



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

# Memo

**Date:** July 14, 2020

**To:** Chair and Members of the Planning Commission

**From:** Joanna Hankamer, Planning and Community Development Director  
Kanika Kith, Planning Manager

**Re:** Additional Document for **Item No. 3** – Zoning Code Amendment for Streamline Planning Review and Minor Clean-u

Staff is requesting the following changes to the proposed Zoning Code Amendment:

1. Revise Table 4-1 as shown below to cover other CEQA documents such as Negative Declaration and Mitigated Negative Declaration and amend footnotes (5) and (9) to clarify Cultural Heritage Commission authority.

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
<del>CEQA</del> ER Certification/ Adoption	36.400.070			<u>Certify (5)</u>	Certify (5)	Certify (5)

(5) ~~The Planning Commission and Cultural Heritage Commission shall certify/approve the Environmental Impact Report/CEQA documents, except in those instances where the Council has final review authority for the application, in which case the Planning Commission and/or Cultural Heritage Commission provide recommendation on the CEQA documents to City Council. When a Certificate of Appropriateness is part of a project that requires Planning Commission approval, the Cultural Heritage Commission is the recommending body to the Planning Commission for the Certificate of Appropriateness and associated CEQA and technical documents relating to historic resources.~~

(9) If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness ~~to the Planning Commission and the associated environmental and technical documents relating to historic resources~~ (see Section 36.400.030).

2. Revise Section 36.400.030A as shown below to clarify the Cultural Heritage Commission (CHC) as the recommending body to the Planning Commission when a Certificate of Appropriateness is part of a project requiring Planning Commission approval and to include associated environmental and technical documents as part of the CHC review and recommendation of the project.
  - A. **Certificate of Appropriateness.** If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness ~~to the Planning Commission. The Planning Commission's decision shall not be contradictory and associated environmental and technical documents relating to the Cultural Heritage Commission's recommendation-historic resources.~~ If during the review of the project, the Planning Commission ~~decision could potentially be contradictory~~ finds that the recommendation from the Cultural Heritage Commission cannot be supported or if the Commission would like to the Cultural Heritage Commission's recommendation, could result in ~~changes to the project that could affect the historic component of the project, or the applicant requested changes that could affect the historic component,~~ the Planning Commission shall take one of the following actions:
    1. Refer the project back to the Cultural Heritage Commission for reconsideration; or
    2. Conduct a joint meeting of the Planning Commission and the Cultural Heritage Commission ~~to consider the changes to the project that could affect the historic component of the project.~~ The Cultural Heritage Commission remains as the recommending body for the Certificate of Appropriateness.

The proposed changes requested in this additional document are shown in redline in the document attached to this memorandum.

**Attachment:**

Additional Changes to Sections 36.400.020 and 36.400.030

**Division 36.400. Application Filing and Processing**

Sections:

- 36.400.010 Purpose of Division.
- 36.400.020 Authority for Land Use and Zoning Decisions.
- 36.400.030 Concurrent Permit Processing.
- 36.400.040 Application Preparation and Filing.
- 36.400.050 Application Fees.
- 36.400.060 Application Review.
- 36.400.070 Environmental Assessment.

**36.400.010 Purpose of Division.**

This Division provides procedures and requirements for the preparation, filing, and processing of applications for the zoning approvals (e.g., Administrative Modifications, Conditional Use Permits, Home Occupation Permits, Temporary Use Permits, Variances, etc.) required by this Zoning Code.

(Ord. No. 2108 § 1.)

**36.400.020 Authority for Land Use and Zoning Decisions.**

Table 4-1 (Review Authority) identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit, and other approvals required by this Zoning Code.

TABLE 4-1. REVIEW AUTHORITY						
Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Affordable Housing Review	36.370				Decision	Appeal
Density Bonus Review	36.370	Decision				
Development Agreement	36.430				Recommend	Decision
General Plan amendment	36.620				Recommend	Decision
Zoning Code Interpretation	36.110	Decision (4)			Appeal	Appeal
Specific Plan	36.440				Recommend	Decision
Zoning Map amendment	36.620				Recommend	Decision
Zoning Text amendment	36.620				Recommend	Decision
Administrative Modification	36.410.070	Decision (4)			Appeal	Appeal
Administrative Use Permit	36.410.060	Decision (4)			Appeal	Appeal
Certificate of Appropriateness	See Municipal Code			Decision (9)		Appeal
Conditional Use Permit	36.410.060				Decision	Appeal
<a href="#">EIR/CEQA Certification/Adoption</a>	36.400.070			Certify (5)	Certify (5)	Certify (5)
Emergency Shelters	36.350.250	Decision				
Hillside Development	36.410.065				Decision	Appeal

**TABLE 4-1. REVIEW AUTHORITY**

Type of Decision	Procedure is in Section:	Role of Review Authority (1)				
		Director	DRB (2)	CHC (3)	Planning Commission	City Council
Permit – New structures						
Minor Hillside Development Permit – Modifications to existing structures	36.410.065		Decision		Appeal	Appeal
Home Occupation Permit	36.410.030	Issued				
Valet Parking Use Permit	36.310.111				Decision	Appeal
Parking Use Permit	36.410.090	Decision			Appeal	Appeal
Planned Development Permit	36.410.100				Decision	Appeal
Planning Clearance	36.410.020	Issued				
Reasonable Accommodation	36.400.110	Decision			Appeal	Appeal
Sign Permit	36.320		Decision		Appeal	Appeal
Single Room Occupancy	36.350.260	Decision				
Temporary Use Permit	36.410.050	Issued				
Variance	36.410.080				Decision	Appeal
Design Review (6)	36.410.040		Decision		Appeal	Appeal
Design Review for Mixed-Use or Multi-Family of 7 dwelling units or more, or Not-Exempt from CEQA (7)	36.410.040		Subcommittee (10)		Decision	Appeal
Minor Design Review	36.410.040	Decision (8)			Appeal	Appeal

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 Division 36.610 (Appeals); and “Issued” means the nondiscretionary permit shall be granted by the Director.

(2) “DRB” means the Design Review Board. (See Section 36.410.040.)

(3) “CHC” means the Cultural Heritage Commission. (See Municipal Code.)

(4) The Director may defer action on zoning approval applications and refer the items to the Commission for the final decision. In a similar manner, the Director may defer action on a Design Review application and refer the item to the DRB for the final decision.

(5) The Planning Commission and Cultural Heritage Commission shall certify/approve the Environmental Impact Report/CEQA documents, except in those instances where the Council has final review authority for the application, in which case the Planning Commission and/or Cultural Heritage Commission provide recommendation on the CEQA documents to City Council. When a Certificate of Appropriateness is part of a project that requires Planning Commission approval, the Cultural Heritage Commission is the recommending body to the Planning Commission for the Certificate of Appropriateness and associated CEQA and technical documents relating to historic resources.

(6) Design Review of all structures is required pursuant to Section 36.410.040.

(7) CEQA means the California Environmental Quality Act.

(8) Decision is by the Planning Director or Chair of the Design Review Board

(9) If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness to the Planning Commission and the associated environmental and technical documents relating to historic resources (see Section 36.400.030).

(10) A subcommittee (two members) of the Design Review Board shall work with staff in reviewing the design component of the project.

### **36.400.030 Concurrent Zoning Approval Processing.**

When a single project incorporates different land uses or features so that this Zoning Code requires more than one zoning approval, the Director may determine that all of the applications should be reviewed, and approved or disapproved, by the highest level review authority identified by Table 4-1 as having authority over the separate approvals required. This action shall not be interpreted as bypassing the applicable review authority identified by Table 4-1, but rather to have their action take the form of a recommendation to the highest level of review authority identified by Table 4-1. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit should be reviewed and approved by the Council, where a Conditional Use Permit application by itself may be reviewed and acted upon by the Commission.)

**A. Certificate of Appropriateness.** If a Certificate of Appropriateness is associated with an application requiring approval by the Planning Commission, the Cultural Heritage Commission shall be the recommending body to the Planning Commission for the Certificate of Appropriateness ~~to the Planning Commission. The Planning Commission's decision shall not be contradictory and associated environmental and technical documents relating to the Cultural Heritage Commission's recommendation-historic resources.~~ If during the review of the project, the Planning Commission ~~decision could potentially be contradictory~~ finds that the recommendation from the Cultural Heritage Commission cannot be supported or if the Commission would like to the Cultural Heritage Commission's recommendation, could result in changes to the project that could affect the historic component of the project, or the applicant requested changes that could affect the historic component, the Planning Commission shall take one of the following actions:

1. Refer the project back to the Cultural Heritage Commission for reconsideration; or
2. Conduct a joint meeting of the Planning Commission and the Cultural Heritage Commission ~~to consider the changes to the project that could affect the historic component of the project.~~ The Cultural Heritage Commission remains as the recommending body for the Certificate of Appropriateness.

(Ord. No. 2108 § 1.)

### **36.400.040 Application Preparation and Filing.**

The preparation and filing of applications for zoning approvals, amendments (e.g., General Plan, Zoning Code, Zoning Map, and specific plan), and other matters pertaining to this Zoning Code shall comply with the following requirements.

#### **A. Pre-application review.**

1. A prospective applicant or agent is strongly encouraged to request a pre-application review with the Department before completion of project design and the formal submittal of a zoning approval application.
  - a. If the project is for development on slopes greater than 30%, a pre-application review is required prior to applying for the Hillside Development Permit.
2. A pre-application review, accompanied by preliminary project plans and designs and the required filing fee, will be reviewed by affected City departments and other selected agencies.
3. The reviewing City staff members will inform the applicant of requirements as they apply to the proposed project, provide a preliminary list of issues that will likely be of concern during formal application review, suggest possible alternatives or modifications to the project, and identify any technical studies that may be necessary for the environmental review process when a formal application is filed.
4. Neither the pre-application review nor information and/or pertinent policies provided by the Department shall be construed as a Department recommendation for approval or disapproval of the application or project.

**B. Application contents and fee.** Applications shall include the forms provided by the Department, and all information and materials required by the application content requirements handout provided by the Department for the specific type of application (e.g., Conditional Use Permit, Variance, or others), and the filing fee required by the Council's Fee Resolution.

**C. Eligibility, filing.** All zoning approval and other applications required by this Zoning Code shall be filed with the Department. Applications may be made by:

1. The owner of the subject property; or

2. Any agent or representative, with the written consent of the property owner.

**D. Filing date.** The filing date of an application shall be the date on which the Department receives the last submission, map, plan, or other material required as a part of that application by Subsection A., in compliance with Section 36.400.060 (Application Review) and deemed complete by the Director.

(Ord. No. 2108 § 1.)

**36.400.050 Application Fees.**

**A. Filing fees required.** The Council shall, by resolution, establish a schedule of fees for amendments, zoning approvals, and other matters pertaining to this Code, referred to as the Council's Fee Resolution. The schedule of fees may be changed from time to time only by resolution of the Council.

**B. Fee waivers.** The Council may waive any of the fees required by the Council's Fee Resolution for sufficient cause being demonstrated by the applicant. The determination of what shall constitute "sufficient cause" shall be at the discretion of the Council.

**C. Refunds and withdrawals.**

1. Recognizing that filing fees are utilized to cover City costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications, no refunds due to a disapproval of an application are allowed.

2. In the case of an application withdrawal, the Director may authorize a partial refund based upon the pro-rated costs to-date and determination of the status of the application at the time of withdrawal.

(Ord. No. 2108 § 1.)

**36.400.060 Application Review.**

All applications filed with the Department in compliance with this Zoning Code shall be initially processed as follows.

**A. Completeness review.** No application will be scheduled for review until deemed complete in compliance with the following requirements.

1. Notification of applicant. The applicant shall be informed in writing within 30 days of submittal, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the letter, shall be provided. All additional information needed shall be identified in the letter providing notice of an incomplete application.

2. Environmental information. The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Section 36.400.070 (Environmental Assessment), below.

3. Second notification. If no response to the first letter is received by the Director within 30 days, a second letter shall be sent to the applicant giving an additional 30 days in which to provide the information specified in the first letter.

4. Withdrawal of application. The Director may deem the application withdrawn if the specified information is not provided within 30 days from the date of the second letter, unless, at a minimum, the applicant submits a letter requesting a mutually agreed upon appointment with the Director to discuss the establishment of a schedule for submittal of the specified information. Application processing shall not resume thereafter until a new application is filed, including fees, plans, exhibits, and other materials that are required for any project on the same site.

5. Criteria for acceptance. An application shall not be accepted as complete unless or until the Director determines that it:

a. Includes all information and materials required by Section 36.400.040.B (Application contents and fees);

b. Includes any other technical studies or supplemental information deemed necessary by the Director; and

- c. Is accompanied by the application fee, or a deposit if appropriate, in compliance with the Council's Fee Resolution.

**B. Referral of application.** At the discretion of the Director, or where otherwise required by this Zoning Code, State, or Federal law, any application filed in compliance with this Zoning Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.

(Ord. No. 2108 § 1.)

**36.400.070 Environmental Assessment.**

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and the South Pasadena Environmental Review Guidelines.

(Ord. No. 2108 § 1.)