

Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** April 14, 2008

FROM: CITY ATTORNEY

**SUBJECT: AN ORDINANCE AMENDING TITLE 2 AND TITLE 17 REGARDING
AUTHORITY OF THE DESIGN COMMISSION**

TITLE OF PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 (ORGANIZATION AND ADMINISTRATION) AND TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, TO REVISE PROCEDURES FOR DESIGN REVIEW OF SMALLER AND PUBLIC PROJECTS

PURPOSE OF ORDINANCE

This ordinance implements the direction given by Council at its regular meeting on October 8, 2007. Since Title 17 is being amended, Planning Commission review was required before adoption of the ordinance. The Planning Commission reviewed the proposed amendments on February 13, 2008.

REASON WHY LEGISLATION IS NEEDED

This legislation amends Title 2 of the Municipal Code to give the Design Commission final decision-making authority over the design review of public projects (including certain historic interiors of City buildings), whereas its current authority is only advisory to the Council. Through this legislation, the Municipal Code is clarified and updated, and the Design Commission is given a meaningful role in the development of City projects. The changes to Title 2 necessitated minor "clean-up" changes to certain tables in Title 17.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED

The Planning and Development Department will implement the ordinance.

MEETING OF 04/21/2008
~~04/14/2008~~
 AGENDA ITEM NO. 10-A-1
 10.B.1.

FISCAL IMPACT

There will not be an immediate fiscal impact as a result of this ordinance.


ENVIRONMENTAL DETERMINATION

Council is requested to acknowledge, through adoption of this legislation, that the legislation is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

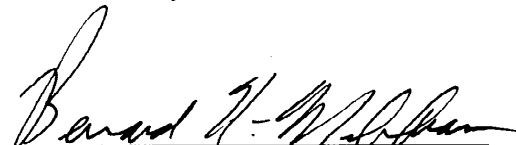
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by:


Theresa E. Fuentes
Assistant City Attorney

Concurred by:


Bernard K. Melekian
City Manager

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 2 (ORGANIZATION AND ADMINISTRATION) AND TITLE 17 (THE ZONING CODE) OF THE PASADENA MUNICIPAL CODE, TO REVISE PROCEDURES FOR DESIGN REVIEW OF SMALLER AND PUBLIC PROJECTS

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 Pasadena City Charter. The approved summary of this ordinance is as follows:

“SUMMARY

“Ordinance No. _____ amends Title 2 of the Pasadena Municipal Code procedures regarding design review of public projects, to give the Design Commission final decision-making authority over the design review of public projects (including certain historic interiors of City buildings), whereas its current authority is only advisory to the Council, and amends certain tables in Title 17 (the Zoning Code) as necessitated by the Title 2 amendments.

Ordinance No. _____ shall take effect 30 days from its publication.”

SECTION 2. Pasadena Municipal Code, Title 2, Chapter 2.80, Section 2.80.110, Subsection B.1 is deleted in its entirety and replaced with the following:

B. The Commission shall:

“1. Conduct design review for “public projects” as defined and set forth in the Zoning Code (Title 17). Jurisdiction shall include architecture, materials, scale, massing, color, lighting, landscaping, open space and any other design concept. After the first meeting of the Design Commission at which a public project is considered, and at the request of a public agency with concerns about the effect of design review on exceeding a budget, impacting a schedule, or in direct conflict with neighborhood requests about design, the City Manager or his/her designee may directly forward an application for design review of a “public project” to the City Council. The General Manager of the Rose Bowl Operating Company and the Chief Operating Officer of the Pasadena Center Operating Company shall have this same authority with regard to applications submitted by their respective operating companies.”

SECTION 3. Pasadena Municipal Code, Title 2, Chapter 2.80, Section 2.80.110, Subsection B.5 is amended to read:

“Undertake design reviews and hear such matters as are required by Title 17 of this code.

SECTION 4. Pasadena Municipal Code, Title 2, Chapter 2.80, Section 2.80.110, Subsection B.8 is amended to read:

“Work closely with the planning commission, historic preservation commission, community development committee and other advisory bodies and city departments to assure changes to the built environment will be orderly and will not diminish the architectural, aesthetic or design quality of the city;”

SECTION 5. Pasadena Municipal Code, Title 2, Chapter 2.80, Section 2.80.110, Subsection B.9 is amended to read:

“Comment and make recommendations upon all environmental impact reports for proposed amendments to the zoning ordinance or map, subdivisions, general plan amendments, redevelopment projects, significant public improvements, and such other land use proposals or projects that may affect the architectural, aesthetic or design quality of Pasadena. The planning director shall refer all such matters to the commission whether or not an environmental impact report is required;”

SECTION 6. Pasadena Municipal Code, Title 2, Chapter 2.80, Section 2.80.130 is deleted in its entirety.

SECTION 7. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.60, **TABLE 6-1 – REVIEW AUTHORITY**, is amended as shown in Exhibit 1, attached hereto and incorporated herein by this reference.

SECTION 8. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.61; **TABLE 6-2 – THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT**; and **TABLE 6-3 – THRESHOLDS FOR DESIGN REVIEW OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**, are amended as shown in Exhibits 2, and 3, respectively, attached hereto and incorporated herein by this reference.

SECTION 9. Pasadena Municipal Code, Title 17, Article 6, Chapter 17.62, **TABLE 6-5 – REVIEW AUTHORITIES – POWERS AND DUTIES**, is amended as shown in Exhibit 4 attached hereto and incorporated herein by this reference.

SECTION 10. Pasadena Municipal Code, Title 17, Article 8, Chapter 17.80, **Glossary of Specialized Terms and Land Use Types, Section 17.80.020—Definitions**, is amended under Definitions, "P." to add:

“Public Project. Public project shall include development projects initiated by the City, including the Rose Bowl Operating Company and the Pasadena Center Operating Company. Public project may also include, at the sole discretion of the planning director, substantial alterations to significant interiors of the Central Library, City Hall, and the Civic Auditorium.”

SECTION 11. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 12. This ordinance shall take effect 30 days from its publication.

Signed and approved this _____ day of _____, 2008.

Bill Bogaard
Mayor of 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 this _____ day of _____, 2008, by the following vote:

AYES:

NOES:


ABSENT:

ABSTAIN

Date Published:

Jane L. Rodriguez, CMC
City Clerk

Approved as to form:



Theresa E. Fuentes
Assistant City Attorney

Design review change ordinance (clean)
Doc# 0000059987C031

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
Central District – Floor Area Increase	17.30.050			Decision	Appeal/ CFR
Central District – Height Averaging	17.30.050		Decision		Appeal/ CFR
Code Compliance Certificates	17.61.020	Issued by Director			
Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Creative Sign Permits	17.48.070	Decision	Appeal		Appeal/ CFR
Density Bonus – Concessions and other Incentives	17.43.050	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
Density Bonus – Waiver of Development Standards	17.43.060	(HO) Decision		(BZA) Appeal	Appeal/CFR (5)
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

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

Land Use Permits and other Development Approvals (Continued)

Development Agreements	17.66			Recommend	Decision
Expressive Use Permits	17.61.060	(HO) Decision (3)			Appeal/CFR
Long-term Film Permits	17.61.090	(HO) Decision		(BZA) Appeal	Appeal/CFR
Hillside Development Permit	17.29.010	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Lot Line Adjustments	Title 16	Advisory Agency (HO) Decisions		(BZA) Appeal	Appeal
Master Sign Plans	17.48.060	Decision	Appeal		Appeal/CFR
Minor Conditional Use Permits	17.61.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Minor Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Modifications for Persons with Disabilities	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Sign Exceptions	17.48.050	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)
Temporary Use Permits	17.61.040	(ZA) Decision (3)		(BZA) Appeal	CFR
Tentative Tract and Parcel Maps (Including Vesting Maps)	Title 16	Advisory Agency (HO) Decision		(BZA) Appeal	Appeal/CFR
Variances	17.61.080	(HO) Decision (3)		(BZA) Appeal	Appeal/CFR (5)

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 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) Any CEQA document or decision may be appealed to the Council.

TABLE 6-2 - THRESHOLDS FOR DESIGN REVIEW AND DEMOLITION REVIEW IN THE CENTRAL DISTRICT

Project Type	Review Authority
1. New Construction.	
Structures up to 5,000 sq. ft.* or residential projects with nine or fewer dwelling units.	Director
Structures 5,000 sq. ft.* or more or residential projects with 10 or more dwelling units.	Design Commission
2. Existing Structures: Major Rehabilitation and Substantial Alterations.	
Arroyo Corridor, Civic Center, Lake Avenue, Old Pasadena, Playhouse District, and Urban Housing.	
Structures up to 10,000 sq. ft.*	Director
Structures 10,000 sq. ft.* or more.	Design Commission
3. Existing Structures: Minor Rehabilitation and Minor Alterations.	
A. Civic Center, Lake Avenue, Old Pasadena, and Playhouse District.	
All structures.	Director
B. Arroyo Corridor and Urban Housing.	
Qualifying hHistoric resources structures, designated or eligible for designation.	Director
All other structures.	No Review
4. New Storefronts and Alterations to Existing Storefronts.	
All structures.	Director
5. Signs.	
New signs and awnings, replacement of existing building identity signs in existing locations (copy/logo change only).	Director
New building identity wall signs.	Design Commission
6. Demolition Reviews; Relief from Replacement Building Permit.	
Structures ineligible for historic designation.	Director
Qualifying hHistoric resources structures, designated or eligible for designation.	Design Commission
7. <u>Public Projects</u>City-owned property.	
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 square feet. Minor projects, as defined in §17.80.020(H), affecting historic resources. Minor rehabilitation and minor alterations.	Director No Review
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 square feet or more. Major projects, as defined in §17.80.020(H), affecting historic resources. New construction, major rehabilitation, substantial alterations, and installations within the public right-of-way. (Advisory to the Council only.)	Design Commission (With advisory review by Historic Preservation Commission for projects affecting historic resources)

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW
OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS**

Project Type	Review Authority
1. New Construction	
A. Major Corridors.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
B. Areas with Specific Plans.	
East Colorado, East Pasadena, Fair Oaks-Orange Grove, North Lake Specific Plan (outside Lake-Washington sub-area), and So. Fair Oaks.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
West Gateway & North Lake Specific Plan (Lake-Washington sub-area only).	
Structures up to and including 25,000 sq. ft.*	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
C. City of Gardens Standards and Senior Housing in PS District.	
Nine or fewer dwelling units.	Director
Ten or more dwelling units.	Design Commission
All projects in a designated landmark or historic district outside of the Central District.	Historic Preservation Commission
D. Elsewhere - Citywide.	
Structures 5,000 sq. ft., up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.* (with or without street frontage).	Design Commission
2. Existing Structures: Major Rehabilitation and Substantial Alterations	
A. Major Corridors.	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-3 - THRESHOLDS FOR DESIGN REVIEW
OUTSIDE THE CENTRAL DISTRICT AND ALL OTHER DISTRICTS (Continued)**

Project Type	Review Authority
2. Existing Structures: Major Rehabilitation and Substantial Alterations - Continued	
B. North Lake Specific Plan.	
Structures up to and including 25,000 sq. ft.* (with street frontage).	Director
Structures over 25,000 sq. ft.*	Design Commission
3. Existing Structures: Minor Rehabilitation and Minor Alterations.	
West Gateway Specific Plan.	
Qualifying <u>Historic resources structures, designated or eligible for designation.</u>	Director
All other structures.	No Review
4. Signs.	
New signs and awnings (for all projects requiring Design Review only).	Director or Design Commission
5. Service Stations and Vehicle-washing Facilities.	
Minor rehabilitation and minor alterations.	No Review
Major rehabilitation of an existing facility.	Director
New construction of a new facility.	Design Commission
6. <u>Public Projects</u> City-owned Property.	
New construction of structures up to 5,000 sq. ft.* (for projects open to public view) and major rehabilitation or substantial alterations to existing buildings up to 10,000 square feet. Minor projects, as defined in §17.80.020(H), affecting historic resources. Minor rehabilitation and minor alterations.	Director No Review
New construction of structures 5,000 sq. ft.* or more and major rehabilitation or substantial alterations to existing buildings 10,000 square feet or more. Major projects, as defined in §17.80.020(H), affecting historic resources. New construction, major rehabilitation, substantial alterations, and installations within the public right-of-way. (Advisory to the Council only.)	Design Commission (With advisory review by Historic Preservation Commission for projects affecting historic resources)

*Sq. ft. means total amount of gross floor area expressed in square feet.

**TABLE 6-5
REVIEW AUTHORITIES - POWERS AND DUTIES**

Review Authority	Powers and Duties
Director	<p>Approve/disapprove applications for Certificates of Appropriateness for minor projects affecting designated historic resources and approve/delay major projects (except demolition) affecting historic resources eligible for designation; approve/disapprove applications for relief from the replacement Building Permit requirement of insignificant buildings. Conduct preliminary reviews of applications for designation of a historic monument, landmark, landmark tree, or historic sign.</p> <p>Determine if a property is contributing or non-contributing to a designated historic or landmark district or to a district eligible for designation.</p> <p><u>For public projects, review minor projects affecting historic resources.</u></p>
Historic Preservation Commission	<p>Review applications for designations of monuments, landmarks, historic signs, and landmark trees and either forward a recommendation to the Council to approve the applications or deny the applications.</p> <p>Review applications for designations of landmark districts and either forward a recommendation of approval to the Commission and Council or deny the applications.</p> <p>Outside of the CD zoning district, approve/disapprove, applications for Certificates of Appropriateness for major projects affecting designated historic resources and demolition projects affecting historic resources eligible for designation.</p> <p><u>For public projects, forward recommendations to the Design Commission/Council on proposals for major projects affecting designated City-owned historic resources.</u></p> <p>Review appeals of decisions of the Director.</p> <p>Approve/disapprove applications for relief from the replacement Building Permit requirement for designated and eligible historic resources, outside the CD zoning district.</p> <p>Act as decision-making body on applications for an economic hardship variance outside the CD zoning district. Approve requests to exceed allowable height for accessory structures in compliance with Section 17.52.250.</p> <p>Review appeals of penalties for demolition without required approvals.</p>
Design Commission	<p>In the CD zoning district, approve/disapprove Design Review applications for major projects affecting designated historic resources and approve/disapprove relief from the replacement Building Permit requirement for designated and eligible historic resources.</p> <p>Act as decision-making body on applications for an economic hardship variance in the CD zoning district.</p> <p><u>As specified in Table 6-2 and Table 6-3, review public projects affecting historic resources (after consulting with and receiving advice from the Historic Preservation Commission).</u></p> <p>Forward recommendations to Council on proposals for major projects that affect City-owned historic resources in the CD zoning District.</p>
Planning Commission	<p>Recommend to Council approval/disapproval of landmark district zoning map overlays.</p>
Council	<p>Approve/disapprove designations of landmarks, historic monuments, historic signs, landmark trees, and landmark districts.</p> <p>Call for review/appeals of decision of the Director, and Historic Preservation Commission, and Design Commission.</p>

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