

C1 Purpose and Applicability

C1.1 PURPOSE

A Intent of Downtown Code

The Development Code implements the Downtown Vision, Goals and Policies. The prescriptive standards in the Development Code ensure that new development projects exhibit the highest standards of urban design, architecture, and landscaping at the neighborhood, block, lot, and building scale.

The vision for Downtown's form is compact, walkable, and mixed use. The urban form is intended to be inviting, comfortable, safe, and ecologically resilient. The Development Code allows a mix of uses within a walkable environment so driving is an option, but not a necessity to meet everyday needs.

B Relationship to General Plan

The Downtown Code is consistent with the South Pasadena General Plan currently in effect, as required by Government Code 65000, et seq., California Statute. The Downtown Code implements the General Plan's community supported goal to direct the majority of the new growth to the downtown area in a contextual manner.

C Relationship to Municipal Code

Article 36.240.020c of the South Pasadena Municipal Code (SPMC) shall be referred to as the "Downtown Code." The Downtown Code provides all requirements for development and land use activity within the boundaries identified in Figure C1.1. Except as specifically referenced within the Downtown Code, the South Pasadena Municipal Code requirements in place prior to the adoption of the Downtown Code are hereby replaced by Article 36.240.020c.

C1.2 USE AND APPLICABILITY

A Use of Downtown Code

The Downtown Code shall be administered by the South Pasadena City Council, hereafter referred to as the “Council;” the Planning Commission, hereafter referred to as the “Commission;” the Community Development Director, hereafter referred to as the “Director;” and the South Pasadena Planning Division, hereafter referred to as the “Planning Division.”

1 Responsibility for Administration

The Planning Division shall be the primary body responsible for administering the Downtown Code subject to the provisions of Chapter 36.

B Applicability to Municipal Code

Property, including structures, land uses and physical improvements such as signs, landscaping, and lighting within the boundaries of the Downtown Code (Figure C1.1) shall comply with all applicable requirements of the Downtown Code as follows:

1 Zoning District(s) Requirements

All property subject to the Downtown Code shall comply with the relevant requirements of the applicable zoning district(s).

2 Conflicting Requirements

Where a requirement exists for the same topic, in both the Downtown Code and other sections of the South Pasadena Municipal Code, the requirement of the Downtown Code shall prevail unless otherwise specified.

3 Permit Approval Requirements

Each structure and land use shall be constructed, reconstructed, enlarged, altered, or replaced in compliance with the following requirements:

- a Allowable use: The land use must be allowed in the zoning district where the site is located.
- b Permit and approval requirements: Any and all permits or other approvals required by the Downtown Code shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed structure is constructed and land use established or otherwise put in operation.
- c Development standards and conditions of approval: Each land use and structure shall comply with the applicable development standards of the Downtown Code for the zoning district in which the site is located.

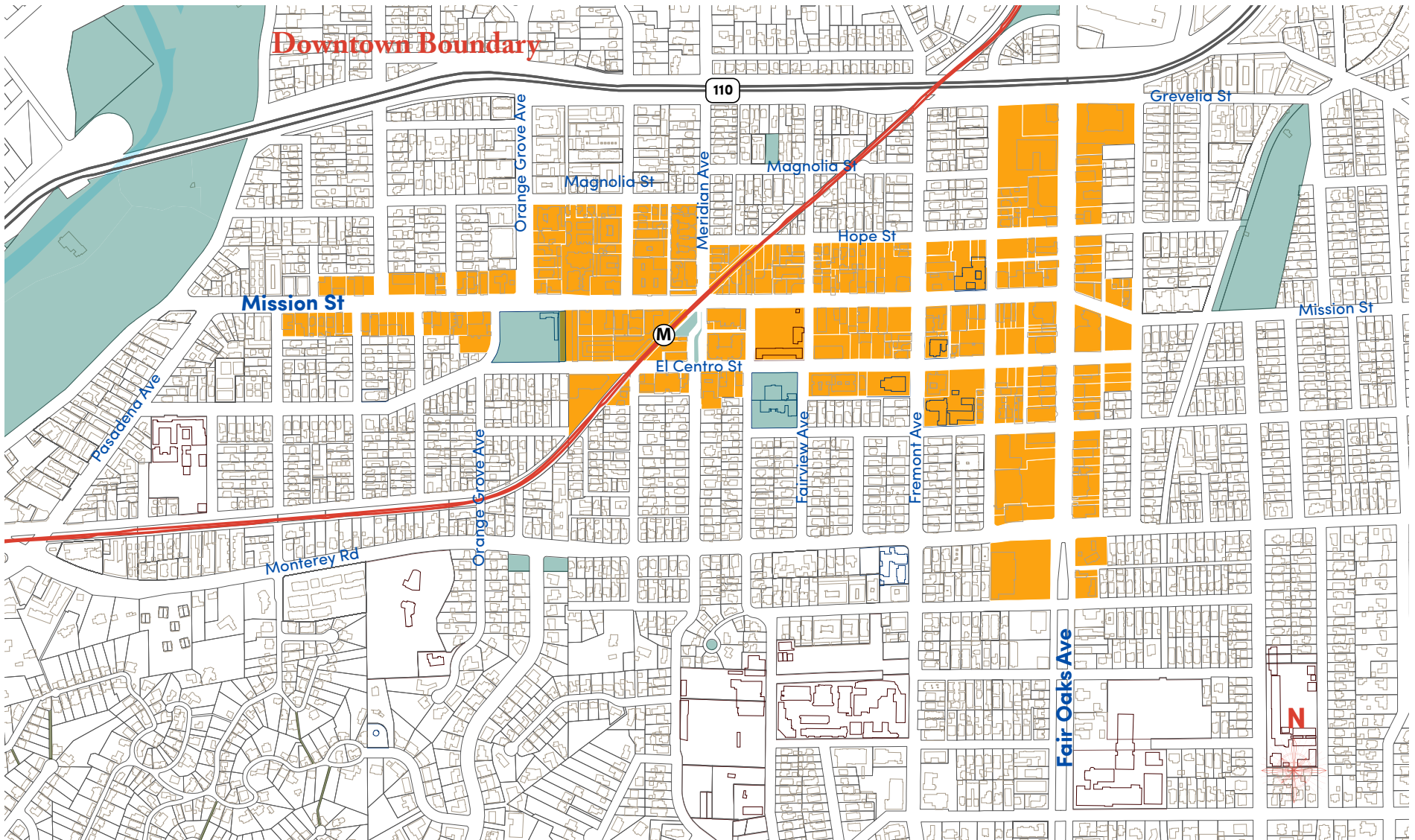


Figure C1.1: Downtown boundary map.

- 4 Improvements, Modifications, or Expansions of Sites or Structures**
- a Improvements to Conforming Structures or Sites. Applications that involve an improvement to a conforming site, an existing conforming structure(s), or a modification/expansion of an existing conforming structure(s), or sign(s) are subject to the applicable requirements of the Downtown Code.
 - b Improvements to Non-Conforming Structures or Sites. Applications that involve an improvement to a non-conforming site, an existing non-conforming structure(s), or a modification/expansion of an existing non-conforming structure(s), or sign(s) shall comply with the applicable requirements of Section 1.2C.
 - c Civic Buildings Applications that involve a civic building as defined by the Downtown Code shall comply with Section 1.2B.7.
- 5 Modification or Subdivision of Existing Parcel(s)**
- Applications involving the modification of an existing parcel or the subdivision of an existing parcel shall comply with the applicable requirements of the applicable zoning district(s) and Section 7.0 Streets and Block Standards.
- 6 Approved Entitlements**
- Entitlements approved prior to the adoption of the Downtown Code that have yet to be constructed are not subject to the Downtown Code. The entitlement(s) may not be extended beyond the four year approval period and upon expiration, the owner must demonstrate substantial completion in constructing the approved structure(s) or the property shall then comply with the Downtown Code. Substantial completion means at least 90 percent completion of the approved structure(s) as determined by the City of South Pasadena Building Official.
- 7 Civic Buildings**
- Applications involving the modification or construction of a building for civic purposes as defined in Section 12.0 “Definitions,” shall comply with the following:
- a Section 5.0 Building Standards are not required of civic buildings.
 - b All other sections of the Downtown Code apply.

C Non-conforming Regulations

This section regulates nonconforming lots, nonconforming structures, and nonconforming uses, including uses that are nonconforming as to required off-street parking. This section is intended to allow nonconforming lots, structures, uses, and off-street parking arrangements to continue to the extent consistent with the health, safety and public welfare purposes of the Downtown Specific Plan, with the ultimate goal being to bring such nonconforming lots, structures, and uses into compliance with the overall downtown vision.

1 Non-conforming Buildings, Structures, and Lots

Buildings or other structures that are non-conforming as to setback, yard, height, or other Downtown Code provisions may be repaired, replaced, or added to, only to the extent permitted by this section:

- a **Subdivision:** Lots which are non-conforming as to width may be adjusted or subdivided provided the resulting re-configuration brings the non-conforming lot into, or closer to conformity with the requirements of this plan.
- b **Additions:** A nonconforming building or other structure may be added to, provided that an addition of 50% or more of the floor area existing as of the adoption of this Downtown Code shall trigger compliance with all Downtown Code provisions for the portion of the building or structure comprising the addition.
- c **Restoration of building or other structure:** If a nonconforming building or structure is damaged or destroyed by fire, flood, wind, earthquake, or other calamity, structural alterations, or other repairs for purposes of reconstruction may be carried out so long as they are repaired or replaced to no more than their original size (i.e., no additional floor area shall be added).
- d **Other repair:** Repair of nonconforming buildings or other structures, other than structural alterations and other repairs required for restoration of damaged or partially destroyed buildings, may be carried out provided that:
 - i No structural alterations may be carried out unless those structural alterations are determined by the building official to be required for protection of the public health or safety; and
 - ii No like-for-like reconstruction of nonconforming buildings or other structure may be carried out unless such reconstruction is determined by the Building Official to be required for protection of the public health or safety.

2 Remodels and other additions or alterations

Notwithstanding any provisions of the above-listed standards, in any instance where a person proposes to, or commences to, alter, expand, or add to an existing nonconforming building or structure and nonconforming portions of the nonconforming building or structure are demolished in the course of such alterations, expansions, or additions, all nonconforming portions of the building or structure so demolished shall be reconstructed in compliance with all requirements of this Downtown Code.

3 Non-conforming Uses

A nonconforming use, including any uses incidental thereto, may not continue, if ceased for a period longer than two years.

4 Abatement of Non-conforming Uses

Where no buildings are occupied or otherwise used in connection with a nonconforming use, that use shall be terminated within five years from the date it became nonconforming, provided that for any use that becomes nonconforming as a result of a zone change, the specified five-year period of time for the termination of the nonconforming use shall be computed from the effective date of the zone change.