

**TO:** PLANNING COMMISSION

**DATE:** May 13, 2009

**FROM:** RICHARD BRUCKNER, DIRECTOR OF PLANNING AND DEVELOPMENT DEPARTMENT

**SUBJECT:** ZONING CODE AMENDMENTS – SERIES IV - AMENDMENTS INCLUDE LIMITATIONS FOR CONTINUANCES OF PUBLIC HEARINGS, CHANGE TO THE REQUIREMENTS FOR PERSONAL PROPERTY SALES; CHANGE TO THE REFERENCE TO “NORTHWEST ENTERPRISE ZONE” TO “EZBDA” OR “ENTERPRISE ZONE BUSINESS DEVELOPMENT AREA”; ALLOW PARK AND RECREATION FACILITIES IN THE PS DISTRICT WITH A CONDITIONAL USE PERMIT, A SERIES OF MINOR AMENDMENTS, CORRECTIONS, AND CODIFICATION OF INTERPRETATIONS, PRACTICES AND DEFINITIONS.

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**RECOMMENDATION:**

It is recommended that the Planning Commission recommend to the City Council:

1. Adoption of the Initial Study (Attachment C) and the Negative Declaration for the proposed Zoning Code Amendments;
2. Approval of a finding of consistency with the General Plan as contained in this report; and
3. Approval of the proposed Zoning Code Amendments as contained in this report.

**BACKGROUND:**

Under the previous Zoning Code, the staff would annually group Zoning Code amendments into a single series of amendments. The intent of this was to reduce the number of public hearings and group together proposed amendments. This series includes amendments that would otherwise be too small to review individually. This is the fourth series under the new Zoning Code which was adopted in February of 2005 and includes policy changes as well as minor amendments, corrections and the codification of interpretations. The focus of this report is on the policy changes. Minor amendments, corrections, and the codification of interpretations and practices have been included in Attachment A.

**ANALYSIS:**

**Major Amendments**

**1. Establish Limitations for Continuances of Public Hearings without Re-Noticing.**

This proposed amendment is to identify when re-noticing of public hearings is required for projects. The genesis of this recommendation came from the City Council because a project was continued for approximately one year without re-noticing. This occurred because the Zoning Code allows a hearing to be continued by the review authority (Hearing Officer, the Director, Commission, or Council) to a specific hearing date without a new public notice. There are no limitations on the number of times or the time period that a hearing can be continued. What is being proposed is an amendment which will allow projects to be continued a maximum of two times by the review authority within a 90-day period without re-noticing for the public hearing, only when the project is scheduled for a new specific hearing date. After the second

continuance or 90 days (whichever comes first), the project will be required to be re-noticed (including the on site noticing board) so that the public is aware of the project's status. Each time a project is re-noticed, it may be continued two more times by the review authority with in a 90-day period without re-noticing.

If the city's review authority recommends a continuance, then cost associated with re-noticing will be absorbed by the City. However, if a continuance is requested by the applicant, then the applicant shall be responsible for all costs associated with re-noticing.

## **2. Personal Property Sales in Residential Zones.**

The purpose of this amendment is to establish minimum requirements for the placement of items for personal property sales (garage sales). Staff recommends that display of merchandise on fences, walls, and on the public right of way (sidewalk) shall be prohibited. The intent of the regulations is to ensure that the items being sold are located on private property and that the display of merchandise does not impact the appearance and character of the neighborhood or create traffic or parking problems.

## **3. Change the Reference to "Northwest Enterprise Zone" to "EZBDA" or "Enterprise Zone Business Development Area."**

This proposed Zoning Code amendment will change the term "Northwest Enterprise Zone" to EZBDA (Enterprise Zone Business Development Area). The term "Northwest Enterprise Zone" is used in Section 17.40.010(2) of the Public Art Requirements. Currently, this section of the code lists the area as the "Northwest Enterprise Zone", as the name and area for the enterprise zones have been amended, this section of the Code should be updated to indicate that the public art requirements in terms of the enterprise zones.

## **4. Change the title of the Neighborhood Service Administrator to "Code Compliance Manager" in Chapter 17.78 of the Zoning Code.**

Chapter 17.78 of the Zoning Code pertains to enforcement issues. Specifically, it establishes provisions which are intended to ensure compliance with the requirements of the Zoning Code, and any conditions of land use permit or subdivision approval, to promote the City's planning efforts, and for the protection of the public health, safety, and welfare of the City. Currently this chapter of the Zoning Code references the "Neighborhood Service Administrator" as the principal enforcer of the Zoning Code. The Zoning Code was written at a time when the staff person who handled enforcement was in a different department. It has now changed, and the new title is "Code Compliance Manager." The Code Compliance Manager is responsible for directing city staff to address Zoning Code enforcement issues. This amendment will establish the proper title for the city official responsible for enforcement issues.

## **5. Amend the Density Bonus Provisions to reflect minor clarification to State Density Bonus Law.**

The State of California has recently approved clarifications to the State Density Bonus law. As such, the City of Pasadena will need to make the following minor changes to the Zoning Code's Density Bonus Provisions to reflect the changes in State law.

1. In calculating the number of affordable units required, the density bonus units shall not be included.

2. A waiver to a development standard shall not require a finding for approval that the waiver is necessary to make the housing units economically feasible; the required finding would be based on whether the development standard would physically preclude construction (similar to a variance finding).

This update will include Density Bonus provisions to include technical changes approved by the State Legislature. These changes help clarify the applicability of the State Density Bonus law. In particular the clarification that on the finding for a waiver is based on the physical conditions of the site.

#### **6. PS Zoning District - Uses allowed with Conditional Use Permits.**

The PS District is a district for institutional uses and the uses typically occurring in this district includes schools, churches, colleges and universities and hospitals. Under the previous Zoning Code, park and recreation uses were conditionally permitted in all districts. When the Zoning Code was adopted in 2005, the land use charts mistakenly forgot to conditionally allow park and recreation facilities in the PS District. This amendment will correct this oversight and allow park and recreation facilities in the PS District subject to Conditional Use Permit approval.

#### **ENVIRONMENTAL REVIEW:**

An Initial Study and Negative Declaration were prepared. Adoption of the amendments to Title 17 involves no potential significant impacts. The Department of Fish and Game has approved a determination that the proposed code amendments have no potential effect on fish, wildlife and habitat.

#### **GENERAL PLAN CONSISTENCY:**

The proposed revisions to the Zoning Code are consistent with the following objectives and policies of the City's General Plan.

The Zoning Code Amendment for the Bonus Density Provisions supports one of the General Plans Guiding Principles that, Pasadena "Encourage the production of housing appropriate to all economic segments of the population, including lower-, moderate- and upper-income housing, to maintain a balanced community", and policy 3.2 Use available federal, state and local resources to support the production of affordable housing". This amendment will promote preservation of existing affordable housing stock and increase the available affordable housing stock.

Respectfully Submitted,

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Richard Bruckner, Director of  
Planning and Development

Prepared by:

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Jacqueline Ellis  
Associate Planner

Reviewed by:

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John Poindexter  
Planning Manager

## **LIST OF ATTACHMENTS**

- ATTACHMENT A - MINOR AMENDMENTS, CORRECTIONS, AND THE CODIFICATION OF INTERPRETATIONS
- ATTACHMENT B - TABLE B - EAST COLORADO BOULEVARD SPECIFIC PLAN DISTRICT - DEVELOPMENT STANDARDS (ORDINANCE #6958) AND TABLE 3-4.
- ATTACHMENT C - INITIAL STUDY

**Minor Amendments:**

1. **Hours of Operation.** This amendment is to correct the references to specific parts of the Code as it relates to the application of the hours of operation for commercial uses that are within 150 feet of a residential district. This correction will identify that Articles 2 and 3 reference the allowed hours of operation for uses (currently Articles 3 and 5 are identified).
2. **East Colorado Specific Plan (ECSP) Development Tables.** When the East Colorado Specific Plan was adopted in June of 2003, it created a series of subdistricts. Subdistrict-1 was known as the Mid-City area while Subdistrict -2 was called the College District. As shown in Attachment - 3 (the original ordinance implementing the specific plan) the maximum height of buildings in Subdistrict -1 is 60 feet while Subdistrict - 2 is 45 feet. When the new Zoning Code was adopted in 2005, the heights of these two subdistricts were switched. This amendment would correct the East Colorado Specific Plan development table to show the correct heights for Subdistricts 1 and 2 (see attachment B for the correct heights language from the Specific plan and Table showing the incorrect heights).
3. **Walnut Street Urban Village Precinct.** In Table 3-1, Section 17.30.030, of the CD (Central District) Land Uses and Permit Requirements, is a note #11 reads "Not permitted 140 feet north or south of Walnut Street in the Walnut Street Urban Village Precinct. It is proposed to revise this sentence to simply make it clearer as the current language confuses the public. The amendment will change footnote #11 to read, "In the Walnut Street Urban Village Precinct this use is permitted only when within 140 feet north or south of Walnut Street."

**Codifications and Corrections:****1. Codifications of Interpretations**

- A. **Affordable Senior Housing Definition.** The Zoning Code has a use called, "Affordable Senior Housing." This use is limited to the PS District and was added to the Zoning Code to allow for Senior Housing Projects that are within close proximity to medical offices or hospitals to be in the PS District. Section 17.50.280 outlines the requirements for this use. The definition of this use is unclear as to whether all units in such a project must be affordable senior housing. The Zoning Administrator has interpreted that units constructed under the provisions of affordable senior housing located in the PS District shall be 100 percent affordable. This was the intent of the amendment when the Council adopted this amendment back in 2000. This amendment will codify this interpretation and is only applicable in the PS Zoning District. It does not impact senior housing outside of the PS Zoning District since this use is only applicable in the PS Zoning District.
- B. **Definition of Enlargement.** This is a Zoning Administrator interpretation that "enlargement" means a change in gross square footage or a change in lot coverage as it relates to non-conforming uses. The Zoning Code uses the terms expansion and enlargement. Expansion has meant any additional square footage to a building or use. The Zoning Code does not define "enlargement." The Zoning Administrator has interpreted this to mean not just a change in square footage but also any

change in lot coverage. The intent of the interpretation is to clarify when a legal non-conforming use undergoing an enlargement which may require a Minor Conditional Use Permit (MCUP).

- C. All CEQA (California Environmental Quality Act) Decisions are Subject to the 10 Day Appeal Period.** Section 17.64.020.A of the Zoning Code states that decisions (i.e., Planning Director, Board of Zoning Appeals, etc.) are subject to a 10-day appeal period. This section also states that certification of an EIR shall become effective on the 11<sup>th</sup> day following the date of decision. The Zoning Administrator has interpreted this provision to mean that all CEQA decisions are subject to the 10-day appeal period. This will codify that interpretation.
- D. Master Plans with Entitlements (e.g. variance or conditional use permits).** In section, 17.61.050.I.5 of the Zoning Code there is a provision for the renewal for Master Plans. It allows an approved Master Plan to be renewed for a period as approved by the Planning Commission. It is the Zoning Administrator's interpretation that this provision applied to all entitlements reviewed and approved by the Council (and reviewed by the Planning Commission) as part of the Master Plan. Other entitlements could include variances or other types of Conditional Use Permits. This amendment will codify this interpretation. .
- E. Primary Building Frontage.** In addition to the standard glossary in the Zoning Code, Chapter 17.48 (Signs) contains a series of definitions relating to signage located in Section 17.48.170. The definition of primary building frontage will be modified to read that a sign shall be located on a parking area, pedestrian plaza, courtyard or arcade that is located *on the same site*. The new language added to this definition will maintain that intent that signage be based on the subject property or site and not a neighboring lot's driveways or parking lots.

## 2. Corrections

The proposed amendments will correct a number of errors. Most of these errors are minor and include: references to incorrect sections or figures, numbering of subsections, misspellings and corrections to recent ordinances. These corrections include:

- A. Bicycle Parking Standards (Section 17.46.320.A).** This correction removed a comma from the applicability provisions of the bicycle parking requirements. Currently the language reads, "**A. Applicability.** Bicycle parking facilities shall be provided for any new structure, or an addition to any existing structure, that exceeds 15,000 square feet in gross floor area." The second comma is confusing because it makes the sentence read as if bicycle parking is only required with new structures or additions that exceed 15,000 square feet. Removing the second comma will allow the correct interpretation that bicycle parking applies to all new structures regardless of size and those additions that exceed 15,000 square feet.
- B. Single Housekeeping Unit.** Modify the definition for single housing keeping unit to remove the repetition of the word, "meals" which occurs twice in the definition. The definitions read as follows:

"The functional equivalent of a traditional family; whose members are a non-transient interactive group of persons jointly occupying a single dwelling unit,

including the joint use of common areas and sharing household activities and responsibilities (e.g., meals, chores, expenses, and meals). This does not include a boarding house.”

**C. Correction Tables 3-5 and 3-6 of the East Pasadena Specific Plan to Table 3-5.**

This amendment makes two corrections to Tables 3-5 and 3-6 of the East Pasadena Specific Plan. This Table uses the term, “Public maintenance & service facilities” when the correct wording of the use is “Maintenance & service facilities.” This will be consistent with the Zoning Code definition found in the glossary. The other correction is a correction to the amendments of the Sexually Oriented Businesses ordinance. This use was approved as a permitted use in the CG portions of Subarea d2 and Subarea d3. Table 3-6 currently shows this use permitted only in Subarea d2. The City Council approved this use in the CG district of Subarea d3. This correction will implement what was approved by the City Council.

**D. Antenna Array.** The Zoning Code uses the term Accessory Antenna Array for antenna array that is located on buildings. The Zoning Code still uses this term. However, the definition was not carried over into the new Zoning Code. It has been the Zoning Administrator’s interpretation that this use is still defined as it was in the previous code. The definition is as follows:

“Accessory Antenna Array. Accessory antenna array means an antenna array that is mounted on an existing building and is intended to provide wireless telecommunications services for the occupants of that building.”

**CITY OF PASADENA**  
**175 NORTH GARFIELD AVENUE**  
**PASADENA, CA 91101-1704**

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**INITIAL STUDY**

In accordance with the Environmental Policy Guidelines of the City of Pasadena, this analysis, the associated "Master Application Form," and/or Environmental Assessment Form (EAF) and supporting data constitute the Initial Study for the subject project. This Initial Study provides the assessment for a determination whether the project may have a significant effect on the environment.

**SECTION I – PROJECT INFORMATION**

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|--|---|
| 1. Project Title:                      | Zoning Code Amendments (Series IV)  |
| 2. Lead Agency Name and Address:       | City of Pasadena  |
| 3. Contact Person and Phone Number:    | Jacqueline Ellis, (626) 744-6709  |
| 4. Project Location:                   | The proposed Zoning Code Amendments will be Citywide  |
| 5. Project Sponsor's Name and Address: | City of Pasadena  |
| 6. General Plan Designation:           | Varied  |
| 7. Zoning:                             | Varied  |
| 8. Description of the Project:         | The Series IV Zoning Code amendments include the following changes: establish limitations for continuances of public hearings without re-noticing, change the Personal Property Sales requirements to prohibit the display of merchandise on fences, walls, and in the public right of way; change the reference to "Northwest Enterprise Zone" to "EZBDA" or "Enterprise |

Zone Business Development Area”; allow park and recreation facilities in the PS District through a conditional use permit requirement; change the title Neighborhood Services Administrator to Code Compliance Manager; and amend the Density Bonus provisions to reflect recent minor changes to State Density Bonus law.

A number of minor corrections are proposed as well as codification of Zoning Administrator interpretations. The minor amendments include small corrections including references, spellings, and typographical errors. It includes the following specific amendments: correct the references to specific parts of the code as it relates to the hours of operation, correct the East Colorado Specific Plan development table to show the correct height for the CL and CG zones; change the references in CD regarding the 140 ft. north/south of Walnut Street Urban Village Precinct.

Interpretations that will be codified as part of this set of amendments include: an interpretation regarding the land use definition of Affordable senior housing, interpretation clarifies that the intent for this use is that all the Affordable senior housing be affordable; codify an interpretation that enlargement to mean a change in gross square footage or a change in lot coverage; codify interpretation that all environmental decisions are subject to the 10 day appeal period; codify interpretation that the approval time for a Master Plan includes all entitlements that were approved as part of the Master Plan. A correction will be made to the sexually oriented businesses ordinance.

Corrections and definitions that will be codified include: animal shelters definition, bicycle parking standards application, building frontage (in regards to signage); expiration, amendments, and subsequent review of Master Plans; definition of single housekeeping unit; definition of single-family residential; and correct table 3-5 in regard to Public maintenance & service facilities

- 9. Surrounding Land Uses and Setting: Varied, citywide.
- 10. Other public agencies whose approval is required: The proposed amendments are City-wide, and will change the regulations in various parts of the Zoning Code. Other public agencies whose approval is required: Approval by the City Council with a recommendation from the Planning Commission is required.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

	Aesthetics		Geology and Soils		Population and Housing
	Agricultural Resources		Hazards and Hazardous Materials		Public Services
	Air Quality		Hydrology and Water Quality		Recreation
	Biological Resources		Land Use and Planning		Transportation/Traffic
	Cultural Resources		Mineral Resources		Utilities and Service Systems

	Energy	Noise	Mandatory Findings of Significance
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**DETERMINATION:** (to be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that, although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.	
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment., but at least effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards , and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

\_\_\_\_\_  
Prepared By/Date

Jacqueline Ellis                      April 2, 2009  
Printed Name

\_\_\_\_\_  
Reviewed By/Date

Jennifer Paige-Saeki    April 2, 2009  
Printed Name

Negative Declaration/Mitigated Negative Declaration adopted on: \_\_\_\_\_

Adoption attested to by: \_\_\_\_\_

Printed name/Signature                      Date

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 20, “Earlier Analysis,” may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. See CEQA Guidelines Section 15063( c)(3)(D). Earlier analyses are discussed in Section 20 at the end of the checklist.
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier documents and the extent to which address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significant

**SECTION II - ENVIRONMENTAL CHECKLIST FORM**

**1. BACKGROUND.**

Date checklist submitted: April 6, 2009  
 Department requiring checklist: Planning and Development  
 Case Manager: Jacqueline Ellis

**2. ENVIRONMENTAL IMPACTS.** (explanations of all answers are required):

Potentially Significant Impact	Significant Unless Mitigation is Incorporated	Less Than Significant Impact	No Impact
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**3. AESTHETICS.** Would the project:

a. *Have a substantial adverse effect on a scenic vista?* ( )

                        
 
                         
 
                         

**WHY?** The proposed Zoning Code amendments include a variety of technical or procedural amendments as described on of this document. These amendments do not have the potential to have an adverse effect on a scenic vista. There are no proposed changes to development standards (e.g. increase in building heights etc.) that would result in adverse changes to a scenic vista.

b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* ( )

                        
 
                         
 
                         

**WHY?** The proposed Zoning Code Amendments would not change the height and mass restrictions established in the City's Zoning Code. There is no physical development proposed under this project, rather technical and procedural updates to the City's Zoning Code.

c. *Substantially degrade the existing visual character or quality of the site and its surroundings?* ( )

                        
 
                         
 
                         

**WHY?** The proposed Zoning Code Amendments would not change the height and mass restrictions established in the City's Zoning Code. There is no physical development proposed under this project, rather technical and procedural updates to the City's Zoning Code.

d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* ( )

Potentially Significant Impact

Significant Unless Mitigation is Incorporated

Less Than Significant Impact

No Impact

WHY? The proposed Zoning Code Amendments are not site specific and will not result in creating a new source of substantial light or glare. See also responses 3a and 3b.

4. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ( )

WHY? The City of Pasadena is a developed urban area surrounded by hillsides to the north and northwest. The western portion of the City contains the Arroyo Seco, which runs from north to south through the City. It has commercial recreation, park, natural and open space. The City contains no prime farmland, unique farmland, or farmland of statewide importance, as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? ( )

WHY? The City of Pasadena has no land zoned for agricultural use other than commercial growing areas. Commercial Growing Area/Grounds is permitted in the CG (General Commercial), CL (Limited Commercial), and IG (General Industrial) zones and conditionally in the RS (Residential Single-Family), and RM (Residential Multi-Family) districts. The use is also permitted within certain specific plan areas.

c. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ( )

WHY? There is no known farmland in the City of Pasadena; therefore, the proposed project would not result in the conversion of farmland to a non-agricultural use.

5. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? ( )

Potentially Significant Impact

Significant Unless Mitigation is Incorporated

Less Than Significant Impact

No Impact

**WHY?** The City of Pasadena is within the South Coast Air Basin (SCAB), which is bounded by the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the Pacific Ocean to the south and west. The air quality in the SCAB is managed by the South Coast Air Quality Management District (SCAQMD).

The SCAB has a history of recorded air quality violations and is an area where both state and federal ambient air quality standards are exceeded. Because of the violations of the California Ambient Air Quality Standards (CAAQS), the California Clean Air Act requires triennial preparation of an Air Quality Management Plan (AQMP). The AQMP analyzes air quality on a regional level and identifies region-wide attenuation methods to achieve the air quality standards. These region-wide attenuation methods include regulations for stationary-source polluters; facilitation of new transportation technologies, such as low-emission vehicles; and capital improvements, such as park-and-ride facilities and public transit improvements.

The most recently adopted plan is the 2007 AQMP, adopted on June 1, 2007. This plan is the South Coast Air Basin's portion of the State Implementation Plan (SIP). This plan is designed to achieve the five percent annual reduction goal of the California Clean Air Act.

The SCAQMD understands that southern California is growing. As such, the AQMP accommodates population growth and transportation projections based on the predictions made by the Southern California Association of Governments (SCAG). Thus, projects that are consistent with employment and population forecasts are consistent with the AQMP.

In addition to the region-wide AQMP, the City of Pasadena participates in a sub-regional air quality plan – the West San Gabriel Valley Air Quality Plan. This plan, prepared in 1992, is intended to be a guide for the 16 participating cities, and identifies methods of improving air quality while accommodating expected growth.

The proposed Zoning Code amendments are minor and include technical and procedural revisions that do not have the potential to promote growth since they are small changes to the Zoning Code. These amendments do not increase the height, density, FAR or other development standards that would lead to greater intensity of development. These amendments would not interfere with the City's ability to implement its air quality plan.

b. *Violate any air quality standard or contribute to an existing or projected air quality violation?* ( )

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are for the most part minor, and do not result in the approval of a specific project that would violate an air quality standard or contribute to an existing or projected air quality violation. The project does not propose any new construction and the proposed amendments would not generate a demand for new construction which would potentially lead to an air quality violation.

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ( )

Potentially Significant Impact

Significant Unless Mitigation is Incorporated

Less Than Significant Impact

No Impact

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are minor technical changes in the Zoning Code and are not specific to a project. The proposed amendments will not result in an increase in criteria pollutants as the amendments are minor and don't result in changes in the overall development standards within the Zoning Code.

d. Expose sensitive receptors to substantial pollutant concentrations? ( )

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are not site specific. The proposed amendments will not result in exposing sensitive receptors to substantial pollutant concentrations, as the amendments are minor in nature and do not result in changes in the overall development standards within the Zoning Code.

e. Create objectionable odors affecting a substantial number of people? ( )

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. The Zoning Code amendments are minor in nature and will not result in objectionable odors. New projects will be reviewed in accordance with the City's Zoning Code and will be required to meet the performance standards for odors contained in Section 17.40.090.

**6. BIOLOGICAL RESOURCES.** Would the project:

a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ( )

**WHY?** The proposed amendments are primarily technical and procedural revisions. While they apply to areas all over the City, there is no new development or changes to development standards that would affect sensitive species.

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ( )

Potentially Significant Impact

Significant Unless Mitigation is Incorporated

Less Than Significant Impact

No Impact

**WHY?** There are no designated natural communities in the City. The Final EIR for the 1994 Land Use and Mobility Elements contains the best available City-wide documented biological resources. This EIR identifies the natural habitat areas within the City's boundaries to be the upper and lower portions of the Arroyo Seco, the City's western hillside area, and Eaton Canyon. There are no proposed changes that would affect biological resources or sensitive natural communities within the City.

c. *Have a substantial adverse effect of federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ( )*

**WHY?** Drainage courses with definable bed and bank and their adjacent wetlands are "waters of the United States" and fall under the jurisdiction of the U.S. Army Corps of Engineers (USACE) in accordance with Section 404 of the Clean Water Act. Jurisdictional wetlands, as defined by the USACE are lands that, during normal conditions, possess hydric soils, are dominated by wetland vegetation, and are inundated with water for a portion of the growing season.

Pasadena is located in a developed urban area. There is no known naturally occurring wetland habitat.

d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ( )*

**WHY?** Pasadena is a developed urban area and these Zoning Code Amendments do not involve the dispersal of wildlife. There is no physical development proposed under this project, rather technical and procedural updates to the City's Zoning Code. Therefore, there will be no impacts to wildlife or their habitat.

e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ( )*

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. The amendments are primarily technical or procedural revisions that will not impact the Tree Protection Ordinance. All trees in public parks are protected trees under the City's tree ordinance.

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f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state habitat conservation plan? ( )

**WHY?** Currently, there are no adopted Habitat Conservation or Natural Community Conservation Plans within the City of Pasadena. There are also no approved local, regional or state habitat conservation plans.

**7. CULTURAL RESOURCES.** Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? ( )

**WHY?** These amendments will not cause a substantial adverse change in the significance of any historical resource. The proposed amendments include minor technical changes to the City's Historic Preservation ordinance. These changes will not result in a change in the significance of a historical resource.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? ( )

**WHY?** The proposed Code Amendments are minor amendments that are technical in nature. These proposed amendments are not site specific. They would have no impact to archaeological resources and would not alter the way subsequent development proposals are reviewed for archaeological resource impacts.

d. Disturb any human remains, including those interred outside of formal ceremonies? ( )

**WHY?** The proposed Zoning Code Amendments are City-wide and minor in nature. They would not change the City's requirements for columbariums contained in Section 17.50.230 of the Zoning Code.

**8. ENERGY.** Would the proposal:

a. Conflict with adopted energy conservation plans? ( )

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**WHY?** The proposed Zoning Code Amendments are technical changes to the Zoning Code and do not conflict with the 1983 adopted Energy Element of the General Plan. Projects are required comply with the energy standards in the California Energy Code, Part 6 of the California Building Standards Code (Title 24). Measures to meet these performance standards may include high-efficiency Heating Ventilation and Air Conditioning (HVAC) and hot water storage tank equipment, lighting conservation features, higher than required rated insulation and double-glazed windows.

b. Use non-renewable resources in a wasteful and inefficient manner? ( )

**Why?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are minor and do not result in projects that will encourage the use of non-renewable resources in a wasteful and inefficient manner.

**9. GEOLOGY AND SOILS.** Would the project:

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ( )

**WHY?** Since the City of Pasadena is within a larger area traversed by active fault systems, such as the San Andreas and Newport-Inglewood Faults, any major earthquake along these systems will cause seismic ground shaking in Pasadena. Much of the City is on sandy, stony or gravelly loam formed on the alluvial fan adjacent to the San Gabriel Mountains. This soil is more porous and loosely compacted than bedrock, and thus subject to greater impacts from seismic ground shaking than bedrock.

The risk of earthquake damage is minimized because new structures are required to be built according to the Uniform Building Code and other applicable codes, and are subject to inspection during construction. Structures for human habitation must be designed to meet or exceed California Uniform Building Code standards for Seismic Zone 4. Conforming to these required standards will ensure the proposed project would not directly or secondarily result in significant impacts due to strong seismic ground shaking. The proposed Zoning Code Amendments are minor in nature and will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known fault.

ii. Strong seismic ground shaking? ( )

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**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are not specific to a site, but are Citywide. There are no specific projects associated with the amendments. Any future development projects must continue to be reviewed to ensure there are no seismic related risks.

iii. *Seismic-related ground failure, including liquefaction as delineated on the most recent Seismic Hazards Zones Map issued by the State Geologist for the area or based on other substantial evidence of known areas of liquefaction?* ( )

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. These amendments are not specific to a site, but are Citywide. There are no specific projects associated with the amendments. Any future development projects must continue to be reviewed to ensure there are no seismic related risks.

iv. *Landslides as delineated on the most recent Seismic Hazards Zones Map issued by the State Geologist for the area or based on other substantial evidence of known areas of landslides?* ( )

**WHY?** These Zoning Code Amendments are Citywide and are minor in nature. Projects will be reviewed on a case by case basis to determine that they meet the building code and other requirements that ensure that they are safe. The proposed amendments will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

b. *Result in substantial soil erosion or the loss of topsoil?* ( )

**WHY?** The proposed Zoning Code amendments include a variety of amendments as described on Pages 1 and 2 of this document. When an applicant applies to construct any building, the specific impacts on soil erosion will be reviewed. The displacement of soil through cut and fill will be controlled by Chapter 33 of the 2001 California Building Code relating to grading and excavation therefore there will be no impact.

c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* ( )

**WHY?** The proposed amendments are not site specific but are technical changes to the Zoning Code that are Citywide. The City of Pasadena rests primarily on an alluvial plain. To the north, the San Gabriel Mountains are relatively new in geological time. These mountains run generally east-west and have the San Andreas Fault on the north and the Sierra Madre Fault to the south. The action of these two faults in

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conjunction with the north-south compression of the San Andreas tectonic plate is pushing up the San Gabriel Mountains. This uplifting combined with erosion has helped form the alluvial plain. As shown on Plate 2-4 of the Technical Background Report to the 2002 Safety Element, the majority of the City lies on the flat portion of the alluvial fan, which is expected to be stable.

d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ( )*

**WHY?** According to the 2002 adopted Safety Element of the City's General Plan Pasadena is underlain by alluvial material from the San Gabriel Mountains. This soil consists primarily of sand and gravel and is in the low to moderate range for expansion potential. The proposed Zoning Code amendments would have no expansive soil-related impacts and would not alter the way subsequent development proposals are reviewed for expansive soil-related impacts.

e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ( )*

**WHY?** The proposed Zoning Code amendments are not site specific but are Citywide amendments. These amendments include minor changes to the code as detailed on Pages 1 and 2 of this document. These amendments will not impact the ability of the City to review a project to determine if the soil is incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems.

**10. HAZARDS AND HAZARDOUS MATERIALS.** Would the project:

a. *Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? ( )*

**WHY?** The proposed Zoning Code amendments as described on Pages 1 and 2 and do not change the mechanisms by which the City regulates the transport, use or disposal of hazardous materials. All new projects would be continued to be reviewed for such impacts.

b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ( )*

**WHY?** The proposed Zoning Code amendments do not involve hazardous materials. Therefore, there is no significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions, which could release hazardous material. In addition, the proposed Zoning Code Amendments would not alter the way subsequent development proposals are reviewed for hazard-related impacts and would not change any regulations governing the handling of hazardous materials.

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c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ( )*

**WHY?** The proposed Zoning Code amendments do not involve hazardous emissions or the handling of hazardous materials, substance, or waste. Therefore, the proposed project would have no hazardous material related impacts to schools. In addition, the proposed Zoning Code amendments would not alter the way subsequent development proposals are reviewed for hazardous material-related impacts and would not change any regulations governing the handling of hazardous materials.

d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ( )*

**WHY?** The proposed Zoning Code amendments are not site specific thus; there can not be a determination that a project will be located on a site included on a list of hazardous materials site. Any proposed project would be reviewed to determine whether they are on a list of hazardous materials sites. The proposed amendments would not alter the way subsequent development proposals are reviewed for hazardous material-related impacts and would not change any regulations governing hazardous material sites.

e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ( )*

**WHY?** Pasadena is not within an airport land use plan or within two miles of a public airport or public use airport. The nearest public use airport is the Bob Hope Airport in Burbank. Therefore, the proposed amendments would not result in a safety hazard for people residing or working in the vicinity of an airport and would have no associated impacts.

f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ( )*

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**WHY?** Pasadena is not within the vicinity of a private airstrip. Therefore, the proposed amendments would not result in a safety hazard for people residing or working in the vicinity of a private airstrip and would have no associated impacts.

*g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ( )*

**WHY?** These amendments would not result in any permanent or temporary physical barriers on any existing public streets. To ensure compliance with zoning, building and fire codes, any future applicant is required to submit appropriate plans for plan review prior to the issuance of a building permit. Adherence to these requirements ensures that the project will not have a significant impact on emergency response and evacuation plans.

*h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ( )*

**WHY?** The proposed amendments are minor in nature and will not expose people or structures to a significant risk or loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

**11. HYDROLOGY AND WATER QUALITY.** Would the project:

*a. Violate any water quality standards or waste discharge requirements? ( )*

**WHY?** The proposed amendments are not site specific and do not amend the Zoning Code in such a way to violate any water quality standards. In addition, the proposed Zoning Code amendments would not alter any waste discharge requirements, and would not change any water quality-related plans or programs.

*b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ( )*

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**WHY?** The proposed Zoning Code amendments would not result in the installation of any groundwater wells, and would not otherwise directly withdraw any groundwater. Therefore, the proposed Zoning Code Amendments would not physically interfere with any groundwater supplies. Any project that is the result of these amendments will use the existing water supply system provided by the Pasadena Department of Water and Power.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on-or off-site? ( )

**WHY?** The proposed Zoning Code amendments are technical changes to the Zoning Code. Any project that requires a building permit will be reviewed to determine if there is an alteration of the existing drainage patterns. Future projects are subject to NPDES requirements, including the County-wide MS4 permit and the City's SUSMP ordinance. In accordance with these requirements, the applicant would be required to submit a plan to the City that demonstrates how the project will comply with the City's SUSMP. To comply with the SUSMP, the project must implement Best Management Practices (BMPs) that reduce water quality impacts, including erosion and siltation, to the maximum extent practicable. Complying with the City's SUSMP and implementing the required BMPs will ensure that the any subsequent development projects would not result in significant erosion or siltation impacts due to changes to drainage patterns.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? ( )

**WHY?** The proposed Zoning Code amendments are not site specific thus; it is not possible to determine if the amendments will result in a substantial alteration of the existing drainage patterns. Any project that requires a building permit will be reviewed to determine if there is an alteration of the existing drainage patterns.

- e. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ( )

**WHY?** The proposed Zoning Code amendments do not propose any new development. Projects are required to comply with the City's SUSMP ordinance would ensure that post-development peak storm water

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runoff rates to not exceed pre-development peak storm water runoff rates. This ensures subsequent development projects would not exceed the City's existing storm drain system.

Similarly, any future project would generate only typical, non-point source, urban stormwater pollutants. These pollutants are covered by the County-wide MS4 permit, and the project, through the City's SUSMP ordinance, is required to implement BMPs to reduce stormwater pollutants to the maximum extent practicable. Therefore, the proposed project would not create runoff that would exceed the capacity of the storm drain system and would not provide a substantial additional source of polluted runoff.

f. *Otherwise substantially degrade water quality?* ( )

**WHY?** As discussed above, any development proposed because of these zoning code amendments will not be a point-source generator of water pollutants. The only long-term water pollutants expected to be generated onsite are typical urban stormwater pollutants. Compliance with the City's SUSMP ordinance will ensure these stormwater pollutants would not substantially degrade water quality. The proposed amendments would not change the applicability or substance of these requirements, and would have no impact to water quality.

g. *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or dam inundation area as shown in the City of Pasadena adopted Safety Element of the General Plan or other flood or inundation delineation map?* ( )

**WHY?** The project consists of Zoning Code amendments as described on Pages 1 and 2. These amendments will not allow for housing to be located within a flood hazard area or dam inundation area, and the project would have no related impacts.

h. *Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?* ( )

**WHY?** No portions of the City of Pasadena are within a 100-year floodplain identified by the Federal Emergency Management Agency (FEMA). As shown on FEMA map Community Number 065050, the entire City is in Zone D, for which no floodplain management regulations are required. Therefore, the proposed project would not place structures within the flow of the 100-year flood, and the project would have no related impacts.

i. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* ( )

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WHY? No portions of the City of Pasadena are within a 100-year floodplain identified by the Federal Emergency Management Agency (FEMA). As shown on FEMA map Community Number 065050, the entire City is in Zone D, for which no floodplain management regulations are required. In addition, according to the City's Dam Failure Inundation Map (Plate P-2, of the adopted 2002 Safety Element of the City's General Plan) the East Pasadena Specific Plan area is not located in a dam inundation area. Therefore, the proposed Zoning Code amendments would not have any impacts related to exposing people or structures to flooding risks, including flooding as a result of the failure of a levee or dam.

j. Inundation by seiche, tsunami, or mudflow? ( )

WHY? The City of Pasadena is not located near enough to any inland bodies of water or the Pacific Ocean to be inundated by either a seiche or tsunami. For mudflow see responses to 9. Geology and Soils a. iii and iv regarding seismic hazards such as liquefaction and landslides.

12. LAND USE AND PLANNING. Would the project:

a. Physically divide an existing community? ( )

WHY? The proposed Zoning Code amendments are minor changes which are Citywide. They are not related to a specific development project and will not physically divide an existing community. Further, there is no physical development proposed under this project, rather technical and procedural updates to the City's Zoning Code. No adverse impact will result.

b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ( )

WHY? Any amendments to the Zoning Code require that the City Council adopt a finding that the proposed amendments are consistent with the City's General Plan.

c. Conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan (NCCP)? ( )

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**WHY?** Currently, there is no adopted Habitat Conservation or Natural Community Conservation Plans within the City of Pasadena. There are also no approved local, regional or state habitat conservation plans in Pasadena.

**13. MINERAL RESOURCES.** Would the project:

- a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ( )*

**WHY?** No active mining operations exist in the City of Pasadena. There are two areas in Pasadena that may contain mineral resources. These two areas are Eaton Wash, which, was formerly mined for sand and gravel, and Devils Gate Reservoir, which was formerly mined for cement concrete aggregate. There is no specific project associated with these Zoning Code amendments, therefore there will be no impact.

- b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ( )*

**WHY?** The City's 2004 General Plan Land Use Element does not identify any mineral recovery sites within the City. Furthermore, there are no mineral-resource recovery sites shown in the Hahamongna Watershed Park Master Plan; or the 1999 "Aggregate Resources in the Los Angeles Metropolitan Area" map published by the California Department of Conservation, Division of Mines and Geology. No active mining operations exist in the City of Pasadena and mining is not currently allowed within any of the City's designated land uses. Therefore, the proposed Zoning Code amendments would not have significant impacts from the loss of a locally-important mineral resource recovery site. See also Section 13.a above.

**14. NOISE.** Will the project result in:

- a. *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ( )*

**WHY?** The proposed Zoning Code amendments are not site specific, therefore; it is not possible to identify specific noise impacts. The proposed amendments include technical amendments with changes to recycling uses and home occupations. The proposed changes to the recycling center requirements would require small-scale recycling facilities to increase the distance requirement for such uses from residential districts. The intent of changing this requirement is to further minimize the noise impact on adjacent

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residential districts. Construction activities must adhere to City regulations governing hours of construction, noise levels generated by construction and mechanical equipment, and the allowed level of ambient noise (Chapter 9.36 of the Pasadena Municipal Code). In accordance with these regulations, construction noise will be limited to normal working hours (7 a.m. to 7 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturday, in or within 500 feet of a residential area). A construction related traffic plan is also required to ensure that truck routes for transportation of materials and equipment are established with consideration for sensitive uses in the neighborhood. A traffic and parking plan for the construction phase will be submitted for approval to the Traffic Engineer in the Transportation Department and to the Zoning Administrator prior to the issuance of any permits. Therefore, adhering to established City regulations will ensure that the project would not generate noise levels in excess of standards.

The proposed Zoning Code amendments would also not expose persons to excessive noise. The 2002 adopted Noise Element of the Comprehensive General Plan contains objectives and policies to help minimize the effects of noise from different sources.

- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ( )

**WHY?** The proposed amendments are minor in nature and propose no new development. The proposed Zoning Code amendments will not result in a generation of excessive groundborne vibration or noise levels.

- c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* ( )

**WHY?** See response to 14.a. In Pasadena, many urban environment noises, such as leaf-blowing and amplified sounds, are subject to restrictions by Chapter 9.36 of the Pasadena Municipal Code.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ( )

**WHY?** This project consists of Citywide Zoning Code amendments; there is no new development proposed with the amendments. Adhering to established City regulations will ensure that any project constructed as a result of these amendments will not generate noise levels in excess of standards.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ( )

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**WHY?** There are no airports or airport land-use plans in the City of Pasadena. The closest airport is the Bob Hope Airport (formerly the Burbank-Glendale-Pasadena Airport), which is located more than ten miles from Pasadena in the City of Burbank. Therefore, the proposed project would not expose people to excessive airport related noise and would have no associated impacts.

f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ( )

**WHY?** There are no private-use airports or airstrips within or near the City of Pasadena.

**15. POPULATION AND HOUSING.** Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ( )

**WHY?** The proposed amendments are minor and propose no new development that would induce substantial population growth, and would have no related significant impacts.

b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ( )

**WHY?** The proposed Zoning Code amendments are minor and propose no new development that would displace existing housing or necessitate the construction of replacement housing.

c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ( )

**WHY?** The proposed Zoning Code amendments are minor and would not displace substantial numbers of people necessitating the construction of replacement housing.

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**16. PUBLIC SERVICES.** Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a. *Fire Protection?* ( )

**WHY?** The project consists of amendments to the Zoning Code. These amendments are for the most part minor changes and do not induce any growth by changing the density or other development standards. Any future project applicants are required to pay the City's development fees, which are established to offset incremental increases to fire service demand. Therefore, the proposed project would not significantly impact fire protection services. See also Section 10h of this document for wildfire-related impacts.

b. *Libraries?* ( )

**WHY?** The City as a whole is well served by its Public Information (library) System; and the project would not significantly impact library services. See response in 16a.

c. *Parks?* ( )

**WHY?** The project consists of amendments to the Zoning Code that are minor in nature and that do not induce increases in the need for library services as described on Pages 1 and 2. Nevertheless, the City collects an impact fee of \$3.09 per square foot of non-residential space. Payment of this fee mitigates any impact on parks.

d. *Police Protection?* ( )

**WHY?** The project consists of amendments to the Zoning Code that are minor in nature. Furthermore, applicants for future projects are required to pay the City's development fees, which are established to offset incremental increases to police service demand and mitigate any potential impact. Therefore, the proposed project would not significantly impact police protection services.

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e. Schools? ( )

WHY? There is a school impact fee collected for non-residential development. Payment of this fee mitigates any impact on school services.

f. Other public facilities? ( )

WHY? These Zoning Code amendments are minor in nature and do not induce further construction and development. Further, with the projected revenue to the City in terms of impact fees, increased property taxes and development fees this impact is not significant.

17. RECREATION.

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ( )

WHY? This project consists of minor amendments to the Zoning Code that do not induce an increase in population or workforce employees. The project does not propose any new development and includes technical revisions and changes to the Zoning Code. The City collects a park impact fee for non-residential projects. These fees are used to fund the City's park maintenance and improvement program. Therefore, future projects will not lead to substantial physical deterioration of any recreational facilities, and would have no related significant impacts.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? ( )

WHY? The proposed Zoning Code amendments will not include recreational facilities and will not require the construction or expansion of recreational facilities. Therefore, the proposed project and future related projects will not involve the development of recreational facilities that would have an adverse effect on the environment, and would have no associated impacts.

18. TRANSPORTATION/TRAFFIC. Would the project:

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- a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ( )

**WHY?** The proposed Zoning Code amendments are minor in nature and are not related to a specific project. There is no development proposed as part of the amendments. Any individual project will be reviewed to determine its impacts on existing traffic load and street capacity.

- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ( )

**WHY?** The proposed Zoning Code amendments are minor in nature and are not related to an individual project. There is no development proposed as part of the amendments. Individual projects will be reviewed to determine any impact on the level of services.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ( )

**WHY?** The City of Pasadena is not within an airport land use plan or within two miles of a public airport or public use airport. Consequently, the proposed project would not affect any airport facilities and would not cause a change in the directional patterns of aircraft. Therefore, the proposed project and any future related projects would have no impact to air traffic patterns.

- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ( )

**WHY?** The proposed Zoning Code amendments are minor in nature and are not related to a specific project that will have design features that will result in an increase in hazards. No changes to such standards are proposed under these amendments and development projects will continue to be evaluated to ensure there are no design features that may cause a hazard.

- e. Result in inadequate emergency access? ( )

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Less Than Significant Impact

No Impact

WHY? The proposed Zoning Code amendments are minor in nature and are not related to a specific project that will have design features that will result in inadequate emergency access. See also response 18 d.

f. Result in inadequate parking capacity? ( )

WHY? When an applicant applies to construct any building the project will need to comply with the number of parking and loading spaces required by the Zoning Code. There are no changes proposed that would affect parking or the number of spaces required for future development projects.

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)? ( )

WHY? The proposed Zoning Code amendments are minor and technical. There is no change proposed in the City's Trip Reduction Ordinance. When an applicant applies to construct any building the project will need to comply with Objective 3.2.2 of the City's 2004 Mobility Element ("Encourage Non-Auto Travel") and nonresidential projects over 25,000 square feet they must comply with the City's Trip Reduction Ordinance. Additionally, nonresidential projects over 15,000 square feet that are within a quarter mile of a light rail station are required to proceed through a conditional use permit to determine if the project supports the Gold Line transit line.

19. UTILITIES AND SERVICE SYSTEMS. Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ( )

WHY? The project, by itself, would not generate wastewater since the project is technical and minor changes to the Zoning Code. The project does not propose any new development and would not involve the release of unique or unusual sewage into the wastewater treatment system. Therefore, the project would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, and would have no associated impacts.

b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ( )

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**WHY?** The proposed project does not create any further demand on wastewater treatment facilities. Therefore, the proposed project would not require or result in the construction or expansion of new water or wastewater treatment facilities off-site, and the project would have no associated impacts.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ( )

**WHY?** The proposed Zoning Code Amendments will not require the construction of new storm water drainage facilities or the expansion of existing facilities. Regardless, any future project applicant must submit and implement an on-site drainage plan that meets the approval of the Building Official and the Public Works Department; and the City's SUSMP ordinance requires post-development peak storm water runoff rates to not exceed pre-development peak storm water runoff rates.

- d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?* ( )

**WHY?** This series of Zoning Code amendments are minor and propose no new development that could increase the need for water supplies. Any subsequent project proposed because of this amendment will be examined for its impact on the water supply in accordance with the City's standard development review procedures.

- e. *Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?* ( )

**WHY?** The proposed project consists of Zoning Code amendments and will not result in an increase in the demand for wastewater treatment. In addition, the facilities currently maintained by the service purveyor are adequate to serve the proposed increase in demand. Therefore, the project would not result in insufficient wastewater service, and would cause no related impacts.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ( )

**WHY?** The proposed Zoning Code Amendments would not necessarily require any additional solid waste disposal needs. The City of Pasadena is served primarily by Scholl Canyon landfill, which is permitted through 2025, and secondarily by Puente Hills, which was re-permitted in 2003 for 10 years. All subsequent

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projects will be located in a developed urban area and within the City's refuse collection area. They will not result in the need for a new or substantial alteration to the existing system of solid waste collection and disposal. Therefore, this project would cause no impacts under this topic.

g. Comply with federal, state, and local statutes and regulations related to solid waste? ( )

**WHY?** In 1992, the City adopted the "Source Reduction and Recycling Element" to comply with the California Integrated Waste Management Act. This Act requires that jurisdictions maintain a 50 percent or better diversion rate for solid waste. The City implements this requirement through Section 8.61 of the Pasadena Municipal Code, which establishes the City's "Solid Waste Collection Franchise System". As described in Section 8.61.175, each franchisee is responsible for meeting the minimum recycling diversion rate of 50 percent on both a monthly basis and annual basis. The project, by itself, will have no impact on solid waste. Subsequent projects will be required to comply with the applicable solid waste franchise's recycling system, and thus, will meet Pasadena's and California's solid waste diversion regulations. In addition, subsequent projects will need to comply with the City's Construction and Demolition Ordinance (PMC Section 8.62) and design requirements for refuse storage areas (PMC Section 17.64.240). Therefore, this project would not cause any significant impacts from conflicting with statutes or regulations related to solid waste.

## 20. EARLEIR ANALYSIS.

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. See CEQA Guidelines Section 15063(c)(3)(D).

a) The following document was used for analysis of the project's environmental effects:

- *General Plan and Final Program EIR*

These documents are available for review at the Permit Center, 175 North Garfield Avenue between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Thursday and from 8:00-12:00 p.m. every Friday and the City Clerk's Office Monday through Thursday from 7:30 a.m. to 5:30 p.m. and every other Friday during the same hours.

b) Impacts Adequately Addressed. (Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.)

c) Mitigation Measures. None.

## 21. MANDATORY FINDINGS OF SIGNIFICANCE.

Potentially Significant Impact

Significant Unless Mitigation is Incorporated

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No Impact

a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? ( )*

**WHY?** The proposed amendments will not have the potential to degrade the quality of the environment, substantially reduce the habitat or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory because the proposed amendments are not site specific but Citywide. No specific project is part of the proposed amendments and no new development is proposed.

Therefore, the project will not substantially degrade the quality of the land, air, water, minerals, flora, fauna, noise and objects of historic or aesthetic significance.

b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future project? ( )*

**WHY?** The project, by itself, does not involve any new construction. The project consists of amendments that are Citywide. Regardless, the proposed Zoning Code Amendments will not contribute to any cumulative impacts.

c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? ( )*

**WHY?** As discussed in Sections 5, 10, 11, and 18 of this document, the proposed project would not expose persons to the hazards of toxic air emissions, chemical or explosive materials, flooding, or transportation hazards. Section 9 of this document explains that although residents of the City would be exposed to typical southern California earthquake hazards, modern engineering practices would ensure that geologic and seismic conditions would not directly cause substantial adverse effects on humans. In addition, as discussed in Sections 3 Aesthetics, 12 Land Use and Planning, 14 Noise, 15 Population and Housing, 16 Public Services, 17 Recreation, 18 Transportation/Traffic and 19 Utilities and Service Systems the project would not indirectly cause substantial adverse effects on humans. Therefore, the proposed project would

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**No Impact**

not have a Mandatory Finding of Significance due to environmental effects that could cause substantial adverse effects on humans.

<b>Potentially Significant Impact</b>	<b>Significant Unless Mitigation is Incorporated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
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## INITIAL STUDY REFERENCE DOCUMENTS

- | #  | Document   |
|----|--|
| 1  | Alquist-Priolo Earthquake Fault Zoning Act, California Public Resources Code, revised January 1, 1994 official Mt. Wilson, Los Angeles and Pasadena quadrant maps were released March 25, 1999.  |
| 2  | CEQA Air Quality Handbook, South Coast Air Quality Management District, revised 1993   |
| 3  | East Pasadena Specific Plan Overlay District, City of Pasadena Planning and Development Department, codified 2001  |
| 4  | Energy Element of the General Plan, City of Pasadena, adopted 1983   |
| 5  | Fair Oaks/Orange Grove Specific Plan Overlay District, City of Pasadena Planning and Development Department codified 2002  |
| 6  | Final Environmental Impact Report (FEIR) Land Use and Mobility Elements of the General Plan, Zoning Code Revisions, and Central District Specific Plan, City of Pasadena, certified 2004   |
| 7  | 2000-2005 Housing Element of the General Plan, City of Pasadena, adopted 2002.   |
| 8  | Inclusionary Housing Ordinance Pasadena Municipal Code Chapter 17.71 Ordinance #6868   |
| 9  | Land Use Element of the General Plan, City of Pasadena, adopted 2004   |
| 10 | Mobility Element of the General Plan, City of Pasadena, adopted 2004   |
| 11 | Noise Element of the General Plan, City of Pasadena, adopted 2002  |
| 12 | Noise Protection Ordinance Pasadena Municipal Code Chapter 9.36 Ordinances # 5118, 6132, 6227, 6594 and 6854   |
| 13 | North Lake Specific Plan Overlay District, City of Pasadena Planning and Development Department, Codified 1997   |
| 14 | Pasadena Municipal Code, as amended  |
| 15 | Recommendations On Siting New Sensitive Land Uses, California Air Resources Board, May 2005  |
| 16 | Regional Comprehensive Plan and Guide, "Growth Management Chapter," Southern California Association of Governments, June 1994  |
| 17 | Safety Element of the General Plan, City of Pasadena, adopted 2002   |
| 18 | Scenic Highways Element of the General Plan, City of Pasadena, adopted 1975  |
| 19 | Seismic Hazard Maps, California Department of Conservation, official Mt. Wilson, Los Angeles and Pasadena quadrant maps were released March 25, 1999. The preliminary map for Condor Peak was released in 2002.  |
| 20 | South Fair Oaks Specific Plan Overlay District Planning and Development, codified 1998   |
| 21 | State of California "Aggregate Resource in the Los Angeles Metropolitan Area" by David J. Beeby, Russell V. Miller, Robert L. Hill, and Robert E. Grunwald, Miscellaneous map no. .010, copyright 1999, California Department of Conservation, Division of Mines and Geology |
| 22 | Storm Water and Urban Runoff Control Regulations Pasadena Municipal Code Chapter 8.70 Ordinance #6837  |
| 23 | Transportation Impact Review Current Practice and Guidelines, City of Pasadena, August, 2005   |
| 24 | Tree Protection Ordinance Pasadena Municipal Code Chapter 8.52 Ordinance # 6896  |
| 25 | West Gateway Specific Plan Overlay District, City of Pasadena Planning and Development Department codified 2001  |
| 26 | Zoning Code, Chapter 17 of the Pasadena Municipal Code   |