

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

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

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING AND ADDING VARIOUS SECTIONS TO TITLE 17, THE ZONING CODE, OF THE PASADENA MUNICIPAL CODE PERTAINING TO ADAPTIVE REUSE OF EXISTING NON-RESIDENTIAL BUILDINGS, INCLUDING CHANGES RELATED TO PARKING AND VARIANCES FOR HISTORIC RESOURCES AND MINOR CLEANUPS**

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**

This proposed ordinance amends sections 17.46.050, 17.46.080, 17.50.030, 17.60.030, 17.61.030, 17.61.080, 17.80.020 of the Pasadena Municipal Code, and adds a new section 17.50.030 to provide development standards for the adaptive reuse of existing nonresidential buildings, to modify the review authority for shared parking, tandem parking, and variances for historic resources, and to implement minor cleanups.

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

**SECTION 2.** Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, Parking and Loading, Section 17.46.050, **SHARED PARKING**, and Section 17.46.080, **TANDEM PARKING**, are amended as shown in Exhibit 1, attached hereto and incorporated by this reference.

**SECTION 3.** Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, STANDARDS FOR SPECIFIC LAND USES, Section 17.50.030, **ADAPTIVE REUSE PROJECTS**, is added as shown in Exhibit 2, attached hereto and incorporated by this reference.

**SECTION 4.** Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, APPLICATION FILING AND PROCESSING, Section 17.60.030, **CONCURRENT PERMIT PROCESSING**, is amended as shown in Exhibit 3, attached hereto and incorporated by this reference.

**SECTION 5.** Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, PERMIT APPROVAL OR DISAPPROVAL, Section 17.61.030, **DESIGN REVIEW**, and

Section 17.61.080, **VARIANCES**, are amended as shown in Exhibit 4, attached hereto and incorporated by this reference.

**SECTION 5.** Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020, **DEFINITIONS**, is amended by revising Subsection A and Subsection O as shown in Exhibit 5, attached hereto and incorporated by this reference.

**SECTION 6.** The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

**SECTION 7.** This ordinance shall take effect 30 days from its publication.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Victor Gordo  
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 \_\_\_\_\_ 2025, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN:

Date Published:

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

Approved as to form:

  
\_\_\_\_\_  
Caroline Monroy  
Deputy City Attorney

## 17.46.050 Shared Parking

- A. **Requirements for sharing spaces.** For any site where the hours of operation allow the shared use of parking spaces to occur without conflict, the number of parking spaces required may be reduced in compliance with this Section.
1. **Administrative Minor Conditional Use Permit required.** An Administrative Minor Conditional Use Permit, in compliance with Section 17.61.050, shall be required for the sharing of parking and/or loading spaces. The Administrative Minor Conditional Use Permit shall apply to each and every property subject to the shared parking and/or loading arrangement.
  2. **Allowable walking distances for shared parking.** The Zoning Administrator shall ensure that the shared parking arrangement provides that all of the required number of parking spaces are within ~~the maximum walking distances identified in Section 17.46.020, Table 4-4 (Maximum Distances for Off-Site Parking)~~2000 feet of the use served, measured from the nearest corner of the parking facility to the entrance of the use served via the shortest pedestrian route. A shuttle service shall be provided if the off-street parking is more than 2000 feet from the use served.
  3. **Contract required.**
    - a. The Administrative Minor Conditional Use Permit shall contain a condition requiring that the applicant submit a signed contract between the applicant and the other property owner(s) providing the off-street parking spaces subject to the long-term shared parking arrangement.
    - b. The contract shall be subject to the approval of the Zoning Administrator.
    - c. The contract shall also be subject to ~~review~~approval by the City Attorney, as to form ~~and content~~.
  4. **Parking study.** The Zoning Administrator may require the applicant to submit a parking study, prepared by a person/firm experienced in preparing parking plans, to assist the Zoning Administrator in determining the appropriate shared parking reduction. The parking analysis must include a peer-reviewed methodology developed by a professional planning association, such as the Urban Land Institute, National Parking Association, and/or the International Council of Shopping Centers.
  5. ~~**Urban Land Institute methodology.** The Zoning Administrator may utilize the Urban Land Institute's (ULI) Shared Parking methodology as a guide in reviewing the shared parking proposal submitted by the applicant, and in approving the required Minor Conditional Use Permit.~~
  56. **Location of shared parking spaces.** Shared parking spaces shall only be located in a zoning district in which the uses that are the subject of the Administrative Minor Conditional Use Permit application are an allowed use.

**67. Shared loading spaces.** Loading spaces may also be shared in compliance with this Section. However, the loading spaces shall only be shared if located on an adjoining lot.

**B. Findings.** In addition to the Administrative Minor Conditional Use Permit findings identified in Section 17.61.050, the following findings shall be made:

1. The spaces to be provided would be available as long as the uses requiring the spaces lawfully exist; and
2. The quality and efficiency of the parking or loading utilization would equal or exceed the level that is otherwise required.

### 17.46.080 Tandem Parking

- A. **Where allowed.** Tandem parking may be allowed for:
1. **Multi-family projects and residential component of mixed-use projects.** Multi-family projects (except for projects constructed under the RM-12 zoning district standards) and the residential component of mixed-use projects;
  2. **Day-care centers and homes.** Day-care centers and large family day-care homes to satisfy off-site parking requirements;
  3. **Other nonresidential uses.**
    - a. **Tandem parking.** Up to 75 percent of the total off-street parking spaces provided may incorporate tandem parking, but only upon the approval of an Administrative Minor Conditional Use Permit in compliance with Section 17.61.050. The Administrative Minor Conditional Use Permit shall contain a condition requiring that a full-time parking attendant be on duty at all times the parking facility is available for use.
    - b. **Triple stack parking.** Up to 50 percent of the total off-street parking spaces provided may incorporate "triple stack" parking, but only upon the approval of an Administrative Minor Conditional Use Permit in compliance with Section 17.61.050, and only for projects with more than 100 parking spaces. The Administrative Minor Conditional Use Permit shall contain a condition requiring that a full-time parking attendant be on duty at all times the parking facility is available for use.
- B. **Additional conditions for multi-family and mixed-use projects.** For multi-family projects and the residential component of mixed-use projects, the following conditions shall be met for tandem spaces:
1. **Assigned to same unit.** Both tandem spaces shall be assigned to the same dwelling unit.
  2. **Up to 30 percent.** Up to 30 percent of the total off-street parking spaces provided may incorporate tandem parking.
- C. **Dimensions.** Two parking spaces in tandem shall have a combined minimum dimension of nine feet in width by 34 feet in length and three in tandem shall be at least nine feet in width by 51 feet in length.
1. **Modification of dimensions.** The minimum dimensions of proposed tandem parking may be modified with approval of a Minor Conditional Use Permit in compliance with Section 17.61.050.

## **17.50.030 Adaptive Reuse Projects**

### **A. Applicability.**

1. The development standards of this section shall apply to adaptive reuse projects where there is a conversion from an existing nonresidential building to multi-family residential use or mixed-use. Where this section conflicts with Section 17.50.160 (Mixed-Use Projects), Section 17.50.350 (Urban Housing), or Article 3 (Specific Plan Standards), this section shall apply except as otherwise provided in this section.
2. Adaptive reuse projects are eligible to use the standards of this section five years after a certificate of occupancy is issued for the non-residential building.

### **B. Density.**

1. Adaptive reuse projects shall not be subject to dwelling unit per acre requirements.
2. For Adaptive Reuse projects, including new construction allowed by Section 17.50.030.B.3, the average unit size shall be a minimum of 450 square feet. No average unit size is required for projects that are 100 percent affordable or have less than 10 units.
3. New Construction.
  - a. New building construction, with units, is permitted subject to the following:
    - (1) The new construction is in conjunction with an Adaptive Reuse project and located on the same site; and
    - (2) The construction of new units does not increase the number of units in the existing building, subject to adaptive reuse, by more than 50 percent, or up to the maximum density listed in the General Plan, whichever is less.
  - b. New construction of units is subject to the underlying zoning district development standards except for car-sharing and open space standards, which is subject to the standards provided in this Section, and Design Review requirements, which shall be limited to those requirements for adaptive reuse provided in Section 17.61.30.

### **C. Floor Area.**

1. Any additional floor area created within the existing building, including mezzanines, shall not count toward floor area ratio maximums.
2. Any additional floor area created to comply with Building or Fire Codes shall not count toward floor area ratio maximums.

3. To accommodate residential amenities, including but not limited to pools, fitness centers, laundry facilities, or lounge areas, the building's existing floor area may be increased by up to 10 percent. This additional floor area shall not count toward floor area ratio maximums.

D. **Height.** To accommodate appurtenances or residential amenities, including but not limited to pools, fitness centers, laundry facilities, or lounge areas, the building's existing height may be exceeded by a maximum of 15 feet, and shall not count towards maximum height requirements, .

E. **Setbacks.** Any additions required to comply with Building or Fire Codes shall be exempt from any setback requirements.

F. **Open Space.**

1. A minimum of 150 square feet per dwelling unit is required and shall be provided in the form of common and/or private open space.

2. The following may count towards common open space:

a. Lobbies, provided they include residential amenities, including but not limited to work stations, lounge areas, or fitness centers;

b. Existing or new publicly accessible open space and street setbacks, provided they include publicly accessible amenities including but not limited to landscaping, seating, fountains, and/or public art.

3. Accessible rooftop areas may count toward common open space at a 1.5:1.0 ratio, provided they contain residential amenities such as pools, lounge areas, furniture, and/or landscaping.

4. If located within one half mile walking distance to a public park, as designated in PMC Section 3.23.010, the open space requirement may be reduced by a maximum of 25 percent.

G. **Off-Street Parking.**

1. No new parking shall be required; the number of existing parking spaces may be reduced but not reduced below the minimum number of spaces required.

2. **Car-share.** Code-required parking requirements for residential uses may be further reduced when on-site car sharing is provided for the shared use of vehicles by all residents.

a. One car share space shall count for five required parking spaces, up to a maximum parking reduction of 20 percent and 10 car-share parking spaces, whichever is less.

b. Car-share parking spaces shall be dedicated for the exclusive use of shared vehicles by building residents.

c. A sign shall be placed, adjacent to each car-share parking space, stating that the parking space is for car-sharing and cannot be used for private automobile parking.

- d. Car-share vehicles shall be made available to the residents through an online or similarly accessed real-time appointment system for processing car share vehicles reservations.
- e. The car-share vehicle must be accessed where they are parked without requiring a person to go to a different physical location to execute a contract or pick up keys.
- f. Car-share parking spaces shall be maintained by a certified car-share organization, or similar organization, in perpetuity.



**17.60.030 - Concurrent Permit Processing**

- A. When a single project incorporates different land uses or features so that this Zoning Code requires multiple land use permit applications, the Director may determine that all of the applications shall be filed concurrently, and reviewed, and approved or disapproved, by the highest level review authority assigned by Table 6-1 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit may be reviewed, and approved or disapproved by the Council (after a recommendation from the Commission), where a Conditional Use Permit application by itself may be reviewed and acted upon by the Hearing Officer.)
- B. The Director may authorize use of a single application form and submittal materials for multiple land use applications required by this Zoning Code.

TABLE 6-1 - REVIEW AUTHORITY					
Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator (ZA)/ Hearing Officer (HO)	DC/HPC (2)	BZA/Planning Commission (2)	City Council
<b>Administrative and Amendments</b>					
General Plan amendments	17.74			Recommend	Decision
Interpretations	17.12	Decision (3)		(BZA) Appeal	CFR
Master Plans	17.61.050			Recommend	Decision
Planned Developments	17.26.020.C			Recommend	Decision
Specific Plans	17.68			Recommend	Decision
Zoning Code amendments	17.74			Recommend	Decision
Zoning Map amendments	17.74			Recommend	Decision
<b>Land Use Permits and other Development Approvals</b>					
Adjustment Permits	17.61.070			Recommend	Decision

Administrative Conditional Use Permits	17.61.050	(Director) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Administrative Minor Conditional Use Permits	17.61.050	(Director) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Certificate of Appropriateness	17.62.090	Decision (4)	(HPC) Decision/ Appeal/CFR		Appeal/CFR
Height Averaging	17.30.060, 17.35.060		(DC) Decision		Appeal/CFR
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Creative Sign Permits	17.48.070	Decision	(DC) Appeal/CFR		Appeal/CFR
Density Bonus - Concessions and other Incentives	17.43.050	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Density Bonus - Waiver of Development Standards	17.43.060	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Design Review (See Tables 6-2 & 6-3)	17.61.030	Decision	(DC) Decision/ Appeal/CFR		Appeal/CFR
Development Agreement	17.66			Recommend	Decision
Expressive Use Permits	17.61.060	(HO) Decision (3)			Appeal/CFR
Long-term Film Permits	17.61.090	(HO) Decision		(BZA) Appeal	Appeal/CFR

Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Hotel Conversion Permit	17.61.055	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Lot Line Adjustments	Title 16	Advisory Agency (HO) Decisions		(BZA) Appeal	Appeal/CFR
Major Construction 75,000 sq. ft. or less Conditional Use Permit	17.61.050. J	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Major Construction greater than 75,000 sq. ft. Conditional Use Permit	17.61.050. J			Planning Commission Decision	Appeal/CFR (5)
Master Sign Plans	17.48.060	Decision	(DC) Appeal/CFR		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Minor Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Modifications for Persons with Disabilities	17.40.105	Director		(BZA) Appeal	Appeal/CFR (5)
Public Art Requirement	17.61.100	(AC) Decision (2)			Appeal/CFR
Sign Exceptions	17.48.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Tentative Tract and Parcel Maps (Including Vesting Maps)	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal/CFR

VariANCES	17.61.080	(HO)(6) Decision (3)		(BZA) Appeal	Appeal/CF R (5)
Wireless Telecommunicatio ns Facilities, Permit Extension	17.50.310	Director		(BZA) Appeal	Appeal/CF R
Wireless Telecommunicatio ns Facilities, SCL	17.50.310	Director		(BZA) Appeal	Appeal/CF R

**Notes:**

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 17.72 (Appeals); and "CFR" means Call for Review, in compliance with Chapter 17.72 (Appeals).
- (2) "DC" means the Design Commission, "HPC" means Historic Preservation Commission, "BZA" means Board of Zoning Appeals and "AC" means Arts and Culture Commission.
- (3) The Director or Hearing Officer may defer action on permit applications and refer the items to the Board of Zoning Appeals (BZA) for the final decision.
- (4) The Director's decision to issue a Certificate of Appropriateness may first be appealed to the Historic Preservation Commission (HPC) and then to the Council.
- (5) Any CEQA document or decision may be appealed to the Council.
- (6) The Director is the review authority for VariANCES for Historic Resources.

### 17.61.030 Design Review

- A. **Purpose.** Design Review is intended to implement urban design goals and policies and the Citywide design principles in the General Plan and to apply the City's adopted design guidelines to Design Review. More specifically, the purposes of Design Review are to:
1. Apply Citywide urban design principles to ensure that new construction supports the best of the City's architectural traditions;
  2. Encourage new structures that show creativity and imagination, add distinction, interest, and variety to the community, and are environmentally sustainable;
  3. Promote architectural and design excellence in new construction and discourage poor-quality development;
  4. Ensure that future development should:
    - a. Reflect the values of the community;
    - b. Enhance the surrounding environment;
    - c. Visually harmonize with its surroundings and not unnecessarily block scenic views; and
    - d. Avoid nostalgic misrepresentations that may confuse the relationships among structures over time.
  5. Ensure that new landscaping provides a visually pleasing setting for structures on the site;
  6. Promote the protection and retention of landmark, native, and specimen trees and if feasible mature canopy trees and other significant landscaping of aesthetic and environmental value;
  7. Ensure that the design, quality, and location of signs are consistent with the character and scale of the structures to which they are attached and are visually harmonious with surrounding development; and
  8. Promote the conservation, enhancement, preservation, and protection of historic resources.
- B. **Applicability.** All projects are subject to Design Review in compliance with this Section, excluding exempted projects identified in Subparagraph 5., below.
1. **Review authority.** The review authority for Design Review is specified in Tables 6-2 and 6-3, below.
  2. **Design Commission may delegate to the Director.** The Design Commission may delegate other review and approval functions to the Director.
  3. **Role of design guidelines.**
    - a. **Provide guidance.** The approved design guidelines shall provide appropriate guidance to applicants and the applicable review authority

(e.g., Design Commission or Director) on how projects subject to Design Review shall be evaluated.

- b. **Consistency with design guidelines required.** Design Review approval requires a finding of consistency with the applicable design guidelines. (See Subsection K. [Findings], below.)
  - c. **Adopting new or modified guidelines.** The Design Commission shall review and comment on proposed new design guidelines, or modifications to existing guidelines, and shall forward a written recommendation to the Council for its consideration when adopting the new or modified guidelines.
4. **Exemptions and limitations.** The following projects are exempt or otherwise limited from Design Review in all districts:
- a. **Projects not visible from public view.** Projects that in their entirety are not visible from the public right-of-way.
  - b. **Projects with only partial public view.**
    - 1. Design Review shall concentrate on those exterior portions of the structure and related features that are in full or partial view from the public right-of-way.
    - 2. Design Review may also consider interior courtyards and building elevations out of public view in order to improve the visual relationship between new construction and its surroundings, to create more open views and improved access to light and air, and to ensure that predominant architectural and landscaping treatments are appropriately incorporated into the secondary elevations and open space of the structure.
  - c. **Interior features and interior alterations.** Interior features and interior alterations are exempt from Design Review unless they materially affect a structure's appearance from the public right-of-way.
  - d. **Signs.** Signs having no words or symbols exceeding three inches in height and temporary signs and banners are exempt from Design Review.
  - e. **Sites Identified in previous Housing Elements.** Sites designated in previous Housing Elements and included in the current Housing Element Sites Inventory that provide at least 20 percent of housing units for lower-income households and which do not require a subdivision are exempt from design review. Objective design-related development standards may be applied through ministerial review.

<b>TABLE 6-2 - THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT**</b>	
<b>Project Type</b>	<b>Review Authority</b>
<b>1. New Construction.</b>	
Structures up to 5,000 sq. ft.* or residential projects with nine or fewer dwelling units.	Director
Structures 5,000 sq. ft.* or more or residential projects with 10 or more dwelling units.	Design Commission
<b>2. Existing Structures: Major Rehabilitation and Substantial Alterations.</b>	
<b>All Subareas Except In-Town Residential.</b>	
Structures up to 10,000 sq. ft.*	Director
Structures 10,000 sq. ft.* or more.	Design Commission
<b>3. Existing Structures: Minor Rehabilitation and Minor Alterations.</b>	
<b>A. All Subareas except Walnut Transit and In-Town Residential.</b>	
All structures.	Director
<b>B. Walnut Transit.</b>	
Historic resources.	Director
All other structures.	No Review
<b>4. New Storefronts and Alterations to Existing Storefronts.</b>	
All structures.	Director
<b>5. Signs.</b>	
New signs and awnings, replacement of existing building identity signs in existing locations (copy/logo change only).	Director
New building identity wall signs.	Design Commission
<b>6. Demolition Reviews; Relief from Replacement Building Permit.</b>	
Historic resources.	Director
Qualifying historic structures, designated or eligible for designation.	Design Commission
<b>7. Public Projects.</b>	
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft. Minor projects, as defined in Section 17.62.030.V, affecting historic resources.	Director
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more. Major projects, as defined in Section 17.62.030.U, affecting historic resources.	Design Commission (With advisory review by Historic Preservation Commission for

	projects affecting historic resources)
<p>*Sq. ft. means total amount of gross floor area expressed in square feet.  ** Adaptive Reuse Projects meeting applicability criteria in Section 17.50.030.A require design review based on the thresholds in this table, except the Director is the review authority for all such projects.</p>	

TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**	
Project Type	Review Authority
<b>1. New Construction</b>	
<b>A. Major Corridors.</b>	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
<b>B. Areas with Specific Plans.</b>	
<b>East Colorado, East Pasadena, Fair Oaks-Orange Grove, North Lake Specific Plan and So. Fair Oaks.</b>	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
<b>West Gateway.</b>	
Structures up to and including 25,000 sq. ft.*	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
<b>North Lake.</b>	
Additions up to and including 500 sq. ft. except on street-facing elevation.	Director
All other projects.	Design Commission
<b>C. City of Gardens Standards and Senior Housing in PS District.</b>	
Nine or fewer dwelling units.	Director
Ten or more dwelling units.	Design Commission
All projects in a designated landmark or historic district outside of the Central District.	Historic Preservation Commission
<b>D. Elsewhere — Citywide.</b>	



Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
<b>2. Existing Structures: Major Rehabilitation and Substantial Alterations</b>	
<b>A. Major Corridors.</b>	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission
<b>2. Existing Structures: Major Rehabilitation and Substantial Alterations</b>	
<b>A. Major Corridors.</b>	
Structures up to and including 25,000 sq. ft.* (with street frontage).	
Structures over 25,000 sq. ft.*	Design Commission
<b>B. North Lake Specific Plan.</b>	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission
<b>3. Existing Structures: Minor Rehabilitation and Minor Alterations.</b>	
<b>West Gateway Specific Plan.</b>	
Qualifying historic structures, designated or eligible for designation.	Director
All other structures.	No Review
<b>4. Signs.</b>	
New signs and awnings (for all projects requiring Design Review only).	Director or Design Commission
<b>5. Service Stations and Vehicle-washing Facilities.</b>	
Minor rehabilitation and minor alterations.	No Review
Major rehabilitation of an existing facility.	Director
New construction of a new facility.	Design Commission
<b>6. Public Projects.</b>	
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 sq. ft.* Minor projects, as defined in Section 17.62.030.V, affecting historic resources.	Director
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 sq. ft.* or more. Major projects, as defined in Section 17.62.030.U, affecting historic resources.	Design Commission (With advisory review by Historic Preservation Commission for projects affecting

	historic resources)
<p>*Sq. ft. means total amount of gross floor area expressed in square feet.  ** <u>Adaptive Reuse Projects meeting applicability criteria in Section 17.50.030.A require design review based on the thresholds in this table, except the Director is the review authority for all such projects.</u></p>	

**C. Scope and stages of Design Review.**

1. **Stages of Design Review.** Design Review shall consist of the following three stages:
  - a. Preliminary consultation; (See Subsection D., below.)
  - b. Concept Design Review; and (See Subsection E., below.)
  - c. Final Design Review. (See Subsection F., below.)
2. **Combining Design Review.** The Director may authorize combining of Concept and Final Design Review into a one-step Consolidated Design Review. (See Subsection G., below.)
3. **May require 50 Percent Design Review.**
  - a. As a condition of Concept Design Review, the Design Commission may require an advisory 50 Percent Design Review of a project.
  - b. The 50 Percent Design Review shall be advisory and not subject to an appeal or call for review.

**D. Preliminary consultation.** Preliminary consultation is an informal discussion between the Director and the applicant to explain to the applicant the applicable design guidelines, findings, and procedures that will apply to the project, and to discuss compliance of the project with the design guidelines.

**E. Concept Design Review.**

1. **Purpose.** Concept Design Review is the primary step in the Design Review process. Applications for Concept Design Review normally address the basic design of a project, including compatibility with surroundings, massing, proportion, siting, solid-to-void relationships, and compliance with applicable design guidelines.
2. **Procedures.** Concept Design Review applications shall be processed in compliance with Chapter 17.60 (Application Filing and Processing) except as provided in this Section.
3. **Public hearing required.** A public hearing shall be held on all Concept Design Review applications for which the Design Commission is the original review authority. The hearing shall be noticed and conducted in compliance with Chapter 17.76 (Public Hearings).

4. **Period of validity.** Concept Design Review approval shall be subject to the validity provisions of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).

#### F. Final Design Review.

1. **Purpose.** Final Design Review is the final phase of the review process. It normally focuses on construction details, finishes, materials, and landscaping, and on consistency of the project with the design approved during Concept Design Review and compliance with the conditions of the approved Concept Design Review.
2. **Review authority.** The Director shall be the review authority for Final Design Review, unless the Design Commission, acting as review authority during Concept Design Review, requires that it also conduct Final Design Review.
3. **Public hearing not required.** A public hearing is not required for Final Design Review.
4. **Period of validity.** Final Design Review approval shall be subject to the validity provisions of Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).

#### G. Consolidated Design Review.

1. **One-step procedure.** The Director may authorize consolidating Concept and Final Design Review applications into a one-step procedure. Adaptive Reuse Projects that meet the applicability criteria in Section 17.50.030.A shall be subject to Consolidated Design Review procedures.
2. **Comply with Concept procedures.** Applications for Consolidated Design Review shall be processed in compliance with the procedures for Concept Design Review.
3. **Period of validity.** The period of validity shall be the same as for Final Design Review.

#### H. Expedited Design Review.

1. **Awnings, paint colors, and signs.** Applications for awnings, paint colors, and signs that meet the following criteria may be approved at the sole discretion of the Director, but with a five-day appeal period in compliance with Chapter 17.72 (Appeals):
  - a. Application is to replace a similar item existing on the structure in the same general location (e.g., like for like);
  - b. Awning fabric replacement;
  - c. Change of a face panel or copy on an existing sign;
  - d. Change of logo/graphics for an existing sign;
  - e. Paint scheme changes;
  - f. Replacing a projecting, flat-paneled sign on an existing bracket(s); and

- g. Wall-mounted sign with no interior illumination.
2. **Required findings; Compliance with Zoning Code and consistency with design guidelines.** In all cases the request shall comply with the awning and sign regulations in the Zoning Code and shall be consistent with the design guidelines — as determined to be applicable by the Director.
- I. **Procedures.**
1. **Standard procedures.** The provisions of Chapter 17.60 (Application Filing and Processing) shall apply to the Design Review process, except as modified by this Section.
  2. **Time limits on Director's decisions.** Where the Director is the review authority, and a public hearing is not required, the Director shall render a decision on the application, and provide written notice thereof to the applicant, within 15 days of finding the application complete.
  3. **Notice of decision.** Written notice of all decisions on Design Review applications shall be provided to the applicant after the decision is made.
  4. **Effective date.** Final action on a Design Review shall be effective on the 11th day after the date of the decision, in compliance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).
  5. **Design conditions.**
    - a. Changes in a project required as a condition of Design Review approval may include density, height, open space, parking or loading, and sign requirements, as long as the conditions are not more restrictive than those prescribed by applicable zoning district regulations or a valid Adjustment Permit, Conditional Use Permit, Development Agreement, Master Plan, Planned Development, Variance, or other legislative or zoning entitlements.
    - b. The role of Design Review for projects proposing new and amended Master Plans and Planned Developments shall be limited to recommendations to the Commission and Council on aesthetic and urban design issues related to architecture, landscaping, site plan, and related aesthetic issues, as well as historic preservation. Additionally, recommendations regarding the future scope of Design Review for the area within a Master Plan, and comments on the aesthetic/cultural resources of a draft environmental study are appropriate.
    - c. Design Review may require appropriate site plan revisions (e.g., different arrangements of open space), as well as revisions to the proposed building massing and transitions in scale of the structure(s), especially in historic districts to achieve greater compatibility between new construction and existing historic resources.

6. **Modifications.**

- a. **Minor changes.** The Director or the Design Commission may, without notice or public hearing, approve minor changes to the plans, elevations, or conditions of approval upon determining that the changes are minor and consistent with the intent of the original approval.
- b. **Major changes.** Major changes shall be subject to the provisions governing changes to an approved project in compliance with Chapter 17.64 (Permit Implementation, Time Limits, and Extensions).

J. **Public hearing provisions.**

1. **Standard notice provisions.** Where a public hearing is required, notice shall be given and the hearing shall be conducted in compliance with Chapter 17.76 (Public Hearings).
2. **Notice for alteration projects.** Where the project for which the hearing is held involves only alterations, mailed and posted notice shall be distributed within 500 feet of the subject site's boundaries, in compliance with Chapter 17.76 (Public Hearings).
3. **Combined notice allowed.** Combined notice may be given where:
  - a. A project requires a discretionary permit, in addition to Design Review, in compliance with this Zoning Code;
  - b. The permit will authorize construction of the project; and
  - c. The hearing for the permit is held before the Design Review hearing.
4. **Combined notice provisions.**
  - a. In these cases, the hearing notice for the Design Review hearing may be combined with the hearing notice for the underlying permit hearing and a separate hearing notice for the Design Review hearing need not be prepared and distributed.
  - b. The hearing notice shall state that a hearing on the design of the project will be held at a future date, and shall identify the name, address, and phone/fax number or e-mail address of a staff person to contact for information regarding the Design Review hearing date.

K. **Findings.** The following findings shall be made before approval of a Design Review application.

1. **For all applications. The project's design is consistent with**
  - a. The purposes of this Section; and
  - b. Any applicable design guidelines adopted by the Council.
2. **Historic resources.** In addition to the two findings identified in Subparagraph 1., above, the alteration to a designated historic resource or resource qualifying for a historic designation is consistent with the Secretary's Standards.

3. **Alterations to structures with 6L or 7N status code.** In addition to the two findings in Subparagraph 1., above, the alteration to a structure with 6L or 7N status code in the Central District is consistent with the Secretary's Standards, or alternatively, with other adopted design guidelines. The Director may choose not to apply these standards due to a loss of historic integrity, as defined in Section 17.62.030.Q, or setting.
4. **Demolitions, relocations, and demolitions without a Building Permit for a replacement structure in the Central District.** In addition to the two findings identified in Subparagraph 1., above, the demolition, relocation, and demolition without a Building Permit for a replacement structure in the Central District is consistent with the findings identified in Section 17.62.090 (Alteration, Demolition, or Relocation of a Historic Resource).

### 17.61.080 Variances

- A. **Purpose.** The provisions of this Section allow for Variances (Section D.) from the development standards of this Zoning Code, and Variances for Historic Resources (Section H.).
1. **Special privileges prohibited.**
    - a. A Variance may only be granted when, because of special circumstances applicable to the subject property, including dimension, location, shape, size, or surroundings; geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity, the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts, or creates an unnecessary, and non self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.
    - b. A Variance shall not be granted that would have the effect of granting a special privilege(s) not shared by other property owners in the vicinity and under identical zoning districts.
  2. **Does not extend to uses and notes.**
    - a. The power to grant Variances does not extend to allowable land uses and the notes on the land-use tables. In no case shall a Variance be granted to allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located. A Variance shall not be granted to the notes on the land-use tables contained in Articles 2 and 3.
    - b. Flexibility in allowable land uses is provided in Section 17.61.050 (Conditional Use Permits).
  3. **Does not extend to procedures.** A Variance shall not be granted to allow an adjustment to the procedural requirements of this Zoning Code.
- B. **Review authority.** Variances may be granted in compliance with the following:
1. The Hearing Officer may grant variances and Minor Variances in compliance with Subsection D., below; or
  2. Defer action and refer the application directly to the Board of Zoning Appeals (BZA).
- C. **Minor Variances.**
1. **Purpose.** Minor Variances are a form of Variance intended for adjustments that are determined to have lesser (minor) potential impacts and therefore require a modified review process.
  2. **Applicability.** The following applications for adjustments from the applicable development standards may be processed as a Minor Variance:

- a. Up to two permit applications, for a Minor Variance, Minor Conditional Use Permit, or Sign Exception, may be combined and processed under the Minor Variance/Minor Conditional Use Permit procedure.
- b. Alteration or expansion of a nonconforming structure that increases the difference between existing conditions and the current development standards and is an allowable Minor Variance under Table 6-4 (Allowable Minor Variances).
- c. Unless otherwise identified in Table 6-4, below, adjustments not exceeding 25 percent of the development standard may be processed as a Minor Variance.
- d. Applications for adjustments exceeding 25 percent of the development standard shall be processed as Variances, in compliance with Subsection D. below.

TABLE 6-4 - ALLOWABLE MINOR VARIANCES	
Types of Minor Variances Allowed	Maximum Adjustment Allowed
1. In all districts:	No limit on percent of adjustment
a. Front setback	
b. Side setback	
c. Rear setback	
d. Corner setback	
e. Fence or wall height	
f. Building height	Not exceeding an adjustment of 10 feet, or 5 feet in the HD overlay district
g. Appurtenance height	No limit on percent of adjustment
2. For projects subject to RS and RM-12 development standards, not including HD overlay standards — maximum floor area	Not exceeding an adjustment of 10 percent
3. In RM districts — minimum landscape area	

**3. Procedures.**

- a. Noticing of the public hearing shall be given in compliance with Chapter 17.76.
- b. The Zoning Administrator shall set a date and time on which the application will be considered.
- c. Notice shall be mailed and posted at least 14 days before the date set by the Zoning Administrator.
- d. The notice shall indicate that any interested person may request, in person or in writing, no later than one working day before the date set by the Zoning Administrator, that a hearing be held on that date.



- e. If no hearing is requested, the Hearing Officer's decision may be made without a public hearing.
  - f. The Hearing Officer may also hold a hearing at the Hearing Officer's discretion.
  - g. If a hearing is held, the Hearing Officer shall conduct the hearing in compliance with Chapter 17.76 (Public Hearings).
- D. **Variations.** The Hearing Officer may grant an adjustment from the requirements of this Zoning Code governing only the following:
- 1. **Development standards.** Any development standard identified in Subsection C. (Minor Variations), above, where the requested adjustment exceeds the maximum limits for a Minor Variance;
  - 2. **Dimensional standards.** Dimensional standards including distance-separation requirements, landscape and paving requirements, lighting, loading spaces, lot area, lot dimensions, parking areas, open space, structure heights, etc.;
  - 3. **Numerical standards.** Number of off-street parking spaces, loading spaces, landscaping, etc.;
  - 4. **Additional land-use regulations.** The additional land-use regulations which apply to each use classification; and
  - 5. **Other.** Other standards including operational/performance standards relating to dust, glare, hours of operation, landscaping, light, noise, number of employees, etc.
- E. **Application requirements.** An application for a Variance shall be filed in compliance with Chapter 17.60 (Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Variance applications. The applicant shall be responsible for providing the evidence in support of the findings required by Subsection G. (Findings and decision) below.
- F. **Notice and hearings.**
- 1. **Minor Variations.** The procedures identified in Subsection C.3. (Procedures), above, shall determine if a public hearing shall be required for the Zoning Administrator's decision on a Minor Variance.
  - 2. **Variations.**
    - a. A public hearing shall be required for all Variations considered by the Hearing Officer.
    - b. A public hearing shall be scheduled once the Director has determined that the application is complete.
    - c. Noticing of the public hearing shall be given in compliance with Chapter 17.76 (Public Hearings).
    - d. If taken under advisement, the Hearing Officer shall render a decision on the Variance application within 10 days following the final public hearing on the application.

G. **Findings and decision.** Following a public hearing, if required, the review authority may approve a Variance (Major or Minor) application, with or without conditions, only after first finding that:

1. There are exceptional or extraordinary circumstances or conditions applicable to the subject site that do not apply generally to sites in the same zoning 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 would 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 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.

H. **Variances for Historic Resources.**

1. **Purpose.**

- a. A Variance for Historic Resources is intended to accommodate historic resources that are undergoing development, change in use or are being relocated.
- b. This unique type of Variance is designed to provide relief from the strict compliance with the development standards of this Zoning Code that may impair the ability of a historic resource to be properly used or to be relocated onto a new site.
- c. The Variance shall not allow a use of land or structure not otherwise allowed in the zoning district in which the subject property is located and only applies if the property has a historic designation or is required, as a condition of approval of the Variance, to submit an application for historic designation prior to completion of the proposed project or establishment of the proposed use.

2. **Procedures.**

- a. The Director shall be the applicable review authority for Variances for Historic Resources. Appeals shall be conducted in compliance with Chapter 17.72 (Appeals).
- b. Each application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Section.

c. The Director may defer action and refer the application directly to the Board of Zoning Appeals.

~~a. The Hearing Officer shall be the applicable review authority for Variances for Historic Resources.~~

~~b. The procedures for a Variance for Historic Resources shall be the same as for require a Minor Variance, including those for notice and hearing upon request.~~

3. **Findings and decision.** ~~Following a public hearing, if required, the~~The review authority may approve a Variance for Historic Resources application, with or without conditions, only after first finding that:

a. The Variance for Historic Resource is reasonably necessary to facilitate development on properties with historic resources, adaptive reuse of historic resources, and/or relocation of historic resources; The Variance for Historic Resource is necessary to facilitate the appropriate use of an existing historic structure;

b. The Variance for Historic Resource would not adversely impact property within the neighborhood or historic district; and

c. Granting the Variance for Historic Resource application would be in conformance with the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan.

~~I. Modifications for individuals with disabilities.~~

1. **Purpose.** ~~The purpose of this Subsection is to provide a mechanism through which the City may, in compliance with State and Federal law, grant reasonable modifications to the strict requirements of this Zoning Code where necessary to avoid discrimination against individuals with disabilities.~~

2. **Procedures.**

~~a. The Hearing Officer shall be the applicable review authority for applications for the modifications.~~

~~b. The application, notice, and hearing procedures for considering applications for modifications shall be in compliance with Subsection C.3. (Procedures) above.~~

~~c. An individual with a disability, or designated representative, may request that any applicable development standard be modified to prevent discrimination against the individual on the basis of the individual's disability. The modifications shall not be granted to any applicable development standard relating to density, FAR, gross floor area, or lot coverage.~~

~~d. A modification granted for an individual with a disability shall be a personal accommodation for the individual applicant and shall not run with the land.~~

~~(1) Before the issuance of a Building Permit for the modification, the permittee shall execute a notarized statement that permits the City to~~

~~inspect the affected premises at least annually to verify compliance with this Subsection and with any applicable conditions of approval.~~

- ~~(2) Before any transfer of interest in the premises, the permittee shall notify the transferee of the existence of the modification, the status of the modification, and the requirement that the transferee may apply for a new modification if qualified and necessary.~~
- ~~(3) Once the transfer takes effect, the modification shall have no further validity, and therefore shall be considered voluntarily relinquished by the permittee in compliance with Section 17.64.070 (Voluntary Relinquishments).~~
3. **Findings and decision.** Following a public hearing, if required, the review authority may approve the application for modification, with or without conditions, only after first finding that:
- a. ~~The individual requesting the modification is a qualified individual with a disability;~~
  - b. ~~The requested modification to the strict requirements of this Zoning Code is a reasonable modification on the part of the City made necessary by State or Federal laws designed to avoid discrimination on the basis of disability, and to ensure that the qualified individual with a disability has the opportunity to enjoy the rights, privileges, and opportunities available to residents or property owners, as applicable, in the same zoning district; and~~
  - c. ~~All necessary conditions have been imposed to ensure that the modification shall not be detrimental to public health and safety.~~

I.J. **Compliance with findings.** In approving a Variance or Minor Variance, the applicable review authority may impose conditions (e.g., buffers, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to:

1. **Compliance with Section.** Ensure compliance with the general purpose of this Section, and the goals, policies, and objectives of the General Plan and the purpose and intent of any applicable specific plan;
2. **Special privileges prohibited.** Ensure that the approval does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located;
3. **Compliance with findings.** Ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above; and
4. **Protect interests.** Protect the best interests of the surrounding property or neighborhood, and to preserve the public health, safety, and general welfare.

K.J. **Concurrent processing.** If the project that is the subject of an application for a Tentative Map or Tentative Parcel Map in compliance with Title 16 (Subdivisions),

or a Master Plan in compliance with Section 17.61.050, would require a Variance or Minor Variance, the applicable review authority for the underlying permit shall have the authority to also act upon the proposed Variance after first making the Variance findings required by this Subsection G. (Findings and decision) above.

LK. **Post approval procedures.** The procedures relating to appeals, changes, expiration, performance guarantees, and revocation that are identified in Article 7 (Zoning Code Administration), and those identified in Chapter 17.64 (Permit Implementation, Time Limits, and Extensions), shall apply following the decision on a Variance or modification application.

## **17.80.020 - Definitions**

### **A. Definitions, "A."**

#### **Abutting or Adjoining.**

Having zoning district boundaries or lot lines in common.

#### **Access Corridor.**

See "Lot - Flag or Corridor Lot."

#### **Accessory Dwelling Units (land use).**

A residential dwelling unit that provides complete independent living facilities for one or more persons on the same parcel as a proposed or existing legal single family residence. An accessory dwelling unit shall include permanent provisions that include, but are not limited to, living, sleeping, eating, cooking, and sanitation.

1. **Converted Accessory Dwelling Unit.** An accessory dwelling unit constructed through conversion of part of the existing floor area of a primary single-family residence or an existing structure accessory to a primary single-family residence, such as a garage, a carriage house, a pool house, a rear yard studio, or similar enclosed structure.
2. **Newly Constructed Accessory Dwelling Unit.** An accessory dwelling unit constructed as a new structure, or by addition to an existing structure, either attached to or detached from a primary single-family residence and located on the same lot.

#### **Accessory Structure.**

See "Structure, Accessory."

#### **Accessory or Incidental Uses (land use).**

A land use that is incidental and subordinate to the main use of the site and located on the same site as the main use. An accessory use may be located either in the principal structure or an accessory structure.

#### **Accessory Tasting Room (land use).**

The sale of beverages manufactured on the premises for on-site or off-site consumption. It includes establishments such as breweries, wineries, and distilleries that offer tastings and sales of alcohol beverages in accordance with a license issued by the California Department of Alcoholic Beverage Control.

**Acting in Concert.**

Means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided.

**Adaptive Reuse Project.**

Means any project where any portion of the existing non-residential building is converted to residential multifamily or mixed use.

**Adjacent Parcel.**

Means any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

**Adult Day Care, General (land use).**

Provision of nonmedical care for seven or more persons on a less than 24-hour basis. Includes day care centers for adults.

**Adult Day Care, Limited (land use).**

Nonmedical care and supervision for six or fewer persons on less than a 24-hour basis.

**Affordable Housing Definitions.**

The following terms and phrases are defined for the purposes of Chapter 17.42 (Inclusionary Housing Requirements) and Chapter 17.43 (Density Bonus, Waivers and Incentives).

1. **Adjusted for Household Size Appropriate for the Unit.** A household of one person in the case of a studio unit, two persons in the case of a one-bedroom unit, three persons in the case of a two-bedroom unit, four persons in the case of a three-bedroom unit, and five persons in the case of a four-bedroom unit.
2. **Affordable Housing Cost.** The total housing costs paid by a qualifying household, which shall not exceed a specified fraction of its gross income, adjusted for household size appropriate for the unit, as follows:
  - a. **Very low-income households, rental units.** Thirty percent of 50 percent of the Los Angeles County median income.

- b. **Low-income households, rental or for-sale units.** Thirty percent of 80 percent of the Los Angeles County median income.
        - c. **Moderate-income households, for-sale units.** Forty percent of 110 percent of the Los Angeles County median income.
        - d. **Moderate-income households, rental units.** Thirty percent of 120 percent of the Los Angeles County median income.
3. **Concessions or Other Incentives.** Concessions or other incentives include a reduction in a site development standard or modification of another Zoning Code requirement or design requirement that results in an identifiable, financially sufficient, and actual cost reduction; or, approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or other concession or regulatory incentive that results in an identifiable, financially sufficient, and actual cost reduction, as determined by the City in its sole discretion. A concession or other incentive does not include additional density beyond that allowed in Chapter 17.43.
4. **Density Bonus.** A density bonus is an increase in density above the otherwise maximum allowable residential density under this Title and the Land Use Element of the General Plan as of the date the development application for the project is deemed complete. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable dwelling units meets the percentage established in the following section. When calculating the number of density bonus units allowed, any fraction of a residential unit shall be counted as a whole unit. An applicant may elect to accept a lesser percentage of density bonus units. An applicant may not seek a density bonus greater than that provided in Chapter 17.43 or by State law.
5. **Developer.** Any association, corporation, firm, joint venture, partnership, person, or any entity or combination of entities, which seeks City approval for all or part of a residential project.
6. **Development Standard.** For Chapter 17.43 (Density Bonus, Waivers and Incentives), a development standard includes a site or construction condition that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation. A development standard subject to waiver does not include additional density beyond that allowed in Chapter 17.43.



7. **Inclusionary Housing Agreement.** A legally binding agreement between a developer and the City, in a form and substance satisfactory to the City Manager or Assistant City Manager and City Attorney, containing those provisions necessary to ensure that the requirements of this Chapter, whether through the provision of inclusionary units or through an alternative method, are satisfied.
8. **Inclusionary Housing Plan.** The plan referenced in Section 17.42.070 A. (Procedures), and further described in the City's regulations for the implementation of Chapter 17.42 (Section 17.42.020.A), which identifies the manner in which the requirements of Chapter 17.42 will be implemented for a particular residential project.
9. **Inclusionary Housing Trust Fund.** Shall have the meaning identified in Section 17.42.110 (Inclusionary Housing Trust Fund), below.
10. **Inclusionary Unit.** A dwelling unit that will be offered for sale or rent to low- and moderate-income households, at an affordable housing cost, in compliance with this Chapter.
11. **Low-Income Households.** Households whose gross income does not exceed 80 percent of the median income for Los Angeles County as determined annually by the U.S. Department of Housing and Urban Development.
12. **Low-Income Units, Moderate-Income Units, and Very Low-Income Units.** Inclusionary units restricted to occupancy by low, moderate, or very low-income households, respectively, at an affordable housing cost.
13. **Market Rate Units.** Those dwelling units in a residential project that are not inclusionary units.
14. **Moderate-Income Households.** Households whose gross income does not exceed 120 percent of the median income for Los Angeles County as determined annually by the U.S. Department of Housing and Urban Development.
15. **Redevelopment Agreement.** An Owner Participation Agreement, Disposition and Development Agreement, or similar agreement entered into between the Community Development Commission and a developer.
16. **Regulations.** The regulations adopted by the Council in compliance with Section 17.42.020.A for the implementation and enforcement of the provisions of Chapter 17.42.
17. **Residential project.** A subdivision resulting in the creation of 10 or more residential lots, the new construction of a project consisting of 10 or more multi-

family units, 10 or more single-room occupancy units, or 10 or more single-family units for which a PD approval is obtained.

18. **Substantial Rehabilitation or Substantially Rehabilitated.** The rehabilitation of a dwelling unit(s) that has substantial building and other code violations, and has been vacant for at least 180 days, in that the unit is returned to the City's housing supply as decent, safe, and sanitary housing, and the cost of the work exceeds \$40,000.00 per dwelling unit, as that amount may be adjusted for inflation in compliance with the City's regulations for the implementation of Chapter 17.42 (Section 17.32.020.A).
19. **Total Housing Costs.** The total monthly or annual recurring expenses required of a household to obtain shelter. For a rental unit, total housing costs shall include the monthly rent payment and utilities. For an ownership unit, total housing costs shall include the mortgage payment (principal and interest), homeowner's association dues, mortgage insurance, taxes, utilities, and any other related assessments.
20. **Very low-income Households.** Households whose gross income is equal to 50 percent or less of the median income for Los Angeles County as determined annually by the U.S. Department of Housing and Urban Development.

#### **Agent.**

A person authorized in writing by a property owner to represent and act for the property owner in contacts with City employees, committees, Commissions, and the Council, regarding matters regulated by this Zoning Code.

#### **Alcohol Beverage Manufacturing (land use).**

A use where manufacturing of beer, wine, or other alcohol beverages are produced and prepared. Sale for off-site consumption permitted.

#### **Alcohol Sales — Beer and Wine (land use).**

A use that provides accessory sales of beer and wine for off- or on-site consumption.

#### **Alcohol Sales — Full Alcohol Sales (land use).**

A use that provides accessory sales of alcoholic beverages including beer, wine, and distilled spirits for off- or on-site consumption.

**Alley.**

Any public roadway without curbs or sidewalk having a roadway not exceeding 25 feet in width that is primarily used for access to the rear or side entrances of abutting properties.

**Alternative Fuels and Recharging Facilities (land use).**

A commercial facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., LPG) as well as equipment to recharge electric-powered vehicles.

**Alter or Alteration.**

To make a change in the supporting members of a structure (e.g., bearing walls, columns, beams or girders) that will prolong the life of the structure.

**Animal, Large.**

An animal larger than the largest breed of dogs. This term includes horses, cows, and other mammals customarily kept in corrals or stables.

**Animal Sales and Services (land use).**

1. **Animal Boarding.** The provision of shelter and care for small animals on a commercial basis including activities (e.g., feeding, exercising, grooming, and incidental medical care).
2. **Animal Grooming.** The provision of bathing and trimming services for small animals on a commercial basis. These uses include boarding of domestic animals within a fully enclosed area.
3. **Animal Hospital.** Establishments where small animals receive medical and surgical treatment.
4. **Animals, Retail Sales.** The retail sales and boarding of small animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use, and boarding of animals not offered for sale within a fully enclosed area.

**Animal Shelter (land use).**

A facility operated for the purposes of impounding, harboring, selling, placing and retrieving seized, strayed, distressed, homeless, abandoned or unwanted animals. May include incidental activities including vaccination, training classes, spay/neuter services, and boarding services.

**Animal, Small.**

An animal no larger than the largest breed of dogs. This term includes fish, birds, and mammals customarily kept as domestic pets within a dwelling unit.

**Antenna.**

See "Telecommunications Facility Definitions."

**Appeal.**

A request by an interested party for a de novo review of a decision.

**Applicant.**

A person filing an application in compliance with this Zoning Code who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with this Zoning Code, and who presents written authorization from the property owner to file an application with the City; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the City.

**Approval.**

Includes both approval and approval with conditions.

**Appurtenance.**

A tower, spire, cupola, chimney, penthouse, water tank, flagpole, theater scenery loft, radio or television antenna, transmission tower, fire equipment, or other similar structure that is attached to a structure and not intended for human occupancy.

**Architectural Attributes.**

The design and/or construction technique and elements or combination of elements that are the character-defining features of a structure.

**Architectural Feature.**

Any portion of the outer surface of a structure, including the kind, color and texture of the building material, the type and style of all windows, doors, lights, signs, walls,

fences, awnings, canopies, screens, sculptures, decoration, roof shape and materials, and other fixtures appurtenant to a structure.

**Architectural Projection.**

A marquee, porch, canopy or similar projection of a building.

**Area, Bar.**

An area accessible to the public used for preparing and serving alcoholic beverages, which may also be used for primarily preparing and serving nonalcoholic beverages. Bar area shall include any seating area where tables and chairs are devoted to serving or consuming these beverages and the area used primarily for the preparation of beverages.

**Area, Building.**

The sum in square feet of the area of the horizontal projections of all buildings on a lot excluding buttresses, chimneys, cornices, eaves, open pergolas, patios, steps, unenclosed and unroofed terraces, unenclosed private balconies not used for access, and minor ornamental features projecting from the walls of a building which are not directly supported by the ground.

**Area, Dining.**

The seating area including aisles within a restaurant, fast-food, or formula fast-food restaurant where food and beverages are served. This includes any outdoor area not located on the sidewalk.

**Area, Lot or Site.**

The horizontal area within the property lines of a lot. If a street dedication is required, the lot or site area shall be calculated using the size of the lot prior to the street dedication.

**Area, Seating.**

An area that is part of a restaurant that includes tables and chairs that are movable or where seats are bolted or otherwise fixed and immovable or an area of a religious facility that does not have permanent seats that is used for religious worship. (This definition also applies to religious facilities.)

**Attendant Parking.**

A parking facility where a lot attendant parks vehicles for drivers. This term is used interchangeably with "valet parking."

**Attic.**

The area located between the top plate and the roof or ridge of a building. Does not include any area in which the top plate is more than 18 inches from the floor joists.

**Automated Teller Machines (ATM) (land use).**

A pedestrian-oriented machine used by bank and financial service patrons for conducting transactions including deposits, fund transfers, and withdrawals without contact with financial institution personnel. The machines may be located at or within a bank, or in other locations.

**Awning.**

A permanent or temporary structure attached to and wholly supported by a building and installed over or in front of openings or windows, and consisting of a fixed or movable frame, and covered in canvas or other similar material.

**O. Definitions, "O."**

**Occupancy.** Each separate use of property conducted on a lot or within a building or any portion thereof.

**Occupancy of Record.** Recorded in the office of the Los Angeles County Recorder.

**Offices (land use).**

1. **Accessory.** An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.
2. **Administrative Business Professional.** An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes:

accounting, auditing and bookkeeping services
advertising agencies
airline, lodging chain, and rental car company reservation centers
architectural, engineering, planning and surveying services
attorneys, legal services
commercial art and design services
computer software and hardware design
counseling services
court reporting services
data processing services
detective agencies and similar services
educational, scientific and research organizations
employment, stenographic, secretarial and word processing services
insurance claim processing
literary and talent agencies
mail order and e commerce transaction processing
management and public relations services
media postproduction services
photography and commercial art studios
police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars
psychologist
telecommunications facility design and management
telemarketing
writers and artists offices

This use does not include "Banks and Financial Services," which are separately defined.

3. **Government.** An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.
4. **Medical.** An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatral, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

**Off-Site.** An activity or accessory use that is related to a specific primary use, but is not located on the same site as the primary use.

**Off-Street Loading Facility.** A site or portion of a site reserved for the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

**Off-Street Parking Facility.** A site or portion of a site outside of a public right-of-way reserved for the parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

**On-Site.** An activity or accessory use that is related to a specific primary use, and is located on the same site as the primary use.

**Open Space, Common.** A usable open space shared with all residents of a residential or mixed-use complex or tenants of a building.

**Open Space, Private.** A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

**Open Space, Usable.** Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six feet excluding required front yards not used for balconies or patios.

**Opposite.** A wall, window, sign, zoning district, or property line that has a line perpendicular to a vertical plane through one element which would intersect a similar vertical plane through a like element.