

**MINOR AMENDMENTS, CODIFICATIONS AND CORRECTIONS****MINOR AMENDMENTS:**

1. **Definition of Land Uses.** Article 8 contains the definitions of words and phrases used in the Zoning Code. It contains definitions of the various Land Uses. These land uses include: commercial uses, industrial uses, residential uses, public, semi-public uses and temporary uses. The definition of these uses refers to the Land Use Tables of Article 2 which breaks these uses into different groupings (i.e. services, transportation, retail sales, etc.) The Transportation, Communications and Utility group was left out of the land use definitions. This amendment will classify Transportation Uses as Industrial Uses unless they are specifically called as a falling into a different use classification.
2. **Footnote for Transition Housing.** The use Transition Housing has a requirement that is contained in a footnote. It states, "The maximum interior or exterior area in which support services are offered or located shall not exceed 250 sq. ft." This footnote was inadvertently left off the Land Use table for the residential districts when the Zoning Code was revised. The footnote remains on the other Land Use tables within the Zoning Code. This amendment will place the footnote back that was left off into the residential land use table.
3. **Setback for Accessory Structures.** The Zoning Code requires that an accessory structure that is located two feet from the property line to be setback five feet if the length of the building along the two foot setback exceeds 22 feet. The intent of this provision is to minimize the impact of an accessory structure on a neighboring property; this requirement was added to the Code in 2005. The language of the Zoning Code does not reflect the 2005 proposed change to the Code. The requirement was supposed to require the five-foot setback whenever the wall plane is more than 22 feet for any portion of the wall is *less* than five feet. However, the current ordinance only requires the setback when the building is set back two feet from the property line for a distance of 22 feet. This amendment will change the setback requirement to read that whenever the length of a wall of an accessory structure is set back less than "five feet" (rather than just two feet) for a distance of 22 feet, there shall be a five foot offset.
4. **Graphics for Fences and Accessory Structures.** Staff has revised the graphic (Figure 4-11) because the existing diagram is difficult to read and understand. This diagram has been handed out over the counter for the past year. The Zoning Code does not have a diagram for accessory structures. The attached diagram has been used for the past two years in the City's handout. This will be added to the Zoning Code as well as the City's webpage version of the Zoning Code. Both of the proposed figures are contained in Attachment C.
5. **Notification Process for Additional FAR Allowance in the Central District.** The Central District allows for an applicant to apply for an additional Floor Area (FAR) of up to 10 percent. The additional FAR request is reviewed and decided upon by the Planning Commission. The intent of this amendment is to clarify that such a request requires notification in the same fashion as other land use entitlement such as a variance or use permit. This would mean notification of properties within 500 feet, a sign posted on the site, and posting of signs. Since this is an entitlement with environmental review, the code need to reflect that this decision can be

appealed or called for review by the City Council.

6. **Signs on Awning Valance.** A sign which consists of letters not more than eight inches in height is allowed on an awning valance. Under the previous code, this sign did not count as one of the allowable signs but was allowed in addition to the two permitted wall or projecting signs. Under the current code, a sign on the valance counts as one of the allowable signs. This amendment will change the code so that a sign on the awning valance does not count as one of the two allowable signs. The Zoning Code has specific requirements for valance signs that will continue to be followed. These requirements specify the size, height, lighting, and the design of signs on a valance.
7. **Table 3-12 – East Pasadena Specific Plan.** This table specifies the amount of new development permitted by Subarea within the East Pasadena Specific Plan. Changes are proposed for this table as a result of changes in the General Plan for subarea d3 that were the result of the adoption of the 2004 land use element. It also reflects changes of a transfer of square footage from subarea d2 to subarea d3 that were approved by the City Council earlier this year. See Attachment D; the scored language is deleted, the underlined language is added.
8. **Projections into Rear and Side Yards Setbacks and Height of Flatwork.** The Zoning Code addresses a wide variety of projections into yards and setback areas. Uncovered steps, or landings, not more than 36 inches in height can project into front and corner side yard setbacks for a maximum length of 10 feet. The Zoning Code does not address rear and side yard setbacks for uncovered steps or landings. The recommendation is to allow the same projection into rear and side yard setbacks except that the maximum height would be 36 inches. At 36 inches and above a three and half foot guard rail is required by the Building Code. In order to maintain access in case of a fire, no guard rail would be allowed. The Code does not address the height of flatwork in setbacks. The recommendation is to allow up to 6 inches (measured from existing grade) in height for flat work including walkways, driveways, and patios.

#### **CODIFICATION OF INTERPRETATIONS:**

1. **Calculation on Basements and Floor Area in Hillside Areas.** The Zoning Code requires that a basement count as floor area in hillside areas whenever a wall is six feet or more in height above finished grade. It is the Zoning Administrator's interpretation that the entire basement be included into the floor area calculation, not just the portion where the wall is over six feet.
2. **TABLE 2-9.** Table 2-9 of the Hillside Chapter consists of the front setback requirements for the San Rafael neighborhood. This table lists the lots by tract and parcel number and typically the setbacks are less than 25 feet. On a few occasions, lots that are zoned as San Rafael area did not show up on this table. The Zoning Administrator has interpreted the code that when this happens, the lot shall meet the minimum 25 foot front yard setback requirement.
3. **Garage Location in RS and RM-12 Districts.** This is a new provision of the Zoning Code and requires garages to be located to the rear of the lot when 50 percent of the lots on the blockface have garages located to the rear. This provision has resulted in several interpretations. In Attachment E is an interpretation from April, 2006 regarding this requirement. It is proposed to codify

this interpretation. Another interpretation that has occurred as a result of this code provision relates to how double frontage lots should be treated. The Zoning Administrator has determined that on double frontage lots, both blockfaces should be reviewed to determine which frontage is the primary frontage and which is the secondary frontage based on the character of the street frontages. The garage can face the street on the secondary frontage. The Zoning Administrator has also interpreted the code such that in the RM-12 district if a unit is located in the rear half of the lot, this unit is not required to meet the garage location requirement when that garage is located in the rear half of the lot.

4. **Threshold for Public Art Requirement.** The Zoning Administrator has interpreted the Zoning Code such that the square footage calculation (which determines if you are subject to the Public Art Requirements) includes parking garages. The City's Public Art Program does not exempt parking structures from being subject to the one percent-for-art mandate. The City Construction Program Public Art Guidelines have been applied to parking garages because they specifically state that they apply to parking structures either underground or free-standing. The Private Development Public Art Program has not exempted parking structures as either a part of overall project or as a single development element. Therefore, in order to have consistency, the Zoning Administrator has interpreted the Zoning Code such that parking garages count in the overall square footage calculation for the Public Art requirement.
5. **Setbacks from Easements.** For hillside lots the setback requirements for a lot that is accessed by an easement are measured from the edge of easement, not the property line (which may be in the middle of the street). This has been codified in the hillside provisions but has not been codified for all lots. The Zoning Administrator has interpreted that this applies to all lots. The recommendation is to codify that interpretation into the Zoning Code.
6. **Interpretation Regarding Calls for Review.** The Zoning Code has a provision under appeals that if the review authority fails to act, then the decision of the lower body stands. This provision clearly applies to actions of the Hearing Officer, Board of Zoning Appeals, and other decision making bodies. It is unclear that this applies to the City Council decisions. The interpretation has been made that this applies to the City Council when a decision is called for review. The proposal is to codify this interpretation.
7. **Stairs in Accessory Structures.** The Zoning Code does not permit accessory structures to have a second story. The Zoning Administrator has interpreted the Zoning Code that an accessory structure can have an interior pull-down stairs to access an attic area for storage purposes. Outdoor stairs and non-movable stairs are not permitted. It is proposed to codify this interpretation.

#### **CORRECTIONS:**

The Code Amendments proposed will include a small number of corrections in which the wrong section number is referenced. Additionally, corrections will be made as a result of the recently approved Density Bonus ordinance in which three provisions of the parking chapter of the Zoning Code will be modified to be consistent with the new

Density Bonus ordinance. Table 6-1 – Review Authority is a table which outlines the various review authorities and shows who the appeal decisionmaker is for the review authorities. Table 6-1 will be modified to reflect changes from the Density Bonus Ordinance as well as include the Planning Commission for its review of requests for additional floor area as part of the Central District.

## AMENDMENTS AND CORRECTIONS TO HISTORIC PRESERVATION ORDINANCE

**1. Technical corrections.** Omit incorrect references or repetitious statements; simplify terms or to use more descriptive wording.

- Add both landmark and historic districts to references in the code where only one is cited. [The regulatory provisions in the code and the incentives for designated historic resources apply equally to properties in landmark districts and historic (National Register) districts. In places, the code only refers to one of the two types of districts.]
- Omit incorrect references to historic resource. [In places the code cites properties ineligible for a historic designation as “historic resources.”]
- Reduce the number of repetitious paragraphs and simplify wording for regulatory reviews (i.e., category 2 & 3 procedures).
- Delete reference to “workshop” for landmark districts. [The noticed public hearings with Historic Preservation Commission and Planning Commission are equivalent to workshops.]
- Add more references to identify major and minor projects.
- Add to General Procedures a statement that the provisions of Ch. 17.60 (Application Filing and Processing), Ch. 17.64 (Permit Implementation, Time Limits, and Extensions), Ch. 17.76 (Public Hearings), and confirm that all decisions by the Planning Director may be appealed or called for review, except as otherwise specified in historic preservation chapter.

**2. Updated definitions.** Add more information to avoid ambiguous statements; update terms; resolve vague or contradictory statements.

- Add items to definition of **major project** (in the glossary in the zoning code):
  - new construction in a landmark and historic district except for accessory structures.
- Add items to definition of **minor project** (in the glossary in the zoning code):
  - Substantial alterations to noncontributing buildings and exempt minor alterations to non-contributing buildings—and alterations to accessory buildings on non-contributing properties—except for non-contributing buildings that could upon rehabilitation become contributing buildings. Demolitions of non-contributing buildings in districts would continue to be reviewed by the HPC. Minor projects (e.g., one-story rear additions, window/door changes, garage doors, etc.) on non-contributing structures should not require a Certificate of Appropriateness because they have no effect on the historic integrity of a landmark or historic district. This change will unify the procedures among all of the landmark and historic districts.
- Add definition for “period of significance” for districts.

**3. Codify existing procedures.**

Include in the code several existing—and longstanding—procedures that are not in the code and add items that were in November 2002 ordinance but inadvertently omitted from February 2005 revision of the zoning code.

- To avoid redundant reviews, confirm that approvals issued by the City Council for

land-use entitlements do not require a duplicative review by the Historic Preservation Commission; a Certificate of Appropriateness is not required for properties already entitled for demolition or major alteration through an adopted master development plan, development agreement, adjustment permit, use permit, variance, or similar land-use approval—or for demolitions analyzed and cleared through an adopted negative declaration, mitigated negative declaration, or a certified EIR.

- Confirm that the staff determines if a property is contributing or non-contributing. Existing conservation plans specify that the staff determines which buildings are contributing and non-contributing, and this practice has extended to all other districts. The proposal is to formalize this procedure in the code so the provisions of the conservation plans apply to all districts.
- Return reference in the code that the Director, HPC, and Design Commission shall apply the Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings (or when applicable the Secretary of the Interior's Standards for the Treatment of Historic Properties) to all reviews affecting historic properties. In addition, in landmark and historic districts Director or HPC shall also apply the Design Guidelines for Historic Districts in Pasadena, California (or successor version). [This wording, in the 2002 version of the ordinance, now appears only in the chapter for design review. The Secretary of the Interior's Standards for Rehabilitation are listed in the glossary and in two places in the current historic preservation chapter. There is no broad reference, though, to employing the Standards for all regulatory reviews, as is required under the City's obligations as a Certified Local Government. The reference to the illustrated guidelines, which accompany the Standards, is new.]
- No procedure to amend or rescind the three existing conservation plans for landmark districts. [Restore requirements from 2002 ordinance for amending conservation plan; add a similar procedure to rescind conservation plans and allow an existing landmark district to follow all of the category one review procedures in the historic preservation chapter of the zoning code. Follow amendment procedure in the code.]
- Specify a procedure to add qualifying properties to a landmark district. [The existing requirements for designating a landmark district should be specified for adding properties: i.e., at least 60% contributing and signatures of approval from 51% of property owners, three public hearings with notification to property owners.]
- Confirm that in landmark and historic districts outside the Central District, exterior work subject to regulatory review is limited to views/sight lines from public streets but not alleys. [This limitation on design review, first adopted in 1989, is in the conservation plans of three landmark districts. The Planning Director and Commission have followed this policy for all reviews in landmark and historic districts. It is not in the current code. The exclusion of views from alleys is a new addition. The ordinance implementing the N. Pasadena Heights Landmark District excluded from design review all views from interior alleys. The exclusion should not apply to the Central District, where there is an urban context and

streetscape and alley walkway plans for Old Pasadena and the Playhouse District. In the Central District, the City has conducted design review of alterations visible from alleys since at least 1985.]

- For individually designated landmarks and monuments and properties individually listed in the National Register, the Director or HPC shall concentrate regulatory reviews on features open to view from public rights of way. The Director or HPC may also review work out of public view if the alterations affect significant character-defining features of the historic resource or if the work may have an adverse effect on the overall historic integrity of the resource.
  - Confirm that the entitlement permitting demolition without a building permit for a replacement project applies only to a primary structure on a property and not to accessory structures. [The code limits this review to primary structures, but the same sub-section also refers to accessory structures. The City has never applied this provision to accessory structures.]
  - Confirm that a certificate of appropriateness issues automatically at the end of a 180-day delay [unless the property is subject to the interim protections cited under "policy changes."]
  - In landmark and historic districts, exempt from review: exterior paint/stain; landscaping (except protected native, landmark, specimen trees), flat concrete work, lighting, rear-yard walls and fences, etc. This list, first adopted in 1989, appears in the three existing conservation plans. The Planning Director and Historic Preservation Commission have also excluded these items from design review in the landmark and historic districts, even though there is no reference to exempting them in the current code.]
  - Confirm that the review procedures in the three conservation plans supersede procedures in the code except where the conservation plans are "silent" on an issue.
  - Confirm that the category 2 or 3 review procedures apply only to properties eligible for listing in the National Register (individually or as contributing to a district) and eligible for individual designation as landmarks or monuments.
  - Add criteria for historic signs (omitted from 2005 code).
  - Confirm that front-yard and side-yard fences and walls are reviewed on non-contributing properties in landmark and historic districts.
    - Current code and conservation plans are silent on this question.
- 4. New policy.** Changes to existing designation procedures or regulatory provisions.
- Adopt new procedure for interim protection of resources subject to a delay of demolition during a pending designation of a landmark district: category one review procedures would apply during consideration of the pending designation. [Currently, an application to demolish a contributing building in a potential landmark district may be delayed for 180 days. This proposal would change the delay to a denial once the Commission has approved a designation of district and sent a recommendation to the City Council for a final decision. If the Council denies the designation, the denial would revert to a delay (following the procedures for undesignated buildings). The same change to a delay would apply to major alterations to contributing properties in a National Register-eligible

district under consideration for local designation as a landmark district. The interim protections would not be retroactive; land-use decisions, such as a delay of demolition preceding the date of the HPC public hearing on a district designation, would remain valid.]

- Confirm that interim protections during a pending designation also apply to properties nominated for designation as monuments or landmarks: category one review procedures would apply during consideration of the pending designation. [The code currently bars the City from issuing building permits for landmarks and monuments during a pending designation, but it does not explicitly change the regulatory reviews from category two to category one. This change would authorize the Commission to deny applications for major alterations or demolitions during consideration of a landmark or monument designation after the HPC has held a public hearing and recommended approval of the designation to the City Council. The interim protections would not be retroactive, and they would exclude land-use decisions that precede the public hearing before the Historic Preservation Commission.]
- Authorize Planning Director, not Commission, to approve permits for minor projects while designation is pending for individual landmark or monument if the proposed work is consistent with the Secretary of the Interior's Standards for Rehabilitation.
- Increase number of residential historic property contracts to 20 residential contracts in one year.
- In landmark and historic districts outside Central District, change threshold for reviews of new multi-unit residential projects to HPC for all projects (instead of authorizing the Planning Director to review project with 9 or fewer units).
- Allow a denial by the Historic Preservation Commission of an application for designation of a landmark, monument, landmark tree, historic sign, and landmark district to stand without automatic referral to the City Council for a final decision, unless there is an appeal to the City Council or the City Council calls for a review of the decision. [The current ordinance sends all decisions by the Commission on historic designations to the City Council, even when there is a denial of an application; this proposal seeks to end the designation process at the Commission—as is the case with applications for certificates of appropriateness—if the Commission determines that that a property does not meet the criteria for designation. Any person affected by a decision may still appeal it to the Council, and the Council may call for review all decisions by the Commission.]
- Exclude decisions by the Planning Director on historic preservation cases from calls for review by the Planning Commission. [The call-for-review section of the code allows the Planning Commission to call for review all decisions by the Planning Director except for design-review decisions. A decision called for review by the Planning Commission goes to the Board of Zoning Appeal, which is a committee of the Planning Commission. This provision creates an anomaly in the code, whereby an appeal of a historic preservation case goes to the Historic Preservation Commission but a call for review goes to the Board of Zoning Appeal.]



## ATTACHMENT - B

- Supplementing the existing finding for demolition as follows:
  - a. A building has experienced severe structural damage and there is convincing evidence from two sources (e.g., structural engineer, architect); or
  - b. No economically reasonable, practical, or viable measures could be taken to adaptively use, rehabilitate, or restore the building or structure on its existing site—and there is convincing evidence from two sources (e.g., structural engineer, architect); or
  - c. A compelling public interest justifies demolition.
- In addition, as a condition of approval for demolition, the Commission may require **historic materials to be salvaged from a property**, and it may require **archival-quality photo-documentation of the building and/or architectural drawings** similar to those required for the Historic American Buildings Survey (HABS).
- Recommend further that the Historic Preservation Commission (Design Commission in the Central District) act as the decision-making body on **all applications for an economic hardship variance** in place of the Planning Director or Planning Commission.