

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 OF THE PASADENA MUNICIPAL CODE, THE REVISED ZONING CODE, TO IMPLEMENT ZONING CODE AMENDMENTS RELATED TO THE FAIR HOUSING ACT.

The People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and the corresponding costs of publication, will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

"Summary

The purpose of this ordinance is to implement code amendments that are consistent with the federal Fair Housing Act. The amendments including adding new use classifications for temporary homeless shelters and transitional housing, and specifying the zoning districts in which these uses are permitted, modifying the existing definition of charitable institutions, and replacing the use classification group residential and residential hotels with boarding houses, fraternities/sororities and dormitories. This ordinance establishes a new process for granting modifications for individuals with disabilities.

SECTION 2. Section 17.12.020 of said code entitled, "**Rules of construction and definitions**" is amended by adding the following new definition in the proper alphabetical sequence:

"Disability" means, with respect to a person (1) a

physical or mental impairment that substantially limits one or more of such person's major life activities, (2) a record of having such impairment, or (3) being regarded as having such impairment but such term does not include current, illegal use of or addiction to a controlled substance. The foregoing and related terms shall be interpreted in a manner consistent with the same or similar terms set forth in Title 28, Section 35.104 of the Code of Federal Regulations, as may be amended."

Furthermore the definition of "**Habitable Space**" is amended as follows:

"Habitable room or space" means a room or space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered a habitable room or space."

SECTION 3. Section 17.16.030 of said code entitled, "**Residential use classifications**" is amended as follows:

(a) By repealing subsection D entitled, "**Group Residential**" and subsection H, entitled, "**Single-Room Occupancy Residential.**"

(b) By adding the following new use classifications in the proper alphabetical sequence:

"Boarding Houses. A dwelling unit or part of a dwelling unit in which, for compensation, lodging and meals are provided."

"Dormitories. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery or other similar public, semi-public use."

"Fraternities/Sororities. A building containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for members and their guests or visitors and affiliated with a college or university."

"Transition Housing. A facility that provides housing at no cost for individuals in immediate need of housing in which residents stay longer than overnight. Such housing may include support services such as emergency medical care, employment and housing counseling."

SECTION 4. By amending Subsections B of Section 17.16.040 of Title 17 code entitled, "**Public and semi-public use classifications**" as follows:

"B. Charitable Institutions. A not for profit use that distributes or facilitates the giving of goods and services for the relief of the needy. This use classification includes such uses as soup kitchens and food banks."

SECTION 5. Section 17.16.050 of said code entitled, "**Commercial use classifications**" is amended by adding the following new use classifications in the proper alphabetical

sequence:

"Emergency Shelters. A use that provides short-term lodging on a first-come first-serve basis where people must vacate the facility each morning and have no guaranteed bed for the next night. Such uses shall not operate on a for-profit basis."

"Single-Room Occupancy. A cluster of dwelling units in which each unit has a minimum floor area of 150 square feet and a maximum floor area of 220 square feet. Such dwelling units may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer."

SECTION 6. Section 17.20.020 of said code is amended as follows:

(a) By amending the schedule entitled, "**RS-1, RS-2, RS-4 AND RS-6 DISTRICTS: ADDITIONAL LAND USE REGULATIONS**" to read as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

(b) By amending subsection C of the schedule entitled, "**RS-1, RS-2, RS-4 AND RS-6 DISTRICTS: ADDITIONAL LAND USE REGULATIONS**" as follows:

"(C) Not Used.

SECTION 7. Section 17.22.020 of said code is amended as follows:

(a) By amending the schedule entitled, "**RM-12 DISTRICT: LAND USE REGULATIONS**" to read as shown in Exhibit 2, attached hereto

and incorporated herein by this reference.

(b) By adding a new subsection to the schedule entitled, **"RM-12 DISTRICT: ADDITIONAL LAND USE REGULATIONS"** as follows:

"(O) The maximum area (either interior or exterior) in which support services are offered or located shall not exceed 250 square feet."

SECTION 8. Section 17.24.020 of said code is amended as follows:

(a) By amending the schedule entitled, **"RM-16, RM-32, AND RM-48 DISTRICTS: LAND USE REGULATIONS"** to read as shown in Exhibit 3, attached hereto and incorporated herein by this reference.

(b) By amending subsection (C) of the schedule entitled, **"RM-16, RM-32, AND RM-48 DISTRICTS: ADDITIONAL LAND USE REGULATIONS"** to read as follows:

"(C) The maximum area (either interior or exterior) in which support services are offered or located shall not exceed 250 square feet."

SECTION 9. Section 17.28.020 of said code is amended as follows:

(a) By amending the schedule entitled, **"CO, CL, CG AND COR DISTRICTS: LAND USE REGULATIONS"** to read as shown in Exhibit 4, attached hereto and incorporated herein by this reference.

(b) By amending the schedule entitled, **"CO, CL, CG AND COR DISTRICTS: ADDITIONAL LAND USE REGULATIONS"** as follows:

"(F) Hours of Operation. Commercial uses, Industrial uses, Clubs and Lodges, and Cultural Institutions located on a site within 150 feet of an R district may operate between 7 a.m. and 10 p.m. by right; and between 10 p.m. and 7 a.m. subject to a conditional use permit. The following uses are not subject to this restriction:

- Banks and Savings and Loans (walk-up service only)
- Emergency Shelters
- Industry, Restricted Uses: Small-Scale
- Mortuaries
- Offices with fewer than 15 employees working at one time
- Personal Improvement Services
- Personal Services
- Single-Room Occupancy
- Vehicle/Equipment Repair
- Vehicle/Equipment Sales Leasing and Rentals
- Visitor Accommodations
 - Bed and Breakfast Inns
 - Hotels and Motels

(The remainder of this section remains unchanged.)

By adding the following:

"(RR) The maximum area (either interior or exterior) in which support services are offered or located shall not exceed 250 square feet."

SECTION 10. Section 17.32.020 of said code is amended as follows:

(a) By amending the schedule entitled, "**IG DISTRICT: LAND USE REGULATIONS**" contained in Section 17.32.020 of said code is amended to read as shown in Exhibit 5, attached hereto and incorporated by this reference.

(b) By amending the schedule entitled, "**IG DISTRICT: ADDITIONAL LAND USE REGULATIONS**" as follows:

(E) 1. Hours of Operation. Commercial uses, Industrial uses, Clubs and Lodges, and Cultural Institutions located on a site that is within 150 feet of an R district may operate between 7 a.m. and 10 p.m. by right; and between 10 p.m. and 7 a.m. subject to a conditional use permit. The following uses are not subject to this restriction:

- Banks and Savings and Loans (walk-up service only)
- Emergency Shelters
- Hotels and Motels (Operation of check-in/check-out and room services only)
- Industry, Restricted Uses: Small-Scale
- Mortuaries
- Personal Improvement Services
- Offices with fewer than 15 employees working at one time
(The remainder of this subsection remains unchanged.)

SECTION 11. The tables entitled, "**CD DISTRICT: LAND USE REGULATIONS PART I AND PART II**" contained in Section 17.33.040 of

said code are amended to read as shown in Exhibit 6, attached hereto and incorporated herein by this reference.

SECTION 12. Table 17.33.050 of said code entitled, "**CD CENTRAL DISTRICT: ADDITIONAL LAND USE REGULATIONS**" is amended by adding the following:

"(EE) The maximum area (either interior or exterior) in which support services are offered or located shall not exceed 250 square feet."

SECTION 13. The schedule entitled, "**PS PUBLIC AND SEMI-PUBLIC DISTRICT: LAND USE REGULATIONS**" contained in Section 17.40.030 of said code is amended to read as shown in Exhibit 7, attached hereto and incorporated herein by this reference.

SECTION 14. Section 17.64.140 of said code entitled, "**Maximum dwelling unit occupancy**" is hereby repealed.

SECTION 15. The schedule entitled, "**Off-street parking and loading spaces required**" contained in Section 17.68.030 of said code is amended to read as shown in Exhibit 8, attached hereto and incorporated herein by this reference.

SECTION 16. Subsections A, B, D, E, F, and H of Section 17.70.020 of said code entitled, "**Single-room occupancy residential**" is amended to read as follows:

"**17.70.020 Single-room occupancy.**

The following development standards shall apply to single-room occupancy:

A. Limited Commercial (CL) District. Notwithstanding

the provisions of Section 17.76.030, existing nonconforming single-room occupancy in the limited commercial (CL) district may be altered to comply with the following development standards without obtaining a conditional use permit.

B. Site Area Per Unit. No site area per unit standard shall apply to single-room occupancy.

D. Common Area. A minimum of ten square feet per unit of 250 square feet, whichever is greater, shall be provided for common area. All common area shall be within the building. Recreation rooms, meeting rooms, dining rooms, or other similar areas approved by the zoning administrator may be considered common area. Shared bathrooms and kitchens shall not be considered as common areas.

E. Management. A single-room occupancy management plan shall be submitted to, reviewed, approved and enforced by the housing administrator of the housing and development department. The management plan shall be approved prior to issuance of a certificate of occupancy. The management plan shall be comprehensive and contain management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs including job descriptions. The approved management plan shall be in recordable form as approved by the city attorney and recorded prior to issuance

of a certificate of occupancy. A 24-hour resident manager shall be for any single-room occupancy use with 12 or more units.

F. Development Standards. Single-room occupancy shall meet the commercial development standards of the district in which it is located.

H. Kitchen Facilities. In each unit, a kitchen sink serviced with hot and cold water with a garbage disposal and a counter top measuring a minimum of 18 inches wide by 24 inches deep shall be required. A complete kitchen facility available for residents shall be provided on each floor of the structure, if each individual unit is not provided with a minimum of a refrigerator and a microwave oven."

SECTION 17. Section 17.82.050 of said code entitled, "General Procedures" is renumbered as Section 17.82.060.

SECTION 18. Chapter 17.82 entitled, "VARIANCES AND EXCEPTIONS" is amended by renaming the chapter to, "VARIANCES, EXCEPTIONS, AND MODIFICATIONS" and by adding a new section 17.82.050 is added to read as follows:

"17.82.060 Modifications for individuals with disabilities.

A. Purpose. The purpose of this section is to provide a mechanism through which the city can, in compliance with federal law, grant reasonable modifications to the strict requirements of this Title where necessary to avoid

discrimination against individuals with disabilities.

B. Procedures.

1. The zoning administrator shall be the decision-maker for applications for such modifications; provided, the hearing officer shall be the decision-maker for such application that is combined with an application for a conditional use permit or a variance.

2. The application, notice, and hearing procedures for considering applications for such exceptions shall be the same as set forth in section 17.82.030(C).

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

4. Any modification granted for an individual with a disability shall be a personal accommodation for the individual applicant and shall not run with the land. Prior to the issuance of a building permit for such 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 section and with any applicable conditions of approval. Prior to any transfer of

interest in the premises, the permittee shall notify the transferee of the existence of the modification, the personal status of the modification and the requirement that the transferee apply for a new modification as necessary. Once such transfer takes effect, the modification shall have no further validity.

C. Findings. After notice and a hearing, if one is requested, the decision-maker shall grant the application for modification upon making all of the following findings:

1. The individual requesting the modification is a qualified individual with a disability.

2. The requested modification to the strict requirements of this Code is a reasonable modification on the part of the city made necessary by federal law to avoid discrimination on the basis of disability, and to assure 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 classification.

3. All or any necessary conditions have been imposed to ensure that the modification shall not be detrimental to public health and safety."

SECTION 19. This ordinance shall take effect upon the expiration of thirty days from its publication by title and summary.

Signed and approved this _____ day of _____, 1999.

Chris Holden
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council on the City of Pasadena at its regular meeting held on _____, 1999, by the following vote:

AYES:

NOES:

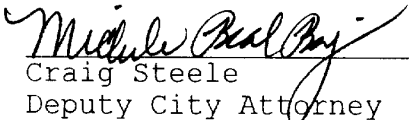
ABSENT:

ABSTAIN:

Published:

Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:



Craig Steele
Deputy City Attorney