

Pasadena City Council:

Subject: Landscape ordinance. Item 20. Council Agenda 6/14/10.

I have reviewed the responses to my earlier comments as set forth in the memorandum from the Planning and Development Department dated 6/14/10.. I found them to be actually unresponsive to a large degree. I still consider the ordinance to be ambiguous in many respects and in need of clarification.

I suspect that engaging in a word-by-word parsing of my comments, the rebuttals and the sur-rebuttals would not prove fruitful. I can't accomplish that in a three-minute sound bite, or even a longer period that might be acceptable the Council. I sense no groundswell of enthusiasm on the part of the City for undertaking a major revision of the ordinance. What I do sense is (if you will excuse the mixed metaphor) a circling of the wagons and a digging in of the heels. This is understandable considering the time and effort which would be involved, and the desirability of not departing too far from the State's model ordinance.

So let me suggest a different path. Sometimes the best way to solve a problem is to find a way to finesse it. There is appended hereto a draft of an amendment which might eliminate the existing ambiguities with respect to the application of the ordinance to existing single-family and two-family residences. I believe it is consistent with the intent expressed by the City.

A few comments on the proposed amendment:

- You may wish to refine it to put into proper legalese.
- To cover projects under construction, I have used the phrase "(in the process of construction ?)". You may want to substitute a specific action and date.
- The item numbering should be modified to fit in wherever you decide to place this additional language.

David O. Powell
3630 Greenhill Road
Pasadena, California 91107
(626) 351-8120
dopowell@earthlink.net

06/14/2010
Item 20

PROPOSED ADDITION TO LANDSCAPE ORDINANCE

A. Grandfather clause

A.1. Nothing in this ordinance shall be construed in a manner which would permit the application of this ordinance to parcels containing single-family or two-family residences which are in existence or are *(in the process of construction ?)* as of the date this ordinance becomes effective, except as set forth in Article A.2.

A.2. The ordinance shall apply to parcels containing single-family or two-family residences which are in existence or are *(in the process of construction ?)* only under the conditions set forth in Articles A.2.a, A.2.b and A.2.c.

A.2.a. The parcel includes a landscape area under irrigation of greater than than one acre, or

A.2.b. Rehabilitation of landscaping is undertaken which increases the landscape area under irrigation from one acre or less to more than one acre, or

A.2.c. Construction or reconstruction is undertaken of water features, as that term is defined in Article 13.22.030.RR of this ordinance, requiring a building or zoning permit or design review.

A.3. No parcel containing single-family or two-family residences which are in existence or are *(in the process of construction ?)* shall fall under the purview of this ordinance on account of a building or zoning permit or design review being required for modifications to structures other than those for water features.

A.4. Nothing in this ordinance shall be construed to permit violation of any other laws and ordinances applicable to landscaping.