

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: JULY 24, 2006

FROM: CITY ATTORNEY

SUBJECT: ZONING CODE AMENDMENTS – SERIES I

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE), – SERIES I – INCLUDING CONVERSION OF HISTORIC STRUCTURES TO OFFICES IN THE WEST GATEWAY SPECIFIC PLAN AREA, INCREASING THE ALLOWABLE SIZE OF ACCESSORY STRUCTURES IN THE RM-12 DISTRICT, TRANSFERRING ZONING ADMINISTRATOR HEARINGS TO THE HEARING OFFICER, AND OTHER AMENDMENTS, INCLUDING CODIFICATION OF INTERPRETATIONS AND CORRECTIONS

PURPOSE OF ORDINANCE

This ordinance implements and codifies the Zoning Code amendments approved by the City Council on April 3, 2006, amendments which would otherwise be too small to merit an individual hearing and amendment. This ordinance required extra time for preparation given the number of corrections being made, and the need to prepare complex graphics for a few of the changes.

REASON WHY LEGISLATION IS NEEDED

This legislation is needed to further the following General Plan policies and objectives:

- Policy 5.1 – Urban Design Principles: Apply city-wide urban design principles to complement the scale and quality of the best architectural and urban design traditions.
- Policy 5.7 – Enhanced Environment: Development should be shaped to improve the environment for the public; it should support the distinctiveness of the locality and region as well as the special characteristics of the existing fabric of the site's immediate surroundings.

MEETING OF 07/24/2006

AGENDA ITEM NO. 10.A.2.

- Objective 6 – Historic Preservation: Promote preservation of historically and architecturally significant buildings and revitalization of traditional neighborhoods and commercial areas.
- Policy 6.3 – Adaptive Reuse: Encourage and promote the adaptive reuse of Pasadena’s historic resources.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the proposed ordinance through modifications to the Zoning Code.

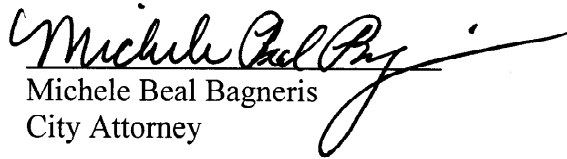
FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this amendment to the Zoning Code.

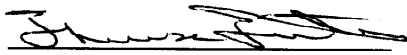
ENVIRONMENTAL DETERMINATION

A Negative Declaration was prepared and approved for the project in conformance with the requirements of the California Environmental Quality Act.

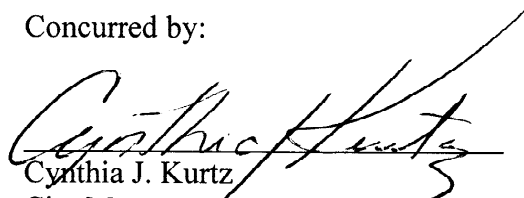
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Deputy City Attorney

Concurred by:


Cynthia J. Kurtz
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 17 (THE ZONING CODE), – SERIES I – INCLUDING CONVERSION OF HISTORIC STRUCTURES TO OFFICES IN THE WEST GATEWAY SPECIFIC PLAN AREA, INCREASING THE ALLOWABLE SIZE OF ACCESSORY STRUCTURES IN THE RM-12 DISTRICT, TRANSFERRING ZONING ADMINISTRATOR HEARINGS TO THE HEARING OFFICER, AND OTHER AMENDMENTS, INCLUDING CODIFICATION OF INTERPRETATIONS AND CORRECTIONS

The People of the City of Pasadena ordain as follows:

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

“SUMMARY

Ordinance No. _____ is the first in a series of amendments to Title 17, the City of Pasadena’s Zoning Code, to codify amendments to the Zoning Code which would otherwise be too small to merit an individual hearing and amendment. The amendments include, but are not limited to, allowing conversion of historic structures to offices in the West Gateway Specific Plan Area, increasing the allowable size of accessory structures in the RM-12 district, transferring zoning administrator hearings to the hearing officer, and includes policy changes as well as corrections and codifications of interpretations.

Ordinance _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Table 2-3 is amended as shown in Exhibit 1 attached hereto and incorporated by this reference.

SECTION 3. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.050 is amended by,

a. Amending Subsection A to read as follows:

“A. Front-yard setback requirement. The minimum front yard setback in the RS and RM-12 zoning districts shall be as follows. See also ~~17.40.150 (Setback Measurement and Exceptions)~~ 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions). (The remainder of this subsection remains unchanged.)

b. Amending Subsection B, Paragraph 1 read as follows:

“1. **Garages.** A garage proposed on a blockface where 50 percent or more of the existing garages are located behind the primary structure shall also be located behind the primary structure. If the garage is required to be located to the rear of the primary structure and is attached, the garage shall be located so that the garage door is not visible from the street. This requirement shall not apply within the HD (Hillside Development) overlay zone. See 17.50.250.H for additional requirements for attached garages. A garage on a corner lot in which the garage doors face the street shall be ~~located~~ setback a minimum of 18 feet from a street property line.”

SECTION 4. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.24, Section 17.24.050, Subsection D, is amended as follows:

“**D. Building placement.** Each building shall be designed so that its front facade occupies 100 percent of its front property line. The review authority may grant exceptions for:

1. A driveway that is necessary because no side street, alley, or easement can provide access to required parking on the rear of the lot or site;

2. The initial phases of a multiphased building project that will occupy the entire frontage upon completion;
3. A project proposed with a pedestrians-only plaza occupying a portion of the street frontage; or
4. A pedestrian corridor; or
5. Double frontage or double frontage corner lots or sites. The Review Authority shall determine which frontage is the primary frontage and which is the secondary frontage based on the character of the street frontages. A parking lot can face the street on the secondary frontage.

SECTION 5. Pasadena Municipal Code, Title 17, Article 2, Chapter 17.22, Section 17.22.070, Subsection C as follows:

“C. Yard encroachments. Structures and structural features may project into required setbacks in compliance with Section ~~17.40.150~~ 17.40.160 (Setback and Encroachment Plane Requirements and Exceptions). For projects in which the rear or side yard adjoins an RS district, no balconies or upper floor decks may project into the rear or side yard setback.”

SECTION 6. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.30, the title to Figure 3-3, is amended as follows:

~~“Figure 3-3 – Central District – Pedestrian-Oriented Use to Areaa”~~

“Figure 3-3 – Central District – Pedestrian-Oriented Use Areas”

SECTION 7. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.31, Table 3-4 is amended as shown in Exhibit 2, attached hereto and incorporated by this reference.

SECTION 8. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.32, Table 3-5, is amended as shown in Exhibit 3, attached hereto and incorporated by this reference.

SECTION 9. Pasadena Municipal Code, Title 17, Article 3, Chapter 17.34, Section 17.34.030, is amended,

a. By amending Subsection A, Paragraph 1, Subparagraph b, as follows:

“b. In all of the R districts on Prime Court, Rio Grande Street and North Mentor Avenue north of Claremont Street, the provisions of Section ~~17.16.090~~ 17.28.110 (PK Parking Overlay District) shall apply.”

b. By amending Subsection B, Paragraph 1, Subparagraph b, as follows:

“b. Vehicle/~~equipment sales, leasing and~~ service uses, except automobile rentals; and”

SECTION 10. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.020, Subsection A is amended as follows:

“**A. All proposed development and new land uses.** The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter ~~17.62~~ 17.71 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable district in Article 2 (Zoning Districts and Allowable Land Uses), 3 (Specific Plan Standards), and 5 (Standards for Specific Land Uses). If there is a conflict, the standards of Article 5 shall control.”

SECTION 11. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.050 is amended by relettering certain subsection as follows:

- ~~B~~C. Design standards
- ~~C~~D. Multiple flag lots
- ~~D~~E. Development standards for flag lots
- ~~E~~F. Required findings for flag lots

SECTION 12. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40 is amended by adding the following new subsection as follows:

“17.40.055 - Development on lots divided by district boundaries.

A. Application of Standards.

1. On a lot or site that was divided by a zoning district boundary by virtue of Ordinance No. 6096, the owner may elect to apply to the entire lot or site the regulations of the less restrictive district provided the more restrictive portion does not exceed 30 feet measured perpendicular to the district boundary. Otherwise, the regulations applicable to each district shall be applied to the area within each district. For the purposes of this subsection, the Zoning Administrator shall determine which district is less restrictive.

2. On a lot or site that was divided by a zoning district boundary by virtue of a zoning map amendment subsequent to Ordinance No. 6096, the regulations applicable to each district shall be applied to the area within each district.

B. Parking. Notwithstanding the above provisions, on a lot or site divided by a zoning boundary by virtue of Ordinance No. 6096, a parking lot serving the principal use may be located within the district where such use is not permitted upon approval of a minor conditional use permit. Pedestrian or vehicular access shall not traverse an adjacent lot that is not in a district in which the use is a permitted or conditionally permitted use.”

SECTION 13. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.44, Section 17.44.070, Subsection E is amended as follows:

“E. Parking areas. Parking areas shall be landscaped in compliance with Chapter ~~17.22~~ 17.46 (Parking and Loading).”

SECTION 14. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.160 is amended as follows:

a. By amending Subsection D, Paragraph 4 as follows:

“4. Multi-family projects adjacent to single-family districts. Principal and accessory structures using the City of Gardens Standards (Section 17.22.070) that adjoin an RS district along a side

lot line shall provide a five-foot side yard setback and shall not be located within a side encroachment plane sloping upward and inward to the site at a 30-degree angle measured from the vertical, commencing six feet above the existing grade along the side lot line (See Figure 4-8.1 4-9.1 Side Yard Encroachment Plane Under City of Gardens). See encroachment exceptions in Table 4-2.1.”

b. By amending the title of “Figure 4-8.1 – Side Yard Encroachment Plane” to read: “Figure 4-9.1 – Side Yard Encroachment Plane Under City of Gardens”.

c. By adding a new Figure 4-8.1 as follows:

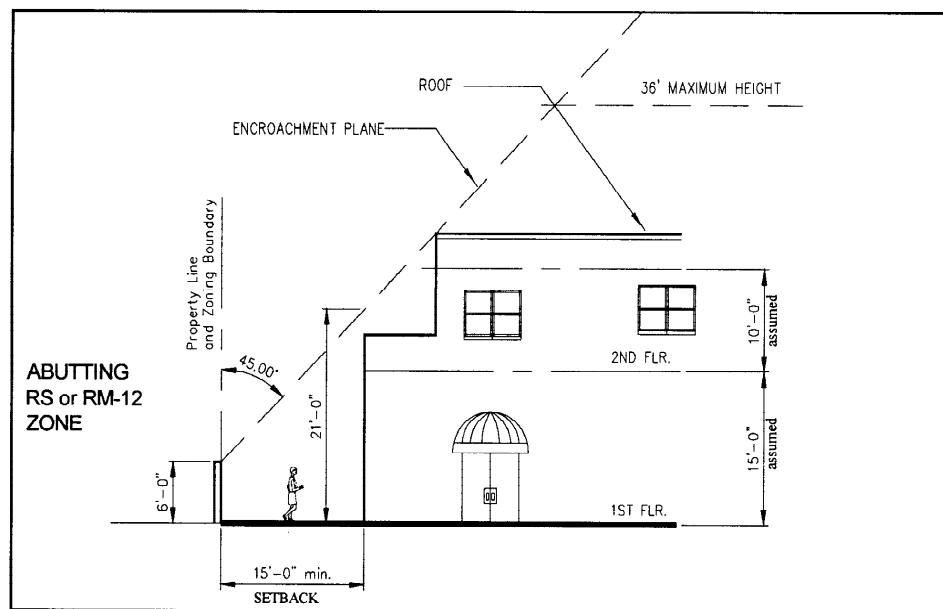


Figure 4-8.1 – Encroachment plane requirements for projects abutting RS and RM-12 districts

SECTION 15. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.40, Section 17.40.180, Subsection B, Paragraph 2 is amended as follows:

a. By amending subsection d to read:

“d. **Corner setback and rear yard areas.** Walls and fences in corner and rear yard setback areas shall be allowed as follows and as illustrated by Figure 4-11 (Corner wall and Fence Height

Limits in RS and RM-12 Zoning Districts) below.” (The remainder of this subsection remains unchanged.)

b. By adding a new Subparagraph h to read as follows:

“**h. Private streets or easements.** Fences, gates or walls shall not be constructed within or across private or public streets or easements that serve more than one property.”

SECTION 16. Pasadena Municipal Code, Title 17, Article 4, Chapter 17.46, is amended by:

a. Amending the title page as follows:

“17.46.250 – ~~Additional Design Standards for Parking Structures and Lots~~ Central District Additional Design Standards for Parking”

b. Amending Section 17.46.230, Subsection B, Paragraphs 2 and 3, to read as follows:

“2. The minimum amount of landscaped area required in Subsection ~~C.1~~ B.1 above, shall be over and above the perimeter landscaping required by Subsection A. (Perimeter landscaped area required) above.

3. An existing nonresidential development proposing an increase in gross floor area of at least 25 percent shall comply with the minimum landscaped area requirements for the entire (both existing and required/proposed) parking lot area in compliance with Subsection ~~C.1~~ B.1 above. This requirement may be modified by the Zoning Administrator.”

SECTION 17. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.170, is amended by:

a. Amending Subsection D to read as follows:

“D. Eligibility criteria. In order for a structure to be eligible for a Minor Conditional Use Permit for the reuse of a designated historic resource, the following conditions shall be met:

“1. The structure shall be located in an FGSP-RM-12, RM-16, RM-16-1, RM-32, RM-48 WGSP-1 or WGSP-2 ~~multi-family residential~~ zoning district; and” (The remainder of this subsection remains unchanged.)

b. Amending Subsection F to read as follows:

“F. Parking. Parking shall be provided as required by Chapter ~~17.36~~ 17.46 (Parking and Loading) except as follows:” (The remainder of this subsection remains unchanged.)

SECTION 18. Pasadena Municipal Code, Title 17, Article 5, Chapter 17.50, Section 17.50.250 is amended:

a. By amending Subsection F, Paragraph 2 as follows:

“2. Other structures. An accessory structure, other than mechanical equipment, a hot tub, or a swimming pool, shall maintain a minimum separation of six feet from any other structure (excluding walls and fences) on the site. The separation shall be clear and unobstructed by any encroachments.”

b. By amending Subsection G as follows:

“G. Maximum floor area of accessory structures.

~~1. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater.~~

~~2. An accessory structure with a roof that is at least 50 percent open shall not be included in the calculation of the maximum size.~~

1. Maximum size.

- a. Projects using the RS Standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater.
- b. Projects using the RM-12 Standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater. However, an additional 200 square feet is permitted if used for covered parking.
- c. Projects using other Multi-family Standards. The maximum size of all accessory structures on a site shall not exceed an aggregate of 600 square feet or six percent of the lot size, whichever is greater.
2. An accessory structure with a roof that is at least 50 percent open shall not be included in the calculation of the maximum allowable size. All other accessory structures shall be counted in the calculation of the maximum allowable size including carports, gazebos, or covered patios or porches.”

SECTION 19. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.040, Subsection D, Paragraph 3 is amended as follows:

“3. Outdoor displays/sales. The temporary outdoor display/sales of merchandise (e.g. parking lot or sidewalk sales), in compliance with ~~17.50.170~~ 17.50.180 (Outdoor Display, Storage and Seasonal Sales) shall be allowed only in compliance with the following:” (The remainder of this subsection remains unchanged.)

SECTION 20. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.050, is amended by:

a. Amending Subsection D as follows:

“D. Review authority. Conditional Use Permits and Minor Conditional Use Permits shall be reviewed by the Hearing Officer and may be granted in compliance with the following:

~~“1. The Hearing Officer may:~~

- a. ~~1. The Hearing Officer may Grant grant a (Major) Conditional Use Permit or Minor Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Conditional Use Permit or Minor Conditional Use Permit, as well as by other specified sections of this Zoning Code; or~~
- b. ~~2. Defer action and refer the application directly to the Board of Zoning Appeals (BZA).~~

~~2. The Zoning Administrator may:~~

- a. ~~Grant a Minor Conditional Use Permit for any use listed in Article 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards) as requiring a Minor Conditional Use Permit, in addition to those matters identified in Subsection E., below; or~~
- b. ~~Defer action and refer the application directly to the Hearing Officer or the Board of Zoning Appeals (BZA).”~~

b. Amending Subsection G, Paragraph 1 as follows:

“1. Each application shall be analyzed by the ~~Director~~ Zoning Administrator to ensure that the application is consistent with the purpose and intent of this Section. The ~~Director~~ Zoning Administrator shall submit a staff report and recommendation to the Hearing Officer for consideration on a ~~(Major)~~ Conditional Use Permit. The Zoning Administrator shall submit a recommendation and may submit a staff report to the Hearing Officer for consideration of a Minor Conditional Use Permit.”

c. Amending Subsection I, Paragraph 2, Subparagraph a, as follows:

“**a. Requirement.** The Director may require any use in the PS or OS district to submit a Master Plan application, appropriate environmental documents, and plans as required by Subparagraph ~~H.5., I.3.,~~ below. Outside of the PS and OS districts, the Director may require any public, semi-

public use to submit a Master Plan application as required by Subparagraph ~~H.5.~~, I.3., below. A Master Plan may be required and submitted even if construction is not imminent.”

d. By amending Subsection I, Paragraph 5, Subparagraph a, as follows:

“**a. Expiration.** A Master Plan shall expire on the date designated by the applicable review authority only if no building permits have been issued or the Master Plan has not been renewed.”

SECTION 21. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.060 is amended as follows:

a. By amending Subsection E as follows:

“**E. Review authority.** The ~~Zoning Administrator~~ Hearing Officer shall act as the applicable authority on all Expressive Use Permits.”

b. By amending Subsection F, Paragraph 3 as follows:

“**3. Determination.** The ~~Zoning Administrator~~ Hearing Officer shall render a determination in the following manner:

a. The ~~Zoning Administrator~~ Hearing Officer shall render a determination on the application within 60 days of the Director deeming the application complete in compliance with Section 17.61.060 (Initial Application Review).

b. The determination shall be made no later than the same day as the final hearing on the application, and if not in writing, a written determination shall be prepared within three days following the date of the determination.

c. In reaching a determination, the ~~Zoning Administrator~~ Hearing Officer shall not be bound by the formal rules of evidence.

d. Failure of the ~~Zoning Administrator~~ Hearing Officer to render a determination within the above stated time frame shall be deemed to constitute a disapproval.”

c. By amending Subsection G as follows:

“G. Findings and decision. Following a public hearing, the ~~Zoning Administrator~~ Hearing Officer may approve, conditionally approve, or disapprove an application for an Expressive Use Permit. The ~~Zoning Administrator~~ Hearing Officer may approve an Expressive Use Permit only after first finding that” (The remainder of this subsection remains unchanged.)

d. By amending Subsection I, paragraphs 1 and 2 as follows:

“I. Special appeal and Call for Review provisions.

1. Time of appeal. Any interested person may appeal the decision of the ~~Zoning Administrator~~ Hearing Officer directly to the Council or the decision may be called for review in compliance with Chapter 17.72 (Appeals).

2. Time for hearing on appeal or Call for Review. Consideration of an appeal of the ~~Zoning Administrator’s Hearing Officer’s~~ decision or Call for Review shall be at a public hearing which shall be noticed in compliance with Chapter 17.76 (Public Hearings) and shall occur within 30 days of the filing or initiation of the appeal.”

e. By Amending Subsection I, Paragraph 4 as follows:

“4. Decision on appeal.

a. The Council's action on the appeal of the ~~Zoning Administrator’s~~ Hearing Officer’s decision shall be by a majority vote of the quorum and upon the conclusion of the *de novo* public hearing, the Council shall grant, conditionally grant, or disapprove the application.” (The remainder of this section remains unchanged.)

f. By amending Subsection J, Paragraph 2 and 7 to read as follows:

“2. Notice of hearing. The Zoning Administrator, ~~or the review authority for the original permit if other than the Zoning Administrator,~~ shall notice and the Hearing Officer shall conduct a public hearing, in compliance with Chapter 17.76 (Public Hearings), on the proposed permit revocation or modification.”

“7. Appeal of decision. If the decision or modification is made by the ~~Zoning Administrator,~~ Hearing Officer, any interested party may appeal the decision directly to the Council in compliance with Chapter 17.72 (Effective Dates).”

g. By Amending Subsection L, to read as follows:

“L. Conditions of approval. In approving an Expressive Use Permit, the ~~Zoning Administrator~~ Hearing Officer may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation, etc.) deemed reasonable and necessary, and in keeping with the development standards of this Zoning Code and the subject zoning district (including any applicable overlay district regulations), to ensure that the approval would be in compliance with the findings required by Subsection G. (Findings and decision), above, and to preserve the public health, safety, and general welfare.”

SECTION 22. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.080, is amended by:

a. By amending Subsection B is amended as follows:

“B. Review authority. Variances may be granted in compliance with the following:

~~1. The Hearing Officer may:~~

~~a.~~ 1. The Hearing Officer may Grant grant Variances and Minor Variances in compliance with Subsection D., below; or

~~b. 2. Defer action and refer the application directly to the Board of Zoning Appeals (BZA).~~

~~**2. The Zoning Administrator may:**~~

~~a. Grant Minor Variances in compliance with Subsection C., below, and State law (Government Code Section 65901); or~~

~~b. Defer action and refer the application directly to the Hearing Officer or the Board of Zoning Appeals (BZA).~~

3. Procedures.

a. The standard procedure for notice shall be followed, except that mailed and posted notice shall be within a 300-foot radius of the subject site's boundaries.

b. The Zoning Administrator shall set a date and time on which the application will be considered.

c. Notice shall be mailed and posted at least 14 days before the date set by the Zoning Administrator.

d. The notice shall indicate that any interested person may request, in person or in writing, no later than one working day before the date set by the Zoning Administrator, that a hearing be held on that date.

e. If no hearing is requested, the ~~Zoning Administrator's~~ Hearing Officer's decision may be made without a public hearing.

f. The ~~Zoning Administrator~~ Hearing Officer may also hold a hearing at the ~~Zoning Administrator's~~ Hearing Officer's discretion.

g. If a hearing is held, the ~~Zoning Administrator~~ Hearing Officer's shall conduct the hearing in compliance with Chapter 17.76 (Public Hearings).”

b. By amending Subsection H, Paragraph 2, as follows:

“2. Procedures.

a. The ~~Zoning Administrator~~ Hearing Officer shall be the applicable review authority for Variances for Historic Resources.

~~b. The Hearing Officer shall be the applicable review authority for Variances for Historic Resources that are combined with applications for a Conditional Use Permit or a Variance.~~

e. b. The procedures for a Variance for Historic Resources shall be the same as for a Minor Variance, including those for notice and hearing upon request.”

c. By amending Subsection I, Paragraph 2, Subparagraph a, as follows:

“a. The ~~Zoning Administrator~~ Hearing Officer shall be the applicable review authority for applications for the modifications. ~~However, the Hearing Officer shall be the applicable review authority for the application that is combined with an application for a Conditional Use Permit or a Variance.~~”

SECTION 23. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61, Section 17.61.090 is amended:

a. By amending Subsection F, Paragraph 3 as follows:

“3. Applicable review authority. The Film Liaison shall ~~be the applicable review authority for Short-term~~ Filming Permits.” (The remainder of this Paragraph remains unchanged.)

b. By amending Subsection F, Paragraph 3, Subparagraph b as follows:

“b. Long-term Filming Permits. A Filming Conditional Use Permit may be approved by the ~~Film Liaison~~ Hearing Officer allowing Long-term Filming Permits for commercial motion picture filming, professional photographing, and videotaping at the same location for:” (The remainder of this subparagraph remains unchanged.)

c. By amending Subsection F, Paragraph 4, Subparagraph b as follows:

“b. Long-term Filming Permits.

(1) A public hearing shall only be required for the ~~Film Liaison's~~ Hearing Officer's decision on a Long-term Filming Permit, if a hearing is requested, in compliance with Subparagraph F.3.b., above.

(2) If a hearing is not requested, the decision may be made without a hearing.

(3) The ~~Film Liaison~~ Hearing Officer may hold a hearing at the discretion of the ~~Film Liaison~~ Hearing Officer.

(4) If a hearing is held, the ~~Film Liaison~~ Hearing Officer shall conduct the hearing in compliance with Chapter 17.76 (Public Hearings).”

d. By amending Subsection G, Paragraph 3 as follows:

“3. Duration of permit. A Filming Conditional Use Permit shall be effective until the date specified by the ~~Film Liaison~~ Hearing Officer, not to exceed 90 days.

a. The permit may be extended by the Film Liaison one time without notice and hearings, subject to making the same findings required for the original approval of the permit, in compliance with Subsection H. (Findings and decision) below.

b. The ~~Film Liaison~~ Hearing Officer may extend the permit up to an additional 90 days beyond the 180 days.

(1) This extension shall require a noticed public hearing in compliance with Chapter 17.76 (Public Hearings); and

(2) The ~~Film Liaison~~ Hearing Officer shall have to make the same findings required for the original approval of the permit, in compliance with Subsection H. (Findings and decision), below, before granting this extension.

c. The permit shall become void if not used within the approved time period.”

d. By amending Subsection H as follows:

“H. Findings and decision. The ~~Film Liaison~~ Hearing Officer may approve a Filming Conditional Use Permit, with or without a public hearing and with or without conditions, only after first finding that: (The remainder of this subsection remains unchanged.)”

e. By amending subsection I, Paragraph 1 as follows:

“1. Filming Conditional Use Permits. In approving a Filming Conditional Use Permit, the ~~Film Liaison~~ Hearing Officer may impose conditions (e.g., hours of operation, lighting, parking, performance guarantees, property maintenance, signs, time limits, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Subsection H. (Findings and decision), above, and to preserve the public health, safety, and general welfare.”

SECTION 24. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.70, Section 17.70.060, Subsection B, Paragraph 1 is amended as follows:

“1. Have the responsibility and authority to take action on applications for all Short-Term Film Permits and ~~Filming Conditional Use Permits~~, in compliance with Section 17.61.090 (Filming Permits); and” (The remainder of this subsection remains unchanged.)

SECTION 25. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.72 is amended as follows:

a. By amending Section 17.72.030 is amended as follows:

“17.72.030 - Eligibility

An appeal may be filed by any person affected by a determination, decision, or action rendered by the Director, Zoning Administrator, Hearing Officer, Board of Zoning Appeals, ~~Film Liaison~~,

Environmental Administrator, Design Commission, Historic Preservation Commission, Advisory Agency or Commission.”

b. By amending Section 17.72.060, Subsection A, Paragraph 3, Subparagraph a, as follows:

“**a. Review.** The Council may choose to call for review a decision rendered by the Director, Zoning Administrator, ~~Film Liaison~~, Environmental Administrator, Hearing Officer, Board of Zoning Appeals, Design Commission or the Historic Preservation Commission. When such decisions are called for review, they shall be reviewed by the Review Authority as contained in 17.72.020.”

c. By amending Section 17.72.060, Subsection A, Paragraph 5, as follows:

“**5. Withdrawal or failure of a Call for Review.** If a request for a Call for Review is withdrawn after filing, or fails, the remaining days of the Call for Review period (~~e.g., 10 days~~) shall start from the date on which the Call for Review is withdrawn or fails.”

SECTION 26. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.76, Section 17.76.010 is amended as follows:

“This Chapter establishes procedures for public hearings before the ~~Zoning Administrator~~, Hearing Officer, Film Liaison, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, and Council.”

SECTION 27. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.76, Section 17.76.030 is amended as follows:

“After the completion of environmental documents required by the California Environmental Quality Act (CEQA) and the City's *Environmental Policy Guidelines*, the matter shall be

scheduled for public hearing on a ~~Zoning Administrator~~, Hearing Officer, ~~Film Liaison~~, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council agenda (as applicable).

SECTION 28. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.76, Section 17.76.050, Subsection A is amended as follows:

“1. The review authority (~~Zoning Administrator~~, Hearing Officer, ~~Film Liaison~~, Environmental Administrator, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), Commission, or Council, as applicable) shall announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 17.76.040 (Hearing Procedures).

2. The ~~Zoning Administrator may instead refer the matter directly to the Hearing Officer or Board of Zoning Appeals (BZA) for a determination, and the Hearing Officer may instead refer the matter directly to the Board of Zoning Appeals (BZA) for a determination. A referral will require a new noticed hearing before the Hearing Officer or Board of Zoning Appeals (BZA), as applicable.”~~

SECTION 29. Pasadena Municipal Code, Title 17, Article 7, Chapter 17.78, Section 17.78.090, Subsection F, Paragraph 1 is amended as follows:

“**1. Permits.** A land use permit or entitlement may be revoked by the review authority (e.g., ~~Zoning Administrator~~, Hearing Officer, ~~Film Liaison~~, Board of Zoning Appeals (BZA), Design Commission (DC), Historic Preservation Commission (HPC), or Council) which originally approved the permit or entitlement if any one of the following findings of fact can be made in a positive manner:” (The remainder of this subsection remains unchanged.)

SECTION 30. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, Section 17.80.020 is amended as follows:

“Commercial Recreation – Indoor (land use). Provision of indoor participant or spectator recreation that is operated as a business and open to the public for a fee. This classification includes billiard parlors, bowling alleys, ~~and~~ ice- or roller-skating rinks, and karaoke uses.”

“Dwelling Unit. One or more rooms with no more than one kitchen, designed for occupancy by one family or single housekeeping unit for living and sleeping purposes, with all rooms (except an attached garage or carport) accessible from the interior of the dwelling unit.”

"Floor Area, Gross.

1. For projects subject to the RS and RM-12 development standards, "gross floor area" means the floor area between the floor and roof above it, as measured from the outside edge of the exterior walls of the main structure and all accessory structures, including required parking (either garage or carport). The gross floor area calculation excludes ~~excluding~~ basements, patios, decks, balconies, uncovered porches, covered porches unenclosed (see definition of unenclosed) on one or more sides, and covered parking other than required parking. Any portion of a structure, including stairwells, over 17 feet in interior height, is counted twice for purposes of computing floor area. For flag lots, see 17.40.050 D (Development standards for flag lots).” (The remainder of this definition remains unchanged.)

“Height. See Section ~~17.40.050~~ 17.40.060 (Height Requirements and Exceptions).”

“Garden, Total. The total garden requirement in a multi-family residential project subject to the City of Gardens provisions ~~(17.22.060)~~ (17.22.080) including:” (The remainder of this definition remains unchanged.)

SECTION 31. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in summary.

SECTION 32. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2006.

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 _____ 2006, by the following vote:

AYES:

NOES:

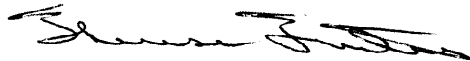
ABSENT:

ABSTAIN:

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Deputy City Attorney