



# Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 10, 2012

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE AMENDING THE ZONING CODE TO REVISE THE ZONING CREDIT PARKING PROGRAM TO INCLUDE THE S. LAKE AVENUE AREA

## TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REVISE THE ZONING CREDIT PARKING PROGRAM TO INCLUDE THE S. LAKE AREA

## PURPOSE OF ORDINANCE

This ordinance implements and codifies modifications to the Zoning Code approved by the City Council on June 18, 2012 to revise the Zoning Credit Parking Program to include on-street parking along the S. Lake Avenue area.

## REASON WHY LEGISLATION IS NEEDED

This legislation is needed to expand the Zoning Credit Parking Program into the South Lake District to support investment in existing older buildings. These older buildings generally have limited parking and cannot meet the current parking requirements of the Zoning Code for certain types of businesses. The Zoning Credit Parking Program will establish an alternative means (on-street parking) to satisfy the parking requirements in the Zoning Code for parking intense uses.

## PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning Department will implement the proposed ordinance through modifications to the Zoning Code and processing of subsequent parking credit requests.

09/24/2012

MEETING OF -09/10/2012

AGENDA ITEM NO. -1717

**FISCAL IMPACT**

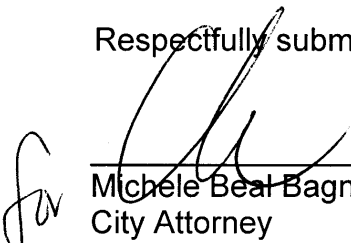
There will not be an immediate fiscal impact as a result of this amendment to the Zoning Code. Parking credit fees will be collected from any future development in the S. Lake area that would utilize the program.

**ENVIRONMENTAL DETERMINATION**

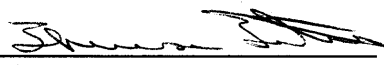
On June 18, 2012, the Council adopted a Negative Declaration for this Zoning Code amendment pursuant to the requirements of the California Environmental Quality Act.

Respectfully submitted,

8/13/12

*for*   
\_\_\_\_\_  
Michele Beal Bagneris  
City Attorney

Prepared by:

  
\_\_\_\_\_  
Theresa E. Fuentes  
Assistant City Attorney

Concurred by:

  
\_\_\_\_\_  
Michael J. Beck  
City Manager

Introduced by: \_\_\_\_\_

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

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS PROVISIONS OF TITLE 17 (THE ZONING CODE) TO REVISE THE ZONING CREDIT PARKING PROGRAM TO INCLUDE THE S. LAKE AREA**

The People of the City of Pasadena ordain as follows:

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

**“Summary**

“Ordinance No. \_\_\_\_\_ amends various provisions of Title 17 (the Zoning Code) to expand the Zoning Credit Parking Program to the South Lake District. The amendments establish an alternative means to satisfy parking requirements in the Zoning Code through use of off-site, on-street public parking spaces.

Ordinance No. \_\_\_\_\_ shall take effect 30 days from its publication.”

**SECTION 2.** Pasadena Municipal Code, Title 17, Article 4, Section 17.46.030 is revised as follows:

**“17.46.030 - Zoning Credit Parking Program**

**A. Areas of applicability.** This Section shall apply to areas of the City for which the Council has established a zoning credit parking program.

**B. Written contract requirements.** Notwithstanding any other provision of this Chapter or Chapter 17.30 (Central District Specific Plan), zoning credit parking spaces (“zoning credits”) must be provided by means of contracts with the City or the Parking Authority in compliance with this Section. A contract meeting the following requirements shall be deemed to be in compliance with the parking requirements of Table 4-6 (Off-Street Parking Space Requirements).

**1. Zoning credits.** The designated number of parking spaces available for zoning credit purposes shall also be available for public parking. The contract may provide that the owner of the parking facility in which the zoning credits are located is free to retain any revenue from parking fees or to utilize the spaces for any purpose.

**2. Nontransferable provisions.** The entitlement to use the zoning credits is conferred on a specified property in order to satisfy the parking requirements for a specified use. The zoning credits shall not satisfy the parking requirements for any other land use and shall not be transferred to any other property.

**3. Reversion of spaces.** Any and all rights to use the zoning credits which are not used within three years of the execution date of the contract shall not, unless the period is extended by the City or Parking Authority, as appropriate, be conferred on the specified property and shall automatically revert to the City or Parking Authority, as appropriate.

**4. Allowable refunds.** The contract may allow for refunds of zoning credit fees upon the occurrence of conditions to be specified in the contract.

**D. Future or planned parking facilities.**

**1. Future parking facilities.** In the case of parking spaces that are to be developed, owned, or operated by the City or Parking Authority, the granting of zoning credits may be accomplished by indicating that the contract applies to a certain number of spaces which the City or Parking Authority intends to locate in a parking facility to be built in the future and for which financing has been obtained.

**2. Spaces in planned public parking facilities.** Zoning credits for parking may be granted in planned public parking facilities to be owned or operated by the City or Parking Authority for which financing has not been obtained, provided the applicant demonstrates an alternative means for meeting the parking requirements identified in this Chapter if financing is not obtained.

**E. Maximum number of zoning credit spaces.**

**1. Number of zoning credit spaces.** In no case shall the total number of zoning credits designated in a parking facility exceed the actual number of spaces in the parking facility.

**2. CD-1 Old Pasadena Historic Core Precinct.** In the CD-1 Old Pasadena Historic Core Precinct, a parking facility used for the zoning credit parking program and which has a capacity of 100 spaces or more, may oversubscribe zoning credits by not more than 50 percent of the total provided in the parking facility. The Zoning Administrator and the Traffic Engineer may institute measures to accommodate parking within the

parking facility during any part of the day or night as necessary to accommodate the parking demand. The measures may include tandem and valet parking.

**3. On-street parking spaces.** On-street parking spaces may be granted as zoning credits in the area identified as the S. Lake Ave. Parking Credit District Boundary Map. The number of on-street parking spaces used as zoning credits shall be established by resolution.

**D. Distance requirement.** A contract meeting the above requirements shall be deemed to be in compliance with the distance requirements identified in Table 4-4 (Maximum Distances for Off-Site Parking).”

**SECTION 3.** Pasadena Municipal Code, Title 17, Article 8, Section 17.80.020 is amended to add the following definition in the proper alphabetical sequence.

**“Zoning Credit Parking Space.** A zoning credit parking space is an entitlement to apply a publicly available parking space toward meeting the parking requirements of the Zoning Code. Those who are entitled to such a space would have no special priority to use the space and would pay the same fees as the general public if they or their customers or employees wished to use the space. Possession of a zoning credit parking space does not give the owner of the space any rights to a share of the costs or revenues from the development or operation of the parking facility.”

**SECTION 4.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Bill Bogaard  
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this \_\_\_\_\_ day of \_\_\_\_\_ 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

\_\_\_\_\_  
Mark Jomsky  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Theresa E. Fuentes  
Assistant City Attorney