

BOARD OF ZONING APPEALS - PROCEDURES

The **Board of Zoning Appeals** has the authority to make decisions on appeal cases, any environmental determination, and decisions from the Hearing Officer, the Zoning Administrator, the Film Liaison, the Planning Director (except decisions related to Design Review), and the Environmental Administrator.

Public testimony will be requested prior to all decisions made by the Board of Zoning Appeals. **Written comments may also be mailed to the Board of Zoning Appeals.** The deadline for submitting written materials to be fully considered by the Board of Zoning Appeals is 5:00 p.m., Wednesday, the week prior to the Board of Zoning Appeals hearing. The late submittal of comments will need to be summarized at the public hearing before the Board of Zoning Appeals because there is insufficient time to review such submittals the night of the hearing.

The appellant will be asked to speak first, followed next by the applicant (if different). Both the appellant and applicant will be given 15 minutes to present their cases. After the appellant and applicant, others wishing to speak will be given 3 minutes each. The appellant will be given a 5 minute rebuttal period after all others have spoken. When the appellant is the City of Pasadena through the call for review, the Board of Zoning Appeals shall hear initially from the applicant followed by speakers in favor and then speakers in opposition.

While the merits of the project are of interest to the Board of Zoning Appeals, the Board of Zoning Appeals must base the decision on "**Findings**" which are required by the Zoning Code, for all **use permits, variances (including variances for historic resources), minor use permits, minor variances, sign exceptions, temporary use permits (appealable only by the applicant) and modifications for individuals with disabilities.**

There are six findings for **Conditional Use Permits**. These findings are: **1) The proposed use is allowed with a Conditional Use Permit within the applicable zoning district and complies with all applicable provisions of the Zoning Code; 2) The location of the proposed use complies with the special purposes of this Zoning Code and purposes of the applicable zoning district; 3) The proposed use is in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan; 4) The establishment, maintenance, or operation of the use would not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use; 5) The use, as described and conditionally approved, would not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, and 6) The design, location, operating characteristics, and size of the proposed use would be compatible with the existing and future land uses in the vicinity in terms of aesthetic values, character, scale, and view protection.**

Certain types of Use Permits (alcohol sales, design density bonus, shared parking, etc.) require special findings, which are outlined in the Zoning Code.

For **Variances**, the Hearing Officer must make five findings. These findings are: **1) There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply to sites in the same zone district; 2) Granting the application is necessary for the preservation and enjoyment of a substantial property right of the applicant and to prevent unreasonable property loss or unnecessary hardship; 3) Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the subject site, or to the public health, safety or general welfare; 4) Granting the application is in conformance with the goals, policies, and objectives of the General Plan, and the purpose and intent of any applicable specific plan and the purposes of this Zoning Code and would not constitute a grant of special privilege inconsistent with limitations on**
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other properties in the vicinity and in the same zone district; and 5) Cost to the applicant of strict compliance with a regulation shall not be the primary reason for granting the variance. Your presentation should concentrate on how the proposal meets these findings.

The findings for **sign exceptions** and **temporary use permits** are contained in the Zoning Code, Sections 17.48.050 and 17.61.040 respectively.

All requests must be consistent with the intent of the Zoning Code and with the City's General Plan. Your presentation should concentrate on how the proposal fits or does not fit into these above guidelines.

In reviewing the appeals of the Zoning Administrator, the Environmental Administrator, the Planning Director, and the Film Liaison, (excluding use permits, minor use permits, variances, minor variances, sign exceptions, and filming permits) the Board of Zoning Appeals will review the decision based on current interpretations and any applicable regulations in the Zoning Code. They will either sustain or reverse the decision.

On all appeal cases involving use permits, minor use permits, variances, minor variances, and sign exceptions, the Board of Zoning Appeals will adopt an environmental determination as part of the appeal case. Some of the applications are exempt from the **California Environmental Quality Act (CEQA)**. Those applications which are not exempt will require approval of either a **Negative Declaration** (a statement that there is not significant environmental impacts), and **mitigated Negative Declaration** (a statement that there are some potential impacts but conditions of approval will significantly reduce these impacts), or an **Environmental Impact Report (EIR** - a discussion of possible impacts with recommended mitigation measures or a **Statement of Overriding Considerations** for impacts which can not be mitigated).

DECISION: At the conclusion of the public hearing, the Board of Zoning Appeals has five options: *1) They may take the matter "under advisement" for a decision within 30 days, 2) They may "continue" the matter to a time and date set at the hearing, 3) They may approve the application but change or remove the conditions approved by the Hearing Officer, Zoning Administrator, or Film Liaison, 4) They may approve the application with conditions as approved by the Hearing Officer, Zoning Administrator or Film Liaison, 5) They may deny the application.* Any decision of the Board of Zoning appeals must receive a minimum of three affirmative votes.

The applicant will be notified by letter of the decision of the Board of Zoning Appeals. Any person who wishes to receive a copy of that letter may do so by leaving his or her name and address with the recording secretary. Please specify for which application you wish to receive the decision letter.

APPEALS: Only projects with an EIR, negative declaration, or mitigated negative declaration are appealable to the City Council. Projects that are categorically exempt under CEQA are not appealable to the City Council but may be **called for review** by the City Council if a member of the City Council requests a call for review prior to the effective date of the decision.

EFFECTIVE DATE: The decision becomes effective 10 days after the date of the decision.

If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the hearing body at, or prior to, the public hearing.

Thank you for your attention to these procedures.

BOAR OF ZONING APPEALS CHAIRPERSON'S STATEMENT

This is the time and place set for the regular meeting of the Board of Zoning Appeals of the City of Pasadena. My name is _____ and I will be acting as chairperson for this hearing. To my left are Commissioners _____. Serving as Zoning Administrator is _____ who will introduce the other staff members and present the procedures, which we will follow.

PLEASE NOTE that any written documents submitted at this hearing will need to be summarized verbally for the Board to consider such items tonight.

Our procedures limit speaking time to 15 minutes for the APPELLANT and the APPLICANT, with 3 minutes each for those persons speaking in favor and in opposition, and a 5-minute rebuttal period for the APPELLANT.

HEARING FORMAT FOR EACH CASE

- A. Staff presents case
- B. Committee questions staff regarding application and recommendation.
- C. Appellant's presentation (15 minutes maximum)
- D. Applicant's presentation (if different from Appellant)
- E. Speakers IN FAVOR (3 minutes each, maximum)
- F. Speakers IN OPPOSITION (3 minutes each, maximum)
- G. Appellant's rebuttal (5 minutes maximum)
- H. Chair closes Public Hearing
- I. Staff's concluding remarks
- J. Committee questions to staff
- K. Committee discussion of Findings
- L. Motion on environmental document and application
- M. Second to Motion
- N. Discussion on Motion
- O. Roll Call vote on Motion

**MEMORANDUM - CITY OF PASADENA
PUBLIC WORKS AND TRANSPORTATION DEPARTMENT**

DATE: June 21, 2002
TO: Transportation Advisory Commission
FROM: Director of Public Works and Transportation
RE: **TAC Review and Comment on Environmental Impact Reports of Major Projects and Transportation Policies**

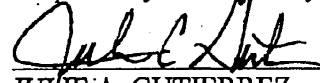
In the past two years the Department has arranged several presentations be made at TAC meetings to provide the most current information on specific developments. For example, TAC heard presentations on the Ambassador Campus (Legacy Development), STATS and the Sierra Madre Villa Biotech Campus developments. TAC recently reiterated its desire to be more informed on the status of major developments and prior to City Council action. Accordingly, staff will provide TAC the relevant materials for review and comment on the draft Environmental Impact Report for projects that may have community-wide significance, according the Predevelopment Plan Review Administrative Guidelines threshold:

1. The development exceeds 50,000 square feet and requires one discretionary action.
2. Fifty (50) or more housing units;
3. Projects which the Director of Planning and Development determines to have community wide significance.


If a project is required to conduct an environmental impact analysis due to its potential transportation impacts, its draft Environmental Impact Report (EIR) will be presented to TAC in reference to the transportation/traffic impacts during the State required 45-day public review period. Comments from TAC will be forwarded to the Planning Commission and the City Council. This is similar to the process the Design and Cultural Heritage Commission uses for any project requiring an EIR.

In addition to major projects, TAC will have opportunity to comment on transportation-related policies in the General Plan, all Specific Plans and Master Park Plans.

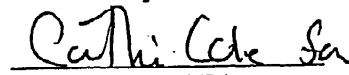
Respectfully Submitted by:


JULIE A. GUTIERREZ
Acting Director

Prepared by:


ERIC C. SHEN
Transportation Planning & Development Manager

Reviewed by:


BAHMAN JANKA
Transportation Administrator

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