

Introduced by Councilmember

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PASADENA CORRECTING ERRORS AND AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE (ZONING) RELATING TO HEIGHT AVERAGING; CORRECTING ERRORS AND AMENDING TITLE 16 (SUBDIVISIONS), RELATING TO VARIANCE APPROVAL AUTHORITY; AND AMENDING THE OFFICIAL ZONING MAP.**

**SECTION 1.** This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

“SUMMARY

Ordinance No. \_\_\_\_\_ amends Title 17 (Zoning Code) by amending Table 2-3 RS and RM 12 Residential District Development Standards; by amending “RS and RM-12 District Additional Development Standards” relating to garages; by amending Table 2-4 Multi-family Residential District Development Standards; by amending “RM District Additional Development Standards” relating to rounding in calculations; by amending “RM District Garden Requirements” relating to craftsmanship and building elements; by amending the “Height Limit Overlay District” relating to height averaging; by amending Figure 3-1, Figure 3-2, Figure 3-3, Figure 3-4, Figure 3-5, Figure 3-6, Figure 3-7, Figure 3-8, Figure 3-9, and Figure 3-10 relating to the Central District; by amending Table 3-3, Table 3-5, Table 3-7, Table 3-9 relating to the Pasadena Specific Plan; by amending Table 3-14 Allowed Uses and Permit Requirements Fair Oaks/Orange Grove; by amending FGSP Development Standards relating to residential lot size and density; by amending Table 3-15 Fair Oaks/Orange Grove Development Standards; by amending Table 3-16 Allowed Uses and Permit Requirements for WGSP Zoning Districts; by amending “FGSP Development Standard” relating to density; by amending “General Property Development Standards” relating to walls and fences; by amending Table 4-8 relating to parking; by

amending Table 4-20 relating to sign standards; by amending “Residential Uses – Accessory Uses and Structures” relating to set backs; by amending “Temporary Use Permits” relating to construction yards; by amending “Expressive Use Permits” relating to findings and decisions; by amending “General Procedures” relating to the review of applications in the Central District; by amending “Replacement Building Permit Requirements” relating to historic structures; by amending “Criteria for Designation of Historic Resources”; by amending “Demolition or Alteration of a Historic Resource Without a Permit”; by amending “Incentives for Preserving Historic Resources”; by amending “Calls for Reviews”; by amending “Definitions” relating to work/live units; by amending Appendix A relating to PD 23; and by amending the official zoning map of the City of Pasadena relating to Central District Zoning Districts. The ordinance also amends Title 16, Subdivisions, to limit the variance authority of the Subdivision Committee to only variances for lot width and lot size.

Ordinance No. \_\_\_\_\_ shall take effect 30 days from its publication by title and summary.”

**SECTION 2.** Section 16.18.040 of the Pasadena Municipal code, entitled “**Variance and conditional use permit authority**” is hereby amended to read as follows:

“The subdivision committee shall have the authority to grant variances ~~from development standards~~ to the lot width and lot size requirements of the Zoning Code (Title 17), when variances are requested pursuant to a tentative ~~map tract~~ or tentative parcel map application. Variances may not be granted pursuant to applications for lot line adjustments and certificates of compliance.

The subdivision committee shall have the authority to grant conditional use permits, which conditional use permits are required pursuant to a tentative map or tentative parcel map application when the creation of a flag-lot is proposed. Conditional use permit applications shall not be accepted for the creation of a flag-lot pursuant to applications for lot line adjustments and certificates of compliance. Conditional use permits shall be reviewed pursuant to the standards contained in Section ~~17.64.370~~ 17.40.050 (Flag Lot Regulations of the Zoning Code Development Standards).”

**SECTION 3.** Section 16.18.080 of the Pasadena Municipal Code, entitled “**Appeals**” is hereby amended to read as follows:

“Appeals and Calls for Review.

Any interested person may appeal from any decision of the advisory body to the city council. The appeal shall be filed with the city clerk within 10 days after the action of the advisory body from which the appeal is being taken. The appeal shall be considered at a public hearing, noticed as required by the Subdivision Map Act and the procedures for such hearing shall be as generally set forth in Section ~~17.104.060~~ 17.72.050.

The city council has authority to call for review any decision of the advisory body. The request shall be filed with the city clerk within 10 days after the action of the advisory body from which the call for review is being taken. The procedures for such a call for review shall be as set forth in Section ~~17.104.050(B)~~ 17.72.060. The call for review shall be considered at a public hearing, noticed as required by the Subdivision Map Act and the procedures for such hearing shall be as generally set forth in Section ~~17.104.060~~ 17.72.050.”

**SECTION 4.** Table 2-3 entitled, “**RS AND RM-12 RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**” and Table 2-4, entitled, “**MULTI-FAMILY RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**” as contained in Chapter 17.22 of Title 17 of the Pasadena Municipal Code are hereby amended as shown in Exhibits 1 and 2 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 5.** Paragraph 1 of Subsection B of Section 17.22.050 entitled, “**RS and RM-12 District Additional Development Standards**” is hereby amended as follows (scored language deleted, underlined language added):

“**1. Garages.** A garage proposed on a blockface ~~with~~ where 50 percent or more of the existing garages are located to the behind ~~rear of~~ the primary structure shall also be located behind the primary

structure. ~~A garage that is attached to a house shall be designed so that its doors are not visible from the street;~~ If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street. ~~except that~~ This requirement shall not apply within the HD (Hillside Development) overlay zone. A garage on a corner lot shall be located a minimum of 18 feet from a street property line.”

**SECTION 6.** Subparagraphs a and b of paragraph 1 of Subsection A of Section 17.22.070 entitled, “**RM District Additional Development Standards**” is hereby amended to read as follows (underlined language added):

“**a. RM-16, RM-16-1 and RM-16-2.** Fractions exceeding 0.75 shall be rounded up.

**b. RM-32 and RM-48.** Fractions shall be rounded up or down to the nearest whole number. Fractions at .50 may be rounded up.”

**SECTION 7.** Section 17.22.080 of the Pasadena Municipal Code entitled, “**RM District Garden Requirements**” is hereby amended by adding a new subsection E to read as follows:

**“E. Craftsmanship and Building Elements.**

**1. Craftsmanship element.** Each project shall incorporate into the design at least one feature such as iron grates, tile fountains, cast terra cotta, wood work, stenciled ornament or other elements as approved by the Design Review authority.

**2. Building Element.** In addition to the above requirements, each new project shall incorporate at least two building elements. Building elements include: upper floor loggias, roofed balconies supported by brackets or by columns at the ground floor, exterior wooden or masonry stairs with closed risers, or tile or masonry fountain.”

**SECTION 8.** Subsection B of Section 17.28.040 of the Pasadena Municipal Code entitled, “**Height Limit Overlay District**” is hereby amended to read as follows (underlined language added):

**“B. Applicability.** The HL overlay district shall be applied to property through the amendment process (Chapter 17.74) by designating the boundaries of the HL overlay on the Zoning Map and annotating the bounded area on the map with the letters "HL" as a suffix to the map symbol for the primary zoning district, followed by a number indicating the height limit in feet. Height averaging may be used in conjunction with the HL district. Height averaging shall be noted on the Zoning Map as a number in parentheses indicating the height limit in feet. Height averaging shall conform to the requirements of 17.30.050.B (Height limit exceptions).”

**SECTION 9.** Figures 3-1 - **Central District Zoning District**, Figure 3-2 – **Central District Zoning Precincts**, Figure 3-3 – **Central District Pedestrian-Oriented use Areas**, Figure 3-4 – **Central District Housing/Ground Floor Map**, Figure 3-5 – **Central District Transit Oriented Development Area**, Figure 3-6 - **Central District Maximum Residential Density** (dwelling units/acre), Figure 3-7 - **Central District Required Setbacks**, Figure 3-8 – **Central District Maximum Height**, Figure 3-9 – **Central District Maximum Floor Area Ratio** and Figure 3-10 – **Central District Sidewalk Width Requirements** as contained in Chapter 17.30 of the Pasadena Municipal Code are hereby amended as shown in Exhibits 3 through 12, attached hereto and incorporated by this reference.

**SECTION 10.** Table 3-3 entitled, **“ALLOWED USED AND PERMIT REQUIREMENTS FOR ECSP ZONING DISTRICTS”** as contained in Chapter 17.31 of the Pasadena Municipal Code is hereby amended as shown in Exhibit 13 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 11.** Table 3-5 entitled, **“ALLOWED USES AND PERMIT REQUIREMENTS EAST PASADENA SPECIFIC PLAN (EPSP) SUBAREA d1 DISTRICTS,”** as contained in Chapter 17.32 of the Pasadena Municipal Code is hereby amended as shown in Exhibit 14 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 12.** Table 3-7 entitled, “**EAST PASADENA SUBAREA d1 STANDARDS**” as contained in Chapter 17.32 of the Pasadena Municipal Code is hereby amended as shown in Exhibit 15 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 13.** Table 3-9 entitled, “**EAST PASADENA SUBAREA d3 STANDARDS**” as contained in Chapter 17.32 of the Pasadena Municipal Code is hereby amended as shown in Exhibit 16 attached hereto and incorporated by this reference.

**SECTION 14.** Table 3-14 entitled, “**ALLOWED USES AND PERMIT REQUIREMENTS FAIR OAKS/ORANGE GROVE CL, C-2, AND C-3 DISTRICTS**” as contained in Chapter 17.33 of the Pasadena Municipal is hereby amended as shown in Exhibit 17 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 15.** Subsection A of Section 17.33.050 of the Pasadena Municipal Code entitled, “**FGSP Development Standards**” is hereby amended to read as follows (scored language deleted, underlined language added):

**“A. Residential density and lot size requirements.** Where allowed by Section 17.33.040 (FGSP District Land Uses and Permit Requirements), residential uses shall comply with the following maximum density and minimum lot size requirements; except that in the PS zone, maximum density shall be established by the Conditional Use Permit approval required for all residential development, and minimum lot size requirements shall be established by Conditional Use Permit and/or subdivision approval, as applicable.

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Development feature	Requirement by Zoning District						
	FGSP- RM-12	FGSP- RM-16	FGSP- CL-1b	FGSP- C-3a	FGSP- C-3b	FGSP- C-3d	
Maximum density	2 d.u./lot	16 d.u./acre	16 d.u./acre	40 d.u./acre	32 d.u./acre	32 d.u./acre	
with density bonus	N.A.	See Chapter 17.42 (Affordable Housing Incentives and Requirements)					
Minimum lot area for new lots	7,200 sf	7,200 sf	7,200 sf	Determined by subdivision process		10,000 sf	
with density bonus	See Chapter 17.42	N.A.	N.A.			N.A.	
with density bonus	<u>5,400 sf</u>	<u>See Chapter 17.42</u>				<u>See Chapter 17.42</u>	
Minimum lot width for new lots	55 ft	55 ft	55 ft			60 ft	

**SECTION 16.** Table 3-15 entitled, “Fair Oaks/Orange Grove Development Standards” as contained in Chapter 17.33 is hereby amended as shown in Exhibit 18 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 17.** Table 3-16 entitled, “Allowed Uses and Permit Requirements for WGSP Zoning Districts” as contained in Chapter 17.36 is hereby amended as shown in Exhibit 19 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 18.** Subparagraph d of Paragraph 2 of Subsection B of Section 17.40.180 entitled, **Walls and Fences**, is hereby amended to read as follows (scored language deleted, underlined language added):

“d. **Corner setback areas.** Walls and fencing in corner setback areas shall be allowed as follows and as illustrated by ~~Figure 4-8~~ Figure 4-11 (Corner Wall and Fence Height Limits in RS and RM-12 Zoning Districts) below:”

**SECTION 19.** Subsection E of Section 17.46.150 of the Pasadena Municipal Code, entitled, **Driveway Design, Widths, and Clearances** is hereby repealed.

**SECTION 20. Table 4-8 –Aisle Dimensions** as contained in Chapter 17.46 of the Pasadena Municipal Code is hereby amended as follows (scored language deleted, underlined language added):

**TABLE 4-8 - AISLE DIMENSIONS**

Minimum Aisle Width for Specified Parking Angle (feet)					
Increase in Parking Size Width	90°	75°	60°	45°	30° or less
.00	24	22	<del>28</del> <u>18</u>	13	12
.25	23	21			
.50	22	20			
.75	21	19			
1.00	20				

**SECTION 21.** Table 4-20 entitled, **CD ZONING DISTRICT SIGN STANDARDS** as contained in Chapter 17.48 of the Pasadena Municipal Code is hereby amended as shown in Exhibit 20 attached hereto and incorporated by this reference (scored language deleted, underlined language added).

**SECTION 22.** Subparagraphs a, c, and d of Paragraph 1 of Subsection E of Section 17.50.250 of the Pasadena Municipal Code, entitled, **“Residential Uses – Accessory Uses and Structures”** are hereby amended to read as follows (scored language deleted, underlined language added):

**“a. Nine-foot limit with two-foot setback.** An accessory structure shall not exceed an ~~overall~~ a height of nine feet, but only if located two feet from ~~the~~ a property ~~lines~~ line.

**c. Encroachment plane and setback.** An accessory structure may rise in height above the nine-foot limit as it steps or slopes away ~~back further~~ from the two-foot initial setback, but shall not intercept an encroachment plane sloping inward from a point nine feet in height (beginning at the two-foot setback) and rising a maximum of one and one-half feet for each one foot of distance starting at the two-foot setback.



d. **15-foot limit with five-foot setback.** An accessory structure may raise to, but shall not exceed, an overall height of 15 feet, but only if located at least five feet from the property line. The allowable raise shall be in compliance with Subparagraph c., immediately above.”

**SECTION 23.** Paragraph 1 of Subsection D of Section 17.61.040 of the Pasadena Municipal Code entitled, “**Temporary Use Permits**” is hereby amended to read as follows (scored language deleted, underlined language added):

**“1. Construction yards – Off-site.** Off-site contractors' construction yards, in conjunction with an approved construction project. The permit shall expire and the construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs. ~~(See also Subsection D.9., below, regarding temporary work trailers.)~~ (See also Subsection D.7., below, regarding temporary work trailers.)”

**SECTION 24.** Paragraph G of Section 17.61.060 of the Pasadena Municipal Code, entitled “**Expressive Use Permits**” is amended to read as follows:

**“G. Findings and decision.** Following a public hearing, the Zoning Administrator may approve, conditionally approve, or disapprove an application for an Expressive Use Permit. The Zoning Administrator may approve an Expressive Use Permit after first finding that:

1. The proposed use is allowed with an Expressive Use Permit within the subject zoning district and complies with the applicable development and design requirements of the subject zoning district and with all applicable provisions of this Zoning Code.
2. The proposed use will provide and maintain wastewater to establish and maintain an unrestricted flow in sanitary sewers during average and peak conditions as established by the city’s approved sewer master plan, as amended from time to time.

3. The proposed use will provide and maintain solid waster services to establish and maintain a level of service consistent with the city’s approved source reduction and recoiling element.
4. The proposed use will provide and maintain fire prevention and suppression services as established by the Uniform Fire Code to establish and maintain minimum response time for fire and emergency medical calls as established by the city’s approved general plan.
5. The proposed use will provide and maintain police services and crime prevention services to establish and maintain minimum response time for police calls for service as established by the city’s approved general plan.
6. The requested use, if it would constitute an adult business as provided in section 17.80.020 - Definitions, meets the distance criteria of section 17.50.020.B – Adult Businesses.
7. The requested use, if it would constitute an adult business does not involve an applicant, if an individual, or any of the officers or general partners of an applicant, if a corporation or partnership, that has been found guilty or pleaded *nolo contendere* within the past four years of a misdemeanor or felony classified by the state as a sex or sex-related offense.

Any conditions imposed upon the permit shall be in keeping with the objective development standards of this Title as set forth in Article 4 – Site Planning and General Development Standards and the underlying zoning district (including any applicable overlay district or specific plan regulations) in which the property is located.”

**SECTION 25.** Subsection B of Section 17.62.030 of the Pasadena Municipal Code entitled, “**General Procedures**” is hereby amended to read as follows (underlined language added):

“**B. Review of applications in the Central District.** The Design Commission shall review applications for additions, alterations, demolitions, relocations, and new construction and relief from the replacement Building Permit requirement in the Central District as specified in Table 6-3 in Section 17.61.030 and Table 6-5 of Section 17.62.020.”

**SECTION 26.** Paragraph 3 of Subsection B of Section 17.62.100 of the Pasadena Municipal Code entitled, “**Replacement Building Permit Requirements**” is hereby amended to read as follows (scored language deleted, underlined language added):

“3. The Director shall be the review authority on applications for relief from the requirements of this Section if the demolition involves accessory structures or a structure ~~not legally used for housing and with a status code of 6Z in an intensive level survey (or a determination by the Director that the structure would be evaluated as a 6Z in a survey)~~ determined ineligible for historic designation.”

**SECTION 27.** Subparagraph c of Paragraph 2 of Subsection B of Section 17.62.040 of the Pasadena Municipal Code entitled, “**Criteria for Designation of Historic Resources**” is hereby amended to read as follows (scored language deleted, underlined language added):

“c. It embodies the distinctive characteristics of type, architectural style, period, or method of construction ~~and~~ or represents the work of a an architect, designer, engineer, or builder whose work is of significance to the City, or, to the region or possesses artistic values of significance to the City or to the region.”

**SECTION 28.** Paragraph 2 of Subsection D of Section 17.62.120 of the Pasadena Municipal Code entitled, “**Demolition or Alteration of a Historic Resource without a Permit**” is hereby amended to read as follows (scored language deleted, underlined language added):

“**2. Historic Preservation Commission’s action to grant relief.** The Historic Preservation Commission may grant relief from the requirements of this section:

a. ~~From the requirements of this section if~~ If the violation of this Section did not involve a designated historic resource (excluding noncontributing structures in districts) or a historic resource that was eligible for landmark designation either individually or as part of a district or listing in the National Register of Historic Places either individually or as part of a listed district or district eligible for listing; or” [The remainder of this subsection remains unchanged.]

**SECTION 29.** Paragraph 1 of Subsection B of Section 17.62.130 of the Pasadena Municipal Code entitled, “**Incentives for Preserving Historic Resources**” is hereby amended to read as follows (scored language deleted, underlined language deleted):

“**1. Reduction of Building Permit fees and construction tax.** A reduction of Building Permit fees and construction tax ~~to owner of contributing properties in designated landmark districts and districts listed in the National Register shall be~~ for the following projects found to be in compliance with the Secretary’s standards:” [The remainder of this section remains unchanged.]

**SECTION 30.** Subparagraph a of Paragraph 1, Subparagraph a of Paragraph 2 and Subparagraph a of Paragraph 3 of Subsection A of Section 17.72.060 of the Pasadena Municipal Code entitled **Calls for Review** is hereby amended to read as follows (scored language deleted, underlined language added):

A.1.a “**a. Review.** The Design Commission may choose to Call for Review a decision by the Director regarding the Director’s action on a Design Review in compliance with Section 17.61.030 ~~except for a project identified in Subparagraph 17.61.030 J.7 (Design Review – Procedures – Calls for Review).~~”

A.2.a “**a. Review.** The Commission may choose to Call for Review a decision rendered by the Director, (except decisions in compliance with Chapter 17.61.030) Zoning Administrator, Hearing Officer, Film Liaison, or Environmental Administrator to the Board of Zoning Appeals.”

A.3.a “**a. Review.** The Council may choose to review a decision rendered by the Director, Zoning Administrator, Film Liaison, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, Design Commission, or the Historic Preservation Commission ~~as identified in Section 2.75.228(A) of the Municipal Code.~~”

**SECTION 31.** The definition of Work/Live contained in 17.80.020 entitled, “**Definitions**” is amended to read (scored language deleted, underlined language added):

“**Work/Live Units (land use).** Work/Live means an integrated housing 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:" (The remainder of this definition remains unchanged).

**SECTION 32.** Appendix A of Title 17 is hereby amended by adding **PD-23 – Salvation Army** in the proper alphabetical sequence as shown in Exhibit 21 attached hereto and incorporated by this reference.

**SECTION 33.** The official map of the City of Pasadena as established by Section 17.20.020 of the Pasadena Municipal Code is hereby amended by changing the boundaries of certain zoning districts as shown on the map entitled, "Proposed Central District Zoning Districts" attached hereto as Exhibit 22 and incorporated by this reference, on file at the City Clerk's office of the City of Pasadena.

**SECTION 34.** This ordinance shall take effect upon the expiration of thirty days from its publication by title and summary.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council on the City of Pasadena at its regular meeting held on \_\_\_\_\_, 2005, by the following vote:

AYES:

NOES:

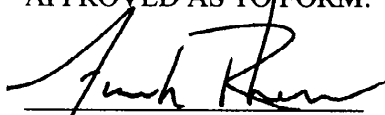
ABSENT:

ABSTAIN:

Published:

\_\_\_\_\_  
Jane L. Rodriguez, CMC  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Frank Rhemrev  
Assistant City Attorney