

Introduced by Councilmember _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 16 AND TITLE 17 OF THE PASADENA MUNICIPAL CODE TO ELIMINATE THE SUBDIVISION COMMITTEE AND REPLACE IT WITH A HEARING OFFICER

The People of the City of Pasadena ordain as follows:

SECTION 1. Title 16, Chapter 16.08, Section 16.08.020 of the Pasadena Municipal Code, entitled “Advisory Agency,” is amended to read in its entirety:

“Advisory Agency” means a Hearing Officer appointed by the Director. The Advisory Agency shall make investigations and reports on the design and improvement of proposed divisions of land, including subdivisions as defined in the Subdivision Map Act, and in all cases shall report directly to the subdivider. City staff may provide the Advisory Agency with technical and planning support.

SECTION 2. All occurrences of the term “subdivision committee” are replaced by the term “Advisory Agency,” so that the Pasadena Municipal Code is amended as follows:

- 1. Title 16, Chapter 16.18, Section 16.18.020 of the Pasadena Municipal Code is amended to read:

“The decision maker for all applications and other actions under this chapter shall be the Advisory Agency, as defined in this title. The Advisory Agency functions as the advisory agency under the Subdivision Map Act.”

- 2. Title 16, Chapter 16.18, Section 16.18.040 of the Pasadena Municipal Code is deleted in its entirety.

- 3. Title 16, Chapter 16.46, Section 16.46.020 of the Pasadena Municipal Code is amended to read:

“No tentative tract or parcel map for a conversion project may be approved unless there are provided at least 2 parking spaces per dwelling unit in a garage or carport on the property. Not more than 20 percent of the parking spaces required by this section may be tandem parking spaces, but with the consent of the Advisory Agency, upon a showing that parking on surrounding streets will not be adversely impacted, the Advisory Agency may approve up to 30 percent tandem parking.”

4. Title 16, Chapter 16.46, Section 16.46.074 of the Pasadena Municipal Code is amended to read:

“Each non-purchasing tenant, not in default under the obligations of the rental agreement of lease under which the unit is occupied, will have not less than 180 days from the date of approval of the conversion by the Advisory Agency or, if an appeal is filed, the date of approval by the city council, to find substitute housing and to relocate.”

5. Title 17, Chapter 17.10, Section 17.10.040 of the Pasadena Municipal Code is amended to read:

“This Zoning Code shall be administered by the City Council, Planning Commission, Board of Zoning Appeals, Zoning Hearing Officer, Zoning Administrator, Advisory Agency, Design Commission, Arts Commission, Historic Preservation Commission, Director of Planning and Development, and the Planning and Development Department in compliance with Chapter 17.70 (Administrative Responsibility).”

6. Title 17, Chapter 17.40, Section 17.40.050, Subsection A(2) of the Pasadena Municipal Code is amended to read:

“(2) Only if there is no reasonable alternative due to extreme topographic conditions or other physical conditions as determined by the Advisory Agency; and:” (The remainder of this section remains unchanged.)

7. Title 17, Chapter 17.40, Section 17.40.050, Subsections B(2) and (3) of the Pasadena Municipal Code are amended to read:

“(2) Conditional Use Permit. The creation of a flag lot shall also require Conditional Use Permit approval by the Advisory Agency, in compliance with Section 17.61.050.”

“(3) Geotechnical report. A geotechnical report shall be filed for review and approval by the Building and Safety Division attesting to the stability of the site, before consideration of the subdivision map or Conditional Use Permit by the Advisory Agency.”

(The remainder of this section remains unchanged.)

8. Title 17, Chapter 17.40, Section 17.40.050, Subsection E of the Pasadena Municipal Code is amended to read:

“E. Required findings for flag lots. The approval of a Conditional Use Permit for flag lots shall require that the Advisory Agency first make all of the following findings, in addition to the findings required for Conditional Use Permit approval in Section 17.61.050.G (Findings and decision):” (The remainder of this section remains unchanged.)

9. Title 17, Chapter 17.60, Section 17.60.030, Table 6-1 – Review Authority, is amended as shown on Attachment 1, attached hereto and incorporated by this reference.

10. Title 17, Chapter 17.61, Section 17.61.080, Subsection K of the Pasadena Municipal Code is amended to read:

“K. 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.”

11. Title 17, Chapter 17.72, Section 17.72.010 of the Pasadena Municipal Code is amended to read:

“This Chapter establishes procedures for the initiation of appeals and Calls for Review of a decision rendered by the Director, Zoning Administrator, Hearing Officer, Film Liason, Environmental Administrator, Board of Zoning Appeals, Design Commission, Historic Preservation Commission, Advisory Agency (as defined in Section 16.08.020), and Commission.”

12. Title 17, Chapter 17.72, Section 17.72.020, Subdivision A of the Pasadena Municipal Code is amended to read:

“A. Board of Zoning Appeals. The Board of Zoning Appeals shall serve as the review authority for decisions of the Director, Zoning Administrator, Hearing Officer, Film Liason, Advisory Agency, and Environmental Administrator.”
(The remainder of this section remains unchanged.)

13. Title 17, Chapter 17.72, Section 17.72.030 of the Pasadena Municipal Code is amended to read:

“An appeal may be filed by any person affected by a determination, decision, or action rendered by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Environmental Administrator, Design Commission, Historic Preservation Commission, Advisory Agency, or Commission.”

14. Title 17, Chapter 17.72, Section 17.72.040, Subsection B of the Pasadena Municipal Code is amended to read:

“B. Permits/entitlements and hearing decisions. Decisions and actions by the Director, Zoning Administrator, Hearing Officer, Film Liaison, Advisory Agency, and Environmental Administrator may be appealed to the Board of Zoning Appeals.”

(The remainder of this section remains unchanged.)

15. A new Section F is added to Title 17, Section 17.72.040, as follows:

“F. Subdivision Map Act decisions. All decisions made by the Advisory Agency pursuant to the Subdivision Map Act, and appealed to the Board of Zoning Appeals, have a final right of appeal to the City Council.”

16. Title 17, Appendix A, PD-15, paragraph FF is amended to read:

“Thirteen of the existing cottages may be used for residential dwelling units and may, if approved by the Advisory Agency, be subdivided into separate lots. Only the following structures may be used as residential dwelling units:” (The remainder of this section remains unchanged.)

SECTION 3. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 4. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2005.

Bill Bogaard
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 _____ day of _____ 2005, by the following vote:

AYES:

NOES:

ABSENT:

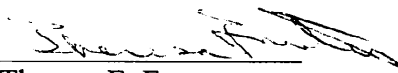
ABSTAIN:

Date Published:

Jane L. Rodriquez, CMC

City Clerk

Approved as to form:



Theresa E. Fuentes
Deputy City Attorney

ATTACHMENT ONE

TABLE 6-1 - REVIEW AUTHORITY

Type of Decision	Role of Review Authority (1)				
	See Section	Director/Zoning Administrator/Hearing Officer	DC (2)	BZA/Planning Commission (2)	City Council

Administrative and Amendments

General Plan amendments	17.74			Recommend	Decision
Interpretations	17.02	Decision (3)		(BZA) Appeal	CFR
Master Plans	17.61.050			Recommend	Decision
Planned Developments	17.61.110			Recommend	Decision
Specific Plans	17.68			Recommend	Decision
Zoning Code amendments	17.74			Recommend	Decision
Zoning Map amendments	17.74			Recommend	Decision

Land Use Permits and other Development Approvals

Adjustment Permits	17.61.070			Recommend	Decision
Certificate of Appropriateness	17.62.090	Decision (4)			Appeal/CFR
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	CFR
Creative Sign Permits	17.48.070	Decision	Appeal		Appeal/CFR
Design Review - City Sponsored Projects	17.61.030	Recommend	Recommend		Decision
Design Review - Non-City Sponsored Projects (See Tables 6-2 & 6-3)	17.61.030	Decision	Decision/Appeal		Appeal/CFR
Development Agreements	17.66			Recommend	Decision
Expressive Use Permits	17.61.060	(ZA) Decision (3)			Appeal/CFR

Type of Decision	Role of Review Authority (1)				
	Sec Section	Director/Zoning Administrator/Hearing Officer	DC (2)	BZA/Planning Commission (2)	City Council

Land Use Permits and other Development Approvals {Continued}

Filming Permits	17.61.090	Film Liaison (5)		(BZA) Appeal	CFR
Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	CFR
Lot Line Adjustments	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal
Master Sign Plans	17.48.060	Decision	Appeal		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(ZA) Decision (3)		(BZA) Appeal	CFR
Minor Variances	17.61.080	(ZA) Decision (3)		(BZA) Appeal	CFR
Modifications for Persons with Disabilities	17.61.080	(ZA) Decision (3)		(BZA) Appeal	CFR
Sign Exceptions	17.48.050	(ZA) Decision (3)		(BZA) Appeal	CFR
Tentative Tract and Parcel Maps (Including Vesting Maps)	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	CFR

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 and "BZA" means Board of Zoning Appeals.
- (3) The Zoning Administrator/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) The City's Film Liaison is the applicable review authority for short-term Film Permits and Film Conditional Use Permits, in compliance with Section 17.61.090.