

Minor Amendments:

1. **Handicapped Parking.** This amendment is a proposal to allow the Zoning Administrator to approve a reduction (without a variance) of the required parking spaces if an existing parking lot is being restriped to accommodate a handicapped parking space that did not previously exist. Adding a handicapped parking space to an existing parking lot may result in the loss of required parking spaces. On some occasions, older parking lots (or structures) are asked to restripe their spaces in order to accommodate handicapped parking. Adding this provision will allow the Zoning Administrator to approve slight modifications (including the loss of parking spaces) to the parking lot in order to accommodate a handicapped parking space.
2. **Ramp Grades.** When a development project proposes to modify the grade of a parking ramp, a variance is required. This proposed amendment would allow the Transportation Director to modify the ramp percentage grades to parking garages since the grade of a ramp is a safety issue. The intent of this amendment is to allow the Transportation Director to review this request based upon safety issues and width and design of the driveway. A variance would not be required, only approval from the Transportation Director.
3. **Solar Panels.** In 2005 the State changed its laws regarding solar panels. These changes limit the ability of all local governments to regulate the location of solar panels. The City has very limited review authority over the placement of solar panels. The Hillside Provisions require that all mechanical equipment (including solar panels) to be screened to minimize visibility from off-site. This amendment will add an exemption for the screening of solar panels in hillside areas and allow solar panels to be visible from off-site in conformance with State law. This is consistent with the Urban Accords Actions #1 through #3 which are to increase the use of renewable energy; reduce the City's peak electric load; and reduce emissions. Also, as part of the City of Pasadena's Green City Action Plan and the State's Million Solar Roofs Initiative, the Pasadena Solar Initiative (PSI) is Water and Power's commitment to helping its customers install a total of 14,000 kilowatts of solar power by 2017.
4. **Off-Site Construction Sites.** The Zoning Code allows a variety of temporary uses through the Temporary Conditional Use Permit (TCUP) process. The Zoning Code allows temporary uses for up to 45 days but also allows certain temporary uses to be for a longer duration of time, such as a farmers' market which can be approved for up to a year. The Zoning Code allows for the approval of an off-site construction site through a TCUP. In staff's experience, 45 days is not a sufficient length of time to allow for the approval of an off-site construction site. Construction of many types of development projects take longer than the 45-day period. The recommendation is to change this to allow for the approval of such TCUPs for up to one year. If a project last longer than a year, the applicant may apply for a new TCUP. It should be noted that the Zoning Administrator may revoke a TCUP immediately for violation of the conditions of approval.

5. **Preapplication Conference.** Under the pre-2005 Zoning Code, the City had a process known as Predevelopment Plan Review (PPR) in which development projects could be reviewed by City Departments through an application. The intent of this process is to provide the applicant with information about the various requirements of City Departments. In the 2005 Zoning Code, the name of this process was changed to Preapplication Conference (PAC). There has been confusion over this name change, so staff has continued to call this process Predevelopment Plan Review. This minor amendment will change the name of the process back to Predevelopment Plan Review (PPR).
6. **Separation Requirement.** The RM-12 District had a 10-foot separation requirement for units. This requirement was inadvertently left out of the Zoning Code in the 2005 revisions. This separation requirement was intended to provide light and air for units. This amendment will add this requirement back into the Zoning Code.
7. **Height for Accessory Structures.** Currently the overall height of an accessory structure can be modified to allow for a greater height in order to match the pitch of the residence. If the building is historic, the Historic Preservation Commission can also modify the design. If the building is not historic, it can be modified through the Minor Condition Use Permit, as opposed to a Variance. The Zoning Code states only the height of the structure, but does not mention the top plate height. This amendment will modify this requirement to allow for the top plate height to be modified as part of the review process.
8. **Driveway Width for Flag Lots.** The flag lot provisions of the Zoning Code restrict flag lots to hillside areas (HD Overlay) and allow them only under very specific circumstances. The driveway requirement for flag lots is a minimum of 12 feet. However, the hillside ordinance requires that driveways be 15 feet for a driveway serving one residence, and 20 feet for a driveway serving more than one residence. This amendment will modify the flag lot requirements to be consistent with the hillside ordinance by requiring that flag lot driveways be a minimum of 15 feet in width.
9. **Building Colors in Hillside Areas.** The hillside ordinance requires that darker tones, including earth tones, be used so that structures appear to blend with the natural terrain. Staff is recommending that a provision be added to this requirement that allows the review authority (either the Historic Preservation Commission or the Planning Director) to modify this requirement when a historic building requires a Certificate of Appropriateness. Some historic buildings in hillside areas were not originally constructed in darker colors. This will allow for other colors to be utilized that are consistent with the original colors.
10. **Fences in Residential Districts.** (1) There is a prohibition of barbed, concertina wire, or razor wire in commercial districts but no such prohibition in residential districts. This amendment will add such a prohibition to residential districts. (2) Consolidate all fence requirements under one section. Currently, the fence requirements for City of Gardens are located in the City of Gardens development

standards. This creates a problem because there are general requirements for all fences contained in the general fence requirements in Section 17.40.080. This will ensure consistency in the application of the rules. Fences under City of Gardens will be measured from the occupancy frontage (i.e. building) as it is in all other zoning districts. (3) All fences are measured from existing grade; it is proposed to add a provision to the fence requirements that height shall be measured from existing grade as it existed on the date of adoption of this amendment. Currently, there is no such provision and the existing grade could be changed. If the existing grade is changed, a property owner could then apply for a permit for a fence permit with the revised grade becoming the existing grade. This could result in a fence higher than the original existing grade. The intent is so that someone does not change the grade and later come back with a fence permit to achieve a higher fence.

11. **Central District Land Uses.** The Central District land use tables allow the use, "Wholesaling, Distribution and Storage (Small-scale)" in the following Central District subdistricts: CD-1 - Old Pasadena, CD-4 - Pasadena Playhouse, and CD-6 - Arroyo Corridor/Fair Oaks. However, the provisions of 17.40.360 (Transit-Oriented Development) prohibit this use in these subdistricts. The use will be removed from the Central District Land Use Tables to correct this inconsistency since the use is prohibited under the Transit Oriented Development requirements.
12. **Sign Exceptions.** A deviation from the Sign Ordinance requires a sign exception which is a variance just for signs. The nonconforming provisions of the sign chapter state that a modification to a nonconforming sign requires a variance. The proposal is to change this provision to allow a sign exception for modification of nonconforming signs. This amendment will not change the review authority; both variances and sign exceptions are reviewed by the Zoning Hearing Officer. This is consistent with how all other requests for deviations to the sign code are handled.
13. **Garden Wall Height in City of Gardens.** The City of Gardens provisions allow for planter walls to be no more than 18 inches high in the main garden. In some cases, a higher wall is needed in order to allow space for larger plantings. In order to accommodate such requests, the recommendation is to allow the Review Authority (Design Commission or Planning Director) to modify this height requirement to allow not more than 25 percent of the walls to be up to 28 inches in height.
14. **Density Bonus and Tandem Parking.** Under the tandem parking provisions of Section 17.46.080 projects using the density bonus provisions may have up to 50 percent tandem parking by right. When the Density Bonus provisions were revised over a year ago, this allowance should have been removed from the Zoning Code. The intent of the new Density Bonus provisions was to require applicants to apply for a waiver for changes to the development standards. This amendment will remove this provision of the code and any request for increased tandem spaces will be processed through the waiver procedures.

- 15. Average Setback Calculation.** The front yard setback on developed blocks in residential districts is a minimum of 25 feet or the average of the blockface whichever is greater. The provisions of the code only exempt side yards of corner lots from the calculation. No other lots are exempt. This minor amendment will clarify that the applicant's house, if there is one, is included in the average blockface calculation.

Codifications and Corrections:

1. Codifications of Interpretations

- A. Noticing.** The Zoning Code has a conflict on the noticing requirements for a variance. Under Chapter 17.76, the Zoning Code requires variances and use permits to have public notices to be mailed within a 500 foot radius. Under Chapter 17.61, the Zoning Code states that a variance is noticed at a 300 foot radius. The Zoning Administrator has interpreted this requirement such that the noticing is to be 500 feet. This was what the Council approved when the Zoning Code was revised in 2005. This amendment will codify this interpretation.
- B. First Amendment Protected Signs.** In 2006, the City modified its sign provisions to accommodate noncommercial signs in residential areas. This amendment was intended to allow up to 25 sq. ft. of signage to allow for the expression of political, religious or other ideological sentiment. Since that time, the Zoning Administrator has interpreted the Zoning Code that this allowance also applies to Religious Assembly uses in residential districts and to the PS District where there are no minimum sign requirements. The intent of the interpretation was to allow for first amendment protected signs. The proposal is to codify this interpretation such that these sign provisions for first amendment protected signs in residential districts apply to uses in the PS district and to religious assembly uses (churches) in R districts.
- C. Appeal of Art Commission Decisions.** The City Attorney developed an opinion that decisions of the Arts Commission may be appealed to Council or Called for Review by the City Council. This issue arose when an applicant wished to appeal a decision regarding a Public Arts Project. The appeal chapter of the Zoning Code does not include provisions for the appeal of Arts Commission decisions. This amendment will codify the City Attorney's opinion.
- D. Vehicle Repair.** The vehicle repair land use requirements are contained in Section 17.50.360. These requirements relate to parking, lot size, hours of operation, and other operational requirements for vehicle repair. The intent of these provisions was to apply these to all vehicle repair including repairs that are accessory to a vehicle sales use. It is unclear from reading this provision that the requirements apply to both. The Zoning Administrator has interpreted the Zoning Code that it applies to both. This amendment will codify that interpretation.

- E. Measurement of Height along Foothill Boulevard in the East Pasadena Specific Plan, Sub-area d2.** For properties located in the East Pasadena Specific Plan, Sub-area d2, on the south side of Foothill Boulevard, the measurement of height is calculated differently than the rest of the Specific Plan because of the steepness of the slope from Foothill Boulevard south down to the 210 Freeway. The Specific Plan provided for a 60-foot height limit for properties south of Foothill Boulevard to be measured from Foothill Boulevard. This was incorrectly codified in the current ordinance. The Zoning Administrator has interpreted that height shall be measured per the Specific Plan rather than the error in the Zoning Code. Therefore, the Zoning Code will be corrected to show that the measurement of height in Sub-area d2, located on the south side of Foothill Boulevard, will be measured at the lowest point from the Foothill Boulevard property line.
- F. Accessory Structures.** Recently the Board of Zoning Appeals heard an appeal case regarding the calculation of the allowable square footage of accessory structures. In this interpretation which was upheld by the Board of Zoning Appeals, a basement under an accessory structure or a stand-alone basement not part of the principal structure counts in the overall allowable size of accessory structures. This will be codified as part of this series of amendments.
- G. Driveway Width for Mixed Use Projects.** The Zoning Code has different requirements for driveway widths depending on whether the project is residential or nonresidential. Tables 4-10 through 4-12 explain the width requirements depending on the number of parking spaces being served. The Zoning Administrator has interpreted the Zoning Code such that a mixed use project (which is defined as a residential use) is subject to the nonresidential driveway width requirements because it is a combination of residential and commercial uses. The proposal is to codify this interpretation.
- H. Office Conversions in Multi-family Districts.** The Zoning Code in support of the preservation of historic structures allows for historic structures in the RM-16, RM-32 and RM-48 to be converted to office use. On the land use tables, a conditional use permit (CUP) is required for this conversion. In Section 17.50.170 standards for these office conversions are specified. This section requires that a minor conditional use permit (MCUP) is required for the conversion. The Zoning Administrator has interpreted this conflicting requirement such that a MCUP is required because this was approved by the City Council in 2005 and the Land Use table is incorrect.
- I. Hillside Provisions.** There are two hillside interpretations that are proposed for codification. The first interpretation relates to the requirement that any second story addition greater than 500 sq. ft. requires a hillside development permit (HDP). Some existing residences have three stories, and the owners have proposed expanding the third floor by more than 500 sq. ft. In these cases, they have made the argument that a third story is not subject to the HDP requirement because it is not a second story. The Zoning Administrator has interpreted the Zoning Code

The second interpretation relates to the term, “floor area” which is used as part of the overall floor area ratio requirement. The Zoning Administrator has always interpreted this to mean “gross floor area” not “net floor area” even though both terms are used within the Zoning Code. Net floor area excludes garages, hallways, lobbies, elevators and other common areas and was not intended to apply to single-family residences but only to multifamily projects. This will amend the Hillside Overlay provision to change the term “floor area” to “gross floor area.”

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, and corrections to recent ordinances. Additional corrections include:

- A. **Corrections to Land Use Tables.** In some of the land use tables the use classification “restaurants with walk-up window” is incorrectly listed as “restaurants with take-out windows.” This will be corrected in order to be consistent with the definition of such uses restaurants with walk-up windows.
- B. **Central District Maps.** Currently the staff is working on the Central District Maps to update the on-line version of the Zoning Code. The maps are too small and staff is trying to create maps that could be enlarged by users of the system. In creating these maps staff found that the location of some of the property lines was inaccurate due to changes in parcel configurations. This correction will modify the property lines to conform to the more exact locations as shown on assessor records. No zoning boundaries will change.
- C. **Density Bonus Definitions.** The definitions for Density Bonus are contained in the Density Bonus Chapter. The definitions should be in the definition chapter (Glossary – Article 8) as they apply to all Zoning Districts. This amendment will move them to the proper chapter with the other Affordable Housing Definitions.
- D. **References to the Department of Public Works.** When the Zoning Code was first written, the Departments of Transportation and Public Works were a single department. Now they are separate Departments. In several instances the Zoning Code refers to the Department of Public Works when it should refer to both Departments or in some cases just refer to the Department of Transportation. This correction will update these references.
- E. **Corrections to the Adult Business Ordinance.** When the City revised the Adult Business ordinance, it changed the name of this use from “Adult Business” to “Sexually Oriented Business.” In several places within the Zoning Code, this change was missed. This amendment will change those provisions in which Adult Business is used and replace it with “Sexually Oriented Business” in order to be consistent with what was approved by the Council.

- F. Corrections to Table 3-8 East Pasadena Subarea d2 Standards - Setbacks – Residential and Nonresidential.** The East Pasadena Specific Plan established a setback along Sierra Madre Villa north of Foothill Boulevard to be 20 feet regardless of whether these were front or corner setbacks. When the plan was codified, the setbacks along Sierra Madre Villa were differentiated between side and front yards, with the side yard being five feet and the front yard being 20 feet. This correction will require a minimum 20-foot setback along Sierra Madre Boulevard north of Foothill Boulevard for all lots regardless of whether the setback is a front or corner setback. This will not impact the proposed project at Sierra Madre Boulevard and Foothill Boulevard that was approved by the City Council through a development agreement.
- G. Corrections to Table 3-6 – Allowed Uses and Permit Requirements East Pasadena Specific Plan (EPSP) Subarea d2 and d3 Districts.** In subarea d3 of the East Pasadena Specific Plan, retail sales is a permitted use. In the Zoning Code, this use is shown as requiring a Conditional Use Permit. The Zoning Code is not consistent with the East Pasadena Specific Plan. This appears to be an error in the codification and will be corrected to permit retail sales.
- H. Correction to the East Pasadena Specific Plan – Special Building Stepback Provisions (Subarea D2, Foothill Boulevard).** A stepback of 20 feet is required for properties adjacent to Foothill Blvd. However, the Specific Plan exempted projects on the joint development site at the Sierra Madre Light Rail Transit site from this stepback requirement. This correction will add this missing provision from the Specific Plan into the Zoning Code.
- I. Corrections to Fair Oaks/Orange Grove Specific Plan.** A single-family dwelling or two units on a lot in the FGSP-RM-16 zoned district is allowed subject to RS-6 or RM-12 development standards as specified by the Specific Plan. The Fair Oaks-Orange Grove Specific Plan allowed a single-family dwelling or two units on a lot in FGSP-RM-16 district. This is an error in the codification of the ordinance. This correction will add a footnote to reference the single-family development standards for a single unit and to the RM-12 standards for two units on a lot for the RM-16 district. This is consistent with the Fair Oaks-Orange Grove Specific Plan.
- J. Corrections to North Lake Specific Plan Ordinance.** The North Lake Specific Plan was updated recently and the ordinance revised to reflect the final changes adopted by the City Council in January of 2008. This correction makes two minor changes to this ordinance. The first correction will add back a provision that was removed from the Zoning Code. This provision stated that the Floor Area Ratio (FAR) requirements of the base district did not apply in the North Lake Specific Plan. In 2005, FAR requirements were adopted for all commercial areas outside of specific plan areas. The intent of this FAR requirement was to limit development outside of specific plans and to concentrate development in the specific plan areas. The second correction will specify that the Commercial Frontage and Façade Standards do not apply. Also, in 2005, the new Zoning Code established new façade

standards for buildings outside of specific plans areas. These standards addressed the location of parking, windows, railings and decorative grilles. These standards were intended to assist in the design of new buildings outside of specific plan areas. Specific plan areas have their own individual standards for building design and location. This was an error in the codification of the North Lake Specific Plan ordinance because this specific plan is codified as an overlay rather than a base district.

- K. **Commercial Nurseries.** When the revised Zoning Code was adopted in 2005, the use classification, "Commercial Nurseries, Limited" was changed to "Commercial Growing Areas." In several places in the Zoning Code, the use "commercial nurseries, limited" is used. This correction will change "Commercial Nurseries, Limited" to "Commercial Growing Areas" to be consistent with the rest of the Zoning Code.