



**City of South Pasadena
Planning and Community
Development Department**

Memo

Date: August 25, 2021

To: Planning Commission

From: Margaret Lin, Acting Planning and Community Development Director

Re: August 15, 2021, Planning Commission Meeting Item No. 2 Additional Document – Zoning Code Amendment Regarding Commercial District Land Uses and Permit Requirements and Exempt Developments from the Public Art Program

Attached is an additional document which provides attachments to the staff report for Item No. 2:

1. Proposed Ordinance
2. Proposed Resolution

ATTACHMENT 1
Ordinance

ORDINANCE NO. _____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA AMENDING SECTION 36.230.030 (“COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS”) OF DIVISION 36.230 (“COMMERCIAL ZONING DISTRICTS) OF ARTICLE 3 (SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS”) OF CHAPTER 36 (“ZONING”) OF THE SOUTH PASADENA MUNICIPAL CODE; SECTION 36.395.020 (“EXEMPT DEVELOPMENTS”) OF DIVISION 36.390 (“PUBLIC ART PROGRAM”) OF CHAPTER 36.395 (“PUBLIC ART DEVELOPMENT”) OF ARTICLE III OF CHAPTER 36; AND SECTION 4.3 (“CONDITIONAL USES”) OF THE MISSION STREET SPECIFIC PLAN REGARDING PERMIT REQUIREMENTS

WHEREAS, a code amendment has been developed for the City Council’s consideration that would amend Section 36.230.030 (“Commercial District Land Uses and Permit Requirements”) of Division 36.230 (“Commercial Zoning Districts”) of Article 3 (“Site Planning and General Development Standards”) of Chapter 36 (“Zoning”) of the South Pasadena Municipal Code; Section 36.395.020 (“Exempt Developments”) of Division 36.390 (“Public Art Program”) of Chapter 36.395 (“Public Art Development”) of Article III of Chapter 36; and Section 4.3 (“Conditional Uses”) of the Mission Street Specific Plan Regarding Permit Requirements; and

WHEREAS, on August 25, 2021, the Planning Commission held a duly noticed public hearing on this matter, at which all interested parties were given the opportunity to be heard and present evidence; and

WHEREAS, the Planning Commission adopted a resolution recommending that the City Council adopt an ordinance amending Section 36.230.030 (“Commercial District Land Uses and Permit Requirements”), Section 36.395.020 (“Exempt Developments”), and Section 4.3 (“Conditional Uses”).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. Section 36.230.030 (“Commercial District Land Uses and Permit Requirements”) of Division 36.230 (“Commercial Zoning Districts”) of Article 3 (“Site Planning and General Development Standards”) of Chapter 36 (“Zoning”) of the SPMC shall be amended as follows, with additions denoted in underline and deletions noted in ~~strikethrough~~:

TABLE 2-4. ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL & BUSINESS PARK DISTRICTS	P			
	Permitted Use			
	CUP			
	Conditional Use Permit required			
AUP				
Administrative Use Permit required				
—				
Use not allowed				
LAND USE (1)	PERMIT REQUIREMENT BY ZONE			Specific Use Regulations
	CO	CG	BP	
MANUFACTURING & PROCESSING USES				
Electronics, equipment, and appliance manufacturing	—	—	P	
Food and beverage products manufacturing	—	—	P	
Furniture/fixtures manufacturing, cabinet shops	—	—	P	
Handcraft industries, small-scale manufacturing, less than 3,500 sf	—	—	P	
Handcraft industries, small-scale manufacturing, 3,500 sf or more	—	—	CUP	
Laundries and dry cleaning plants, less than 3,500 sf	—	—	P	
Laundries and dry cleaning plants, 3,500 sf or more	—	—	CUP	
Media post production facilities	—	—	P	
Metal products fabrication, machine/welding shops	—	—	P	
Photographic processing plants, less than 3,500 sf	—	—	P	
Photographic processing plants, 3,500 sf or more	—	—	CUP	
Plumbing and heating shops, less than 3,500 sf	—	—	P	
Plumbing and heating shops, 3,500 sf or more	—	—	CUP	
Printing and publishing, less than 3,500 sf	—	P	P	
Printing and publishing, 3,500 sf or more	—	P	CUP	
Recycling facilities	—	CUP	CUP	36.350.160
Recycling facilities—Reverse vending machines	—	P	P	36.350.160
Warehouses, wholesaling and distribution	—	—	P	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES				
Adult entertainment businesses	—	—	(2)	36.350.030
Clubs, lodges, fraternal organizations	—	CUP	CUP	
Health and fitness facilities	—	CUP	CUP	
Indoor amusement/entertainment facilities	—	P	CUP	
Libraries, museums, galleries	—	AUP	CUP	
Outdoor recreation facilities	—	CUP	CUP	
Schools—Private	—	CUP	CUP	
Schools—Specialized education, <u>tutoring</u> , and training	—	<u>AUP/CUP</u> P	CUP	3,000 sq. ft. or smaller requires an AUP, greater than 3,000 sq. ft. requires a CUP
Special needs educational and training facilities	—	CUP	CUP	

Studios/ <u>Health/fitness facility</u> - dance, martial arts, music, photography, etc.	— <u>AUP/CUP</u>	<u>AUP/CUP</u>	CUP	3,000 sq. ft. or smaller requires an AUP, greater than 3,000 sq. ft. requires a CUP
Theaters and auditoriums	—	CUP	—	
Community gardens	CUP	CUP	CUP	36.350.230
RESIDENTIAL USES				
Emergency shelter	—	—	P	36.350.250
Live/work units	—	—	—	36.350.110
Mixed-use projects	CUP	CUP	—	36.350.120
Single room occupancy	—	—	P	36.350.260
RETAIL TRADE				
Alcoholic beverage sales	—	CUP	—	36.350.040
Auto parts sales	—	P	—	
Auto sales and rental	—	CUP	CUP	
Building material stores	—	P	CUP	36.350.220
Coffee roasting and packaging, retail	—	CUP	—	
Construction/heavy equipment sales and rental	—	CUP	CUP	
Convenience & liquor stores	—	CUP	—	36.350.040
Department stores	—	P	—	
Equipment sales and rental	—	CUP	CUP	
Extended hour businesses (11:00 p.m. to 6:00 a.m.)	—	CUP	CUP	
Furniture, furnishings and appliance stores	—	P	—	
Gas stations	—	CUP	CUP	
General retail	—	P	CUP	36.350.140, 36.350.220
Grocery stores	—	AUP	—	
Hardware stores	—	P	—	
Multitenant retail	—	CUP	—	
Outdoor display and retail activities	—	<u>CUP</u> <u>AUP</u>	CUP	
Plant nurseries and garden supply stores	—	P	—	36.350.140, 36.350.220
Restaurants	CUP	P	P	
Restaurants, multitenant retail		CUP(3)		
Restaurants, take-out and with accessory retail food	CUP	P	P	
Restaurants, with catering	CUP	CUP	CUP	
Restaurants, with catering and/or accessory retail food	CUP	CUP	CUP	
Restaurants, with outdoor dining	<u>CUP</u> <u>AUP</u>	AUP	<u>CUP</u> <u>AUP</u>	36.350.130

Second hand stores	—	P	—	
Tobacco retailer—Primary use	—	P	CUP	SPMC Chapter 18, Part 6 or its successor
Tobacco retailer—Accessory use	—	As required for the primary use that the accessory use is associated with	As required for the primary use that the accessory use is associated with	
Warehouse retail	—	CUP	—	36.350.220
SERVICES—BUSINESS & PROFESSIONAL				
Automated teller machines (ATMs)	P	P	P	36.350.060
Banks and financial services	—	P	P	
Business support services	—	CUP	P(5)	
Offices—Production, research and development	P	P	P	
Offices—Professional and administrative	P	P	P	
SERVICES—OTHER				
Ambulance service	—	CUP	CUP	
Bed and breakfast inns	CUP	CUP	—	
Child/adult day care centers	—	AUP/CUP	CUP	3,000 sq. ft. or smaller requires an AUP, greater than 3,000 sq. ft. requires a CUP
Contractor storage yard	—	—	CUP	
Convenience services	P	P	P	
Hotels and motels	—	CUP	—	
Medical services—Clinics	—	CUP	—	
Medical services—Laboratories	—	CUP	P	
Medical services—Offices	P	P	P	
Massage Establishment	—	CUP	—	SPMC 17.15(B)
Personal services	CUP(4)	P	—	SPMC 17.13
Personal services—Restricted	—	AUP	—	
Vehicle repair and maintenance—Major repair work	—	CUP	—	
Vehicle repair and maintenance—Service and maintenance	—	CUP	—	
Veterinary clinics, hospitals, kennels	—	CUP	CUP	
Wine cellar	—	P	P	

TRANSPORTATION & COMMUNICATIONS				
Parking facilities/vehicle storage	—	CUP	—	
Broadcasting studios	—	CUP	P	
Telecommunications facilities	CUP	CUP	CUP	36.350.210
<p>Notes:</p> <p>(1) See Article 7 for land use definitions.</p> <p>(2) Requires an Adult Business Permit in compliance with Section 36.350.030.</p> <p>(3) If multitenant retail complies with the parking regulations in Section 36.310.040, a CUP is required if a new restaurant would cause the restaurant square footage in the multitenant retail to exceed twenty percent of the total square footage. If the multitenant retail is legal nonconforming with the parking regulations in Section 36.310.040, a CUP is required if a restaurant use in an existing space has been abandoned for a period of eighteen months or longer, and for all additional restaurants in new spaces or spaces previously occupied by a non-restaurant.</p> <p>(4) Personal services are not permitted on parcels located within the Fremont Corridor as defined in the Land Use and Community Design Element of the South Pasadena General Plan. The Fremont Corridor includes a mixture of residential and small-scale professional office uses lining the busy and heavily traveled section of Fremont Avenue from Monterey Road north to the Pasadena Freeway, properties fronting Mound Avenue between Hope Street and the Pasadena Freeway.</p> <p>(5) Business support services consisting of laboratory uses require a CUP.</p>				

SECTION 2. Section 36.395.020 (“Exempt Developments”) of Division 36.390 (“Public Art Program”) of Chapter 36.395 (“Public Art Development”) of Article III of Chapter 36 of the SPMC shall be amended as follows, with additions denoted in underline and deletions noted in ~~strikethrough~~:

“36.395.020 Exempt Developments.

The following developments or modifications, alterations, and additions to the developments are exempt from this division: affordable housing units, performing arts facilities, museums, private nonprofit and institutional uses, interior remodel or tenant improvements, seismic reinforcement, and rebuilding necessitated by a natural disaster.”

SECTION 3. Section 4.3 (“Conditional Uses”) of the Mission Street Specific Plan (MSSP) shall be amended as follows, with additions denoted in underline and deletions noted in ~~strikethrough~~:

Table 5 Permitted Land Uses

District	District Function	Ground Floor Uses On Street Frontages	Other Uses ¹
A	Pedestrian-Oriented Mixed-Use/Commercial Core and Nodes	Convenience Retail and Services Restaurants Special Retail <u>Studios (3,000 sq. ft. or smaller art, dance, music, yoga, exercise)²</u> <u>Small educational facilities (3,000 sq. ft. or smaller tutoring, training)²</u>	Live/Work Space Housing units Hotel or Bed and Breakfast inn with up to 16 rooms Offices <u>Studios (greater than 3,000 sq. ft. art, dance, music, yoga, exercise or in locations other than ground floor on street frontages)</u> Cottage Industry in Live/Work Space

			Extensions of ground floor uses
B	Complementary Use Areas	Office Cottage Industry Live/Work Space Housing Units	Office Cottage Industry Live/Work Space Housing Units
C	Transitional Edges	NA Professional Office or Bed and Breakfast Inn in renovated Historic Resources or in new buildings of a similar style or size Multi-family housing or parking	Same uses permitted on all floors
C-2	Transitional Edge 700, 704 Prospect Avenue; 909, 913 Magnolia Street	Professional Office or Bed and Breakfast Inn in renovated Historic Resources or in new buildings of a similar style or size Two-family housing or parking	Same uses permitted on all floors
D	Community Services	NA Publicly owned facilities that primarily provide services to residents	Same uses permitted on all floors
E	Open Space	NA Publicly owned facilities that primarily provide services to residents	Same uses permitted on all floors
¹ For some uses a Conditional Use Permit is required ² <u>For some uses an Administrative Use Permit is required</u>			

“The following uses are permitted, subject to the specified limitations, provided a conditional use permit is obtained:

4.3 Conditional Uses

The following uses are permitted, subject to the specified limitations, provided as conditional use permit is obtained:

4.3.1 District A

- A. Bars in conjunction with and within restaurants. A bar shall not comprise more than 20% of a restaurant’s total floor area.
- B. Live entertainment in restaurants, studios, or other establishments
- C. Financial Services in ground floor storefront space, provided each Financial Service occupies not more than two storefront bay and there are not more than two storefront bays occupied by Financial Services per Block Face, except where the Block Face exceeds 300 feet in length, in which case one additional Financial Service is permitted for each additional 150 feet of street frontage.
- D. ~~Studios, including art, dance, music, yoga, exercise and similar uses, and Studios (greater than 3,000 sq. ft. art, dance, music, yoga, and exercise or in~~

locations other than ground floor on street frontages) and Cottage Industry uses are permitted behind the storefront space or on second floors.

~~E. Automobile repair uses, excluding painting or body work, on parcels which do not abut Mission Street, provided such uses are located within or behind a storefront building that meets the standards and guidelines in this Specific Plan.~~

F. Service stations (as defined in Section 36.162 of the Zoning Code) in the West Area.”

SECTION 4. The City Council hereby finds that the proposed Code amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3), which states the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It may be seen with certainty that there is no possibility this Zoning Code Amendment may have a significant effect on the environment because the proposed amendment is removing inconsistencies and clarifies standards in the SPMC.

SECTION 5. Pursuant to SPMC Section 36.620.070B (Findings for Zoning Code/Map Amendments), the Planning Commission recommends that the City Council approve the proposed amendment based on a finding that the proposed amendment removes inconsistencies and clarifies standards in the Zoning Code.

SECTION 6. This ordinance shall take effect thirty (30) days after its final passage, and within fifteen (15) days after its passage, the City Clerk of the City of South Pasadena shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

PASSED, APPROVED, and ADOPTED on this ___th day of ____, 2021.

Diana Mahmud
Mayor

ATTEST:

APPROVED AS TO FORM:

Lucie Colombo, CMC, CPMC
City Clerk
(seal)

Teresa L. Highsmith
City Attorney

Date: _____

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the ___th day of ____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

Lucie Colombo, CMC, CPMC
City Clerk
(seal)

ATTACHMENT 2
Planning Commission Resolution

P.C. RESOLUTION NO. 21-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTION 36.230.030 (COMMERCIAL DISTRICT LAND USES AND PERMIT REQUIREMENTS) OF DIVISION 36.230 (COMMERCIAL ZONING DISTRICTS) OF ARTICLE 3 (SITE PLANNING AND GENERAL DEVELOPMENT STANDARDS) OF CHAPTER 36 (ZONING) OF THE SOUTH PASADENA MUNICIPAL CODE; SECTION 36.395.020 (“EXEMPT DEVELOPMENTS”) OF DIVISION 36.390 (“PUBLIC ART PROGRAM”) OF CHAPTER 36.395 (“PUBLIC ART DEVELOPMENT”) OF ARTICLE III OF CHAPTER 36; AND SECTION 4.3 (CONDITIONAL USES) OF THE MISSION STREET SPECIFIC PLAN REGARDING PERMIT REQUIREMENTS

WHEREAS, a code amendment has been developed for the City Council’s consideration that would amend Section 36.230.030 (Commercial District Land Uses and Permit Requirements) of Division 36.230 (Commercial Zoning Districts) of Article 3 (Site Planning and General Development Standards) of Chapter 36 (Zoning) of the South Pasadena Municipal Code; Section 36.395.020 (“Exempt Developments”) of Division 36.390 (“Public Art Program”) of Chapter 36.395 (“Public Art Development”) of Article III of Chapter 36; and Section 4.3 (Conditional Uses) of the Mission Street Specific Plan Regarding Permit Requirements; and

WHEREAS, on August 25, 2021, the Planning Commission held a duly noticed public hearing on this matter, at which all interested parties were given the opportunity to be heard and present evidence.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH PASADENA DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1: The Planning Commission finds that the proposed amendment is exempt from the California Environmental Quality Act (CEQA) review under Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

SECTION 2: Pursuant to SPMC Section 36.620.070 (Findings and Decision), the Planning Commission recommends that the City Council approve the proposed amendment based on a finding that the proposed amendment removes inconsistencies and clarifies standards in the Zoning Code.

SECTION 3: For the foregoing reasons and based on the information and findings included in the Resolution, Staff Report, Minutes and testimony received during the public hearing, the Planning Commission of the City of South Pasadena hereby recommends that the City Council adopt the attached ordinance amending SPMC Section 36.410 (Zoning Approvals or Disapprovals).

SECTION 4: The Secretary shall certify that the foregoing Resolution was adopted by the Planning Commission of the City of South Pasadena at a duly noticed regular meeting held on the 25th day of August, 2021.

PASSED, APPROVED, AND ADOPTED this 25th day of August, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

John Lesak, Chair

ATTEST:

Laura Dahl, Secretary to the Planning Commission