOR SPECIAL PURPOSE

DISTRICTS is amended as shown in Exhibit - 5, attached hereto and incorporated by this reference.

SECTION 7. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.28, Section 17.28.120 is amended by modifying the title of this section as follows:

"17.28.120 - WAH WORKFORCE/AFFORDABLE HOUSING OVERLAY DISTRICT"

(The remainder of this section remains unchanged.)

SECTION 8. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.29, Section 17.29.060, Subsection A is amended to read as follows:

"A. Maximum floor area. The total gross floor area of all structures on a site shall not exceed the area provided by this Subsection. Gross floor area shall be defined and measured the same as in other RS zoning districts, except that gross floor area in the HD and HD-SR overlay districts shall include without limitation: all covered parking, habitable attic space, and basements, including garage and carport areas, with any exposed wall (or portion thereof) six feet or more above finished grade, measured from finished grade elevation to the floor above. If the basement, garage or carport area has any portion of an exposed wall over six feet in height, then the entire area shall be counted as floor area." (The remainder of this subsection remains unchanged.)

SECTION 9. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.29, Section 17.29.100, Subsection C, Paragraph 2 as follows:

"2. Setback requirements. Proposed structures shall comply with the front setback requirements established by Table 2-9. The Zoning Administrator shall maintain on file a map

illustrating these setback requirements. A lot that is not included in Table 2-9 shall meet the minimum 25 foot front yard setback requirement. Proposed development shall also comply with the side and rear setback requirements established by the applicable base zoning district. Garage setback reductions shall apply to detached garages only."

SECTION 10. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, TABLE 3-1-ALLOWED USES AND PERMIT REQUIREMENTS FOR CD ZONING DISTRICTS and TABLE 3-2 - CD DISTRICT GENERAL DEVELOPMENT STANDARDS are amended as shown in Exhibits - 6 and - 7, attached hereto and incorporated by this reference.

SECTION 11. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, Section 17.30.050, Subsection C is amended by adding the following new paragraphs:

"4. Application requirements. An application for additional FAR shall be filed in compliance with Chapter 17.60 (Application Filling and Processing). The application shall be accompanied by the information identified in the Department handout for applications for additional FAR. The applicant shall be responsible for providing the evidence in support of the findings required by Paragraph 2. (Required findings) above.

5. Project review, notice, and hearing.

- a. Each application shall be analyzed by the Planning Director to ensure that the application is consistent with the purpose and intent of this Section. The Planning Director shall submit a staff report and recommendation to the Commission for consideration.
- b. The applicable review authority shall conduct a public hearing on an application for additional FAR before the approval or disapproval of the application.
- c. Notice of the public hearing shall be the same as a Conditional Use Permit, and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings).

- d. The applicable review authority shall render a decision on the application within 10 days following the final public hearing on the application."
- 6. Effective date. The effective date of a decision on a decision on additional FAR shall be in compliance with Section 17.64.020 (Effective Dates).
- 7. Appeal. The Commission's decision may be appealed in compliance with Chapter 17.72 (Appeals).

SECTION 12. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.31, TABLE 3-3 - ALLOWED USES AND PERMIT REQUIREMENTS FOR ECSP ZONING

DISTRICTS and TABLE 3-4 EAST COLORADO SPECIFIC PLAN DEVELOPMENT

STANDARDS are amended as shown in Exhibits - 8 and - 9, attached hereto and incorporated by this reference.

SECTION 13. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, TABLE 3-5 - ALLOWED USES AND PERMIT REQUIREMENTS FOR EAST PASADENA

SPECIFIC PLAN (EPSP) SUBAREA D1 DISTRICTS, TABLE 3-6 - ALLOWED USES

AND PERMIT REQUIREMENTS FOR EAST PASADENA SPECIFIC PLAN (EPSP)

SUBAREA D2 AND D3 DISTRICTS, TABLE 3-7 - EAST PASADENA SUBAREA d1

STANDARDS, TABLE 3-8 - EAST PASADENA SUBAREA d2 STANDARDS and TABLE

3-9 - EAST PASADENA SUBAREA d3 STANDARDS are amended as shown in Exhibits
10, - 11, - 12, - 13, and - 14 attached hereto and incorporated by this reference.

SECTION 14. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, Section 17.32.090, Subsection B is amended as follows:

"B. In Subarea d-2, special development limitations shall apply during the interim limited-development period as shown in Table 3-12.1 (Floor Area Ratios within Subarea d2 during Interim Limited Development Period)."

SECTION 15. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, TABLE 312 - AMOUNT OF NEW DEVELOPMENT PERMITTED BY SUBAREA is amended as
shown in Exhibit - 15, attached hereto and incorporated by this reference.

SECTION 16. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, the title of TABLE 3-13 - FLOOR AREA RATIOS WITHIN SUBAREA d2 DURING INTERIM LIMITED DEVELOPMENT PERIOD is amended to read TABLE 3-12.1 - FLOOR AREA RATIOS WITHIN SUBAREA d2 DURING INTERIM LIMITED DEVELOPMENT PERIOD.

SECTION 17. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.33, TABLE 312 - ALLOWED USES AND PERMIT REQUIREMENTS FOR FAIR OAKS/ORANGE
GROVE RM-16, RM-12, PS, AND OS DISTRICTS is amended as shown in Exhibit - 16,
attached hereto and incorporated by this reference. (Note that this table is renumbered to Table 313.)

SECTION 18. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.33, TABLE 314 - ALLOWED USES AND PERMIT REQUIREMENTS FOR FAIR OAKS/ORANGE
GROVE CL, C-2 AND C-3 DISTRICTS is amended as shown in Exhibit - 17, attached hereto and incorporated by this reference.

SECTION 19. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.36, TABLE 316 - ALLOWED USES AND PERMIT REQUIREMENTS FOR WGSP ZONING

DISTRICTS is amended as shown in Exhibit - 18, attached hereto and incorporated by this reference.

SECTION 20. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.36, TABLE 3-17 - WEST GATEWAY SPECIFIC PLAN DEVELOPMENT STANDARDS is amended as shown in Exhibit - 19, attached hereto and incorporated by this reference.

SECTION 21. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.060, Subsection B is amended as follows:

"B. Maximum height of structures. The height of each structure shall not exceed the height limit established for the applicable zoning district by Article 2 (Zoning Districts and Allowable Land Uses), other provisions of this Article, Article 5 (Standards for Specific Land Uses), or by any height limit (HL) overlay zone (Section 17.28.040), except as otherwise provided by this Section."

SECTION 22. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.160, Subsection D, Paragraphs 1 through 4 are amended as follows:

- "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. See Figure 4-8. (Figure remains unchanged)
- 2. Nonresidential structures abutting RS or RM-12 districts. Principal and accessory structures shall not be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing six feet above the existing grade at the property line of the abutting residential zoning district. This encroachment plane requirement shall not apply along a property line that abuts a parking overlay property (PK) that is used for parking. See Figure 4-8.1.

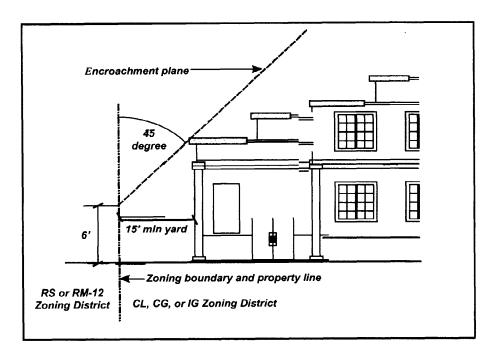


Figure 4-8.1 - Encroachment Plane Requirements for Projects Abutting RS and RM-12 Zoning Districts

3. Nonresidential structures abutting RM-16, RM-32, and RM-48 zoning districts.

Principal and accessory structures shall not be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 20 feet above the existing grade at the property line of the abutting residential zoning district. This encroachment plane requirement shall not apply along a property line that abuts a parking overlay property (PK) that is used for parking. See Figure 4.9.

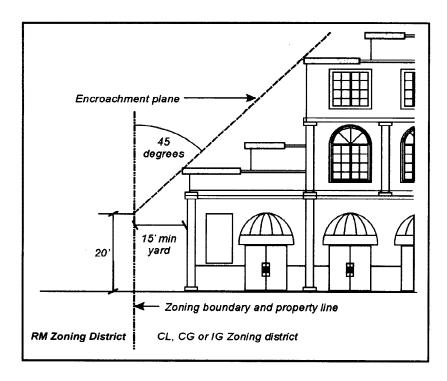


Figure 4-9 – Encroachment Plane Requirements for Projects Abutting an RM-16, RM-32, and RM-48 Zoning Districts

4. Multi-family projects adjacent to single-family districts. Principal and accessory structures using the City of Gardens Standards (Section 17.22.070) that adjoin an RS district along a side lot line shall provide a five-foot side yard setback and shall not be located within a side 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 side lot line. See Figure 4-9.1. Also see encroachment exceptions in Table 4-2.1.

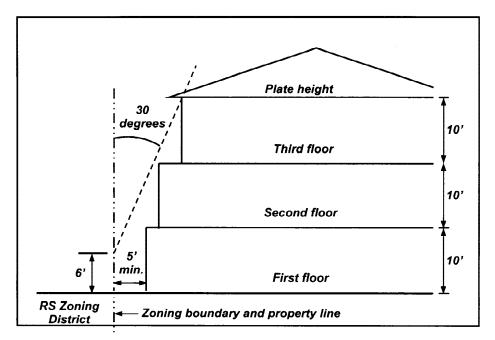


Figure 4-9.1 - Side Yard Encroachment Plane under City of Gardens

SECTION 23. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, TABLE 4-1 - ALLOWED PROJECTIONS INTO SETBACKS is amended as shown in Exhibit - 20 attached hereto and incorporated by this reference.

SECTION 24. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, TABLE 4-2.1 - ALLOWED PROJECTIONS INTO ENCROACHMENT PLANE FOR PROJECTS
USING CITY OF GARDENS STANDARDS (Section 17.22.070) is amended as follows:

TABLE 4-2.1 - ALLOWED PROJECTIONS INTO ENCROACHMENT PLANE FOR PROJECTS USING CITY OF GARDENS STANDARDS (17.22.070)

Projecting Feature	Allowed Projection into encrongiment

Eave/roof overhang	36 inches		
Fireplace or chimney	24 in. for a maximum length of 10 ft along the wall from which it projects.		
Dormer, gable, and/or gable end of roof structure on main structure	36 inches		
Second story of main structure	 May be within encroachment plane so long as: 1. The structure setback of the second story continues the structure setback of the first story; 2. The side setback adjacent to the main structure complies with the minimum setback required by the applicable zoning district; and 3. The structure was constructed under a Building Permit issued after June 3, 2006. 		

SECTION 25. Pasadena Municipal Code, Title 17, Article 4, Section 17.40.100, Subsection B, Paragraph 1 is amended as follows:

"1. Projects over 25,000 square feet. Each commercial, industrial, mixed-use project, and parking garage over 25,000 square feet of gross floor area shall incorporate in its design a public art component. For the purpose of this section, the gross floor area calculation shall include parking garages (including below grade and at or above grade garages)."

SECTION 26. Pasadena Municipal Code, Title 17, Article 4, Section 17.40.180 is amended as follows:

- 1. By amending Subsection B, Paragraph 2 as follows:
- **"2. Residential zoning districts.** The maximum height of a wall or fence within the RS or RM-12 zoning districts shall be as follows and as illustrated by Figure 4-11 (Fence Height Limits in the RS and RM-12 Zoning Districts) below. See Section 17.22.070 (RM District Additional Development Standards) for wall and fence requirements within the RM-16, RM-32, and RM-48 zoning districts." (The remainder of this subsection remains unchanged.)
 - 2. By amending Subparagraph d as follows:
- "d. Corner and rear yard areas. Walls and fences in corner and rear yard setback areas shall be allowed as follows:" (The remainder of this subparagraph remains unchanged.)
 - 3. By amending Figure 4-11 as shown in Exhibit 21, attached hereto and incorporated by this reference.
 - 4. By amending Subsection C to read as paragraph c as follows:
- "c. All new projects abutting a residential zoning district. Required setbacks abutting residential zoning districts shall be enclosed by a solid concrete or masonry wall at least seven feet in height."
- **SECTION 27.** Pasadena Municipal Code, Title 17, Article 4, Chapter 17.43, Section 17.43.050, Subsection A is amended as follows:
- "A. Concessions and other incentives. An applicant who utilizes the density bonus provisions of this chapter may request one or more concessions or other incentives as follows." (The remainder of this subsection remains unchanged).
- **SECTION 28.** Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46 is amended by:
 - 1. Amending Subsection K of Section 17.46.020 as follows:

- "K. Location requirements for multi-family projects. A project that is subject to the multi-family development standards of Section 17.22.060 (RM District General Development Standards) or 17.50.350 (Urban Housing) shall comply with the following parking location standards." (The remainder of this subsection remains unchanged.)
 - 2. Amending the title of this section to read as follows:
- "17.46.250 Central District Additional Standards for Parking" (The remainder of this section remains unchanged.)

SECTION 29. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, is amended as follows:

- 1. By amending Subsection B of Section 17.48.050 as follows:
- "1. The Hearing Officer shall be the applicable review authority for Sign Exceptions.
- 2. The procedures for a Sign Exception shall be the same as for a Minor Variance, including those for notice and hearing upon request."
- 2. By amending **Tables 4-19 21** are amended as shown in Exhibit 22, attached hereto and incorporated by this reference.

SECTION 30. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.48, Section 17.48.110, Subsection C, Paragraph 4 is amended as follows:

"4. For corner lots, freestanding signs shall not be located in the required 25-foot vision triangle. On a case-by-case basis, this requirement may be waived by the Public Works Department. See Figure 4-19."

SECTION 31. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.110 is amended by:

1. Amending Subsections F, G, H, J, and M as follows:

"F. Location and size. A home occupation use shall be conducted entirely within a structure and shall occupy no more than 500 square feet of floor area. This maximum floor area shall include on-site storage areas and any portion of the home occupation that is located within an accessory structure."

"G. Limitation on activities.

- 1. There shall be no items sold on-site other than products crafted on the premises. Items manufactured off-site may be sold through mail order or through the internet as long as the home occupation use (including storage area) does not exceed 500 square feet of floor area. This floor area maximum can be exceeded if the storage area is located off-site.
- 2. Guns and ammunition shall not be sold as part of a Home Occupation Permit except that a home occupation for a gunsmith or firearms collector licensed by the Bureau of Alcohol,

 Tobacco, and Firearms as a gunsmith or firearm collector is allowed."
- "H. Employees, volunteers or independent contractors. Only a resident of the dwelling unit shall be employed in the operation of a home occupation use. No volunteers, interns or independent contractors shall be part of a home occupation permit."
- "J. Client/customer visits. A home occupation use shall not allow any clients or customers without prior appointments. Client/customer appointments are limited to the hours of 7 a.m. to 10 p.m., Monday through Friday."
- "M. Signs and advertising. On-site signs advertising a home occupation use shall not be allowed. Paper and electronic advertisements are allowed (including business cards) as long as they do not include the address of the home occupation permit."
 - 2. Relettering Subsection N to be Subsection O.
 - 3. Adding a new Subsection N as follows:

"N. Additional standards. A home occupation use shall be in compliance with Section 17.40.090 (Performance Standards), Chapter 9.36 (Noise Restrictions) and Chapter 8.80 (Handling and Disclosure of Hazardous Materials)."

SECTION 32. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.160, Subsection K, Paragraphs 2 and 3 are amended as follows:

- **"2. Number of parking spaces required.** For new development projects, parking shall be provided in compliance with Table 4-6 for both the residential component and the commercial component. A minimum of one off-street parking space shall be located on-site for each residential unit in a new project.
- 3. Guest parking required. Guest parking shall be provided for the residential units in compliance with Table 4-6 (Off-Street Parking Space Requirements multi-family dwelling units)."

SECTION 33. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.220 is amended as follows:

"A. Small collection facilities.

- 1. Applicable facilities. The facility shall only be established in conjunction with a commercial, community, or publicly owned facility.
- 2. Permit requirements. The location and type of the facility on the site shall be subject to the approval of a Minor Conditional Use Permit issued in compliance with Section 17.61.050.

3. Location.

The facility shall be located on a site that is a minimum of two acres. The bins and/or reverse vending machines shall be located:

a. As close as possible to the main structure they are intended to serve; and

- b. At least 150 feet from the nearest residential use.
- 4. Limitation on number. There shall be no more than one facility for each site.
- 5. Size of facility. The maximum height of the bins, boxes, and/or containers shall be reviewed through the Minor Conditional Use Permit process.
- 6. Materials of construction. The facility shall be constructed and maintained with durable waterproof and rustproof material, and the bins, boxes, or containers shall be covered and contained in such a manner that they do not present a danger to the public health, safety or welfare.
- 7. Site maintenance. The site shall be kept clean and maintained in a litter-free condition at all times.
- **8.** Identification of allowed materials. The facility shall be clearly marked to identify the type of materials to be deposited.
- 9. Signs. Signs shall be reviewed during the Minor Conditional Use Permit process and shall comply with Chapter 17.48 (Signs)." (The remainder of this section remains unchanged.)
- **SECTION 34.** Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.250 is amended by as follows:
 - 1. By amending subsection B, paragraph 3 and adding a new paragraph 4 as follows:
- **"3.** Attic area and stairs. The area above the ceiling joists may only be uses 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."
 - 2. By amending Subsection E, Paragraph 1, Subsection c:

"c. Encroachment plane and setback. An accessory structure may rise in height above the nine-foot 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."

3. By amending Subsection E, Paragraph 2 as follows:

- "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."
 - 4. By adding Figure 5-1, (Exhibit 23) attached hereto and incorporated by this reference.

SECTION 35. Pasadena Municipal Code, Title 17, Article 5, Section 17.50.210, Subsections A and C, are amended as follows:

- "A. Allowed outdoor lighting. Golf facilities, sport courts, and other recreational facilities in conjunction with a single-family dwelling or residential project may have outdoor lighting only with a Minor Conditional Use Permit approved by the Hearing Officer in compliance with Section 17.61.050."
- "C. Allowed fences. Fences allowed in conjunction with the recreational facilities (e.g., tennis court), shall be reviewed through the Minor Conditional Use Permit required for the recreational

facility, in compliance with Section 17.61.050. The Minor Conditional Use Permit shall determine the height, location, and materials of the fence."

SECTION 36. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.50, Section 17.50.260 is amended as follows:

"17.50.260 - Restaurants and Fast Food Restaurants

- A. Bars and outdoor dining areas.
- 1. Bar areas. Bar areas shall be defined by a barrier approved by the Zoning Administrator.
- **2. Outdoor dining areas.** Outdoor dining areas shall be defined by landscaping or other barriers approved by the Zoning Administrator.
- **B.** Disposable containers and napkins. Fast food restaurants and restaurants with exterior take-out windows shall have the business name printed on all disposable containers and napkins.
- C. Fast food and formula fast food restaurants and drive-through. See Section 17.50.090 (Drive-Through Businesses)."

SECTION 37. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.50, Section 17.50.370, Subsection D, Paragraph 1 is amended as follows:

"1. Sexually oriented businesses;"

SECTION 38. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, **TABLE 6- 1**, is amended as shown in Exhibit - 24 attached hereto and incorporated by this reference.

SECTION 39. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.050, Subsection E, Paragraph 2 is amended to read as follows:

"2. Alteration or expansion of a nonconforming use in compliance with Section 17.71.080.E. (Alteration or enlargement of a nonconforming use shall require a permit);"

SECTION 40. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.080, Subsection C, Paragraph 2, Subparagraph b is amended to read as follows: "b. Alteration or expansion of a nonconforming structure that increases the difference between existing conditions and the current development standards and is an allowable Minor Variance under Table 6-4 (Allowable Minor Variances)."

SECTION 41. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Table 6-3, entitled, "THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS," is amended as shown in Exhibit 25, attached hereto and incorporated by this reference.

SECTION 42. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.060, Subsection G is amended by deleting all of Paragraph 6 and the first paragraph of Paragraph 7.

SECTION 43. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.090 is corrected by relettering each subsection such that Subsection "E. Filming activities" is corrected to read, "C. Filming Activities," etc.

SECTION 44. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Table 6-5, entitled, **REVIEW AUTHORITIES - POWERS AND DUTIES** is amended as shown in Exhibit 26, attached hereto and incorporated by this reference.

SECTION 45. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.030, Subsection A is amended as follows:

- 1. By amending the title of subsection A as follows:
- "A. Review of applications for Certificate of Appropriateness."
 - 2. By amending paragraph 2 of Subsection A, as follows:

"2. All applications to the Historic Preservation Commission for a Certificate of Appropriateness and relief from the replacement building permit requirement shall be processed in compliance with the standard review procedures identified in Chapter 17.76 (Public Hearings)."

3. By adding new paragraphs 3 - 8 after paragraph 2 as follows:

- "3. The provisions of Chapter 17.60 (Application Filing and Processing) and Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), apply to all Historic Preservation reviews. All decisions by the Planning Director may be appealed or called for review, except as otherwise specified in this chapter.
- 4. In all cases, the Director, the Historic Preservation Commission, and Design Commission shall apply the Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings (or when applicable the Secretary of the Interior's Standards for the Treatment of Historic Properties) to all reviews affecting historic properties. In addition, in landmark and historic districts, the Director or Historic Preservation Commission shall also apply the Design Guidelines for Historic Districts in Pasadena, California.
- 5. Outside of the Central District, exterior work subject to regulatory review in designated landmark districts and designated or eligible historic districts is limited to public view from public streets and public sidewalks; views from public alleys are excluded from review.
- 6. For individually designated landmarks and monuments and properties individually listed in the National Register, the Director or Historic Preservation Commission shall concentrate reviews on features open to view from public streets and public sidewalks. The Director or Historic Preservation Commission may also review work out of public view if the alterations affect significant character-defining features of the historic resource or if the work may have an adverse effect on the overall historic integrity of the resource.

- 7. In landmark and historic districts outside the Central District, the following items shall be exempt from review: Paint colors and stains, routine maintenance and minor repairs, landscaping (except for trees protected under Chapter 8.52 Tree Protection), all interior alterations, screens and awnings, flat concrete work (including driveways and walkways), rear yard walls and fences, reroofing (except for a change of material) exterior lighting fixtures, and window/door grilles.
- 8. In the event of a conflict between an adopted conservation plan and the procedures of this chapter, the conservation plan shall prevail."

SECTION 46. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.040, is amended as follows:

- 1. By adding a new subsection A as follows and relettering the remaining subsections in the proper alphabetical sequence:
- "A. Evaluation of Historic Resources. When considering applications to designate a historic monument, landmark, historic sign, landmark tree or landmark district, the Historic Preservation Commission shall apply the criteria below according to applicable National Register of Historic Places Bulletins for evaluating historic properties."
 - 2. By deleting paragraph 3 of existing subsection A (new subsection B)
 - 3. By deleting paragraph 3 of existing subsection B (new subsection C)
 - 4. By amending paragraph 1 of existing subsection C (new subsection D) as follows:
- "1. A historic sign shall include all signs in the sign inventory as of the date of adoption of this Zoning Code and any sign subsequently designated historically significant by the Historic

Preservation Commission that possesses high artistic values. A historic sign shall meet one or more of the following criteria:

- a. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the facade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.
- b. The sign is integrated with the architecture of the building.
- c. A sign not meeting criteria a or b above may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic quality, creativity, or innovation."
- (The remainder of this subparagraph remains unchanged.)
 - 5. By deleting paragraph 2 of existing subsection E (new subsection F)

SECTION 47. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.050, entitled "Process for Designating Historic Resources" is amended as follows:

1. By amending paragraph 1 of subsection B as follows:

"1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or deny the application. A decision by the Historic Preservation Commission to deny the application shall be final unless appealed to or called for review by the City Council."

2. By amending paragraph 3 of subsection B as follows:

"3. The Council may approve, modify, or disapprove the designation of a historic monument, landmark, historic sign, landmark tree or landmark district."

3. By amending paragraph 1 of subsection C as follows:

"1. The designation of a historic monument, landmark, historic sign, landmark tree, or landmark district shall be approved by a declaration of designation executed by the Mayor."

4. By adding the following new subsection D after subsection C:

- "D. Interim Protection for Historic Resources while designation is pending.
- 1. After the Historic Preservation Commission, following the procedures in Section 17.62.050, issues a recommendation for approval of an application for designation of a historic monument, landmark, or landmark district to the City Council, no person, owner, or other entity shall undertake a major or minor project without first obtaining approval in compliance with the category 1 review procedures in Section. 17.62.090. In areas proposed for designation as a landmark district, the interim protections shall apply to all applications for demolition and to major and minor projects in districts eligible for listing in the National Register of Historic Places as a historic district as determined by the Director. These interim provisions shall apply only to contributing properties and structures as determined by the Director.
- 2. The interim protections of this section shall not be applied to applications for a Certificate of Appropriateness deemed complete before a decision has been issued by the Historic Preservation Commission on a proposed designation, including those applications that have been delayed according to Section 17.62.090.D.2.
- 3. If the Council denies an application for designation of a historic monument, landmark, or landmark district, or modifies the boundaries of a district to exclude a property proposed for designation, the interim protections shall no longer apply to those properties and a Certificate of Appropriateness shall no longer be required."

SECTION 48. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.070, entitled "Designating Landmark Districts" is amended as follows:

1. By adding the following sentence at the end of paragraph 3 of subsection B:

"The designation report from the Director shall include a defined period of significance for each district that meets the criteria for designation."

2. By amending paragraph 1 of subsection C as follows:

"1. At a public hearing, the Historic Preservation Commission shall review the application and designation report and recommend approval of the designation to the Council or deny the application. A decision by the Historic Preservation Commission to deny the application is final unless appealed to or called for review by the City Council."

3. By amending subsection H as follows:

"H. Procedure for rescission of or amendment to a landmark district or conservation plan.

- 1. Rescission of a landmark district overlay or an existing conservation plan and amendments to the boundaries of a landmark district overlay or to an existing conservation plan for a district shall follow the procedures identified above for designation of a landmark district. The following criteria shall apply to amendments to boundaries of a landmark district overlay:
- a. Within the boundaries of an area added to an existing landmark district, a minimum of 60 percent of the properties shall qualify as contributing, and
- b. The petition in support of the application shall have signatures from a minimum of 51 percent of the owners of the legal lots within the area proposed for inclusion in the district.
- 2. If an existing conservation plan for a landmark district is rescinded, regulatory reviews of projects shall follow the procedures of this chapter."

SECTION 49. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.090, entitled "Alteration, Demolition, or Relocation of a Historic Resource" is amended as follows:

- 1. By adding a new subsection A as follows, and relettering the remaining subsections in the proper alphabetical sequence.
- "A. Exception to Certificate of Appropriateness requirement. A Certificate of Appropriateness is not required for properties already entitled for demolition or major alteration through an adopted master development plan, planned development, development agreement, adjustment permit, use permit, variance or similar land use approval—or for demolitions analyzed and cleared through an adopted negative declaration, mitigated negative declaration, or certified EIR."
 - By deleting existing subsection D and relettering the remaining subsection in the proper alphabetical sequence.
 - 2. By amending subparagraph a of paragraph 1 of existing subsection E as follows:
- a. Decision within 30 days. If the proposed work is a major or minor project that affects a designated historic resource, the Director or the Historic Preservation Commission as required by this Chapter shall render a decision within 30 days after receiving a complete application, provided the work is not part of a project that requires an Initial Study or Environmental Impact Report.
 - 3. By removing subparagraph d of paragraph 1 of existing subsection E and relettering the remaining subparagraph in the proper alphabetical sequence.
 - 4. By amending existing subparagraph e (new subparagraph d) of paragraph 1 of existing subsection E as follows:

- "e. Economic Hardship Variance. At the time of application for a Certificate of Appropriateness, an applicant may apply to the Historic Preservation Commission for an Economic Hardship Variance." (The remainder of this subparagraph remains unchanged)
 - 5. By amending paragraph 2 of existing subsection E as follows:
- "2. Category 2 review procedures. Category 2 review procedures shall apply to an eligible or potentially eligible historic resource."
 - 6. By adding a new subparagraph b to paragraph 2 of existing subsection E and relettering the remaining subparagraphs in the proper alphabetical sequence as follows:
- "b. Director's determination of compliance with criteria. In reviewing a proposed major project except demolition and front yard fences or walls affecting a historic resource that is not designated, but determined to be eligible for designation, the Director shall determine if the historic resource meets the criteria for designation as a historic monument, landmark, or for listing in the National Register, or is a contributing structure to a potential historic district."
 - 7. By amending existing subparagraph b (new subparagraph c) of paragraph 2 of existing subsection E as follows:
- "c. Determination of alteration or new construction as a significant adverse effect. If the work is not part of a project that requires another discretionary action and the historic resource meets the criteria for one of the above designations or listings or has a 2, 3, 4, 5S2 or 5S3 status code in a historic resources survey, the Director shall determine if the proposed major project constitutes:" (The remainder of this subparagraph remains unchanged.)
 - 8. By amending existing subparagraph g (new subparagraph h) as follows:

- "g. Demolition project. If a project involves a demolition of a historic resource determined eligible for designation with a 2, 3, 4, 5S2, 5S3 or 5D2 status code, as defined by the State Office of Historic Preservation's Historical Resource Status Codes, the Historic Preservation Commission shall review the application at a public hearing noticed and conducted in compliance with Chapter 17.76 (Public Hearings).
- 9. By adding a new subparagraph k to paragraph 2 of existing subsection E, as follows:
- "k. At the end of a delay period established by either the Director or Historic Preservation Commission, the Director shall issue the certificate of appropriateness, which may include any changes to the original project that were agreed upon during the delay period."
 - 10. By removing paragraph 3 of existing subsection E, and all associated subparagraphs and replacing paragraph 3 with the following:
- **"3. Required findings for approval of a Certificate of Appropriateness.** Approval of a Certificate of Appropriateness shall be based on the following findings:
- a. If a project is a demolition or relocation, including demolition in a historic or landmark district, the project will not cause a significant adverse effect as defined in the State CEQA Guidelines; or
- b. If a project is an alteration or new construction, the project complies with the Secretary's Standards or adopted guidelines based on the Secretary's Standards."
- 11. By adding new paragraph 4 and 5 to existing subsection E, as follows:

 "4. Additional findings for demolition of historic resources (excluding non-contributing structures). In addition to the findings required in Section 17.62.090.D.3, the Commission must make one of the following findings to approve demolition of a designated historic resource:

- a. The building has experienced severe structural damage and there is substantial evidence to support this conclusion from at least two sources (e.g., structural engineer, architect); or
 b. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site—and there is substantial evidence to support this conclusion from at least two sources (e.g., structural engineer, architect); or
- c. A compelling public interest justifies demolition.
- **5. Conditions of approval.** As a condition of approval for demolition, the Commission may require historic materials to be salvaged from a property, and it may require archival-quality photo-documentation of the building and/or architectural drawings similar to those required for the Historic American Buildings Survey (HABS)."

SECTION 50. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.100, entitled "**Replacement Building Permit Requirements**" is amended as follows:

- 1. By amending subsection A as follows:
- "A. Building Permit required before issuance of a demolition permit. No permit for the demolition of a structure that is a primary structure on a property may be issued unless a Building Permit has been issued for construction of a replacement project or structure. This requirement applies solely to any primary structure(s) on a property as determined by the Director."
 - 2. By amending paragraph 3 of subsection B as follows:
- "3. The Director shall be the review authority on applications for relief from the requirements of this Section if the demolition involves a structure determined ineligible for historic designation."

SECTION 51. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, Section 17.62.130, subsection B, paragraph 4, subparagraph b, number (2) is amended as follows:

"(2) In furtherance of this policy, Historic Property Contracts shall be limited to a maximum of 20 single-family residential properties each year and three multi-family residential, commercial, or industrial properties each year, unless the Council approves additional contracts beyond these limits."

SECTION 52. Pasadena Municipal Code, Title 17, Article 7, Section 17.71.080, Subsection D, Paragraph 1 as follows:

"1. A nonconforming structure shall not be altered or enlarged so as to further increase the difference between existing conditions and the current development standards identified for the subject zoning district, unless a Variance or Minor Variance is obtained in compliance with Section 17.61.080. Alteration and enlargement may occur, but only in compliance with the current applicable development standards."

SECTION 53. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72, is amended as shown in Exhibit – 27 attached hereto and incorporated by this reference.

SECTION 54. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020 is amended by:

1. By amending the following definition as follows:

"Economic Hardship Variance. A variance granted to a property owner or applicant by the Historic Preservation Commission or Director to approve an application for a Certificate of Appropriateness for a project that due to an economic hardship does not comply with the Secretary of the Interior's Standards. The approval may include provisions to maintain as much as possible of the historic integrity of the property."

- 2. By adding the following new subdefinition 16 to the definition of "Historic Preservation" and renumbering the remaining subdefinitions in the proper order. (the current subdefinition 17, Noncontributing Property, is renumbered to 18, etc.)
- "16. "Landmark District. A grouping of properties meeting the criteria of Section 17.62.040.E."
 - 3. By adding a new subdefinition 19 to the definition, Historic Preservation and renumbering the remaining paragraphs in the proper numerical sequence (the current subdefinition 18, Major Projects is renumbered to 20, etc.):
- "19. Period of Significance. Refers to the span of time during which a property or a grouping of properties has attained significance relating to the criteria for designation (e.g., the era when the neighborhood was substantially developed or the end of a certain historical period."
- 4. By amending subparagraph d of existing paragraph 18 (new paragraph 20) as follows:
- "d. Front yard fences and walls in a historic or landmark district (excluding retaining walls), including those proposed on non-contributing properties."
 - 5. By adding new subparagraphs e and f after subparagraph d of existing paragraph 18 (new paragraph 20) as follows:
- "e. New construction in a designated landmark and or historic district except for accessory structures.
- f. Demolition of a non-contributing building in a designated landmark or historic district."

6. By relettering the existing subparagraph "g" to be subparagraph "i" and adding two new subparagraphs, g and h as follows after subparagraph f of existing paragraph 19 (new paragraph 21) as follows:

"g. Substantial alterations to non-contributing buildings (excluding one-story rear additions, replacement windows and doors, replacement garage doors, new siding or wall cladding and new dormers, unless the property could upon rehabilitation become a contributing building and the alteration would significantly hinder future opportunities to restore the historic character of the building).

h. Side yard fences and walls and driveway gates in a historic or landmark district (excluding retaining walls)."

- 7. Amending the following subdefinition contained under definition of "Land Use Classifications (land use):
- **"1. Commercial Use.** A land use type listed in the "Allowed Uses and Permit Requirements" tables in Articles 2 and 3 under "Recreation, Education & Public Assembly Uses," "Office, Professional, and Business Support Uses," "Retail Sales," "Services," and/or "Transportation, Communication & Utility Uses" except those uses classified as Public, Semi-Public Uses."
 - 8. Amending the following definition of Live Entertainment:

"Live Entertainment. Music, comedy, readings, dancing, acting, or other entertainment performed on a site three or more days during a calendar year. This includes dancing by patrons to live or recorded music."

- 9. Amending the following subdefinitions contained under the definition of "Lot":
- "1. Corner Lot. A lot bounded by two or more intersecting streets that has an angle of intersection of not more than 135 degrees. The intersecting streets shall not be the same street.

In determining the angle of intersection for a rounded corner, straight lines shall be drawn as extensions of both street lot lines. The calculation of the angle of intersection shall be made from the side facing toward the lot at the point where these two extensions meet."

- "3. Flag or Corridor Lot. A lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access."
- **"6. Reversed Corner Lot.** A corner lot in which the corner lot line is substantially a continuation of the front property line of the first lot to its rear."
 - 10. Amending the following subdefinitions contained under the definition of "Lot Line or Property Line":
- "1. Front Lot Line. The shortest line of a lot that is abutting a street line. The lot lines of a double-frontage lot that are abutting street lines shall be front lot lines. When the lot lines of a corner lot that is abutting street lot lines are of equal or substantially equal lengths, the front lot line shall be determined by the Zoning Administrator. In determining the front lot line, the Zoning Administrator shall take into consideration the character of the improvements in the neighborhood of the lot, the impact to abutting property owners from the establishment of either of the boundaries as a front lot line, the character of the building proposed to be constructed and the distance that the building is set back from the lines of the two streets that the lot abuts. See also "Street, or Public Right-of-Way.""
- "5. Street Lot Line. A lot line abutting a street. See also "Street, or Public Right-of-Way.""
 - 11. Amending the following subdefinitions contained under the definition of "Yard or Court":

"Yard or Court. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard or court upward except as otherwise provided in this Zoning Code, including a front yard, side yard, corner yard, rear yard or court between structures. For purposes of this Zoning Code, the term "setback" may be used interchangeably with the term "yard." The following types of yards are defined and required by this Zoning Code. See Figure 8-7."

- "1. Corner Side Yard. A yard extending from the rear line of the required front yard, or the front property line of a site where no front yard is required, to the rear property line, the width of which is the horizontal distance between a street property line or street not considered a front property line and a line parallel thereto on the site. On a lot in which the corner yard adjoins (or is part of) an easement that serves as a roadway, the corner yard shall be the minimum horizontal distance from the edge of the easement and a line parallel there on the site. See "Lot Line or Property Line," "Front Property Line," "Street, or Public Right-of-Way," and "Setback".
- 2. Front Yard. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site. On a lot in which the front yard adjoins (or is part of) an easement that serves as the primary street to the lot, the front yard shall be the minimum horizontal distance between the edge of the easement and a line parallel thereto on the site. See also "Lot Line or Property Line," "Front Property Line," "Street, or Public Right-of-Way," and "Setback".
 - 12. By adding Figure 8-7 Yard Types as contained in Exhibit 28, attached here to and incorporated by this reference.
 - 13. By amending the name of the following definition and relocating it so that it is placed after Restaurants, Formula Fast Food:

"Restaurants with Limited Live Entertainment (land use)." (The remainder of the definition remains unchanged.)

14. By adding a new definition to be located after Restaurants with Live Entertainment (land use):

"Restaurants with Walk-up Window (land use). A restaurant, including a fast food or formula fast food restaurant that provides an exterior walk-window in which orders for food are taken and/or customers are served food."

15. By amending the following definition as follows:

"Setback. The distance by which a structure, parking area or other development feature must be separated from a lot line, easement, other structure or development features. If a street dedication is required, then the setback requirement shall be measured from the revised property line after the dedication. For purposes of this Zoning Code, the term "yard" may be used interchangeably with the term "setback." See Section 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions). See also "Yard.""

16. By amending the subdefinition #5 of the definition Vehicle Services as follows:

"5. Sales and Leasing - Limited. The sales and leasing of automobiles, motorcycles, or trucks within an enclosed structure without any incidental maintenance or repair work allowed. Vehicles shall not be displayed or stored outdoors. Accessory part installation as part of the vehicle sale is permitted. This excludes uses that exclusively rent vehicles."

17. By amending the following definition as follows:

"Street, or Public Right-of-Way. A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, not including freeways, providing any access to and egress from any property abutting thereon."

18. By amending the following definition as follows:

"Corner Side Yard. A yard extending from the rear line of the required front yard, or the front property line of a site where no front yard is required, to the rear property line, the width of which is the horizontal distance between a street property line or street not considered a front property line and a line parallel thereto on the site. On a lot in which the corner yard adjoins (or is part of) an easement that serves as a street, the corner yard shall be the minimum horizontal distance from the edge of the easement and a line parallel there on the site. See "Lot Line or Property Line," "Front Property Line," "Street, or Public Right-of-Way," and "Setback"."

SECTION 55. Pasadena Municipal Code, Title 17, Appendix A, is amended by:

- 1. Relettering PD-11 starting with BB and relettering it to read AB, CC is AC, DD is AD, etc. AAA is relettered to BA, BBB to BB, CCC is BC, etc.
- 2. Relettering PD-15 starting with BB and relettering it to read AB, CC to AC, etc.
- 3. Relettering PD-17 starting with BB and relettering it to read AB, CC to AC, etc.
- 4. Relettering PD-29 starting with BB and relettering it to read AB, CC is AC, DD is AD, etc. AAA is relettered to BA, BBB to BB, CCC is BC, etc.

SECTION 56. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 57. This ordinance shall take effect 30 days from its publication.				
Signed and approved this	day of	, 2007.		
		Dill Dogoord		
		Bill Bogaard Mayor of the City of Pasadena		

of Pasadena at its meeting held this	_	•
AYES:		
NOES:		
ABSENT:		
ABSTAIN:		
Date Published:		
	Jane 1	L. Rodriguez, CMC City Clerk
Approved as to form:		
Elemente		
Theresa E. Fuentes		
Deputy City Attorney		