

EXHIBIT 3:
CONSISTENCY FINDINGS

GENERAL PLAN CONSISTENCY FINDINGS

LAND USE ELEMENT

Objective 1 – TARGETED DEVELOPMENT: Direct higher-density development away from Pasadena’s residential neighborhoods and into targeted areas, creating an exciting urban core with diverse economic, housing, cultural and entertainment opportunities.

Policy 1.9 – Other Geographical Areas: Limit development outside targeted development areas.

The proposed re-zoning will not reduce the density of development in areas earmarked for higher densities. The areas designated for higher densities (referred to in the above objective and policy as “targeted areas” and “targeted development area”) are the specific plan areas.

HOUSING ELEMENT

Policy 1.10 – Promote the preservation of the existing affordable housing stock.

The proposed amendments further this Policy, because removing the Overlay District and its allowance for 50% density increase will remove incentives to redevelop existing properties which therefore promote preservation of existing housing that is likely available at affordable income levels.

Policy 2.1 – Encourage the production of housing appropriate to all economic segments of the population, including lower-, moderate- and upper-income housing, to maintain a balance community.

See the discussion under Policy 1.10

ZONING CODE FINDINGS OF CONSISTENCY

An amendment to the Official Zoning Map may be approved only after first finding that:

§17.74.070 (A) (1) The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan; and

See the discussion of General Plan consistency above.

§17.74.070 (A) (2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City.

Since this zone change is consistent with the General Plan, as written above, and the General Plan is the statement of the public interest; therefore it will not be detrimental to the public interest. Reducing the allowed density will not cause any harm to the health, safety, or welfare of the City. Further, any project proposed under the new zoning would require City approvals (ranging from building permits to design review) which allow for the review of these projects’ effect on the health, safety, and welfare of the surrounding community.

STATE LAW CONSISTENCY FINDINGS

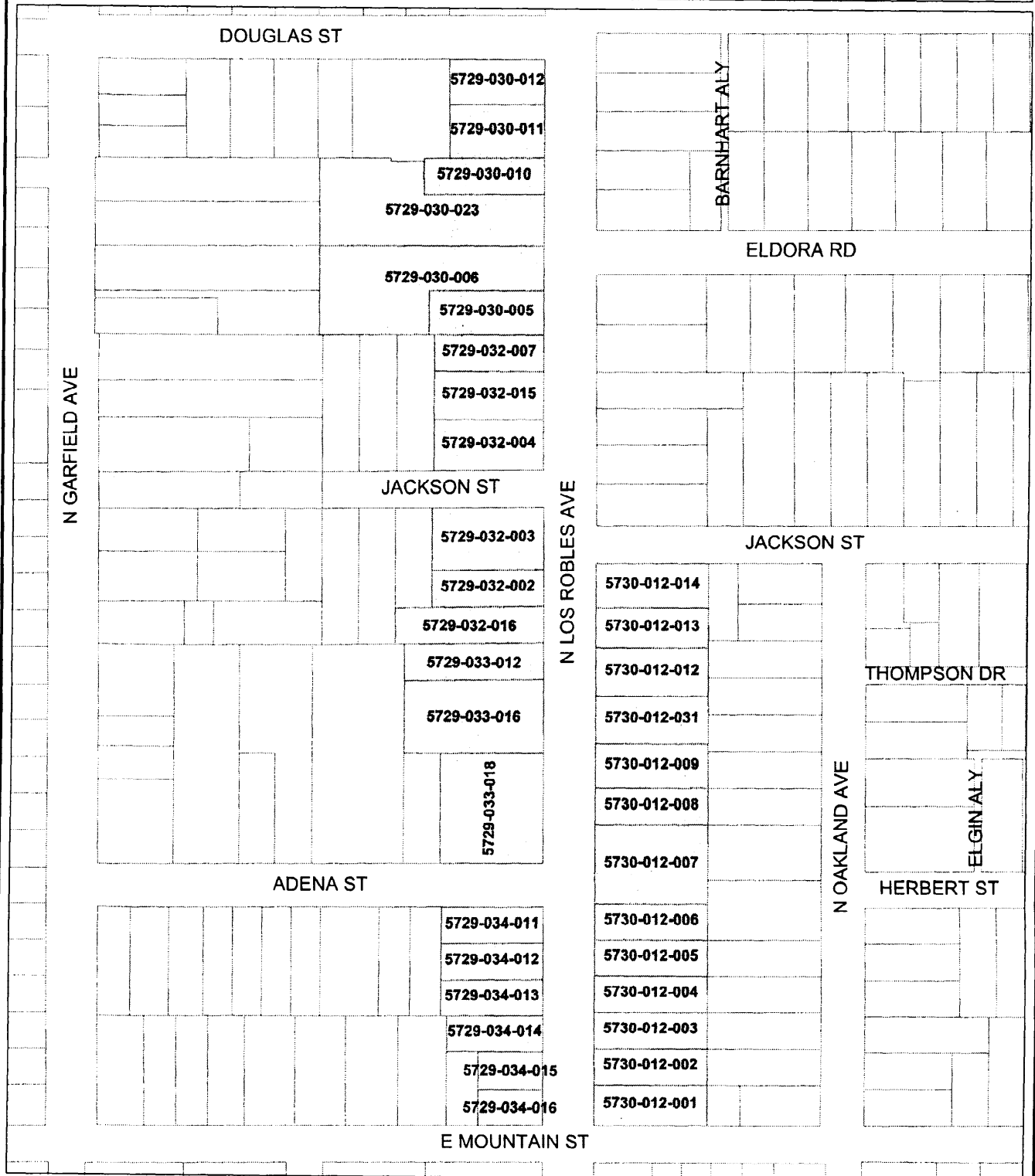
The findings below were written and attached to the City Council's approval of the Los Robles/Adena Zone Change from RM-32 to RM-16. The facts and arguments stated are still applicable in this case.


Since 2003, local jurisdictions are required to assess any reduction in potential density on a parcel to determine whether it will affect the jurisdiction's capacity for its share of the regional housing need (i.e., RHNA). If adequate capacity remains then the jurisdiction may approve the reduction but only with two written findings: (1) that the reduction is consistent with the general plan, including the housing element; and, (2) that the remaining sites are adequate for the jurisdiction's share of regional housing need. For the zone change that is proposed in the study area, the two findings should be made.

The zone change is consistent with the City's General Plan, according to the analysis in Attachment 3 of this report. The City's remaining sites are adequate for development of the City's share of regional housing need. The 2000-2005 Housing Element analyzed sites both in multifamily residential districts and also in districts that allow both residential and commercial uses, including the seven specific plan areas. Within the residential districts alone, the element established a remaining capacity of 2,899 units. The proposed zone change would reduce this capacity within the City's residential districts by a maximum of 93 units. According to the Element, the remaining capacity of 2,806 units, not including the potential within the specific plan areas and other commercially zoned districts, is adequate to meet the city's RHNA of 1,777 for the period through 2005.

EXHIBIT 4:
MAP OF AFFECTED PARCELS

Workforce/Affordable Housing Overlay




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0 75 150 300
 Feet


 Coordinate System
 State Plane California Zone V
 FIPS 405 (Feet), NAD 1983

LEGEND



 NO ZONE CHANGE
 CHANGE FROM RM-16 WAH TO RM-16

EXHIBIT 5:
SECTION 17.28.120 OF THE ZONING CODE

17.28.120 - WAH Workforce/Affordable Housing Overlay District

- A. Purpose.** In addition to the general purposes of this article and the purposes of the base district, the specific purposes of the WAH workforce/affordable housing overlay district are to:
1. Encourage the provision of housing at rates affordable to those households earning Workforce Level Income, and Very Low, Low, and Moderate Income Households.
 2. Provide for new residential development density that is compatible with the existing historical context and character of the area.
 3. Promote the preservation of historic neighborhoods and properties by allowing for higher densities while keeping stricter development standards.
 4. Provide an alternative to the State's mandated density bonus laws, as implemented by Chapter 17.43 of this Zoning Code.
- B. Applicability.** The provisions of this chapter shall apply to that specific area designated "WAH" on the official zoning map of the City along North Los Robles Avenue, and shall be combined with the applicable underlying base district.
- C. Land Use Regulations.** Land use regulations shall be those of the underlying base district.
- D. Definitions.** See Section 17.80.020 for Workforce Housing definitions, and Article 8 for other applicable Affordable Housing definitions.
- E. Development Standards.** Except as modified in this chapter, the development standards shall be those of the underlying district.
1. **Density.** For a Workforce/Affordable Housing Development, the minimum lot area required for each dwelling unit shall be 1,815 square feet (24 dwelling units/acre).
 2. **Rounding Numbers.** When calculating the permitted density for a Workforce/Affordable Housing Development, fractional numbers of units exceeding .75 shall be rounded up.
 3. **Covenant for 30 years.** A covenant or other document satisfactory to the City Attorney shall be recorded before issuance of a building permit, which shall ensure that the Workforce/Affordable Units remain affordable to households at Workforce Level Incomes, or to Very Low, Low, or Moderate Income Households, at a cost affordable to the particular income category (as defined in the City's Workforce Housing Regulations, and Article 8 of the Zoning Code) for at least 30 years. This covenant is distinct from that required by Title 4, Chapter 17, Section 4.17.030 (Residential Impact Fee).
 4. **Inclusionary calculation.** Workforce/Affordable Units shall be excluded from the total number of dwelling units used as the base for calculating the number of inclusionary units in Section 17.42.040, Inclusionary Unit Requirements.
 5. **Location within project.** All Workforce/Affordable Units shall be:
 - a. Reasonably dispersed through the residential project;

- b. Proportional, in number, bedroom size, and location to the market rate units; and
 - c. Comparable with the market rate units in terms of the appearance, base design, materials, and finished quality.
6. **Timing of construction.** All Workforce/Affordable Units shall be constructed concurrent with, or before, the construction of the market rate units. If the City approves a phased project, the required Workforce/Affordable Units shall be provided within each phase of the residential project.
- F. **Recapture of financial interest.** Notwithstanding the above, after initial sale to a Workforce Level Income household, or to a Very Low, Low, or Moderate Income Households Workforce/Affordable Units may be sold to an above-workforce income purchaser; provided that the sale shall result in a recapture by the City, or its designee, of a financial interest in the unit equal to:
- 1. The difference between the initial sales price and the appraised value at the time of the subsequent sale; and
 - 2. A proportionate share of any appreciation (as defined in the City's Workforce Housing Guidelines).

If the Workforce/Affordable Unit also received a discounted residential impact fee pursuant to Chapter 4.17, the Workforce/Affordable Unit cannot be sold to an above-Workforce Level Income purchaser until the expiration of the covenant required by Chapter 4.17. The recapture provisions provided in this subsection become applicable at that time.

- G. **Forfeiture of funds.** Any individual who rents a Workforce/Affordable Unit in violation of this Chapter shall be required to forfeit all rents that exceed the Affordable Housing Cost (as defined in the City's Workforce Housing Guidelines). Any individual who sells a Workforce/Affordable Unit in violation of this Chapter shall be required to forfeit all profits from the sale which exceed the difference between the initial sales price and the appraised value at the time of the subsequent sale. Recovered funds shall be deposited to the Inclusionary Housing Trust Fund. (Ord. 7099 § 7, 2007; Ord. 7071 § 2, 2006)

Visible. Likely to be noticed by a person of average height walking on a street or sidewalk two years after installation of any planting screening material intended to screen a view.

W. Definitions, "W."

Wholesaling, Commercial (land use). Wholesaling and storage of commercial goods and supplies within an enclosed building.

Wholesaling, Distribution, and Storage (land use). Storage and distribution facilities not including retail sales having five or fewer trucks at any one time.

Wholesaling, Distribution, and Storage, Small-Scale (land use). Wholesaling, distribution, and storage having a maximum gross floor area of 5,000 square feet and using a maximum of two commercial vehicles.

Window, Bay. An extension of a building wall which is habitable space that encroaches into a required yard and is a minimum of three feet above finished grade. A bay window shall have a minimum of 50 percent fenestration.

Window, Major. A window or aggregate of windows 16 square feet in size or more.

Window, Minor. A window or aggregate of windows less than 16 square feet in size.

Window, Required. An exterior opening in a habitable room meeting the area requirements of Municipal Code Section 14.12.390.

Wireless Telecommunications. See "Telecommunications Facility."

Workforce/Affordable Housing Definitions. The following terms and phrases are defined for workforce/affordable housing. Reference should also be made to the City's Workforce Housing Guidelines for additional definitions.

- 1. Workforce/Affordable Housing Development.** A development in which all the units exceeding the underlying base district density are Workforce/Affordable Units. A project receiving a density bonus, concession or incentive, or waiver or modification, as a result of Density Bonus provisions of State law, and pursuant to Chapter 17.43, shall be excluded from the definition of a Workforce/Affordable Housing Development. Workforce/Affordable Housing Developments are also not eligible for any concessions, incentives, waivers or modifications of development standards pursuant to the Density Bonus provisions of State law or Chapter 17.43 of the Zoning Code.
- 2. Workforce Level Income.** A gross household income from 121 percent to 180 percent of the Average Median Income for Los Angeles County as determined annually by the U. S. Department of Housing and Urban Development.
- 3. Workforce/Affordable Units.** Dwelling units that are sold or rented at Workforce Housing Costs to households earning a Workforce Level Income, or to Very Low, Low, or Moderate Income Households, at an Affordable Housing Cost (as defined in the City's Workforce Housing Guidelines and at Article 8 of the Zoning Code). Units provided to meet the Affordable Housing and Incentives requirements of Chapter 17.42 and the

Density Bonus, Waivers, and Incentives Requirements of Chapter 17.43, are not Workforce/Affordable Units.

Work/Live Units (land use). Work/Live means an integrated dwelling unit and working space, in which the work component is the primary use and the residential component is secondary, occupied by a single housekeeping unit in a structure, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

X. Definitions, "X." No technical terms beginning with the letter "X" are defined at this time.

Y. Definitions, "Y."

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 8-8.

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 there 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."
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."
3. **Rear Yard.** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line thereto on the site, except that on a corner lot, the rear yard shall extend only to the corner yard.
4. **Side Yard.** A yard extending from the rear line of a required front yard, or the front property line of a site where no front yard is required, to the front line of the required rear yard, or the rear property line of the lot where no rear yard is required, the width of which is the horizontal distance between the side property line and a parallel line on the site.